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federal register

MONDAY, DECEMBER 13, 1976

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Plums

On July 13, 1976 a notice of proposed rulemaking to amend the United States Standards for Grades of Canned Plums was published in the FEDERAL REGISTER (41 FR 28792). Interested persons were given until August 12, 1976 to submit written data, views, and comments regarding the amendment.

This amended standard is issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such services.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

STATEMENT OF CONSIDERATION

The amendments were proposed to bring the USDA grade standards for canned plums in line with the standards of identity and minimum standards of quality issued under the Federal Food, Drug, and Cosmetic Act. These were:

1. Permit the use of fruit juices either single strength, mixed with water, or mixed with a nutritive sweetener as a packing media;

2. Change the density requirements of the packing media to bring all varieties of canned plums under the same density range for the various sirup designations;

3. Under the factor of defects change the terms "damaged" and "seriously damaged" to "blemished" and "seriously blemished" to coincide with terms in the Food and Drug Standards of Quality; and

4. Increase slightly the allowances for "blemished" and "seriously blemished" and for crushed or broken units in the Grade C classification to the level provided in the Food and Drug Standards of Quality.

Comments were received from two consumers. One agreed with the proposal in its entirety. The second one objected to increasing the amount of blemished units.

The increase in the amount of blemished fruit affects only the Grade C classification. The allowances for blemished fruit in the Grade A and Grade B classifications remain unchanged. The increase is in line with Food and Drug minimum standards of quality and the international Codex Alimentarius FAO/WHO standards.

After consideraton of all relevant matters presented, including the notice of proposed rulemaking, the United States Standards for Grades of Canned Plums (7 CFR 52.1781–52.1798) are hereby amended as published in the FEDERAL REGISTER of July 13, 1976 (41 FR 28792) except for some minor editorial changes to become effective January 10, 1977 and thereupon will supersede the standards which have been in effect since December 15, 1972.

DONALD E. WILKINSON,
Administrator.

The amendments are as follows:

1. Section 52.1781 is amended to read as follows:

§ 52.1781 Product description.

"Canned plums" is the product represented as defined in the Standards of Identity (21 CFR 27.45) for canned plums issued pursuant to the Federal Food, Drug, and Cosmetic Act.

2. Section 52.1785 Table I—Brix requirements is amended to read as follows:

§ 52.1785 Liquid media and Brix measurements for canned plums.

* * * * *

TABLE I.—*Brix measurements*

Designations	Brix measurements
"Extra heavy sirup;" or "Extra heavily sweetened fruit juice(s) and water;" or "Extra heavily sweetened fruit juice(s)."	25° or more but not more than 35°.
"Heavy sirup;" or "Heavily sweetened fruit juice(s) and water;" or "Heavily sweetened fruit juice(s)."	15° or more but less than 25°.
"Light sirup;" or "Lightly sweetened fruit juice(s) and water;" or "Lightly sweetened fruit juice(s)."	13° or more but less than 15°.
"Slightly sweetened water;" or "Extra light sirup;" or "Slightly sweetened fruit juice(s) and water;" or "Slightly sweetened fruit juice(s)."	11° or more but less than 13°.
"In water"	Not applicable.
"In fruit juice(s) and water"	Do.
"In fruit juice(s)"	Do.

3. Section 52.1787 is amended in its entirety to read as follows:

§ 52.1787 Minimum drained weight requirements.

(a) *General.* (1) The minimum drained weights specified in Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of the grades.

(2) The minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for determining drained weight.* (1) The drained weight of canned plums is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve (or equivalent) of proper diameter containing 8 meshes to the inch (2.3 mm (0.0937-inch), ±3 percent, square openings) so as to distribute the product evenly, turning the pit cavities down in halves, incline the sieve to a 17 to 20 degree angle to facilitate drainage and allow to drain for two (2) minutes.

(2) The drained weight is the weight of the sieve and plums less the weight of the dry sieve. A sieve 20.32 centimeters (8 inches) in diameter (or approximate equivalent) is used for containers having water capacities of 1.5 kilograms (3.3 pounds) or less, and a sieve 30.48 centimeters (12 inches) in diameter (or approximate equivalent) is used for containers having water capacities greater than 1.5 kilograms (3.3 pounds). The temperature of the packing medium at time of drained weight determination shall be 20° Celsius ±10 degrees (68° Farhenheit ±18°).

(3) Water capacity of a container means the maximum weight of distilled water at 20° Celsius (68° Fahrenheit) that the sealed container will hold.

(c) *Compliance with drained weight requirements.* A lot of canned plums is considered as meeting the minimum drained weights if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample is equal to or greater than the acceptance value for drained weights (designated as "$\bar{X}_d$" in Table II); and

(2) The number of sample units which fail to meet the acceptance value for drained weight lower limit for individual containers (designated as "LL" in Table II) does not exceed the applicable acceptance number specified in the sampling plan contained in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products (§§ 52.1–52.83).

TABLE II.—*Acceptance value for drained weights*

Container size (metal, unless otherwise stated)	Water capacity	In any liquid medium			
		Whole		Halves	
		$\bar{X}_d$	LL	$\bar{X}_d$	LL
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*
8Z tall	8.65	4.3	3.7	4.8	4.2
8Z glass	8.2	4.1	3.5	4.5	3.9
No. 1 tall	16.6	8.3	7.5	9.1	8.3
No. 303	16.85	8.4	7.6	9.3	8.5
No. 303 glass	17.0	8.5	7.7	9.4	8.6
No. 2	20.5	10.3	9.4	11.3	10.4
No. 2½	29.75	14.9	13.7	16.4	15.2
No. 2½ glass	29.5	14.8	13.6	16.2	15.0
No. 10	109.45	54.7	52.5	60.2	58.0

§ 52.1794 [Amended]

4. Section 52.7194 Paragraph (a) General. The phrase "damaged and seriously damaged units" is changed to read "blemished" and seriously blemished units." In paragraph (b)(6) the first word "damaged" is changed to read "blemished" and in paragraph (b)(7) "seriously damaged" is changed to read "seriously blemished."

5. Section 52.1796 is amended to read as follows:

§ 52.1796 Allowances for quality factors.

TABLE IV.—*Style, whole; sample unit size, 25 plums*

Factors	Maximum number of units permissible for respective grade					
	A		B		C	
Color:						
Reasonably good	2		(1)		(1)	
Fairly good	0		4		(1)	
Poor	0		0		4	
Uniformity of size:						
Variation in weight						
Exceeds 50 pct	1		(1)		(1)	
Exceeds 75 pct	0		1		(1)	
Exceeds 100 pct	0		0		1	
	Ind[2]	*Avg*[3]	*Ind*	*Avg*	*Ind*	*Avg*
Absence of defects:						
Harmless extraneous material	0	0	1	0.2	1	0.4
Small stem	1	0.6	1	[4]NA	2	NA
Loose pits	1	NA	2	NA	3	NA
Crushed or broken	0	0	1	NA	6	NA
Blemished and seriously blemished	2	NA	4	NA	7	NA
Including:						
Seriously blemished	1	NA	1	NA	3	NA
Blemished, seriously blemished, and crushed or broken					8	NA
Character:						
Reasonably good	2		(1)		(1)	
Fairly good	0		5		(1)	
Poor	0		0		5	

[1] No limit.
[2] Ind—Means individual sample unit.
[3] Avg—Means average of all the sample units in the sample.
[4] NA—Means not applicable.

TABLE V.—*Style, halves; sample unit size, 50 halves*

	Maximum number of units permissible for respective grade					
	A		B		C	
Color:						
Reasonably good color	5		(1)		(1)	
Fairly good	0		7		(1)	
Poor color	0		0		4	
Uniformity of size:						
Variation in weight					(1)	
Exceeds 50 pct	3		(1)		(1)	
Exceeds 75 pct	0		3		(1)	
Exceeds 100 pct	0		0		8	
	Ind[2]	*Avg*[3]	*Ind*	*Avg*	*Ind*	*Avg*
Absence of defects:						
Harmless extraneous material	0	0	1	0.2	1	0.4
Small stem	1	0.6	1	[4]NA	2	NA
Pits	1	0.5	1	NA	3	NA
Crushed or broken	0	0	2	NA	12	NA
Blemished and seriously blemished	5	0	7	NA	15	NA
Including:						
Seriously blemished	1	NA	2	NA	7	NA
Blemished, seriously blemished, and crushed or broken					17	NA
Character:						
Reasonably good	5		(1)		(1)	
Fairly good	0		10		(1)	
Poor	0		0		10	

[1] No limit.
[2] Ind—Means individual sample unit.
[3] Avg—Means average of all the sample units in the sample.
[4] NA—Means not applicable.

DONALD E. WILKINSON,
Administrator.

JULY 7, 1976.

[FR Doc.76-36407 Filed 12-10-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 389, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 3-9, 1976. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as

amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 389 (41 FR 52886). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) and (iii) of § 907.689 (Navel Orange Regulation 389, (41 FR 52886) are hereby amended to read as follows:

§ 907.689 Navel Orange Regulation 389.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 1,487,000 cartons;

(iii) District 3: 113,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: December 8, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-36482 Filed 12-10-76;8:45 am]

PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for 1976–77 Marketing Policy Year

Notice of a proposal to establish free and restricted percentages of 65 percent and 35 percent, respectively, for filberts grown in Oregon and Washington, was published in the FEDERAL REGISTER on October 19, 1976 (41 FR 45999). These percentages were proposed for the 1976–77 marketing policy year, beginning August 1, 1976. On the basis of later information, free and restricted percentages of 80 percent and 20 percent, respectively, are being established for that marketing policy year.

The free percentage prescribes that portion of the merchantable supply subject to regulation which may be handled as inshell filberts. The restricted percentage prescribes that portion of that merchantable supply which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

The percentages are established under § 982.41 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982; 40 FR 53226; 55829) regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

The proposed percentages published in the October notice were based on the Board's estimate that the 1976 filbert production in Oregon and Washington would be 8,500 tons. However, the crop has been harvested and production estimates have been reduced. Also, handlers increased their estimate of the number of nuts without kernels (blanks). The Board has now estimated the 1976 production at 7,000 tons. The demand estimates remain the same.

The percentages established in this document are based upon the following estimates by the Board for the 1976–77 marketing policy year:

	Tons
Inshell Supply:	
(1) Total production	7,000
(2) Less substandard, etc.	700
(3) Merchantable production	6,300
(4) Carryover August 1, 1976, of merchantable filberts subject to regulation	118
(5) Merchantable supply subject to regulation (Item 3 plus Item 4)	6,418
Inshell Requirements:	
(6) Trade demand	5,200
(7) Carryover July 31, 1977	800
(8) Total	6,000
(9) Less carryover August 1, 1976 not subject to regulation	694
(10) Inshell requirement	5,106
Percentages:	
(11) Free percentage (Item 10 divided by Item (5))	80
(12) Restricted percentage (100 percent minus 80 percent)	20

After consideration of all relevant material presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that to establish for the 1976–77 marketing policy year, free and restricted percentages applicable to filberts grown in Oregon and Washington, of 80 percent and 20 percent, respectively, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), in that: (1) The relevant provisions of the amended marketing agreement and this part require that free and restricted percentages designated for a particular marketing policy year shall be applicable to all inshell filberts handled during that marketing policy year; (2) the current marketing policy year began on August 1, 1976, and the percentages established by this action will automatically apply to all such filberts beginning with that date; (3) the established volume regulations are less restrictive than those proposed in the notice published in the FEDERAL REGISTER on October 19, 1976 (41 FR 45999); and (4) no useful purpose would be served by delaying this action.

Therefore, the free and restricted percentages for merchantable filberts during the 1976–77 marketing policy year are established as follows:

§ 982.226 Free and restricted percentages for merchantable filberts during the 1976–77 marketing policy year.

The following percentages are established for merchantable filberts for the marketing policy year beginning August 1, 1976:

Free percentage	80
Restricted percentage	20

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: December 7, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-36403 Filed 12-10-76;8:45 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Expenses of California Date Administrative Committee, and Rate of Assessment, for 1976–77 Crop Year

Notice was published in the November 9, 1976, issue of the FEDERAL REGISTER (41 FR 49492) regarding proposed expenses of the California Date Administrative Committee for the 1976–77 crop year totaling $25,540, and a rate of assessment for that crop year of 7 cents per hundredweight on all assessable dates. The action hereinafter set forth authorizes the Committee to incur such expenses and fixes such assessment rate. The action is authorized pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates

produced or packed in Riverside County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the California Date Administrative Committee, and other available information, it is found that the expenses of the California Date Administrative Committee, and the rate of assessment, for the 1976–77 crop year (which began on October 1, 1976, and ends on September 30, 1977), shall be as hereinafter set forth.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all dates certified during that crop year as meeting the requirements for marketable dates, including the eligible portion of certain field-run dates; and (2) the current crop year began October 1, 1976, and the rate of assessment herein fixed will automatically apply to all such dates beginning with that date.

The expenses and assessment rate are as follows:

§ 987.321 Expenses of the California Date Administrative Committee and rate of assessment for the 1976–77 crop year.

(a) *Expenses.* Expenses in the amount of $25,540 are reasonable and likely to be incurred by the California Date Administrative Committee during the 1976–77 crop year beginning October 1, 1976, for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the California Date Administrative Committee as his pro rata share of the expenses is fixed at 7 cents per hundredweight on all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: December 7, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-36409 Filed 12-10-76;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 32]

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

Order Suspending A Certain Provision

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southern Illinois marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 50695) concerning a proposed suspension of a certain provision of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of December 1976 and January 1977 the following provision of the order does not tend to effectuate the declared policy of the Act:

In § 1032.13(b)(2), the words "on any day during the months of May, June, and July, during the months of August and December for not more than 12 days of production of producer milk by such producer, and in any other month for not more than 8 days of production of producer milk by such producer."

Statement of consideration. The provision that is hereby suspended limits the amount of producer milk that may be diverted to nonpool plants during the months of August through March. Presently, not more than 8 days of production of a producer may be diverted as producer milk during the month of January. During the month of December, diversion of producer milk is limited to 12 days' production. Suspension of the provision will remove these diversion limits during the months of December 1976 and January 1977.

The suspension was requested by Land O'Lakes, Inc., which also submitted views in support of it. None were filed in opposition.

During September and October 1976, producer receipts pooled on the market increased 10.1 percent and 6.3 percent, respectively, from the year before. The increase is due to higher production per farm. Land O'Lakes expects, the sharp increase in production per farm to continue through January 1977.

At the same time that production has been increasing, Class I use of producer milk has been decreasing. Producer milk used in Class I declined 1.9 percent in September and 5.7 percent in October from the same months of 1975. This combination of increased production and lower Class I utilization makes the pooling of milk supplies regularly associated with the market more difficult.

During October, Land O'Lakes had to ship some milk from its Pine Island, Minnesota, supply plant to a Southern Illinois pool distributing plant and then backhaul the milk to its Pine Island nonpool manufacturing plant simply to maintain pool status for producers associated with the market. Suspension of the diversion limits during December and January will facilitate the pooling of reserve milk supplies by permitting milk to be moved directly from producers' farms to milk manufacturing plants.

It is hereby found and determined that thirty days' notice of the effective date of this suspension is impractical, unnecessary, and contrary to the public interest in that this suspension is necessary to reflect current marketing conditions; the suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective December 13, 1976.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of December 1976 and January 1977.

(Sec. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Inflation Impact Statement. The United States Department of Agriculture has determined that this document does not contain a major proposal requiring an Inflation Impact Statement under Executive Order 11021 and OMB Circular A–107.

Effective date: December 13, 1976.

Signed at Washington, D.C., on December 7, 1976.

JOHN DAMGARD,
Acting Assistant Secretary.

[FR Doc.76-36411 Filed 12-10-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16308; Amdt. No. 13-12]

PART 13—ENFORCEMENT PROCEDURES

Legal Enforcement Actions; Technical Amendments to Reflect Functional Reorganization and Delegation to Exercise Certain Authority

The purpose of this amendment to Part 13 of the Federal Aviation Regulations (14 CFR Part 13) is to amend Subpart C to reflect an organizational consolidation and the assignment of the regulations-codification and the legal enforcement functions (and related delegated authority) in the FAA Office of the Chief Counsel to an Assistant Chief Counsel for Regulations and Enforcement.

This rule-making action amends Subpart C by substituting the term "the As-

sistant Chief Counsel for Regulations and Enforcement" for the term "the Assistant Chief Counsel for Operations and Evaluations" wherever that term appears.

Since this amendment involves a matter relating to agency management and personnel and does not impose any substantive burden on the public, I find that notice and public procedure are not required and that it may be made effective in less than 30 days after publication.

(Titles III, V, VI, and XII and secs. 901, 903, 1001, 1002 (a), (b), and (c), and 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1341–1357, 1401–1406, 1421–1432, 1521–1523, 1471, 1473, 1481, 1482 (a), (b), and (c), and 1485); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and sec. 1.47 of the Regulations of the Office of the Secretary of Transportation (49 CFR § 1.47).)

§ 13.15 [Amended]

§ 13.16 [Amended]

§ 13.19 [Amended]

§ 13.20 [Amended]

§ 13.21 [Amended]

In consideration of the foregoing, Part 13 of the Federal Aviation Regulations (14 CFR Part 13) is amended, effective December 13, 1976, to amend paragraphs (b) and (c) of § 13.15, paragraph (b) of § 13.16, paragraphs (b) and (c) of § 13.19, paragraph (c) of § 13.20, and § 13.21 by deleting the term "the Assistant Chief Counsel for Operations and Evaluations" in each instance where it appears and substituting for it the term "the Assistant Chief Counsel for Regulations and Enforcement."

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Issued in Washington, D.C., on December 2, 1976.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.76-36262 Filed 12-10-76;8:45 am]

[Docket No. 76–CE–35–AD; Amdt. 39–2787]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 60, A60 and B60 Airplanes

An Airworthiness Directive (AD) was adopted on November 26, 1976, and made effective immediately by air mail letter to all known owners of certain serial numbers of Beech Models 60, A60 and B60 airplanes. This AD was issued because there has been an occurrence in which the wing panel to center section front spar lower cap attach bolt nut was found broken on a Beech Model A60 aircraft. This condition, if not corrected, could result in inflight separation of the outboard wing (from inboard of engine nacelle to wing tip) from the aircraft. Since this condition is likely to exist or develop in other Beech Model 60, A60 and B60 airplanes, the directive requires visual and magnetic particle inspections of the P/N 42FLW–1414 nut installed on the outboard end of the P/N MS21250–14034 bolt on the left and right wings for cracks and the replacement of any cracked nuts with new airworthy nuts.

Since it was found that immediate corrective action was required, notice and public procedure hereon were impracticable and contrary to the public interest and good cause existed for making this AD effective immediately to the owners of certain serial numbers of Beech Models 60, A60 and B60 airplanes. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons who did not receive the letter of notification.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 60 (Serial Numbers P–3 through P–126, except P–123), A60 (Serial Numbers P–123, P–127 through P–240) and B60 (Serial Numbers P–247 through P–406, except P–403) airplanes.

Compliance: Required as indicated, unless already accomplished.

To assure structural integrity of the wing panel to center section attachment at the wing front spar lower cap, accomplish the following:

A. Prior to next flight:

1. Remove the wing attach fitting cover plates located on bottom of left and right wing at the front spar inboard of engine nacelles to gain access to the wing panel to center section lower forward attach bolt and nut.

2. Using a light and mirror visually inspect the P/N 42 FLW–1414 nut installed on the outboard end of the P/N MS21250–14034 bolt on left and right wings for cracks.

NOTE 1.—Cracks, if existing, will most likely be oriented parallel to nut wrenching serrations.

3. If cracks or crack indications are found during the visual inspection required in Paragraph A.2. above, remove the suspect P/N 42FLW–1414 nut from the airplane and inspect its interior and exterior surfaces for cracks using magnetic particle procedures. Replace any cracked nuts with new P/N 42FLW–1414 nuts obtained from Beech. Install and torque in accordance with instructions in applicable Beech maintenance manual. Recheck nut torque after 100 hours' time in service.

4. If cracked nuts are not found reinstall wing attach fitting cover plates and accomplish Paragraph B of this AD within the compliance time allowed therein.

B. Within 25 hours' time in service after compliance with Paragraph A of this AD, if not accomplished while complying with Paragraph A, remove the P/N 42FLW–1414 nut from P/N MS21250–14034 lower forward wing to center section attach bolt on left and right wing and inspect interior and exterior surfaces for cracks oriented in a direction parallel to nut wrenching serrations using magnetic particle procedures. Replace any cracked nuts, prior to the next flight, with new P/N 42FLW–1414 nuts obtained from Beech. If nuts are not cracked, reinstall nuts and torque, or if new nuts are used install and torque, in accordance with instructions in applicable Beech maintenance manual. Recheck nut torque after 100 hours' time in service.

C. Notify FAA immediately of any nuts found cracked by calling either the Central Region Engineering and Manufacturing Branch, collect at telephone number 816–374–3147 or by calling the local GADO office.

D. Any alternate method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

NOTE 2.—We strongly recommend that any nuts that are replaced with new nuts be permanently disposed of to prevent the possibility of uninspected nuts being reinstalled at a later date.

This amendment becomes effective December 17, 1976, to all persons except those to whom it was made effective earlier by air mail letters issued November 26, 1976.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Mo., on December 3, 1976.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.76-36481 Filed 12-10-76;8:45 am]

[Docket No. 76–CE–6–AD; Amdt. 39–2778]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 210 Series Airplanes

Correction

In FR Doc. 76–34938, appearing at page 52292, in the issue for Monday, November 29, 1976, the following changes should be made:

On page 52293, the line "cover in floorboard area." Should be inserted before the last line of the first column.

On page 52293, in the second column, the fifth and sixth lines of the paragraph designated "NOTE (3)" should read "tion of all aircraft on or before April 1, 1977."

[Airspace Docket No. 76–EA–64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 44193 of the FEDERAL REGISTER for October 7, 1976, the Federal Aviation Administration published a proposed rule which would designate a Manahawkin, N.J., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 Gmt February 24, 1977.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and sec.

6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on November 26, 1976.

LOUIS J. CARDINAL,
Acting Director,
Eastern Region.

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Manahawkin, New Jersey Transition Area as follows:

MANAHAWKIN, N.J.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 39°42'00" N., 74°16'36" W. of Manahawkin Airport, Manahawkin, N.J.

[FR Doc.76-36264 Filed 12-10-76;8:45 am]

[Docket No. 16302; Amdt. No. 1050]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective January 27, 1977.*

Pine Bluff, AR—Grider Field, VOR Rwy 17, Amdt. 16
Pine Bluff, AR—Grider Field, VOR/DME, Rwy 35, Amdt. 6
Los Angeles, CA—Los Angeles Int'l Arpt., VOR Rwy 7L/R (TAC), Amdt. 12
Hawkins, TX—Holly Lake Ranch, VOR/DME-A, Original
Henderson, TX—Rusk County, VOR/DME-A, Original
Nacogdoches, TX—East Texas Regional Arpt., VOR/DME Rwy 33, Amdt. 2

* * * *effective January 20, 1977.*

Orlando, FL—Orlando Jetport at McCoy, VOR Rwy 18L, Original
Orlando, FL—Orlando Jetport at McCoy, VOR Rwy 18L & 18R, Amdt. 3, cancelled
Aurora, IL—Aurora Municipal Arpt., VOR Rwy 36, Original
Aurora, IL—Aurora Municipal Arpt., VOR/DME Rwy 36, Original, cancelled
Springfield, IL—Capital Arpt., VOR Rwy 22, Amdt. 15
Evansville, IN—Evansville Dress Regional, VOR Rwy 4, Original
Russell, KS—Russell Muni Arpt., VORTAC-A, Amdt. 1
Owensboro, KY—Owensboro-Daviess County, VOR Rwy 5, Amdt. 7
Owensboro, KY—Owensboro-Daviess County, VOR Rwy 17, Amdt. 3
Owensboro, KY—Owensboro-Daviess County, VOR Rwy 35, Amdt. 11
Boston, MA—General Edward Lawrence Logan Int'l Arpt., VOR Rwy 33L, Amdt. 15
Jackson, MI—Reynolds Muni Arpt., VOR Rwy 13, Amdt. 9
Mackinac Island, MI—Mackinac Island Arpt., VOR/DME-A, Amdt. 2
Newberry, MI—Luce County, VOR Rwy 11, Amdt. 4
Newberry, MI—Luce County, VOR Rwy 29, Amdt. 4
Worthington, MN—Worthington Muni Arpt., VOR Rwy 17, Amdt. 6
Worthington, MN—Worthington Muni Arpt., VOR Rwy 35, Amdt. 2
Sidney, NE—Sidney Muni Arpt., VOR Rwy 12, Amdt. 2
Sidney, NE—Sidney Muni Arpt., VOR Rwy 30, Amdt. 2
Lebanon, NH—Lebanon Regional Arpt., VOR-A, Amdt. 11
Liberty, NC—Causey Arpt., VOR Rwy 2, Amdt. 1
Spartanburg, SC—Spartanburg-Downtown Memorial Arpt., VOR Rwy 17, Amdt. 5
Spartanburg, SC—Spartanburg-Downtown Memorial Arpt., VOR/DME Rwy 35, Amdt. 5
Melfa, VA—Accomack County Arpt., VOR/DME Rwy 2, Amdt. 1
Eau Claire, WI—Eau Claire Muni Arpt., VOR-A, Amdt. 17
Mosinee, WI—Central Wisconsin Arpt., VOR-A, Amdt. 3
Mosinee, WI—Central Wisconsin Arpt., VORTAC Rwy 35, Amdt. 1
Wisconsin Rapids, WI—Alexander Field South Wood County, VOR/DME-A, Amdt. 3

* * * *effective December 23, 1976.*

Dubuque, IA—Dubuque, Muni Arpt., VOR Rwy 31, Amdt. 8

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective January 20, 1977.*

Savannah, GA—Savannah Muni Arpt., LOC (BC) Rwy 27, Amdt. 8, cancelled
Springfield, IL—Capital Arpt., LOC(BC) Rwy 22, Amdt. 9
Eau Claire, WI—Eau Claire Muni Arpt., LOC/DME (BC) Rwy 4, Amdt. 2
Mosinee, WI—Central Wisconsin Arpt., LOC (BC) Rwy 26, Amdt. 4

* * * *effective December 30, 1976.*

Jacksonville, FL—Jacksonville Int'l Arpt., LOC Rwy 25, Amdt. 2

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective January 27, 1977.*

Portland, OR—Portland Int'l Arpt., NDB Rwy 28R, Amdt. 7
Portland, OR—Portland Int'l Arpt., NDB-B, Amdt. 1, cancelled

* * * *effective January 20, 1977.*

Springfield, IL—Capital Arpt., NDB Rwy 4, Amdt. 14
Owensboro, KY—Owensboro-Daviess County, NDB Rwy 35, Amdt. 3
Jackson, MN—Jackson Muni Arpt., NDB Rwy 13, Amdt. 3
Spartanburg, SC—Spartanburg-Downtown Memorial, NDB-A, Amdt. 6
Melfa, Va—Accomack County Arpt., NDB Rwy 2, Amdt. 2
Black River Falls, WI—Black River Falls Area Arpt., NDB Rwy 26, Amdt. 1
Eau Claire, WI—Eau Claire Muni Arpt., NDB Rwy 2, Amdt. 2
Marshfield, WI—Marshfield Muni Arpt., NDB Rwy 4, Amdt. 8
Marshfield, WI—Marshfield Muni Arpt., NDB Rwy 16, Amdt. 4
Osceola, WI—Osceola Muni Arpt., NDB Rwy 28, Amdt. 4
Wisconsin Rapids, WI—Alexander Field South Wood County, NDB Rwy 2, Amdt. 4
Wisconsin Rapids, WI—Alexander Field South Wood County, NDB Rwy 29, Amdt. 2

* * * *effective January 6, 1977*

Orange City, IA—Orange City Muni Arpt., NDB Rwy 34, Original

* * * *effective December 23, 1976*

Dubuque, IA—Dubuque Muni Arpt., NDB Rwy 31, Amdt. 5
Pittsburg, KS—Atkinson Muni Arpt., NDB Rwy 16, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective January 27, 1977.*

Missoula, MT—Johnson-Bell Field, ILS 1 Rwy 11, Amdt. 6
Missoula, MT—Johnson-Bell Field, ILS 2 Rwy 11, Amdt. 2
Portland, OR—Portland Int'l Arpt., ILS Rwy 10R, Amdt. 25
Portland, OR—Portland Int'l Arpt., ILS Rwy 28R, Amdt. 8
Olympia, WA—Olympia Arpt., ILS Rwy 17, Amdt. 5

* * * *effective January 20, 1977.*

Washington, DC—Dulles Int'l Arpt., ILS Rwy 19R, Amdt. 15
Springfield, IL—Capital Arpt., ILS Rwy 4, Amdt. 19
Owensboro, KY—Owensboro-Daviess County Arpt., ILS Rwy 35, Amdt. 5
Boston, MA—General Edward Lawrence Logan Int'l Arpt., ILS Rwy 4R, Amdt. 23
Boston, MA—General Edward Lawrence Logan Int'l Arpt., ILS Rwy 33L, Amdt. 13
Eau Claire, WI—Eau Claire Muni Arpt., ILS Rwy 22, Amdt. 2
Mosinee, WI—Central Wisconsin Arpt, ILS Rwy 8, Amdt. 3

* * * *effective December 23, 1976.*

Dubuque, IA—Dubuque Muni Arpt., ILS Rwy 31, Amdt. 7

* * * *effective November 24, 1976.*

Chicago, IL—Chicago O'Hare Int'l Arpt., ILS Rwy 32R, Amdt. 13

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective January 20, 1977.*

Orlando, FL—Orlando Jetport at McCoy 36' Arpt., RADAR-1, Amdt. 1
Springfield, IL—Capital Arpt, RADAR-1, Amdt. 2
Boston, MA—General Edward Lawrence Logan Int'l Arpt., RADAR-1, Amdt. 5

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective January 27, 1977.*

Portland, OR—Portland Int'l Arpt., RNAV Rwy 10R, Amdt. 1

* * * *effective January 20, 1977.*

Springfield, IL—Capital Arpt., RNAV Rwy 4, Amdt. 3
Springfield, IL—Capital Arpt., RNAV Rwy 22, Amdt. 3
Evansville, IN — Evansville Dress Regional Arpt., RNAV Rwy 4, Amdt. 3
Sidney, NE—Sidney Muni Arpt., RNAV Rwy 30, Original
Spartanburg, SC—Spartanburg-Downtown Memorial, RNAV Rwy 4, Amdt. 3
Mosinee, WI—Central Wisconsin Arpt., RNAV Rwy 17, Amdt. 1

CORRECTION.—In Docket No. 16259 Amdt. No. 1047, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, November 18, 1976 on page 50806 under section 97.25, effective December 30, 1976 * * * Bethel, AK—Bethel Arpt., LOC/NDB Rwy 18, original and Bethel, AK—Bethel Arpt., LOC/NDB (BC) Rwy 36, original. These actions are rescinded.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on December 2, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969, (35 FR 5610).

[FR Doc.76-36263 Filed 12-10-76;8:45 am]

[Airspace Docket No. 76-RM-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Federal Airway

On September 30, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 43183) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-71 from Bismarck, N. Dak., to Williston, N. Dak.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 24, 1977, as hereinafter set forth.

Section 71.123 (42 FR 307) is amended as follows:

Section V-71 "Bismarck, N.D." is deleted and "Bismarck, N. Dak.; Williston, N. Dak." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on December 7, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-36479 Filed 12-10-76;8:45 am]

[Airspace Docket No. 76-SO-103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Artesia, Miss., control zone.

The Artesia control zone is described in § 71.171 (41 FR 355) and is designated as part time, with effective hours of 0530 to 2230 hours, local time, daily. Air carrier operations are conducted at the Golden Triangle Airport after 2230 hours, and it is necessary to extend the hours of the control zone to accommodate such operations. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 24, 1977, as hereinafter set forth.

In § 71.171 (41 FR 355), the Artesia, Miss., control zone is amended as follows:

"* * * 2230 hours * * *" is deleted and "* * * 2330 hours * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on December 1, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-36480 Filed 12-10-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER II—NATIONAL BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE

Subchapter C—Transcript Services

PART 235—TRANSCRIPT SERVICES

Rescission of Regulations Governing the Loan or Purchase of Motion Picture Films and Charges for Certifications and Photocopies of Records

The regulations contained in this Part 235 are obsolete, are not required to implement authority conferred by statute, and should be rescinded. Public notice of proposed rescission and a delayed effective date are unnecessary and not in the public interest. The rescission will accordingly become effective on December 13, 1976.

15 CFR Part 235 is hereby rescinded.

Dated: December 6, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-36405 Filed 12-10-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-338]

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

Status as Crewmembers

Section 148.61(a) of the Customs Regulations (19 CFR 148.61(a)) provides that members of the armed forces of the United States and personnel in the civil service of the United States engaged in the operation of a vessel, vehicle, or aircraft owned by, or under the complete control and management of, the United States or any of its agencies, shall not be considered crewmembers for purposes of the provisions of Subpart G of Part 148 of the Customs Regulations, relating to crewmember declarations and exemptions.

The commissioned corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA) are neither members of the armed forces nor civil service employees, as those terms are defined in 5 U.S.C. 2101, relating to employees of the Federal Government. PHS and NOAA officers often serve aboard United States vessels, however, and allowance for such service was not purposely omitted from § 148.61(a) of the Customs Regulations. Consequently, it is necessary to amend § 148.61(a) to extend its provisions to members of the uniformed services, rather than the armed forces, of the United States. As used in § 148.61(a), the term "uniformed services" will mean the armed forces (Army, Navy, Air Force, Marine Corps, and Coast Guard), the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration, in accordance with 5 U.S.C. 2101 and section 4(d) of Reorganization Plan No. 4 of 1970 (35 FR 15627).

Accordingly, paragraph (a) of § 148.61 of the Customs Regulations (19 CFR 148.61(a)) is amended to read as follows:

§ 148.61 Status as crewmembers.

* * * * *

(a) Members of the uniformed services of the United States and persons in the civil service of the United States engaged in the operation of a vessel, vehicle, or aircraft owned by, or under the complete control and management of, the United States or any of its agencies.

* * * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Inasmuch as this amendment merely clarifies an existing Customs regulation, notice and public procedure thereon are found to be unnecessary and good cause is found for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date: This amendment shall become effective on December 13, 1976.

VERNON D. ACREE,
Commissioner of Customs.

Approved: December 6, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-36493 Filed 12-10-76;8:45 am]

CHAPTER II—UNITED STATES INTERNATIONAL TRADE COMMISSION

PART 201—RULES OF GENERAL APPLICATION

Nonadjudicative Hearings

On August 12, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 34081) proposing to revise Title 19, Chapter II, § 201.12, of the Code of Federal Regulations to provide for the assignment, where appropriate, of employees to preside over hearings and for the delineation of the powers and duties of presiding officials. In addition, the notice proposed that witnesses be authorized to deliver oral summaries of prepared statements in testimony. Notice was given that comments concerning the proposed amendments were to be submitted to the United States International Trade Commission on or before September 13, 1976. Submissions from five interested persons were received by September 21, 1976.

Each of the interested parties made a suggestion to the effect that the agency not amend § 201.12(a) to allow the designation of an employee or employees as presiding officials at public hearings in nonadjudicative investigations. The objections to the designation of employees as presiding officials ranged from a concern that parties would be denied access to the actual decisionmakers of the agency to a concern that, without at least one Commissioner present to preside at such hearings, the dignity of the proceedings would be lessened and the confidence of interested parties in the proceedings impaired.

On several occasions in the past few years, the conduct of the Commission's business has required that employees of the agency preside over nonadjudicative hearings. This delegation of authority is both contemplated in and authorized by section 333(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1333(a)), and was provided for by the promulgation of § 201.12 of the Commission's Rules of Practice and Procedure (19 CFR 201.12 (a)). It is the position of the Commission, however, that the present language of § 201.12(a), providing for the subject hearings to be conducted by one or more Commissioners "unless otherwise ordered by the Commission", does not communicate that statutory authority explicitly.

Although the Commission is of the opinion that the amendment constitutes an improved statement of the subject authority to delegate and that it has been necessary for the Commission to exercise, on occasion, this authority to allow for the designation of employees to preside at nonadjudicative hearings, the Commission does not anticipate making such delegations with any greater frequency than it has made them in the past. It remains the policy of the Commission that, whenever possible, one or more Commissioners will preside over such hearings.

A comment with respect to § 201.12(b) objected to the provisions that witnesses are encouraged to summarize their prepared statements orally and that prepared statements will be made a part of the transcript. It is the opinion of the Commission that the subject provisions will help to avoid needless repetition of what is often very similar testimony on the part of interested parties without any sacrifice of what one commentator described as the "utility of the hearing."

A comment with respect to § 201.12(d) objected to the provision for filing copies of witnesses' prepared statements prior to actual presentation at a hearing. It is the opinion of the Commission that such a requirement would not work a hardship on any party, especially as the proposed provisions of § 201.12(b), discussed above, would encourage witnesses to summarize the contents of such statements in their actual testimony, and that no provision of § 201.12 would discourage the delivery of relevant testimony, whether or not prepared in writing.

In consideration of the above, part 201 of chapter II, title 19, of the Code of Federal Regulations is amended as set forth below. The effective date of these amendments shall be January 12, 1977.

§ 201.12 Conduct of nonadjudicative hearings.

(a) *Presiding officials.*—(1) *Who presides.* Public hearings in nonadjudicative investigations will be conducted by the Commission or by one or more Commissioners. When the Commission deems it necessary, such hearings will be conducted by one or more designated employees. In all cases the transcript of the testimony at a hearing will be presented for the consideration of the Commission.

(2) *Powers and duties.* The Commission, one or more Commissioners, or one or more designated employees shall have all the powers necessary to conduct fair and impartial hearings, to take necessary action to avoid delay in the disposition of proceedings, including the prescription of time allocated to testimony, argument, and questioning, to regulate the course of hearings and the conduct of the parties and their counsel therein, and to maintain order.

(b) *Order of the testimony.* Unless otherwise ordered by the presiding officials, witnesses will give testimony in the order designated by the Secretary of the Commission. Each witness, after being duly sworn, will be permitted to proceed with his or her testimony without interruption except by presiding officials. The Commission may permit witnesses to summarize any prepared statements orally. Prepared statements, however, will be made a part of the transcript.

(c) *Questioning of witnesses.* After completing testimony, a witness may be questioned by any member of the Commission or by its staff. Any person who has entered an appearance in accordance with § 201.13 may, with the permission of the presiding officials, direct questions to the witness, but only for the purpose of assisting the Commission in obtaining relevant and material facts with respect to the subject matter of the investigation.

(d) *Submission of prepared statements.* Copies of witnesses' prepared statements should be filed with the Office of the Secretary of the Commission three (3) business days prior to the hearing or as close to actual presentation at the hearing as possible, and submission of such statements shall comply with §§ 201.6 and 201.8 of this subpart.

(e) *Certification of testimony.* Oral or written evidence submitted at hearings will, upon order of the Commission, be subject to verification from books, papers, and records of the parties submitting the evidence and from any other available sources.

(f) *Oral argument.* When, in the opinion of the presiding officials, time permits and the nature of the proceedings and the complexity or importance of the questions of fact or law involved warrant, the presiding official may allow oral argument after conclusion of the testimony in a hearing. The presiding officials will determine in each instance the time to be allowed for argument and the allocation thereof.

(g) *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the Commission by interested parties who have entered an appearance. Unless otherwise ordered, twenty (20) clear copies shall be filed with the Secretary of the Commission. Time to be allowed for submission of briefs will be set after conclusion of testimony and oral argument, if any.

(f) *Hearing transcripts.* A verbatim transcript of all hearings will be taken. The Commission does not distribute transcripts of the records of such hearings. Interested parties may inspect them at the Commission's office in Washington, D.C., or purchase them from the official reporter.

By order of the Commission.

Issued: December 8, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-36544 Filed 12-10-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 160—STATE FISCAL PROCEDURES AND REPORTS

Transfer of Federal-Aid Highway Funds; Revision

● *Purpose.* The purpose of this document is to amend 23 CFR Part 160 so as to reflect the statutory changes governing the transfer of apportionments among the Federal-aid systems effected by section 113 of the Federal-aid Highway Act of 1976 (90 Stat. 425).●

As this matter relates to grants, benefits, or contracts within the provisions of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required.

The Federal Highway Administration (FHWA) is amending Chapter I of title 23, CFR, Part 160 by revising the present Subpart A, adding a new Subpart B, and redesignating the present Subpart B—Transfer of Highway Safety Funds—to a new Subpart C. These changes codify material contained in Volume 1, Chapter 6, Section 3, Subsections 1 and 2 of the Federal-Aid Highway Program Manual.

Pursuant to the Department of Transportation Policies to Improve Analysis and Review of Regulations (41 FR 16200), the Secretary of Transportation has been notified that these regulations are expressly mandated by statute or have minimal impact.

In consideration of the foregoing, Chapter I of title 23, CFR, Part 160, is hereby amended by revising Subpart A, redesignating the present Subpart B as a new Subpart C, and adding a new Subpart B as set forth below.

1. The table of sections for 23 CFR 160, Subpart C, "Transfer of Highway Safety Funds," is renumbered as follows:

Sec.
160.301 Purpose.
160.303 Limitation on Transfer of Funds.
160.305 Requirements and Conditions.
160.307 Submission of Requests.

2. A conforming amendment in renumbered § 160.303 changes the present ciation of "§ 160.203" to read "§ 160.305."

3. Chapter I of Title 23, CFR, is amended by adding new Subparts A and B to Part 160 to read as follows:

Subpart A—Transfer of Federal-Aid Highway Funds—Fiscal Year 1976 and Prior Year Apportionments

Sec.
160.101 Purpose.
160.103 Requirements and conditions.
160.105 Submission of requests.

Subpart B—Transfer of Federal-Aid Highway Funds—Fiscal Year 1977 and Subsequent Year Apportionments

160.201 Purpose.
160.203 Requirements and conditions.
160.205 Submission of requests.

Subpart A—Transfer of Federal-Aid Highway Funds—Fiscal Year 1976 and Prior Year Apportionments

AUTHORITY: 23 U.S.C. §§ 104 (c) and (d), 315; 49 CFR 1.48(b).

§ 160.101 Purpose.

The purpose of this subpart is to prescribe the procedures for transfer of fiscal year 1976 and prior fiscal year funds under subsections 104 (c) and (d) of Title 23, United States Code, as amended by section 111 of the Federal-Aid Highway Act of 1973 and subsection 113(b) of the Federal-Aid Highway Act of 1976.

§ 160.103 Requirements and Conditions.

(a) Total transfers between apportionments may not increase or decrease the original apportionment by more than 40 per centum.

(b) Funds transferred to any apportionment are to be expended under the provisions of law governing the expenditure of the apportionment to which the transfer is made.

(c) Funds obligated are not eligible for transfer.

(d) Transfers are to be requested by the State highway department and approved by the Governor of the State and the Secretary of Transportation as being in the public interest. Requests for transfer of funds apportioned in accordance with 23 U.S.C. § 104(b)(6) and allocated to any urbanized area of 200,000 population or more under 23 U.S.C. § 150 shall also be approved by the local officials of such urbanized area. "Local officials of such urbanized area" means the principal elected officials of general purpose local governments acting through the metropolitan planning organization (MPO) designated by the Governor in accordance with 23 CFR 450, Subpart A and Federal-Aid Highway Program Manual, Volume 4, Chapter 4, Section 2. Pursuant to existing delegations of authority, the Federal Highway Administrator will act for the Secretary in approving such requests.

§ 160.105 Submission of requests.

A request for transfer of funds is to be addressed to the Division Administrator and forwarded through the Regional Office to the Washington Office for approval, accompanied by the recommendations of the Division Administrator and Regional Federal Highway Administrator.

Subpart B—Transfer of Federal-Aid Highway Funds—Fiscal Year 1977 and Subsequent Year Apportionments

AUTHORITY: 23 U.S.C. §§ 104 (c) and (d), 315; 49 CFR 1.48(b).

§ 160.201 Purpose.

The purpose of this subpart is to prescribe the procedures for transfer of fiscal year 1977 and subsequent fiscal year funds under subsections 104 (c) and (d) of Title 23, United States Code, as amended by subsections 113(a) and (b) of the Federal-Aid Highway Act of 1976.

§ 160.203 Requirements and conditions.

(a) Total transfers between apportionments made under 23 U.S.C. § 104(b)(1) and (2) for any fiscal year shall not increase or decrease the original apportionment by more than 40 per centum.

(b) Total transfers between apportionments made under 23 U.S.C. § 104(b)(1) and (6) for any fiscal year shall not increase or decrease the original apportionment by more than 20 per centum.

(c) No transfer shall be made decreasing an apportionment in any fiscal year if a transfer has already been made to increase it. Likewise, no transfer shall be made to increase an apportionment in any fiscal year if a transfer has already been made to decrease it.

(d) Funds transferred to any apportionment are to be expended under the provisions of law governing the expenditure of the apportionment to which the transfer is made.

(e) Funds obligated are not eligible for transfer.

(f) Transfers are to be requested by the State highway department and approved by the Governor of the State and the Secretary of Transportation as being in the public interest. Requests for transfer of funds apportioned in accordance with 23 U.S.C. 104(b)(6) and allocated to any urbanized area of 200,000 population or more under 23 U.S.C. § 150 shall also be approved by the local officials of such urbanized area. "Local officials of such urbanized area" means the principal elected officials of general purpose local governments acting through the metropolitan planning organization (MPO) designated by the Governor in accordance with 23 CFR 450, Subpart A and Federal-Aid Highway Program Manual, Volume 4, Chapter 4, Section 2. Pursuant to existing delegations of authority, the Federal Highway Administrator will act for the Secretary in approving such requests.

§ 160.205 Submission of requests.

A request for transfer of funds is to be addressed to the Division Administrator and forwarded through the Regional Office to the Washington Office for approval accompanied by the recommendations of the Division Administrator and the Regional Federal Highway Administrator.

The Federal Highway Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Effective date: November 17, 1976.

Issued on: December 2, 1976.

J. R. COUPAL, Jr.,
Deputy Administrator.

[FR Doc.76-35400 Filed 12-10-76;8:45 am]

CHAPTER II—HIGHWAY SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-09; Notice 1]

PART 1215—INTERIM INCENTIVE GRANT CRITERIA FOR REDUCTION OF ANNUAL STATE HIGHWAY FATALITIES

Establishment of Criteria

This notice amends Title 23, Code of Federal Regulations, by adding a new Part 1215 that specifies interim criteria for awarding incentive grants to the States that make the most significant progress in reducing the annual number of fatalities on their highways.

This action is taken pursuant to section 204 of the Highway Safety Act of 1976 (sec. 204, Pub. L. 94-280, 90 Stat. 453, 23 U.S.C. 402(j)(3)) which authorizes grants for reduction of fatalities and requires the establishment of criteria for that purpose. The criteria are in addition to the criteria for fatality rate reduction (23 CFR Part 1214) established pursuant to the Highway Safety Act of 1973 (sec. 219, Pub. L. 93-87, 87 Stat. 290, 23 U.S.C. 402(j)(2)).

The criteria established by this notice apply to those awards to be made in fiscal year 1977. In a separate FEDERAL REGISTER notice published today at page 54188 the Department is requesting comments on several alternative criteria that could be made applicable to awards in subsequent fiscal years.

Any State that satisfies the criteria established by this notice will be eligible for an incentive grant equal to 25 per cent of the Federal highway safety funds apportioned to it under section 402 for fiscal year 1977. For example, if a State were apportioned $1,000,000 and were eligible for a fatality reduction grant, the State could receive an additional $250,000 in incentive funds. Any State which receives an incentive grant under this part will have the sole discretion to determine what activities to fund, subject only to the condition that the State be able to demonstrate that the funded activities advance the purposes of chapter 4 of title 23.

In order for a State to be eligible for a grant the number of highway fatalities in the State during the calendar year immediately preceding the fiscal year for which the funds are authorized must be less than the average number of highway fatalities during the four preceding years. For fiscal year 1977, the calendar year in question is 1975 and the four preceding years are 1971-74. Since there may not be sufficient funds for a particular fiscal year to award a 25 percent incentive grant to all eligible States, the Department will rank the States so that the States with the best records receive the grants. The first step in arriving at this ranking will be the calculation of the percentage reduction of actual fatalities in each State for the year in question as compared to the preceding four years. The State with the highest percentage reduction will be ranked first and the remainder of the eligible States will be ranked in descending order according to their percentage reductions. The grants will be made to the States in the order of their ranking until there are insufficient funds left to make a full grant to the next State on the list. That State will receive the remaining funds. Lower ranked eligible States will receive no funds.

The award procedures established by this notice are similar to those established in 23 CFR Part 1214 for fatality rate reduction incentive awards, in that each eligible State in turn will get 25 percent of its apportionment until the funds are exhausted. The number of States that can receive awards will therefore be smaller than if a ceiling below 25 percent were imposed. The issues concerning the optimum distribution of incentive funds are raised in the accompanying notice at 54188.

The Department is of the view that an extended discussion must precede the adoption of any alternative to the award procedures established by 23 CFR Part 1214 and followed by this notice. To avoid delay in the distribution of the FY 1977 awards, the interim procedures are hereby promulgated to take effect immediately.

In consideration of the foregoing, 23 CFR Chapter II, Subchapter B is amended by adding a new Part 1215, Interim Incentive Grant Criteria for Reduction of Annual State Highway Fatalities, effective immediately.

Issued on December 6, 1976.

NORBERT T. TIEMANN,
Administrator, Federal Highway Administration.

JOHN W. SNOW,
Administrator, National Highway Traffic Safety Administration.

Sec.
1215.1 Scope.
1215.2 Purpose.
1215.3 Definitions.
1215.4 Eligibility requirements.
1215.5 Ranking of the States.
1215.6 Award procedures.

AUTHORITY: Sec. 204, Pub. L. 94-280, 90 Stat. 453 (23 U.S.C. 402(j)(3)).

§ 1215.1 Scope.

This part establishes criteria, in accordance with 23 U.S.C. 402(j)(3), for the awarding of annual incentive grants to States that make the most significant progress in reducing the annual number of highway fatalities.

§ 1215.2 Purpose.

The purpose of this part is to encourage the States to develop and implement effective measures for reducing their highway fatalities.

§ 1215.3 Definitions.

(a) "Base calendar year" means the calendar year immediately and fully preceding a fiscal year for which grants are made under this part.

(b) "Fatality reduction" means a decrease in the number of fatalities for the base calendar year relative to the average number of fatalities for the 4 preceding calendar years.

§ 1215.4 Eligibility requirements.

To be eligible for an incentive award under this part, a State must have fewer fatalities in the base calendar year than the average of the four preceding calendar years.

§ 1215.5 Ranking of the States.

(a) The base calendar year reduction in annual highway fatalities for each eligible State shall be calculated as a percentage of the average number of fatalities for the four preceding calendar years.

(b) The State with the highest percentage reduction in annual highway fatalities shall be ranked first and the remaining eligible States shall be ranked thereafter in descending order according to their percentage reductions.

§ 1215.6 Award procedures.

For fiscal year 1977, grants of 25 percent of a State's apportionment of highway safety funds under 23 U.S.C. 402 will be made to the States eligible under § 1215.4 in the order of their ranking pursuant to § 1215.5. Such grants will be made until all eligible States have received a grant or until there are insufficient funds to award a 25 percent grant to the State with the next highest ranking. That State will be granted the balance of the funds.

[FR Doc.76-36387 Filed 12-10-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of Mobile, Alabama

On June 25, 1976, in 41 FR 26403, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the County of Mobile, Alabama. Map No. H 015008 Panel 25 indicates that Lot 3, Pine Run Subdivision, Unit One, Mobile, Alabama, as recorded in Map Book 24, Page 63, in the office of the Judge of the Probate Court of Mobile County, Alabama, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 015008 Panel 25 is hereby corrected to reflect that the structure on the above property is not within the Special Flood

Hazard Area identified on January 8, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 19, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36510 Filed 12-10-76;8:45 am]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of Mobile, Alabama

On June 25, 1976, in 41 FR 26403, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the County of Mobile, Alabama. Map No. H 015008 Panel 25 indicates that Lots 18 through 20, Cottage Hills Estates First Addition, Mobile, Alabama, as recorded in Map Book 23, Page 88, in the office of the Judge of the Probate Court of Mobile County, Alabama, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone B, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill in the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 015008 Panel 25 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on January 7, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4218; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36511 Filed 12-10-76;8:45 am]

[Docket No. FI-835]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Trumann, Arkansas

On January 12, 1976, in 41 FR 1752, the Federal Insurance Administrator published a list of communities with special hazard areas which included Trumann, Arkansas. Map. No. H 050176A Panel 01 indicates that the site of the proposed housing construction being a portion of the property identified as Site "2", Area: 1–A, Trumann Public Housing Authority as shown on a topographic map surveyed by Knight and Laird, and revised December 1, 1961, and recorded in Deed Book 60, Pages 417 through 418 in the office of the Recorder of Poinsett County, Arkansas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information that the portion of Trumann Urban Renewal Area bounded by Forrest and Redwood Streets and extending 490 feet north from Walnut Street, is not within the Special Flood Hazard Area. Accordingly, Map No. H 050176A Panel 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on December 19, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36512 Filed 12-10-76;8:45 am]

[Docket No. FI-288]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Carlsbad, California

On June 13, 1974, in 39 FR 20687, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Carlsbad, California. Map No. H 060285 Panel 03 indicates that Lots 16, 17, and 21 through 71, Shelter Cover Subdivision, Carlsbad, California, as recorded on Map No. 5162, in the office of the Recorder of San Diego County, California, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures and any structures built between Cove Drive and the building setback line; between Park Drive and the building setback line; and between Marina Drive and the building setback line on Lots 16, 17, and 21 through 71, are not within the Special Flood Hazard Area. Accordingly, Map No. H 060285 Panel 03 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on May 31, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36513 Filed 12-10-76;8:45 am]

[Docket No. FI-326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Aurora, Colorado

On August 7, 1974, in 39 FR 28424, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Aurora, Colorado. Map No. H 080002 Panel 15 indicates that Lots 1 through 12 of Block 1; Lots 1 through 7, and 24 through 29 of Block 2; Lots 17 through 29 of Block 3; Lots 10 through 14, and 18 of Block 4; Block 5; Block 6; and Block 7, of Seven Lakes Subdivision—Filing No. 6, Aurora, Colorado, and recorded in Book 29, Page 49, in the office of the Clerk and Recorder of Arapahoe County, Colorado, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 080002 Panel 15 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 26, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 12, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36514 Filed 12-10-76;8:45 am]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lakewood, Colorado

On June 25, 1976, in 41 FR 26404, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Lakewood, Colorado. Map No. H 085075 Panel 06 indicates that Lot 20, Alexander Subdivision, Lakewood, Colorado, as recorded in Book No. 13, Page 56, in the office of the Clerk and Recorder of Jefferson County, Colorado, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired

flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 085075 Panel 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 21, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36515 Filed 12-10-76;8:45 am]

[Docket No. FI-246]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Woodbury, Connecticut

On April 16, 1974, in 39 FR 13639, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Town of Woodbury, Connecticut. Map No. H 090133 Panel 02 indicates that Parcel B, Subdivision of Land of Henry T. Moeckel, Jr., Woodbury, Connecticut, as recorded in Volume 98, Page 103, in the office of the Town Clerk of Woodbury, Connecticut, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 090133 Panel 02 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on April 12, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36516 Filed 12-10-76;8:45 am]

[Docket No. FI-842]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of Chatham, Georgia

On February 3, 1976, in 41 FR 4909, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the County of Chatham, Georgia. Map No. H 130030 Panel 24 indicates that Lot No. 7 Phase 1, Whitfield Park Subdivision, Chatham County, Georgia, as recorded in Subdivision Map Book "K" Page 43, in the office of the Clerk of the Superior Court of Chatham County, Georgia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 130030 Panel 24 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on March 5, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36517 Filed 12-10-76;8:45 am]

[Docket No. FI-454]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Rapides Parish, Louisiana

On January 28, 1975, in 40 FR 4127, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included Rapides Parish, Louisiana. Map No. H 220145 Panel 13 indicates that Lots 10, 11, and 12 of part of the Southeast Quarter of the Southwest Quarter of Section Five, Township Four North, Range One East, Rapides Parish, Louisiana, as recorded in Book 843, Page 885, by the Clerk of Court and Recorder of Rapides Parish, Louisiana, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 220145 Panel 13 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on January 10, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968) effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36518 Filed 12-10-76;8:45 am]

[Docket No. FI-410]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Anne Arundel County, Maryland

On November 29, 1974, in 39 FR 41504, the Federal Insurance Administrator published a list of communities with special hazard areas which included Anne Arundel County, Maryland. Map No. H 240008 Panel 45 indicates that Lot 20, Plat Two, Section Five of Ulmstead Estates, being 913 Mallard Circle, Arnold, Maryland, as recorded in Book 51, Folio 15 of Plats, in the office of the Clerk of the Circuit Court of Anne Arundel County, Maryland, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that a portion of the above property which can be described as follows:

Beginning at the westernmost point of said Lot, said point also being on the northern line of Mallard Circle; thence N. 25°57'04" E, approximately 150 feet to a point; thence S. 57°15' E., approximately 66 feet to a point; thence S. 38° 45' E., approximately 78 feet to a point; thence S. 48°36'11" W., approximately 135 feet to a point being on the northern line of Mallard Circle; thence in a northwesterly direction along the northern line of Mallard Circle approximately 85 feet to the point of beginning,

is not within the Special Flood Hazard Area. Accordingly, Map No. H 240008 Panel 45 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on November 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Adminis-

trator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36519 Filed 12-10-76;8:45 am]

[Docket No. FI-410]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Anne Arundel County, Maryland

On November 29, 1974, in 39 FR 41504, the Federal Insurance Administrator published a list of communities with special hazard areas which included Anne Arundel County, Maryland. Map No. H 240008 Panel 77 indicates that Lots 5055, 5056 and 5057 of Woodland Beach, Anne Arundel County, Maryland, as recorded in Liber 2786, Page 806 of Deeds, in the office of the Clerk of the Circuit Court of Anne Arundel County, Maryland, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above property are not within the Special Flood Hazard Area. Accordingly, Map No. H 240008 Panel 77 is hereby corrected to reflect that the existing structures on the above property are not within the Special Flood Hazard Area identified on November 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36520 Filed 12-10-76;8:45 am]

[Docket No. FI-321]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Baltimore, Maryland

On August 6, 1974, in 39 FR 28256, the Federal Insurance Administrator published a list of communities with special hazard areas which included Baltimore, Maryland. Map No. H 240087 Panel 02 indicates that portions of Lots 46 and 47 of Mount Washington Villas, being 1817 Fairbank Road, Baltimore, Maryland, as recorded in Liber 3367, Folio 430 of Deeds in the office of Land Records of Baltimore City, Maryland, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 240087 Panel 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 28, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 11, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36521 Filed 12-10-76;8:45 am]

[Docket No. FI-539]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Baltimore County, Maryland

On April 2, 1975, in 40 FR 14756, the Federal Insurance Administrator published a list of communities with special hazard areas which included Baltimore County, Maryland. Map No. H 240010 Panel 125 indicates that 8051 Stratman Road being Lot 47, Section 6, Eastfield Subdivision, Plat No. 2, Baltimore, Maryland, as recorded in Liber WJR 26, Folio 102 of Plat Records in the office of the Clerk of Baltimore County, Maryland, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 240010 Panel 125 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on April 18, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36522 Filed 12-10-76;8:45 am]

[Docket No. FI-320]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Dennis, Massachusetts

On August 7, 1974, in 39 FR 28425, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Town of Dennis, Massachusetts. Map No. H 250005 Panel 09 indicates that Parcels A and D, on a Subdivision Plan of Land in Dennisport, Massachusetts, for David B., Jr. and M. Isabel Lane, September 1973, as recorded in Book 295, Page 24, in the office of the Barnstable County Registry of Deeds, Massachusetts, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 250005 Panel 09 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 26, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36523 Filed 12-10-76;8:45 am]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Falmouth, Massachusetts

On June 25, 1976, in 41 FR 26408, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Town of Falmouth, Massachusetts. Map No. H&I 255211A Panel 14 indicates that Lots A and B, East Falmouth, Massachusetts, as recorded in Plan Book 251, Page 61, in the Registry of Deeds of Barnstable County, Massachusetts, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information that Buildings 2, 22, 23, 28, 29, and 31, as shown on the Part I Site Plan, Falmouthport Condominium Plans, are within Zone C, and are not within the Special Flood Hazard Area. Building 30 is within Zone B, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H&I 255211A Panel 14 is hereby corrected to reflect that the above structures are not within the Special Flood Hazard Area identified on May 13, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation

of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 24, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36524 Filed 12-10-76;8:45 am]

[Docket No. FI-201]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Township of Raisinville, Michigan

On February 19, 1974, in 39 FR 6052, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Township of Raisinville, Michigan. Map No. H 260155A Panels 03 and 06 indicate that property known as 8941 North Custer Road, Raisinville, Michigan, as recorded in Liber 701, Page 892, in the Registry of Deeds of Monroe County, Michigan, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 260155A Panels 03 and 06 are hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on February 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 19, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36525 Filed 12-10-76;8:45 am]

[Docket No. FI-270]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Southfield, Michigan

On May 17, 1974, in 39 FR 17520, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Southfield, Michigan. Map No. H 260179A Panel 04 indicates that Lot 95, Forest View Subdivision No. 1, Southfield, Michigan, as recorded in Liber 47, Page 53, in the office of the Registrar of Deeds of Oakland County, Michigan, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 260179A Panel 04 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on May 17, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36526 Filed 12-10-76;8:45 am]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Township of Wayne, New Jersey

On June 25, 1976, in 41 FR 26412, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Township of Wayne, New Jersey. Map No. H 345327 Panel 09 indicates that Lot 15, Block No. 478–B, Dubel Homes, Incorporated, Wayne, New Jersey, as recorded on Map No. 1235, filed in the office of the Register of Passaic County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 345327 Panel 09 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on February 20, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36527 Filed 12-10-76;8:45 am]

[Docket No. FI-340]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Columbus, Ohio

On April 10, 1975, in 40 FR 16192, the Federal Insurance Administrator published a list of communities with special hazard areas which included Columbus, Ohio. Map No. H 390170 Panel 18 indicates that Lots 142 through 157 of Virginia Terrace, Columbus, Ohio, as recorded in Plat Book 49, Pages 91 through 93, in the office of the Recorder of Franklin County, Ohio, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 390170 Panel 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 9, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36528 Filed 12-10-76;8:45 am]

[Docket No. FI-289]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Moore, Oklahoma

On June 19, 1974, in 39 FR 21146, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Moore, Oklahoma. Map No. H 400044A Panel 02 indicates that Lots 6, 7, and 8, Block 4; and Lots 5 through 16, Block 5, East Hills Addition, Section III, Moore, Oklahoma, as recorded in Book 11, Pages 113 and 114, in the office of the County Clerk of Cleveland County, Oklahoma, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property, with the exception of the areas shown as Utility and Drainage Easements on the recorded plat map cited above; are not within the Special Flood Hazard Area. Accordingly, Map No. H 400044A Panel 02 is hereby corrected to reflect that the above portion of property is not within the Special Flood Hazard Area identified on June 7, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Adminis-

trator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36529 Filed 12-10-76;8:45 am]

[Docket No. FI-289]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Eugene, Oregon

On June 19, 1974, in 39 FR 21147, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Eugene, Oregon. Map No. H 410122A Panel 07 indicates that Lots 1 through 5, 7 through 12, 22 through 35, and 37 through 42, Rivertree Subdivision, Eugene, Oregon, as recorded in Book 70, Page 36, in the office of the County Recorder of Lane County, Oregon, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H410122A Panel 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on October 31, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 12, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36530 Filed 12-10-76;8:45 am]

[Docket No. FI-440]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Houston, Texas

On January 10, 1975, in 40 FR 2190, the Federal Insurance Administrator published a list of communities with special hazard areas which included Houston, Texas. Map No. H 480296 Panel 59 indicates that Sections 3 and 4 of Covered Bridge Apartments, Houston, Texas, as recorded in Volume 233, Page 87 and Volume 237, Page 75, respectively, of Map Records, in the office of the Clerk of Harris County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above property are not within the Special Flood Hazard Area. Accordingly, Map No. H 480296 Panel 59 is hereby corrected to reflect that the existing structures on the above property are not within the Special Flood Hazard Area identified on December 27, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36531 Filed 12-10-76;8:45 am]

[Docket No. FI-297]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Hurst, Texas

On June 27, 1974, in 39 FR 23267, the Federal Insurance Administrator published a list of communities with special hazard areas which included Hurst, Texas. Map No. H 480601A Panel 05 indicates that Lot 1, Block 1, Taylor Addition, being 747–49 Pipeline Road, Hurst, Texas, as recorded in Volume 388–82, page 2 of Plat Records in the office of the Clerk of Tarrant County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 480601A Panel 05 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on June 14, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36532 Filed 12-10-76;8:45 am]

[Docket No. FI-340]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Longview, Texas; Correction

The Notice of Letter of Map Amendment for the City of Longview, Texas, published on Wednesday, April 7, 1976, in 41 FR is hereby corrected to read as follows:

On August 21, 1975, in 40 FR 36564, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Longview, Texas. Map No. H 480264A 01 indicates that Block 3641, Landsdowne Subdivision, Unit No. 1, Longview, Texas, as recorded in Volume 995, Page 558 of the Deed Records in the office of the Clerk of Gregg County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of the recently completed Flood Insurance Study for Longview, Texas, that a portion of the above property is not within the Special Flood Hazard Area. This portion can be further described as follows:

Beginning at the southwest corner of Lot 25, Block 3641, Landsdowne Subdivision, Unit No. 1 as cited above; thence North 100.0 feet to a point; thence N. 31°03' W., 321.6 feet to a point thence N. 83°10' E., approximately 275 feet to the northeast corner of Lot 20; thence S. 60° E., 215 feet to a point; thence N. 87° E., 591 feet to a point; thence S. 76° E., 246 feet to a point; thence N. 89° E., 303 feet to the northwest corner of Lot 3; thence South 280 feet to a point; thence S. 89°36' W., approximately 170 feet to a point on the centerline of Arthur Street; thence North 80 feet along said centerline to a point on the centerline of Rolling Hills Drive; thence in a westerly direction along said centerline 1067.7 feet to a point on the centerline of Ron Street; thence S. 0°13' E., 160 feet along said centerline to a point; thence S. 89°36' W., 190 feet to the point of beginning.

Accordingly, Map No. H 480264A 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on October 10, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36533 Filed 12-10-76;8:45 am]

[Docket No. FI-606]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Temple, Texas

On July 26, 1975, in 40 FR 27003, the Federal Insurance Administrator published a list of communities with special hazard areas which included Temple, Texas. Map No. H 480034A Panel 06 indicates that Unit A–1 of Fryer's Creek Subdivision, being a part of Tract No. 2, Temple, Bell County, Texas, as recorded in Volume 1232, Page 473 of Deeds, in the office of the Clerk of the Court of Bell

County, Texas, and shown on a replat of Fryer's Creek as prepared by Dunlap & Associates (dated May, 1976), is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 480034A Panel 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on March 1, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 15, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36534 Filed 12-10-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7442]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Special Elections for Certain Section 403(b) Annuity Contracts

Correction

In FR Doc. 76-35040, appearing at page 52295 in the issue for Monday, November 29, 1976, make the following changes:

1. On page 52296, in the first column, first full paragraph, the thirteenth line should read "amount is subject to cost of living in-".

2. On page 52296, in the first paragraph, first column, the 4th word in the fifteen line now reading "emplyee", should read "employer".

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 673-76]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart I—Civil Division

Subpart K—Criminal Division

TRANSFER OF CERTAIN LITIGATION RESPONSIBILITIES

This order assigns to the Civil Division certain litigation responsibilities presently handled by the Criminal Division.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Subparts I and K of Part 0 of Chapter I of Title 28, Code of Federal Regulations, are amended as follows:

1. Paragraph (h) of § 0.45 of Subpart I is revised by adding a comma and the following phrase immediately after "Subpart H of this part":

§ 0.45 General functions.

* * * * * *

(h) * * *, civil proceedings seeking exclusively equitable relief assigned to the Criminal Division by §§ 0.55(i) and 0.61(d), * * *

2. Paragraph (i) of § 0.55 of Subpart K is revised to read as follows:

§ 0.55 General functions.

* * * * * *

(i) Civil proceedings seeking exclusively equitable relief against investigations, prosecutions, convictions or other criminal justice activities (including without limitation applications for writs of habeas corpus and coram nobis) except that any such proceeding may be conducted, handled, or supervised by another division by agreement between the head of such division and the Assistant Attorney General in charge of the Criminal Division.

* * * * * *

3. Paragraph (d) of § 0.61 of Subpart K is revised to read as follows:

§ 0.61 Functions relating to internal security.

* * * * * *

(d) Civil proceedings seeking exclusively equitable relief against laws, investigations or administrative actions designed to protect the national security (including without limitation personnel security programs and the foreign assets control program).

* * * * * *

Dated: December 3, 1976.

EDWARD H. LEVI,
Attorney General.

[FR Doc.76-36464 Filed 12-10-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-187]

PART 110—ANCHORAGE REGULATIONS

Naval Anchorage Grounds—Waimea, Hawaii

On July 8, 1976, there was published in the FEDERAL REGISTER (41 FR 27975), a notice of proposed rulemaking to establish a Naval Anchorage Grounds off Waimea, Hawaii to prevent interference with Naval submarine operations. Only Naval vessels will be permitted to use the Anchorage Grounds.

No written objections have been received and the proposed regulations are hereby adopted without change as set forth below.

Effective date: These regulations are effective January 13, 1977.

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive order 11821 and OMB Circular A-107.

Dated: December 7, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

Part 110 of Title 33 of the Code of Federal Regulations is amended by adding a new § 110.237 to read as follows:

§ 110.237 Pacific Ocean at Waimea, Hawaii, Naval Anchorage.

(a) *The Anchorage grounds.* All the waters within a circle having a radius of 300 yards centered at latitude 21°-57'02" N., longitude 159°41'33" W.

(b) *The regulation.* Except in an emergency, no vessel except a Naval vessel may anchor or moor in this anchorage without permission of the Captain of the Port, Honolulu, Hawaii.

(Sec. 7, 38 Stat. 1053 as amended (33 U.S.C. 471); sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.46(c)(1).)

Dated: June 29, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-36424 Filed 12-10-76;8:45 am]

[CGD 74-191]

PART 110—ANCHORAGE GROUNDS

Special Anchorage—Lahaina, Island of Maui, Hawaii

On August 16, 1976, there was published in the FEDERAL REGISTER (41 FR 34649), a notice of proposed rulemaking to amend the anchorage regulations for Lahaina, Island of Maui, Hawaii by establishing a special anchorage area. This anchorage is needed to provide for the safety of pleasure craft anchoring in this vicinity. The anchorage will be for general use of the public.

No objections have been received and the proposed regulations are hereby adopted without change as set forth below.

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Effective date: These regulations are effective January 13, 1977.

Dated: December 7, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

A new § 110.128a is added to Part 110 of Title 33 of the Code of Federal Regulations to read as follows:

§ 110.128a Lahaina, Island of Maui, Hawaii.

The water area of the Pacific Ocean, west of Lahaina, Hawaii enclosed by a line beginning at latitude 20°52'39" N., longitude 156°41'11" W.; thence to latitude 20°52'40" N., longitude 156°41'09" W.; thence to latitude 20°52'32" N., longitude 156°41'03" W., thence to latitude 20°52'31" N., longitude 156°41'04" W.; thence to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2).)

[FR Doc.76-36425 Filed 12-10-76;8:45 am]

[CGD 75-240]

PART 157—RULES FOR THE PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN BULK

Tank Vessels Carrying Oil in Trade

• *Purpose.* The purpose of these amendments to the pollution regulations is to add design, equipment, and operation requirements for seagoing U.S. flag tank vessels of 150 gross tons or more engaged in foreign trade and for foreign flag tank vessels of 150 gross tons or more that enter the navigable waters of the United States. •

Interested persons were given an opportunity to participate in the rule making by a notice that appeared in the April 15, 1976 issue of the FEDERAL REGISTER (41 FR 15859). In addition to receiving written comments on the proposed rules, a public hearing was held by the Coast Guard on May 20, 1976, to receive oral and written comments.

The public docket on the rule making contains correspondence from 12 commenters. Comments made at the public hearing and all written comments submitted to the Coast Guard were considered in promulgating these final rules.

A commenter who presented the views of 8 environmental groups recommended that the proposed discharge standards for U.S. vessels being derivative of internationally agreed standards be enforced against foreign flag vessels which violate those standards by denying those vessels entry to U.S. ports. He urges that the United States, as a principal advocate of a port state enforcement regime in the ongoing Law of the Sea Conference, take the lead in implementing that regime. It is his contention that the concept of port state enforcement of international discharge standards, if not part of international law, represents the emerging consensus, citing Part III, Article 28 of the Revised Single Negotiating Text (Third Conference of the Law of the Sea, A/Conf. 62/WP.8/.1/Part III (May 6, 1976)).

It is true that in the Law of the Sea Conference the United States is a strong advocate of a universal port state enforcement regime. However, the concept, although seemingly favored by a growing number of nations participating in that forum, cannot yet be said to have been accepted by the community of nations. As the President of the Conference states in his Introductory Note, the Revised Single Negotiating Text "represent(s) a further stage in the work of the Conference". The texts "have no other status than that of serving as a basis for continued negotiation without prejudice to the right of any delegation to move any amendment or to introduce any new proposals. The texts must not be regarded as committing any delegation or delegations to any of their provisions." Further, in his report on the work of the committees at the Fifth Session of the Conference (Aug. 2 to Sept. 17, 1976) the chairman points out that various issues relating to Article 28 remain unresolved. Article 28, therefore, at this stage of the negotiation of the Convention, binds no one and does not represent a consensus.

More pertinent to the Coast Guard's resolution of this issue is the method employed in Article 4 of the International Conference on Marine Pollution 1973 (1973 Convention). It reads as follows:

ARTICLE 4

VIOLATION

(1) Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.

(2) Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:

(a) cause proceedings to be taken in accordance with its law; or

(b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

(3) Where information or evidence with respect to any violation of the present Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.

(4) The penalties specified under the law of a Party pursuant to the present Article shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur."

Article 4 conforms to established international law. It is a principle that can be read in other recent international conventions, such as Article 2 of the United Nations "Convention on the High Seas". (13 UST 2312, TIAS 5200, 450 UNTS 82). Article 2 states that the high seas being open to all nations, no state may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under the conditions laid down by these articles and by the other rules of international law. It comprises, inter alia, both for coastal and noncoastal States: (1) Freedom of navigation; (2) Freedom of fishing; (3) Freedom to lay submarine cables and pipelines; (4) Freedom to fly over the high seas. These freedoms, and other which are recognized by the general principles of international law, shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas.

It is a principle recognized by the Supreme Court in *United States* v. *Louisiana et al* (363 US 1, 33): "—the high seas, as distinguished from inland waters, are generally conceded by modern nations to be subject to the exclusive sovereignty of no single nation."

This concept is expressed as follows in *"The International Law of the Sea"* by C. John Colombos (6th edition):

89. Right of regulation by the community of nations.

It results from the above considerations that the high sea cannot be under the sovereignty of any State and that no State has a right to exercise jurisdiction over it. The sea must remain common to all nations in order to fulfill its main mission of an international highway. It does not follow, however, that because no jurisdiction is enjoyed by any State on the high seas, that the community of nations is not entitled to provide, by international agreement, binding rules on the proper use of the sea to the greatest possible advantage of all States and also for the purpose of establishing a legal order in and over it. If this were not so, a state of anarchy and lawlessness would prevail on the open seas, not only rendering its use incapable of proper exploitation, but endangering the lives and property of persons sailing in it. A right to regulate the open seas must therefore be recognized to the international community of nations • • •

It is the Coast Guard's opinion that this is a well established principle of international law, and the commenter's recommendation, since it ignores this principle, cannot be accepted.

One commenter requested the proposed § 157.24(d)(3) be changed to allow the submission of hydrostatic tables. The commenter stated that instead of curves of form, which would be required under § 157.24(d)(3), he uses computed hydrostatic tables that contain accurate data for every inch of the draft. The Coast Guard finds this request reasonable and has changed § 157.24(d)(3) to include hydrostatic tables as an alternative to curves of form.

This commenter also suggested that tank capacity tables should be substituted for tank sounding tables in proposed § 157.24(d)(8). The commenter contends that tank sounding tables are not normally available before construction. Since the Coast Guard would accept tank sounding tables or tank capacity tables, § 157.24(d)(8) has been changed to allow submission of either table.

Commenters criticized the proposed requirements as attempting to introduce unilaterally, for foreign-flag vessels, detailed requirements "that exceed internationally agreed standards". A commenter suggested that it could be counter productive to the objective of pollution avoidance to specify, "at this stage", the distribution of the segregated ballast. He also suggested that it is unreasonable to specify a 20 percent reduction in the maximum hypothetical outflow specified in the 1973 Convention.

The 1973 Convention requires parties to meet its standards. It does not prohibit more stringent standards, especially on issues for which no specifications are

supplied. The distribution of segregated ballast spaces is considered by the Coast Guard as a logical and beneficial corollary to a segregated ballast capacity on new tank vessels. The Coast Guard's position on this issue was explained in the preamble in the April 15, 1976, notice of proposed rule making. The suggestion to withdraw this requirement is not accepted by the Coast Guard.

One of the commenters also criticized the ballast location proposal because "it appears to be of secondary value and to have been considered in relation to only a limited number of possible tanker designs or alternative measures." This commenter appears to have misunderstood the objective of the regulations, as stated in the preamble in the October 14, 1975 issue of the FEDERAL REGISTER. The primary purpose (or "value") of these regulations is to protect the marine environment by reducing operational pollution. A secondary purpose (or "value") of these regulations is, with the proper positioning of segregated ballast, to achieve a significant measure of additional protection, as a result of the extra cubic capacity that such ballast provides, over a range of accident circumstances. The study group report of April 28, 1975, has been included in the Final Enviironmental Impact Statement on Regulations for Tank Vessels Engaged in the Carriage of Oil in Domestic Trade. The study states the following:

This study was necessarily carried out within a limited time frame. Every effort was made to include all of the creative thinking and analysis work that various industry and government groups had already developed on this subject. The study group expressed a good deal of its own creative ability but the possibility remains that there are other design concepts which might exist and be found advantageous. The time limitations also forced the study group to do most of its evaluation on designs in the 120–250,000 dwt size range with lesser attention to ships up to 500,000 dwt. Different design alternatives might be more or less advantageous on ships which fall outside the 120–250,000 dwt size range. The study group also necessarily focused its attention on designs with conventional ratios of length to beam to depth. The same problems may apply with designs which are not conventional in this regard. The study group also recognizes that a correction factor to the formula may be necessary for ship sizes larger than those primarily studied. Time limitations again precluded particular consideration of this item. There is almost no quantitative data available which relates resulting internal structural integrity to the depth of accidental penetration. The study group used the same approach as in the IMCO hypothetical outflow regulation in regard to the point of penetration. While this is a simplified assumption, it should provide a relative measure of effectiveness for differing designs in accident circumstances.

Since the object of the study was to provide this measure, the Coast Guard considers the study results worthwhile. It is notable that in spite of wide discussion and publicity regarding the segregated ballast distribution concept, all commenters objected in principle rather than to the technical merits of the proposal.

A commenter has directed attention to what he considers inconsistencies in the effective dates of the proposed rules and the 1971 amendments to the International Convention for the Prevention of Pollution of the Sea by Oil (London, May 12, 1954) (12 UST 2989, TIAS 4900, 327 UNTS 3). He suggested that the Coast Guard should deal sympathetically with any problems that might arise over these differences in dates. The effective dates in the proposed regulations are consistent with the 1971 amendment dates. The Coast Guard expects that almost all affected vessels will be in compliance by the time the regulations are effective, since builders and owners are aware of the calendar dates in the 1971 amendments. The Coast Guard does not expect the problems anticipated by the commenter to arise.

A commenter suggested that the Coast Guard should have the discretion to accept existing vessels with "purpose-built" slop tanks of slightly lower than 3 percent of oil carrying capacity. Proposed § 157.15, to which the comment is directed, would not become effective for an existing foreign or domestic vessel until December 31, 1979. Only non-segregated ballast tank vessels or tank vessels that have tank eductors installed must have a slop tank capacity of 3 percent or more of the oil carrying capacity of the vessel. Other tank vessels with slop tanks meeting § 157.15 must have a 2 percent or more capacity. In either case, if it can be established that the vessel's tank capacity does not meet § 157.15 but can satisfy the equivalence requirements under § 157.07, the Coast Guard will accept that vessel.

Commenters suggested that the requirements for rerouting piping systems be eliminated in proposed § 157.11 because the rearrangements will not in themselves effect a significant reduction in oil discharge during normal tanker operations and is unjustified on grounds of cost effectiveness, especially in older vessels. Before making the proposal, the Coast Guard studied this issue and determined that the proposed resolution is technically desirable and economically feasible. Section 157.11 requires the fixed piping system to discharge to the sea from above the weather deck or the side above the waterline of the deepest ballast condition. The same pumps capable of pumping cargo to deck level and then ashore are capable of pumping oil mixtures over the side, as required, without rearrangement. Accordingly, the Coast Guard did not accept this suggestion.

Commenters criticized proposed § 157.24 because it implies that the Coast Guard has a legitimate interest in the plans for a foreign vessel that may never approach the United States. The Coast Guard agrees with this criticism. The proposed requirement did not clearly state the intent of the Coast Guard; therefore, § 157.24 has been changed. The words "before construction of the vessel" have been changed to "before that vessel enters the navigable waters of the United States".

A commenter stated that proposed § 157.43(a), which applies to foreign vessels in U.S. waters, refers to § 157.37, which does not apply to foreign vessels. The Coast Guard agrees with the comment that the two requirements conflict. For clarification, § 157.25(a) has been changed by adding § 157.37(a)(6) to the list of requirements that apply to foreign vessels when they discharge into the navigable waters of the United States. In addition, § 157.25(b) has been changed to exclude § 157.37(a)(6) from the list of requirements that do not apply to foreign vessels.

A commenter stated that the requirement for an automatic oil discharge monitoring and control system, as a condition for the discharge of clean ballast, is unrealistic since the degree of accuracy needed is not yet available at this stage of that device's development. The Coast Guard is aware of the problem and will not enforce the requirement until a specification regulation for the device is published in the FEDERAL REGISTER, after the public participates in the rule making procedure. The Coast Guard anticipates publishing a proposed specification within the next 6 months.

Commenters stated that it is unclear whether or not the proposed requirements apply to foreign vessels trading to or from U.S. ports, entering internal waters, or exercising the right of innocent passage through the territorial waters of the United States. The language, with which the commenters have difficulty, is taken from the law under which the regulations are proposed, title II of the Ports and Waterways Safety Act of 1972, as amended, 46 U.S.C. 391a. That language is as follows:

"All vessels, regardless of tonnage, size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States except public vessels other than those engaged in commercial service, that shall have on board liquid cargo in bulk * * *" (underscoring supplied.)

There was nothing in the regulations, nor in the Coast Guard's intent in proposing the regulations, to contravene the international law principle of innocent passage. However, since the regulations appear to lack clarity in this respect, § 157.01(a)(2) is changed by adding the words "to engage in commercial service" after the words "United States."

Although deepwater ports are not by statutory definition within the "navigable waters of the United States", vessels that call at these ports are subject to these and other regulations by virtue of provisions of the Deepwater Ports Act of 1974 (Pub. L. 93-627, 88 Stat. 2126, 33 U.S.C. 1501,) et seq.

A commenter suggested that the proposed distribution of ballast exceeds the coastal state powers to be agreed upon by the Law of the Sea Conference. Also, this commenter states that the proposed dates used for new vessels, that anticipate the 1973 Convention, are outside the interpretation of international agreement as conceived in the Law of the Sea discussion. Since the Law of the Sea is only in the drafting stage, it can have no

impact, at this time, on the proposed regulations. Nevertheless, it should be pointed out to the commenter that the powers exercised under these regulations are those of a port state and not a coastal state.

A commenter recommended that the Coast Guard consider modifying the requirements of the proposed regulations for U.S. tank vessels operating from foreign port to foreign port. It is this commenter's view that if these U.S. tank vessels are required to comply with the regulations, they would be placed at a competitive disadvantage with respect to their foreign counterparts. Subsection 7(D) of the Ports and Waterways Safety Act of 1972 specifies that any rule or regulation for the protection of the marine environment promulgated pursuant to subsection (7) must be equally applicable to U.S. flag vessels engaged in foreign trade and to foreign flag vessels entering the navigable waters of the United States. Since there is no provision in the Act authorizing any distinction in treatment between U.S. vessels engaged in foreign-to-U.S. trade and U.S. vessels engaged in foreign-to-foreign trade, the Coast Guard cannot accept this recommendation.

A commenter suggested that proposed § 157.21 should apply to new foreign flag tank vessels as well as new U.S. flag vessels. He bases his suggestion on the following:

1. Section 157.21 and the two compartment standards of subdivision in the 1973 Convention indicate that the requirements in the International Convention on Load Lines, 1966 (18 UST 1857, TIAS 6331, 640 UNTS 133) (1966 Convention) are not adequate to prevent the total loss of a vessel from a casualty and a subsequent massive oil spill.

2. Because of the stringency of § 157.21 and its unilateral application, foreign flag tankers would have a competitive advantage over U.S. flag tankers.

Since the subdivision and stability requirements in the 1973 Convention will supersede the subdivision and stability requirements in the 1966 Convention, other signatory countries will follow the United States lead in applying the more stringent requirements to their flag vessels. The only difference between proposed § 157.21 and the 1966 Convention is the subdivision and stability requirements for vessels while in a partially loaded condition. The Coast Guard considers that any foreign flag tank vessel that meets the requirements in the 1966 Convention would attain an equivalent level of safety to the requirements in § 157.21. Acknowledging that a small competitive advantage may accrue to foreign tankers, the Coast Guard, balancing the advantages and disadvantages of the requirement, does not accept the suggestion.

During preparation of this document, the Coast Guard determined that the rule published as § 157.15(b) was in error. The notice for this rule, published in the June 28, 1974 issue of the FEDERAL REGISTER (39 FR 24150), proposed the exception in the alternative. This wording conformed to the 1973 Convention and no comments were received on this paragraph. When the rule was published, however, the exception was stated in the conjunctive. This document corrects the drafting error and returns the wording of the requirement as it was proposed in the June 28th notice.

A final environmental impact statement (EIS), Regulations for U.S. Tank Vessels Carrying Oil in Foreign Trade and Foreign Tank Vessels That Enter the Navigable Waters of the United States, has been filed with the President's Council on Environmental Quality on November 1, 1976, and has been made available to the public on November 12, 1976. Copies of the final EIS are available upon request to the Executive Secretary (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590, and may be read or copied at any Coast Guard district office.

This proposal has been reviewed for economic effects under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 FR 16200).

There are an estimated 900 tankers engaged in U.S. trade. The estimated average retrofitting cost per tanker to meet these regulations is $200,000. The total average cost to be recovered would be 18 million dollars per year, assuming the average life of a tanker as being 20 years with an average of 10 years of useful life remaining per existing tanker. This cost would be recovered through increased transportation costs over the remaining life of a tanker. The cost from constructing new vessels under these regulations is estimated to be 44 to 60 million dollars over a period of 20 years.

These requirements are necessary to bring the vessels to which they apply into compliance with requirements already applicable to U.S. tank vessels in domestic trade. The benefits of these requirements are to reduce the influx of oil into the marine environment from the normal deballasting and tank cleaning operation of tank vessels and also to reduce the outflow of oil in event of hull breaching accidents suffered by tank vessels.

In consideration of the foregoing, the amendments proposed in the April 15, 1976 issue of the FEDERAL REGISTER (41 FR 15859) are hereby adopted subject to the changes as discussed in the preceding paragraphs.

In consideration of the foregoing, Part 157 of Title 33, Code of Federal Regulations, is amended as follows:

1. The title of Part 157 is revised to read as set forth above.

2. Section 157.01 is revised and a note is added to follow § 157.01 to read as follows:

§ 157.01 Applicability.

(a) This part prescribes design, equipment, and operation requirements for tank vessels of 150 gross tons or more carrying oil in bulk that—

(1) Are documented under the laws of the United States (U.S. vessels); or

(2) Are not U.S. vessels and enter the navigable waters of the United States to engage in commercial service (foreign vessels).

(b) This part does not apply to public vessels not engaged in commercial service.

NOTE: Additional requirements for U.S. vessels are found in 46 CFR Subchapters O and D.

3. Section 157.03 is amended by revising paragraphs (i) and (w) to read as follows:

§ 157.03 Definitions.

* * * * *

(i) "New vessel" means—

(1) A U.S. vessel in domestic trade that—

(i) Is constructed under a contract awarded after December 31, 1974;

(ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(iii) Is delivered after December 31, 1977; or

(iv) Has undergone a major conversion for which—

(A) The contract is awarded after December 31, 1974;

(B) In the absence of a contract, conversion is begun after June 30, 1975; or

(C) Conversion is completed after December 31, 1977; and

(2) A foreign vessel or a U.S. vessel in foreign trade that—

(i) Is constructed under a contract awarded after December 31, 1975;

(ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(iii) Is delivered after December 31, 1979; or

(iv) Has undergone a major conversion for which—

(A) The contract is awarded after December 31, 1975;

(B) In the absence of a contract, conversion is begun after June 30, 1976; or

(C) Conversion is completed after December 31, 1979.

* * * * *

(w) "Foreign trade" means any trade that is not domestic trade.

* * * * *

4. Section 157.08 is revised to read as follows:

§ 157.08 Applicability of subpart B.

This subpart applies to vessels under this part that are seagoing, except as follows:

(a) Section 157.21 also applies to vessels under this part on voyages on the Great Lakes.

(b) Sections 157.11, 157.13, and 157.15 do not apply to a tank vessel that carries only asphalt.

(c) Sections 157.11, 157.13, 157.15, and 157.23 do not apply to a tank barge that cannot ballast cargo tanks or wash cargo tanks while proceeding en route.

(d) Sections 157.19 and 157.21 do not apply to a tank barge whose certificate is endorsed by the Coast Guard for a limited short protected coastwise route

if the barge is constructed and certificated primarily for service on an inland route.

(e) Section 157.09(d) does not apply to any—

(1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;

(2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or

(3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.

5. The note following § 157.11 is revised to read as follows:

NOTE: Effective date of § 157.11. An existing vessel that is a U.S. vessel in domestic trade must comply with § 157.11 before December 31, 1977. An existing vessel that is a foreign vessel or a U.S. vessel in foreign trade must comply with § 157.11 before December 31, 1979.

6. Section 157.15(b) and the note following § 157.15 are revised to read as follows:

§ 157.15 Slop tanks in vessels.

* * * * *

(b) *Capacity.* Slop tanks must have the total capacity to retain slops from tank washings, oil residues, and dirty ballast residues of three percent or more of the oil carrying capacity, except two percent capacity is allowed if there are—

(1) Segregated ballast tanks that meet the requirements in § 157.09; or

(2) No eductors arrangements that use water in addition to the washing water.

* * * * *

NOTE: Effective date of § 157.15. An existing vessel that is a U.S. vessel in domestic trade must comply with § 157.15 before December 31, 1977. An existing vessel that is a foreign vessel or a U.S. vessel in foreign trade must comply with § 157.15 before December 31, 1979.

7. The note following § 157.17 is revised to read as follows:

NOTE: Effective date of § 157.17. An existing vessel that is a U.S. vessel in domestic trade must comply with § 157.17 (a) and (b) before December 31, 1977. An existing vessel that is a foreign vessel or a U.S. vessel in foreign trade must comply with § 157.17 (a) and (b) before December 31, 1979.

8. Section 157.19(a) and the note following § 157.19 are revised to read as follows:

§ 157.19 Cargo tank arrangement and size.

(a) This section applies to—

(1) A U.S. or foreign vessel that is delivered after January 1, 1977;

(2) A U.S. vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1972, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1972; and

(3) A foreign vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1974, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1974.

* * * * *

NOTE: Effective date of § 157.19. Vessels to which § 157.19(a)(2) applies must meet § 157.19 before December 31, 1976; however, if a vessel is constructed under a contract awarded before January 1, 1974 and does not carry crude oil, fuel oil, heavy diesel oil, or lubricating oil, the requirements in § 157.19 do not apply. Vessels to which § 157.19(a)(3) apply must meet § 157.19 before June 30, 1978.

* * * * *

9. The introductory text of § 157.21 is revised to read as follows:

§ 157.21 Subdivision and stability.

A new vessel that is a U.S. vessel must meet the following subdivision and damage stability criteria after assuming side and bottom damages, as defined in Appendix B of this Part. A U.S. vessel that meets the requirements in this section is considered by the Coast Guard as meeting 46 CFR 42.20–5.

* * * * *

10. Section 157.24 is amended by revising the introductory text and paragraphs (a), (b), and (d) to read as follows:

§ 157.24 Submission of calculations, plans, and specifications.

The owner, builder, or designer of a new vessel shall submit the following to the Coast Guard before that vessel enters the navigable waters of the United States:

(a) Calculations to substantiate compliance with the tank arrangement and size requirements under § 157.19, or a letter from the government of the vessel's flag state that certifies compliance with—

(1) Section 157.19; or

(2) Regulations 24 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973.

(b) Except for a new vessel that is a foreign vessel, calculations to substantiate compliance with subdivisions and damage stability requirements under § 157.21.

* * * * *

(d) Plans and specifications for the vessel that include—

(1) Design characteristics;

(2) A lines plan;

(3) Curves of form (hydrostatic curves) or hydrostatic tables;

(4) A general arrangement plan of each deck and level;

(5) Inboard and outboard profile plans showing oiltight and watertight bulkheads;

(6) A midship section plan;

(7) A capacity plan showing the capacity and the vertical and longitudinal centers of gravity of each cargo space, tank, and similar space;

(8) Tank sounding tables or tank capacity tables;

(9) Draft mark locations;

(10) Detailed plans of watertight doors; and

(11) Detailed plans of vents.

11. Section 157.25 is revised to read as follows:

§ 157.25 Exceptions to applicability.

(a) Sections 157.29, 157.31, 157.37(a)(6), and 157.43 apply to foreign vessels when they discharge into the navigable waters of the United States.

(b) Sections 157.35, 157.37, except paragraph (a)(6), 157.39, 157.45, and 157.47 do not apply to foreign vessels.

12. Section 157.43 is revised to read as follows:

§ 157.43 Discharges: clean and segregated ballast.

(a) Clean ballast may be discharged in accordance with § 157.37(a)(6).

(b) The master of a vessel under this part shall ensure that segregated ballast is not discharged unless he finds no oily mixture in the ballast after—

(1) Visually examining the top of the ballast contents of each tank; or

(2) Testing the ballast contents of each tank with an oil/water interface detector.

13. The introductory text of § 157.47 is revised to read as follows:

§ 157.47 Information for master.

A master or person in charge of a new vessel shall operate the vessel in accordance with the information required in 46 CFR 31.10–30(d) that includes the following:

* * * * *

(R.S. 4417a (3) and (7), as amended (46 U.S.C. 391a (3) and (7)); 49 CFR 1.46(n)(4).)

Effective date: These amendments shall become effective on April 1, 1977, except as follows:

1. Sections 157.11, 157.15, 157.17 (a) and (b) are effective on December 30, 1977, for an existing vessel that is a U.S. vessel in domestic trade and on December 30, 1979, for an existing vessel that is a foreign vessel or a U.S. vessel in foreign trade.

2. Section 157.19(a)(2) is effective on December 30, 1976, for each U.S. tank vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1972, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1972, except those vessels constructed under a contract awarded before January 1, 1974, that do not carry crude oil, fuel oil, heavy diesel oil, or lubricating oil.

3. Section 157.19(a)(3) is effective on June 29, 1978, for each foreign tank vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1974, or if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1974.

The Coast Guard has determined that this document does not contain a major rule requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: December 7, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.76-36426 Filed 12-10-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 656-2]

PART 455—PESTICIDE CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Interim Final Rulemaking; Correction

Notice is hereby given that the Environmental Protection Agency (EPA) is correcting 40 CFR Part 455, Pesticide Chemicals Manufacturing Point Source Category as set forth below. On November 1, 1976, the Agency published a notice of interim final rulemaking (41 FR 48088) establishing effluent limitations and guidelines for existing sources for the pesticide chemicals manufacturing point source category.

The purpose of this notice is to correct errors in the preamble, Subparts A through E and Appendices A through C. The corrections encompass typographical, clerical and editorial errors and do not involve any substantive or policy issues.

The Agency will accept amendments to comments already filed where, and to the extent, such comments specifically relied upon numbers or words contained in the November 1 notice and corrected today. Amended comments must be received within 30 days of the date of this notice.

In FR Doc 76-31935 appearing on pages 48087 through 48096 in the issue of November 1, 1976, the following corrections are being made:

1. In the preamble on page 48088, second column, the phrase "with annual costs of $10.2." should read "with annual costs of $10.2 million."

2. In the preamble on page 48088, second column, the sentence "The aggregate impact on formulators is expected to be small since no direct dischargers have been identified;" is corrected to read: "The aggregate impact on formulators is expected to be small since no direct dischargers have been identified. It was shown that those operations which may discharge could cease discharge by implementation of relatively simple and commonly practiced systems such as containment and evaporation of wastes or elimination of wastes by suitable modes of operation."

3. In the preamble on page 48088, third column, the phrase "the Environmental Protcetion Agency" should read "the Environmental Protection Agency".

4. On page 48089, section 455, General Definitions, "Total pesticides" is corrected to read: "Total pesticides means with respect to each facility covered by this part the sum of all pesticides manufactured at that facility, whether or not those materials are intended for interstate commerce."

5. On page 48089, § 455.12, under Effluent limitations, the phrase "English units (pounds per ton)" should be corrected to read: "English units (pounds per 1000 pounds of product)."

6. On page 48090, § 455.22, under Effluent limitations, the phrase "English units (pounds per ton)" should be corrected to read: "English units (pounds per 1000 pounds of product)."

7. On page 48090, § 455.32, under Effluent limitations, the phrase "English units (pounds per ton)" should be corrected to read: "English units (pounds per 1000 pounds of product)."

8. Paragraph 455.50 on page 48091, the first paragraph should read: "The provisions of this subpart are applicable to discharges resulting from the pesticide formulators and packagers; such pesticides may have as active ingredients any of the compounds listed but are not limited to the representation in Section X of the development document."

9. On page 48091, column two of Appendix A, the phrase "the organ-ophosphorous pesticides, subcategory" should read: "the organo-phosphorous pesticide subcategory".

10. In Appendix B on page 48092, column one, Subcategory C should read: "Same as subcategory B above plus aerobic digestion."

11. In Appendix B, page 48093, second column, the sentence beginning "The cost as a percent of the selling price" should read: "These costs are no more than 2.2 percent of the selling price, however, it is possible that for certain low cost products, the cost may exceed 5 percent of the selling price."

12. In Appendix C, on page 48093, third column, the word "Interstate" should read: "Interstate".

13. In Appendix C, on page 48096, in comment 30, the word "meaningful" should read: "meaningful".

Date: December 6, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-36537 Filed 12-10-76;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RP-1, Notice 1]

PART 211—RULES OF PRACTICE

General Revision

On July 8, 1976, the Federal Railroad Safety Authorization Act of 1976, Pub. L. 94-348 (Authorization Act), was enacted. In addition to providing authorization for continued railroad safety appropriations, that statute contains a provision that requires the Secretary of Transportation to develop and publish within 180 days, rules of practice applicable to all proceedings conducted under the authority of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.). This provision also provides that these rules of practice shall include specific time limits for the disposition of all proceedings under the Railroad Safety Act, taking into consideration the varying natures of such proceedings. However, in no event shall the prescribed time limit for any such proceeding exceed 12 months after the date it was initiated.

Since issuance of these rules of practice is specifically required by the provisions of section 5(a) of the Authorization Act, this rulemaking does not require an evaluation of the regulatory impact of these rules in accordance with the policies of the Department of Transportation as stated in the FEDERAL REGISTER (41 FR 16200, April 16, 1976).

DISCUSSION OF INDIVIDUAL RULES

The part name is amended to "rules of practice" to conform with statutory terminology. This change reflects the fact that these rules also apply to proceedings other than "rulemaking and related proceedings".

The rules of practice are divided into five subparts: Subpart A—General; Subpart B—Rule Making Procedures; Subpart C—Waivers; Subpart D—Safety Emergency Orders; and Subpart E—Miscellaneous Safety-Related Proceedings and Inquiries. Subparts A, B and C apply to both safety-related and other proceedings; Subparts D and E apply only to safety proceedings.

SUBPART A—GENERAL

Section 211.1 defines the applicability of this part and prescribes mandatory specific time limits for certain proceedings. The mandatory specific time limits apply only to proceedings initiated after December 31, 1976, under the authority of the Federal Railroad Safety Act of 1970. However, these time limits will be observed to the extent practicable in like proceedings initiated under other acts administered by FRA.

As required by section 5(a) of the Authorization Act, each proceeding under the 1970 Safety Act will be disposed of within 12 months after it is initiated. It should be noted, however, that a proceeding is initiated and the time period for its disposition begins on the date a petition or application that complies with the requirements of this part is received by the person designated in § 211.7—the Docket Clerk or the Secretary of the Railroad Safety Board. Thus, if an incomplete petition or application is filed, the time limit will not begin until the date that the petition or application is amended to so comply. Likewise, the time limit for a misdirected petition or application will not begin until it is actually received by the person designated in § 211.7.

This section also defines several terms used throughout Part 211.

Section 211.3 describes the manner in which interested persons may participate in FRA proceedings and inquiries.

Section 211.5 explains the regulatory docket system for FRA proceedings and states where dockets may be inspected and how copies of docketed material may be obtained.

Section 211.7 describes the manner in which rulemaking and waiver petitions, applications for special approval, signal applications and all comments, protests, or other material pertaining thereto, are

to be filed with FRA. Applications for special approval, signal applications and all material pertaining thereto are to be filed, in triplicate, with the Secretary of the Railroad Safety Board in the Office of Safety. Rulemaking and waiver petitions and all material pertaining thereto are to be filed, in triplicate, with the Docket Clerk, in the Office of Chief Counsel. Waiver petitions must be submitted three months in advance of the proposed effective date unless good cause is shown for not doing so. FRA will acknowledge receipt of each petition and application. If the petition or application is deficient, FRA will so advise the petitioner or applicant within 60 days of receipt.

Section 211.9 sets forth the minimum requirements for the content of rulemaking and waiver petitions. Each petition must sufficiently identify or describe the subject matter and the interest of the petitioner. It must also contain sufficient supporting information including a cost benefit evaluation quantified to the extent practicable. Each petition pertaining to safety regulation must also contain relevant safety data.

SUBPART B—RULEMAKING PROCEDURES

Section 211.11 describes the manner in which petitions requesting FRA to initiate rulemaking are processed. Upon receipt, each petition is referred to the head of the appropriate office to review and prepare an appropriate recommendation for its disposition. While there is no public hearing or oral argument before a rulemaking petition is decided, a FEDERAL REGISTER notice may be published inviting written comment concerning the merits of the petition.

Each rulemaking petition is granted or denied within six months after receipt. If the petition is granted, the Administrator initiates rulemaking by publishing in the FEDERAL REGISTER an advance notice or notice of proposed rulemaking requesting public input in the development of a proposed rule or by publishing a notice of proposed rulemaking inviting public comment on a specific proposed rule.

If the petition is denied, the petitioner is so advised, the proceeding is terminated and the docket closed. However, if the denied petition pertains to railroad safety, the Administrator may, at his discretion, commence an informal safety inquiry under § 211.61 to collect information on the subject matter of that petition.

Section 211.13 describes the manner in which rulemaking proceedings are initiated by the FRA. It also provides that each rulemaking proceeding is to be completed within 12 months after the initial notice is published in the FEDERAL REGISTER. However, in the case of a rulemaking proceeding that originates from the granting of a petition for rulemaking, the rulemaking proceeding will be completed within 12 months after the petition was filed.

Section 211.15 provides that in rulemaking proceedings, an advance notice or notice of proposed rulemaking will normally be published in the FEDERAL REGISTER inviting public comment on proposed substantive rules. However, in the case of procedural and substantive rules of general applicability pertaining to public property, loans, grants, benefits, or contracts, such notices will be issued only when the Administrator determines that the subject is of substantial public interest. With respect to interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice, they will be prescribed as final without notice or public proceeding unless the FRA determines that public proceedings are necessary or desirable.

Section 211.17 outlines the information that will be provided in each advance notice or notice of proposed rulemaking published in the FEDERAL REGISTER.

Section 211.19 provides that petitions for extension of comment periods in rulemaking proceedings may be filed by any person but must be filed at least 10 days before the end of the comment period. The filing of such a petition does not in itself extend the comment period.

The petitioner must show a substantive interest in the proposed rule and good cause for the extension. If the petition meets these requirements and if time permits and the extension is in the public interest, the petition is granted. However, because of the statutory requirement that rulemaking proceedings under the Safety Act be completed within 12 months, extensions will not be granted unless time permits, taking into consideration the complexity of the proceeding and the time required by FRA to analyze the comments and develop a final rule. Moreover, such extensions will not exceed one month. If an extension is granted, it is granted to all persons and a notice to this effect is published in the FEDERAL REGISTER.

Section 211.21 provides that all timely-filed comments on a rulemaking proposal are considered by FRA before final action is taken and that late-filed comments will be considered so far as practicable without incurring additional expense or delay.

Section 211.23 provides that other public proceedings such as oral arguments, conferences and informal hearings may be held in FRA rulemaking proceedings.

Section 211.25 describes when and how hearings will be held. Hearings will be held if required by statute or FRA finds it necessary or desirable. Except in instances where "on the record" hearings are required by statute (for example, the review of emergency orders under § 211.47 of this part), all hearings in FRA rulemaking, waiver and other proceedings will be informal "legislative" hearings; there will be no formal pleadings or adverse parties and FRA's action or decision will not be based exclusively on the hearing record. A representative of the Administrator will preside at the hearing, assisted by a legal officer designated by the Chief Counsel.

Section 211.27 provides that an appropriate notice will be published in the FEDERAL REGISTER whenever a final rule is issued or an advance notice or notice of proposed rulemaking is withdrawn.

Sections 211.29 and 211.31 describe how petitions for reconsideration of final rule are to be filed and processed. Except in unusual circumstances, such petitions must be filed not later than 20 days after the final rule was published in the FEDERAL REGISTER. Since final rules often become effective 30 days after publication, FRA is requiring petitions for reconsideration to be filed not later than 20 days after publication to allow sufficient time for FRA to determine whether the final rule should be stayed from becoming effective and, when appropriate, to publish a timely "stay" notice in the FEDERAL REGISTER. It should be noted that the mere filing of a petition for reconsideration does not stay the effectiveness of a rule. Each petition for reconsideration of a final rule will be granted or denied not later than 4 months after receipt by the Docket Clerk. If the Administrator grants a petition, he may amend the final rule on reconsideration or initiate a new rulemaking proceeding by publishing an appropriate FEDERAL REGISTER notice. Whenever a petition is granted or denied a notice to this effect is sent to the petitioner.

SUBPART C—WAIVERS

Section 211.41 describes the manner in which petitions requesting waiver of safety rules, regulations and standards are processed. Each petition is to be decided by the Railroad Safety Board within 9 months after receipt. A notice inviting public comment is published and a hearing is held when required by statute or the Board or the Administrator deems this desirable. Whenever a waiver petition is granted or denied, the petitioner is notified. If a petition is granted, interested persons are also notified or a notice is published in the FEDERAL REGISTER. A waiver petition will not be granted unless the petition contains the information prescribed in § 211.9 and the Board determines that the waiver is justified. Conditions will be imposed on the grant of a waiver if the Board concludes they are necessary to assure safety or in the public interest. Any person may petition for reconsideration of the grant or denial of a waiver petition using the procedures set forth in § 211.57 and such petitions will be processed and decided in accordance with § 211.59.

Section 211.43 describes the manner in which petitions for waiver of other than safety rules, regulations and standards are processed. A petition will not be granted unless the petition contains the information prescribed in § 211.9 and the Administrator finds that the waiver is justified. Conditions will be imposed on the grant of the waiver if the Administrator concludes they are necessary to achieve the purposes of affected programs or are otherwise in the public interest. In all other respects, the procedures of this section are identical to those of § 211.41.

SUBPART D—EMERGENCY ORDERS

Section 211.47 prescribes the procedures for review of emergency orders is-

sued under section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432). This review will be provided in accordance with section 554 of Title 5 of the United States Code. Petitions requesting such review must be submitted to the Office of Chief Counsel. Upon receipt, FRA will immediately contact the petitioner and arrange for a conference on the earliest date acceptable to the petitioner. At this conference, the petitioner may submit facts, arguments and proposals for modification or withdrawal of the emergency order. If the controversy is not resolved at the conference and the petitioner desires a hearing, he must submit a written request for a hearing within 15 days after the conference. The hearing will commence within 14 days after receipt of the request and will be conducted in accordance with sections 556 and 557 of Title 5 of the United States Code. Each petition for review of an emergency order will be decided within 3 months of receipt. The emergency order will remain in full force and effect and must be observed pending decision on a petition for review unless the emergency order is stayed or modified by the Administrator.

SUBPART E—MISCELLANEOUS SAFETY-RELATED PROCEEDINGS AND INQUIRIES

Section 211.51 describes the circumstances under which the Administrator may temporarily suspend compliance with a safety rule or regulation in connection with the conduct of FRA approved test programs and the procedures to be followed in doing so.

Section 211.53 describes procedures for filing and processing of applications for approval of signal applications under Parts 235 and 236 of this chapter. These applications will be decided not later than 9 months after receipt.

Section 211.55 provides procedures for filing and processing of requests for special approval not otherwise provided for in this Chapter. These requests will be decided not later than 9 months after receipt.

Sections 211.57 and 211.59 prescribe the manner in which petitions for reconsideration of final actions taken by FRA in waiver and safety-related proceedings are filed and processed. Each such petition will be decided not later than 4 months after receipt.

Section 211.61 prescribes procedures for informal safety inquiries on selected topics relating to railroad safety. The purpose of these procedures is to provide a means equally accessible to railroads, rail employee organizations, rail equipment manufacturers and the general public, to provide FRA with information concerning subjects it has under study. Notices will be published in the FEDERAL REGISTER outlining the areas of inquiry and inviting public assistance through submission of written material or participation in informal public conferences or discussions. The Administrator will review the information thus obtained and may, on his own motion, initiate rulemaking or take whatever other action he believes appropriate.

Since this general revision of Part 211 does not affect any substantive right or duty and pertains solely to procedures and practice before the FRA, notice and public procedure thereon are unnecessary and this revision is effective on January 1, 1977.

In consideration of the foregoing, Part 211 of Title 49 of the Code of Federal Regulations is revised to read as set forth below.

Issued in Washington, D.C., on December 7, 1976.

ASAPH H. HALL,
Administrator.

Subpart A—General

Sec.
211.1 General.
211.3 Participation by interested persons.
211.5 Regulatory docket.
211.7 Filing requirements.
211.9 Content of rulemaking and waiver petitions.

Subpart B—Rulemaking Procedures

211.11 Processing of petitions for rulemaking.
211.13 Initiation and completion of rulemaking proceedings.
211.15 Notice and participation.
211.17 Publication and contents of notices.
211.19 Petitions for extension of time to comment.
211.21 Consideration of comments received.
211.23 Additional public proceedings.
211.25 Hearings.
211.27 Publication of adopted rules and withdrawal of notices.
211.29 Petitions for reconsideration of a final rule.
211.31 Proceedings on petitions for reconsideration of a final rule.

Subpart C—Waivers

211.41 Processing of petitions for waiver of safety rules.
211.43 Processing of other waiver petitions.

Subpart D—Safety Emergency Orders

211.47 Review procedures.

Subpart E—Miscellaneous Safety-Related Proceedings and Inquiries

211.51 Tests.
211.53 Signal applications.
211.55 Special approvals.
211.57 Petitions for reconsideration.
211.59 Proceedings on petitions for reconsideration.
211.61 Informal safety inquiries.

AUTHORITY: Secs. 6, 9, Pub. L. 89-670, 80 Stat. 937, 944 (49 U.S.C. 1655, 1657); the statutes referred to in sec. 6(e) (1), (2), (3), (6) (A) of Pub. L. 89-670, 80 Stat. 939 (49 U.S.C. 1655); sec. 202 of Pub. L. 91-458, 84 Stat. 971 as amended by sec. 5(a) of Pub. L. 94-348 (45 U.S.C. 431); and § 1.49 of Title 49, Code of Federal Regulations.

Subpart A—General

§ 211.1 General.

(a) This part prescribes rules of practice that apply to rule making and waiver proceedings, review of emergency orders issued under 45 U.S.C. 432, and miscellaneous safety-related proceedings and informal safety inquiries. The specific time limits for disposition of proceedings apply only to proceedings initiated after December 31, 1976, under the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.). When warranted, FRA will extend these time limits in individual proceedings. However, each proceeding under the Federal Railroad Safety Act shall be disposed of within 12 months after the date it is initiated. A proceeding shall be deemed to be initiated and the time period for its disposition shall begin on the date a petition or application that complies with the requirements of this chapter is received by the person designated in § 211.7.

(b) As used in this part—

(1) "Administrator" means the Federal Railroad Administrator or the Deputy Administrator or the delegate of either of them.

(2) "Waiver" includes exemption.

(3) "Safety Act" means the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 421 et seq.).

(4) "Docket Clerk" means the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590.

(5) "Railroad Safety Board" means the Railroad Safety Board, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590.

(c) Records relating to proceedings and inquiries subject to this part are available for inspection as provided in Part 7 of this title.

§ 211.3 Participation by interested persons.

Any person may participate in proceedings and inquiries subject to this part by submitting written information or views. The Administrator may also permit any person to participate in additional proceedings, such as informal appearances, conferences, or hearings at which a transcript or minutes are kept, to assure informed administrative action and protect the public interest.

§ 211.5 Regulatory docket.

(a) Except as provided in paragraph (b) of this section, records of the Federal Railroad Administration concerning each proceeding subject to this part are maintained in current docket form by the Docket Clerk. These records include rule making and waiver petitions, emergency orders, notices, comments received in response to notices, hearing transcripts, final rules, denials of rulemaking petitions, grants and denials of waiver and other petitions.

(b) Records pertaining to applications for special approval under § 211.55, signal applications under Parts 235 and 236 of this chapter and informal safety inquiries under § 211.61, are maintained in a current docket form by the Secretary of the Railroad Safety Board.

(c) Any person may examine docketed material in the office where it is maintained. Copies of docketed material other than commercially prepared transcripts may be obtained upon payment of the fees prescribed in Part 7 of this title.

§ 211.7 Filing requirements.

(a) Any person may petition the Administrator for issuance, amendment, re-

peal or permanent or temporary waiver of any rule or regulation. In the case of a petition for waiver, it must be submitted at least 3 months before the proposed effective date, unless good cause is shown for not doing so.

(b) Except as provided in paragraph (c) of this section, all petitions, applications, comments submitted in response to a notice, and other material pertaining to proceedings subject to this part, shall be submitted in triplicate to the Docket Clerk. Each petition received shall be acknowledged in writing. The acknowledgment shall contain the FRA docket number assigned to the petition and state the date the petition was received. Within 60 days following receipt, FRA will advise the petitioner or applicant of any deficiencies in its petition or application.

(c) Applications for special approval under § 211.55 and signal applications under Parts 235 and 236 of this chapter, and protests or comments and all other material pertaining to them shall be submitted in triplicate to the Secretary of the Railroad Safety Board.

§ 211.9 Content of rulemaking and waiver petitions.

Each petition for rulemaking or waiver must:

(a) Set forth the text or substance of the rule, regulation, standard or amendment proposed, or specify the rule, regulation or standard that the petitioner seeks to have repealed or waived, as the case may be;

(b) Explain the interest of the petitioner, and the need for the action requested; in the case of a petition for waiver, explain the nature and extent of the relief sought, and identify and describe the persons, equipment, installations and locations to be covered by the waiver;

(c) Contain sufficient information to support the action sought including an evaluation of anticipated impacts of the action sought; each evaluation shall include an estimate of resulting costs to the private sector, to consumers, and to Federal, State and local governments as well as an evaluation of resulting benefits, quantified to the extent practicable. Each petition pertaining to safety regulations must also contain relevant safety data.

Subpart B—Rulemaking Procedures

§ 211.11 Processing of petitions for rulemaking.

(a) *General.* Each petition for rulemaking filed as prescribed in §§ 211.7 and 211.9 is referred to the head of the office responsible for the subject matter of the petition to review and recommend appropriate action to the Administrator. No public hearing or oral argument is held before the Administrator decides whether the petition should be granted. However, a notice may be published in the FEDERAL REGISTER inviting written comments concerning the petition. Each petition shall be granted or denied not later than six months after its receipt by the Docket Clerk.

(b) *Grants.* If the Administrator determines that a rule making petition complies with the requirements of § 211.9 and that rulemaking is justified, he initiates a rulemaking proceeding by publishing an advance notice or notice of proposed rulemaking in the FEDERAL REGISTER.

(c) *Denials.* If the Administrator determines that a rulemaking petition does not comply with the requirements of § 211.9 or that rulemaking is not justified, he denies the petition. If the petition pertains to railroad safety, the Administrator may also initiate an informal safety inquiry under § 211.61.

(d) *Notification; closing of docket.* Whenever the Administrator grants or denies a rulemaking petition, a notice of the grant or denial is mailed to the petitioner. If the petition is denied, the proceeding is terminated and the docket for that petition is closed.

§ 211.13 Initiation and completion of rulemaking proceedings.

The Administrator initiates all rulemaking proceedings on his own motion by publishing an advance notice of proposed rulemaking or a notice of proposed rulemaking in the FEDERAL REGISTER. However, he may consider the recommendations of interested persons or other agencies of the United States. A separate docket is established and maintained for each rulemaking proceeding. Each rulemaking proceeding shall be completed not later than 12 months after the initial notice in that proceeding is published in the FEDERAL REGISTER. However, if it was initiated as the result of the granting of a rulemaking petition, the rulemaking proceeding shall be completed not later than 12 months after the petition was filed as prescribed in §§ 211.7 and 211.9.

§ 211.15 Notice and participation.

(a) Except as provided in paragraph (c) of this section, or when the Administrator finds for good cause that notice is impractical, unnecessary, or contrary to the public interest (and incorporates the findings and a brief statement of the reasons therefore in the rules issued), an advance notice or notice of proposed rulemaking is published in the FEDERAL REGISTER and interested persons are invited to participate in the rulemaking proceedings with respect to each substantive rule.

(b) Unless the Administrator determines that notice and public rulemaking proceedings are necessary or desirable, interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice, including those relating to agency management or personnel, are prescribed as final without notice or other public rulemaking proceedings.

(c) An advance notice or notice of proposed rulemaking is issued and interested persons are invited to participate in rulemaking proceedings with respect only to those procedural and substantive rules of general applicability relating to public property, loans, grants, benefits, or contracts which the Administrator has determined to be of substantial public interest.

§ 211.17 Publication and contents of notices.

Each advance notice or notice of proposed rulemaking is published in the FEDERAL REGISTER and includes—

(a) A statement of the time, place and nature of the proposed rulemaking proceeding;

(b) A reference to the authority under which it is issued;

(c) A description of the subjects or issues involved or the substance or terms of the proposed rule;

(d) A statement of the time within which written comments must be submitted and the required number of copies; and

(e) A statement of how and to what extent interested persons may participate in the proceeding.

§ 211.19 Petitions for extensions of time to comment.

(a) Any person may petition the Administrator for an extension of time to submit comments in response to an advance notice or notice of proposed rulemaking. The petition must be received by the Docket Clerk not later than 10 days before expiration of the time stated in the notice and must contain reference to the FRA docket number for the proceeding involved. The filing of the petition does not automatically extend the time for petitioner's comments.

(b) The Administrator grants the petition only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if time permits and the extension is in the public interest. Extensions will not be granted unless time permits and will not exceed one month. If an extension is granted, it is granted as to all persons and a notice of the extension is published in the FEDERAL REGISTER.

§ 211.21 Consideration of comments received.

All timely comments are considered before final action is taken on a rulemaking proposal. Late-filed comments will be considered so far as possible without incurring additional expense or delay.

§ 211.23 Additional public proceedings.

The Administrator may conduct other public proceedings that he finds necessary or desirable. For example, he may invite interested persons to present oral arguments, participate in conferences, or appear at informal hearings.

§ 211.25 Hearings.

(a) A hearing will be held if required by statute or the Administrator finds it necessary or desirable.

(b) Except for statutory hearings required to be on the record—

(1) Hearings are fact-finding proceedings, and there are no formal pleadings or adverse parties;

(2) Any rule issued in a proceeding in which a hearing is held is not based exclusively on the record of the hearing; and

(3) Hearings are conducted in accordance with section 553 of Title 5, United

States Code; sections 556 and 557 of Title 5 do not apply to hearings held under this part.

(c) The Administrator conducts or designates a representative to conduct any hearing held under this part. The Chief Counsel serves or designates a member of his staff to serve as legal officer at the hearing.

§ 211.27 Publication of adopted rules and withdrawal of notices.

Whenever the Administrator adopts a final rule or withdraws an advance notice or notice of proposed rulemaking, the final rule or a notice of withdrawal is published in the FEDERAL REGISTER.

§ 211.29 Petitions for reconsideration of a final rule.

(a) Any person may petition the Administrator for reconsideration of any rule issued under this part. Except for good cause shown, such a petition must be submitted not later than 20 days after publication of the rule in the FEDERAL REGISTER. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not possible, is not practicable, is unreasonable, or is not in the public interest.

(b) If the petitioner requests consideration of additional facts, he must state the reason they were not presented to the Administrator within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator specifically provides otherwise, and publishes notice thereof in the FEDERAL REGISTER, the filing of a petition under this section does not stay the effectiveness of a rule.

§ 211.31 Proceedings on petitions for reconsideration of a final rule.

(a) The Administrator may grant or deny, in whole or in part, any petition for reconsideration of a final rule without further proceedings. Each petition shall be decided not later than 4 months after its receipt by the Docket Clerk. In the event he determines to reconsider a rule, the Administrator may amend the rule or initiate a new rulemaking proceeding. An appropriate notice is published in the FEDERAL REGISTER.

(b) Whenever the Administrator determines that a petition should be granted or denied, a notice of the grant or denial of a petition for reconsideration is sent to the petitioner. When a petition is granted, a notice is published in the FEDERAL REGISTER.

(c) The Administrator may consolidate petitions relating to the same rule.

Subpart C—Waivers

§ 211.41 Processing of petitions for waiver of safety rules.

(a) *General.* Each petition for a permanent or temporary waiver of a safety rule, regulation or standard filed as prescribed in §§ 211.7 and 211.9, is referred to the Railroad Safety Board for decision and decided not later than 9 months after receipt.

(b) *Notice and Hearing.* If required by statute or the Administrator or the Railroad Safety Board deems it desirable, a notice is published in the FEDERAL REGISTER, an opportunity for public comment is provided, and a hearing is held in accordance with § 211.25, before the petition is granted or denied.

(c) *Grants.* If the Railroad Safety Board determines that the petition complies with the requirements of § 211.9 and that a waiver is justified, it grants the petition. Conditions may be imposed on the grant of waiver if the Board concludes they are necessary to assure safety or are in the public interest.

(d) *Denials.* If the Railroad Safety Board determines that the petition does not comply with the requirements of § 211.9 or that a waiver is not justified, it denies the petition.

(e) *Notification.* Whenever the Railroad Safety Board grants or denies a petition, a notice of that grant or denial is sent to the petitioner. When a petition has been decided, interested persons are also notified or a notice is published in the FEDERAL REGISTER.

(f) *Petitions for reconsideration.* Any person may petition for reconsideration of the grant or denial of a waiver under procedures set forth in § 211.57. Each petition shall be processed in accordance with § 211.59.

§ 211.43 Processing of other waiver petitions.

(a) *General.* Except as provided in § 211.41, each petition for a permanent or temporary waiver of a rule, regulation or standard shall be filed and processed as prescribed in §§ 211.7 and 211.9.

(b) *Notice and hearing.* If required by statute or the Administrator deems it desirable, a notice is published in the FEDERAL REGISTER, an opportunity for public comment is provided, and a hearing is held in accordance with § 211.25, before the petition is granted or denied.

(c) *Grants.* If the Administrator determines that the petition complies with the requirements of § 211.9 and that a waiver is justified, he grants the waiver. Conditions may be imposed on the grant of waiver if the Administrator concludes they are necessary to achieve the purposes of programs affected by the grant of waiver or are otherwise in the public interest.

(d) *Denials.* If the Administrator determines that the petition does not comply with the requirements of § 211.9 or that a waiver is not justified, he denies the waiver.

(e) *Notification.* Whenever the Administrator grants or denies a petition, a notice of the grant or denial is sent to the petitioner. When a petition has been decided, interested persons are also notified or a notice is published in the FEDERAL REGISTER.

(f) *Petitions for reconsideration.* Any person may petition for reconsideration of the grant or denial of a waiver under procedures set forth in § 211.57. Each petition shall be processed in accordance with § 211.59.

Subpart D—Emergency Orders

§ 211.47 Review procedures.

(a) As specified in section 203, Pub. L. No. 91-458, 84 Stat. 972 (45 U.S.C. 432), opportunity for review of Emergency Orders issued under that section will be provided in accordance with section 554 of Title 5 of the United States Code. Petitions for such review must be submitted in writing to the Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Upon receipt of a petition, FRA will immediately contact the petitioner and make the necessary arrangements for a conference to be held at the earliest date acceptable to the petitioner. At this conference, the petitioner will be afforded an opportunity to submit facts, arguments and proposals for modification or withdrawal of the Emergency Order. If the controversy is not resolved at the conference and a hearing is desired, the petitioner must submit a written request for a hearing within 15 days after the conference. The hearing will commence within 14 calendar days of receipt of the request and will be conducted in accordance with sections 556 and 575, Title 5, United States Code. Each petition for review shall be decided not later than 3 months after receipt.

(b) Unless stayed or modified by the Administrator, the requirements of each Emergency Order shall remain in effect and be observed pending decision on a petition for review.

Subpart E—Miscellaneous Safety-Related Proceedings and Inquiries

§ 211.51 Tests.

(a) Pursuant to the Department of Transportation Act (80 Stat. 931, 49 U.S.C. 1651 et. seq.), the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421, 431-441), or both, the Administrator may temporarily suspend compliance with a substantive rule of the Federal Railroad Administration, if:

(1) The suspension is necessary to the conduct of a Federal Railroad Administration approved test program designed to evaluate the effectiveness of new technology or operational approaches or instituted in furtherance of a present or proposed rulemaking proceeding;

(2) The suspension is limited in scope and application to such relief as may be necessary to facilitate the conduct of the test program; and

(3) The suspension is conditioned on the observance of standards sufficient to assure safety.

(b) When required by statute, a notice is published in the FEDERAL REGISTER, an opportunity is provided for public comment, and a hearing is held in accordance with § 211.25, before the FRA approved test program is implemented.

(c) When the Administrator approves suspension of compliance with any rule in connection with a test program, a description of the test program containing an explanatory statement responsive to paragraph (a) of this section is published in the FEDERAL REGISTER.

§ 211.53 Signal applications.

Applications for approval of discontinuance or material modification of a signal system authorized by Part 235 or waiver of a requirement of Part 236 of this chapter must be submitted in triplicate to the Secretary, Railroad Safety Board, handled in accordance with procedures set forth in Part 235 or 236, respectively, and decided not later than 9 months after receipt. When a decision is issued, the applicant and other interested parties are notified or a notice is published in the FEDERAL REGISTER.

§ 211.55 Special approvals.

Requests for special approval pertaining to safety not otherwise provided for in this chapter, must be submitted in triplicate to the Secretary, Railroad Safety Board; specifying the action requested. These requests shall be considered by the Board and appropriate action shall be taken not later than 9 months after receipt. When a decision is issued, the requestor and other interested parties are notified or a notice is published in the FEDERAL REGISTER.

§ 211.57 Petitions for reconsideration.

(a) Any person may petition the Administrator for reconsideration of final action taken in proceedings subject to Subparts C or E of this part.

(b) The petition must specify with particularity the grounds for modification or revocation of the action in question.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator specifically provides otherwise, and gives notice to interested parties or publishes notice in the FEDERAL REGISTER, the filing of a petition under this section does not stay the effectiveness of the action sought to be reconsidered.

§ 211.59 Proceedings on petitions for reconsideration.

(a) The Administrator may invite public comment or seek a response from the party at whose request the final action was taken before deciding a petition for reconsideration submitted under § 211.57.

(b) The Administrator may reaffirm, modify, or revoke the final action without further proceedings and shall issue notification of his decision to the petitioner and other interested parties or publish a notice in the FEDERAL REGISTER. Each petition for reconsideration shall be decided not later than 4 months after receipt. Petitions for reconsideration relating to the same rule may be consolidated for decision. In the event the Administrator determines to reconsider a final action, and appropriate notice is published in the FEDERAL REGISTER.

§ 211.61 Informal safety inquiries.

The Administrator may conduct informal safety inquiries to collect information on selected topics relating to railroad safety. A notice of each such inquiry will be published in the FEDERAL REGISTER outlining the area of inquiry and inviting interested persons to assist by submitting written material or participating in informal public conferences and discussions. Upon completion of the inquiry, the Administrator will review the information obtained and may, on his own motion, initiate a rulemaking proceeding under § 211.13 or take whatever other action he deems appropriate.

[FR Doc.76-36403 Filed 12-10-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76-SO-66]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-3 and V-35 north and east of Key West, Fla.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 12, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administrative, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this notice of proposed rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention of International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive order 10854.

The proposed amendment would realign the following VOR airways:

a. V-3 from Key West, Fla., to Rancho, Fla., INT, via the INT of Key West 033°T (032°M) and Miami 205°T(205°M) radials, excluding the airspace within the Cudjoe Key, Fla., Restricted Area R-2916.

b. V-35 from Key West, Fla., to Fort Myers, Fla., via the INT of Key West 033°T(032°M) and Biscayne Bay, Fla., 204°T(204°M) radials; Biscayne Bay; and also the INT of Biscayne Bay 288°T(288°M) and Fort Myers 137°T(136°M) radials, excluding the airspace within the Cudjoe Key, Fla., Restricted Area R-2916.

c. V-35W from Biscayne Bay, Fla., to the INT of the Biscayne Bay 288°T(288°M) and the Fort Myers, Fla., 137°T(136°M) radials via the INT of the Biscayne Bay 262°T (262°M) and the Fort Myers 137°T(136°M) radials.

The proposed action would provide designated airways over routes that are presently being used as direct routes and radar vectors. It would also reduce pilot/controller work load and communication congestion.

(Sec. 307(a), 1110 Federal Aviation Act of 1958, (49 U.S.C. 1348(a) and 1510), Executive order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 7, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-36477 Filed 12-10-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-57]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the control zone at Killeen, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before January 12, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.171 (41 FR 355), the Killeen, Tex., control zone is amended as follows:

KILLEEN, TEX.

Within a 5-mile radius of Fort Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.); within a 4-mile radius of Killeen Municipal Airport) (latitude 31°05'10" N., longitude 97°41'05" W.); within 3 miles each side of the Hood VOR 219° radial extending from the 4-mile radius zone to 8 miles southwest of the VOR; within a 5-mile radius of Robert Gray AAF (latitude 31°04'20" N., longitude 97°49'45" W.); within 3.5 miles each side of the 341° bearing from the NDB (latitude 31° 10'03" N., longitude 97°52'41" W.), extending from the 5-mile radius zone to 8 miles north of the NDB.

Installation of an ILS at Robert Gray AAF and relocation of the Gray NDB require alteration of the control zone to provide controlled airspace for instrument approach procedures based on these aids.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, TX, on December 2, 1976.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.76-36478 Filed 12-10-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 133]

TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

Proposed Amendment Relating to Recording of Copyrights in Sound Recordings

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66) and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend § 133.32 of the Customs Regulations (19 CFR 133.32) to require, in the case of an application to record a copyright in a sound recording, a statement setting forth the name(s) of the performing artist(s) and any other identifying names. It is further proposed to amend § 133.33(a)(2) of the Customs Regulations (19 CFR 133.33(a)(2)) to extend to sound recordings the same exception from the requirement that one thousand photographic or other likenesses be submitted with an application for recordation of a copyright which now applies to books, magazines, periodicals, or similar copyright matter readily identifiable by title and author.

Section 133.32 of the Customs Regulations currently provides, in part, that an application to record a copyright to secure Customs protection against the importation of piratical copies shall be in writing addressed to the Commissioner of Customs, and shall include certain specified information.

Section 133.33(a)(2) of the Customs Regulations currently provides, in part, that an application for recordation of a copyright shall be accompanied by one thousand photographic or other likenesses reproduced on paper approximately 8" × 10½" in size of any three-dimensional work, design, print, label, or other work not readily identifiable by title and author. An application shall be excepted from this requirement if it covers a work such as a book, magazine, periodical, or similar copyrighted matter readily identifiable by title and author.

Pursuant to Pub. L. 92-140 (85 Stat. 391), various provisions of title 17, United States Code, were amended to extend copyright protection to sound recordings such as recorded performances fixed in photograph records, tape recordings, and cassettes.

Sound recordings can be readily identified by title, author, performing artist, and other identifying names. It is therefore considered desirable to extend to sound recordings the same exception from the requirement that one thousand photographic or other likenesses be submitted with an application for recordation of a copyright which now applies to books, magazines, periodicals, or similar copyrighted matter readily identifiable by title and author, while, at the same time, adding the requirement of a statement setting forth the name(s) of the performing artist(s) and any other identifying names.

Accordingly, it is proposed to amend Part 133 of the Customs Regulations (19 CFR Part 133) in the following manner:

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

Section 133.32 is amended by adding a new paragraph (f) to read as follows:

§ 133.32 **Application to record copyright.**

* * * * *

(f) In the case of an application to record a copyright in a sound recording, a statement setting forth the name(s) of the performing artist(s), and any other identifying names appearing on the surface of reproduction of the sound recording, or on the label or container thereof.

The first two sentences of paragraph (a)(2) of § 133.33 are amended to read as follows:

§ 133.33 **Documents and fee to accompany application.**

(a) * * *

(2) One thousand photographic or other likenesses reproduced on paper approximately 8" x 10½" in size of any copyrighted work. An application shall be excepted from this requirement if it covers a work such as a book, magazine, periodical, or similar copyrighted matter readily identifiable by title and author, or if it covers a sound recording. * * *

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration of such communications, they must be received by the United States Customs Service not later than January 12, 1977.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

Approved: December 2, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.78-36492 Filed 12-10-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Highway Traffic Safety Administration

[23 CFR Parts 1214, 1215]

[Docket No. 76-09; Notice 2]

INCENTIVE GRANT CRITERIA

Proposed Alternative Procedures

• *Purpose.* The purpose of this notice is to request comments on four alternative mechanisms for awarding highway safety incentive grants to States. It is designed to determine whether the existing criteria should be changed, and, if so, what changes should be made. •

Incentive awards are currently made to States under 23 CFR Part 1214, Highway Fatality Rate Reduction (40 FR 11870, March 14, 1975) and 23 CFR Part 1215, Highway Fatality Reduction, issued in a separate FEDERAL REGISTER notice published today at page 54170. 23 CFR Part 1214 was issued pursuant to section 219 of the Highway Safety Act of 1973 (Sec. 219, Pub. L. 93-87, 87 Stat. 290, 23 U.S.C. 402(j)(3)). 23 CFR Part 1215 was issued pursuant to section 204 of the Highway Safety Act of 1976 (Sec. 204, Pub. L. 94-280, 90 Stat. 453, 23 U.S.C. 402(j)(3)).

To be eligible for an award under the existing criteria in 23 CFR Part 1214, a State must have a reduction in its highway fatality rate for the calendar year preceding the fiscal year in which the incentive grant is to be made as compared to the average fatality rate for the four years preceding it. For example, if the incentive grant is to be made in Fiscal Year 1978, a State, to be eligible, must have a reduction in the fatality rate for calendar year 1976 as compared to the average fatality rate for the years 1972 through 1975. Because there may be insufficient funds to provide all eligible States with incentive grants, 23 CFR Part 1214 provides for a ranking of eligible States, according to their fatality rates, so that the States with the greatest reductions will receive grants. Part 1214 provides that the top ranked State will receive a grant equal to the maximum statutory amount of 25 percent of the Federal highway safety funds apportioned under section 402 to the State for the fiscal year for which the grant is to be made. 25 percent grants are made to the other eligible States in the order of their ranking until there are insufficient funds to make a 25 percent grant to the next ranked State. That State receives the balance of the funds.

The present criteria and procedures in the newly established Part 1215 are similar to those in Part 1214. To be eligible for a grant under this part, a State must have fewer highway fatalities during the calendar year preceding the fiscal year in which the incentive grant is to be made as compared to the average number of highway fatalities for the four

preceding years. As with Part 1214, the eligible States are then ranked, in this case according to their percentage reduction in highway fatalities. Once the ranking of the States has been completed, 25 percent grants are made to the States according to the ranking until the available funds have been exhausted.

Three of the four alternatives proposed by the notice are similar to the existing criteria. They change only the size of the incentive grants made to each State and, in so doing, increase the number of States receiving incentive grants. Neither the eligibility criteria nor the ranking of the States would be affected by these three alternatives.

The fourth alternative would also affect the size of the incentive grants and the number of States receiving such grants, and would leave the eligibility criteria unchanged. The fourth alternative would, however, do away with the need to rank the eligible States.

Under Alternative A, the only major change that would be made to the existing Parts 1214 and 1215 would be to reduce the size of a grant made to a State under either part from a sum equal to 25 percent of the Federal highway safety funds apportioned to the State under section 402 to a sum equal to 20 percent of the Federal highway safety funds apportioned to it. Such a change would lead to an increase in the number of eligible States that would receive incentive grants.

Alternative B would also affect only the amount of the grant to be made to the States. Under Alternative B, the top ranking State would receive $1,000,000, the next two States would receive $750,000, the next three would receive $500,000, and the next four would receive $350,000 and the remaining eligible States would receive $250,000 grants until the funds were exhausted. If a State's ranking entitled it to an award that exceeded 25 percent of its apportionment, the State could receive no more than the 25 percent allowed by statute. Conversely, if a State's ranking entitled it to an award that was less than 25 percent of its apportionment, it would receive only the amount specified in Alternative B and not a full 25 percent award. Comments on this Alternative should discuss the size and number of each of the grants as well as the viability of the scheme.

Alternative C also changes only the amount of the grant to a particular State. If this alternative were adopted the size of an eligible State's grant would be based on the quality of its performance and the quality of its performance as compared with the performance of the rest of the eligible States. For example a State with an actual fatality reduction or a percentage fatality rate reduction of 25 percent would get a grant equal to 25 percent of its highway safety apportionment while a State with a 10 percent reduction might only get a 10 percent grant. In a year when the highest percentage reduction in any State is greater than or equal to 20 percent, States with a reduction greater than or equal to 25 percent would receive a 25 percent grant. States with a reduction between 20 and 25 percent would receive a 20 percent grant; States between 15 and 20 percent would receive a 15 percent grant; States between 10 and 15 percent would receive a 10 percent grant; and States between 5 and 10 percent would receive 5 percent. Awards within a particular percentage grouping would go to the highest ranked State first and would be made until each State within a particular percentage grouping had received a grant or until the available funds had been exhausted.

Grants of differing percentages would be given out in years when the highest percentage reduction of either actual fatalities or fatality rate by a State was between 15 percent and 20 percent and was less than 15 percent. In a year when the highest percentage was between 15 percent and 20 percent, States in the top percentage grouping would receive 20 percent grants and States in lower percentage groupings would receive lesser amounts. In a year when the highest percentage reduction was less than 15 percent, States between 10 percent and 15 percent would receive 20 percent grants and States in lower percentage groupings would receive grants of lesser amounts.

Alternative D is the method which, if adopted, would represent the greatest change in the criteria. Eligibility for a grant would be determined in approximately the same fashion as is done under the existing criteria or under the other proposed alternatives. However, under Alternative D, all eligible States will receive a grant. For a fatality reduction grant, an eligible State would receive an amount determined by the ratio of its fatality reduction to the sum of fatality reductions for all eligible States. For example, if the total reduction of all eligible States is 5,000, and State A accounted for 100 of the total of 5,000, State A would get 100/5,000 of the total dollars to be distributed for actual fatality reduction awards. The formula for distribution would be as follows:

$$\frac{\text{Decrease in particular State from 4-yr. average}}{\text{Sum of all eligible States' decreases from their 4-yr. average}} \times \text{Dollar total to be distributed} = \text{Grant for Particular State}$$

For a fatality rate reduction grant, an eligible State would receive an amount determined by the ratio of its percentage reduction to the sum of all percentage reductions of all eligible States. For example, if State A had a percentage fatality rate reduction of 2 percent, and if the total of the percentage reductions of all eligible States equaled 125, then State A would get 2/125 of the total dollars to be distributed for fatality rate reduction.

23 U.S.C. 402(j) (2) and (3) provide that a State may not receive a grant which is more than 25 percent of its highway safety apportionment. If the formula noted above would produce a grant in excess of 25 percent, that State would receive a 25 percent grant and the excess dollars would be distributed to the other eligible States according to the formula noted above.

Interested persons, States, and public and private highway safety organizations are invited to submit written data, views and arguments concerning the alternatives proposed by this notice and are encouraged to submit additional alternatives for the Department's consideration. Commenters should address the question of whether to change the existing criteria, and the question of which, if any, of the proposed alternatives should be adopted.

In particular, the Department is interested in learning the views of interested people as to whether the dollar amounts and percentages set in Alternatives A, B and C are appropriate. The Department is not locked into adopting one alternative for both types of incentive grants. For example, the Department might adopt Alternative B for fatality rate reduction incentive grants and Alternative D for actual fatality reduction incentive awards. Commenters are encouraged to address the issue of whether the Alternatives should be mixed and, if so, in what fashion.

Comments should refer to Docket No. 76-09. All comments should be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested, but not required, that 10 copies be submitted. All comments received before the comment closing date will be considered, and will be available at the above address both before and after the closing date. To the extent possible, comments filed after the closing date will also be considered. However, action may be taken at any time after that date.

In consideration of the foregoing, alternative amendments to Parts 1214 and 1215 of 23 CFR Chapter II, Subchapter B are proposed as set forth below.

Comment closing date: March 1, 1977.

Issued on: December 6, 1976.

NORBERT T. TIEMANN,
Administrator,
Federal Highway Administration.

JOHN W. SNOW,
Administrator, National Highway Traffic Safety Administration.

ALTERNATIVE A

(1) In Part 1214, § 1214.4 would be amended as follows:

§ 1214.4 Award procedures.

For each fiscal year, beginning with fiscal year 1978, for which funds are authorized for implementation of 23 U.S.C. 402(j) (2), a grant of 20 percent of a State's apportionment of highway safety funds under 23 U.S.C. 402 will be made to each State eligible under § 1214.5 in the order of its ranking pursuant to § 1214.6. Such grants will be made until all eligible States have received a grant or until there are insufficient funds to award a 20 percent grant to the State

with the next highest ranking. That State will be granted the balance of the funds.

(2) In Part 1215, § 1215.6 would be amended as follows:

§ 1215.6 Award procedures.

For each fiscal year, beginning with fiscal year 1978, for which funds are authorized for implementation of 23 U.S.C. 402(j)(2), a grant of 20 percent of a State's apportionment of highway safety funds under 23 U.S.C. 402 will be made to each State eligible under § 1215.4. in the order of its ranking pursuant to § 1215.5. Such grants will be made until all eligible States have received a grant or until there are insufficient funds to award a 20 percent grant to the State with the next highest ranking. That State will be granted the balance of the funds.

ALTERNATIVE B

(1) In Part 1214, § 1214.4 would be amended as follows:

§ 1214.4 Award procedures.

For each fiscal year beginning with fiscal year 1978, for which funds are authorized for implementation of 402(j)(2), grants will be made to the States eligible under § 1214.5 in the order of their ranking pursuant to § 1214.6. These grants will be made in the following order until there are insufficient funds to make an award to the State with the next highest rank. That State shall receive the balance of the funds.

(a) The State ranked first shall receive an award of $1,000,000 or an award equal to 25 percent of the State's apportionment of highway safety funds under 23 U.S.C. 402, whichever is less.

(b) Each of the next two States in the ranking shall receive an award of $750,000 or 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402, whichever is less.

(c) Each of the next three States in the ranking shall receive an award of $500,000 or 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402, whichever is less.

(d) Each of the next four States in the ranking shall receive an award of $350,000 or 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402, whichever is less.

(e) Each of the remaining eligible States shall receive an award of $250,000 or 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402, whichever is less.

(2) In Part 1215, § 1215.6 would be amended as follows:

§ 1215.6 Award procedures.

For each fiscal year beginning with fiscal year 1978, for which funds are authorized for implementation of 23 U.S.C. 402(j)(3), grants will be made to the States eligible under § 1215.4 in the order of their ranking pursuant to § 1215.5. The se grants will be made in the following order until there are insufficient funds to make an award to the State with the next highest ranking. That State shall receive the balance of the funds.

(a) The State ranked first shall receive an award of $1,000,000 or an award equal to 25 percent of the State's apportionment of highway safety funds under 23 U.S.C. 402, whichever is less.

(b) Each of the next two States in the ranking shall receive an award of $750,000 or 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402, whichever is less.

(c) Each of the next three States in the ranking shall receive an award of $500,000 or 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402, whichever is less.

(d) Each of the next four States in the ranking shall receive an award of $350,000 or 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402, whichever is less.

(e) Each of the remaining eligible States shall receive an award of $250,000 or 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402, whichever is less.

ALTERNATIVE C

(1) In Part 1214, §§ 1214.4 and 1214.6 would be amended as follows:

§ 1214.4 Award procedures.

For each fiscal year, beginning with fiscal year 1978, for which funds are authorized for implementation of 402(j)(2), grants will be made to the States eligible under § 1214.5 in the order of ranking pursuant to § 1214.6. These grants will be made in the following manner:

(a) In a year when the highest percent reduction in any State is greater than or equal to 20 percent, funds will be awarded to the States in the following order until there are insufficient funds to make a full award to the State with the next highest ranking. That State will receive the balance of the funds.

(1) Each State with a reduction of 25 percent or more shall receive an award equal to 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(2) Each State with a reduction greater than or equal to 20 percent but less than 25 percent shall receive an award equal to 20 percent of its apportionment of highway safety funds.

(3) Each State with a reduction greater than or equal to 15 percent but less than 20 percent shall receive an award equal to 15 percent of its apportionment of highway safety funds.

(4) Each State with a reduction greater than or equal to 10 percent but less than 15 percent shall receive an award equal to 10 percent of its apportionment of highway safety funds.

(5) Each State with a reduction greater than or equal to 5 percent but less than 10 percent shall receive an award equal to 5 percent of its apportionment of highway safety funds.

(b) In a year when the highest percentage reduction is greater than or equal to 15 percent, but less than 20 percent, funds will be awarded in the following order until there are insufficient funds to make a full award to the State with the next highest ranking. That State will receive the balance of the funds.

(1) Each State with a reduction greater than or equal to 15 percent, but less than 20 percent shall receive an award equal to 20 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(2) Each State with a reduction greater than or equal to 10 percent but less than 15 percent shall receive an award equal to 15 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(3) Each State with a reduction greater than or equal to 5 percent, but less than 10 percent shall receive an award equal to 10 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(c) In a year when the highest percentage reduction is less than 15 percent, funds will be awarded in the following order until there are insufficient funds to make a full award to the State with the next highest ranking. That State will receive the balance of the funds.

(1) Each State with a reduction greater than or equal to 10 percent but less than 15 percent shall receive an award equal to 20 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(2) Each State with a reduction greater than 5 percent but less than 10 percent shall receive an award equal to 15 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(3) Each State with a reduction less than 5 percent shall receive an award equal to 10 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

§ 1214.6 Ranking of the States.

(a) The percentage reduction in the annual highway fatality rate for each eligible State shall be calculated.

(b) The State with the highest percentage reduction in its annual highway fatality rate shall be ranked first. The remainder of the eligible States shall be ranked behind the State with the highest percentage reduction in descending order according to their percentage reductions.

(2) In Part 1215, § 1215.6 would be amended as follows:

§ 1215.6 Award procedures.

For each fiscal year, beginning with fiscal year 1978, for which funds are authorized for implementation of 23 U.S.C. 402(j)(3), grants will be made to the States eligible under § 1215.4 in the order of ranking pursuant to § 1215.5. These grants will be made in the following manner:

(a) In a year when the highest percent reduction in any State is greater than or equal to 20 percent, funds will be awarded to the States in the follow-

ing order until there are insufficient funds to make a full award to the State with the next highest ranking. That State will receive the balance of the funds.

(1) Each State with a reduction greater than or equal to 25 percent shall receive an award equal to 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(2) Each State with a reduction greater than or equal to 20 percent but less than 25 percent shall receive an award equal to 20 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(3) Each State with a reduction greater than or equal to 15 percent but less than 20 percent shall receive an award equal to 15 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(4) Each State with a reduction greater than or equal to 10 percent but less than 15 percent shall receive an award equal to 10 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(5) Each State with a reduction greater than or equal to 5 percent but less than 10 percent shall receive an award equal to 5 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(b) In a year when the highest percentage reduction is greater than or equal to 15 percent, but less than 20 percent, funds will be awarded to the States in the following order until there are insufficient funds to make a full award to the State with the next highest ranking. That State will receive the balance of the funds.

(1) Each State with a reduction greater than or equal to 15 percent, but less than 20 percent shall receive an award equal to 20 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(2) Each State with a reduction greater than or equal to 10 percent, but less than 15 percent shall receive an award equal to 15 perecnt of its apportionment of highway safety funds under 23 U.S.C. 402.

(3) Each State with a reduction greater than or equal to 5 percent, but less than 10 percent shall receive an award equal to 10 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(c) In a year when the highest percentage reduction is less than 15 percent, funds will be awarded to the States in the following order until there are insufficient funds to make a full award to the State with the next highest ranking. That State will receive the balance of the funds.

(1) Each State with a reduction greater than or equal to 10 percent but less than 15 percent shall receive an award equal to 20 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(2) Each State with a reduction greater than 5 percent but less than 10 percent shall receive an award equal to 15 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(3) Each State with a reduction less than 5 percent shall receive an award equal to 10 percent of its apportionment of highway safety funds under 23 U.S.C. 402.

(c) If the application of this formula would give any State an amount in excess of 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402, the State will receive only the 25 percent award. In such situations, the formula in § 1214.4(b) will be used to recalculate the shares of the other States. However, in the recalculation, the "Total funds to be distributed" will be lessened by the sum of the funds due to those States receiving the 25 percent award and the "Sum of all eligible States' percent reductions in fatality rate" will be modified to exclude the fatality reductions in those States receiving maximum allowable shares.

(d) If the recalculation gives any other State an amount over its maximum allowable share, the recalculations will be repeated until all States are at or below 25 percent of their apportionment of highway safety funds under 23 U.S.C. 402.

(b) If the application of this formula would give any State an amount in excess of 25 percent of its apportionment of highway safety funds under 23 U.S.C. 402, the State will receive only the 25 percent award. In such situations, the formula in § 1215.6(a) will be used to recalculate the shares of the other States. However, in the recalculation, the "Total funds to be distributed" will be lessened by the sum of the funds due to those States receiving the 25 percent award and the "Sum of all eligible States' reductions from their 4-year average" will be modified to exclude the fatality reductions in those States receiving maximum allowable shares.

(c) If the recalculation gives any other State an amount over its maximum allowable share, the recalculations will be repeated until all States are at or below 25 percent of their apportionment of highway safety funds under 23 U.S.C. 402.

[FR Doc.76-36388 Filed 12-10-76;8:45 am]

ALTERNATIVE D

(1) In Part 1214, §§ 1214.4, 1214.5, and 1214.6 would be amended as follows:

§ 1214.4 Award procedures.

For each fiscal year, beginning with fiscal year 1978, for which funds are authorized for implementation of 23 U.S.C. 402(j)(2), grants will be made to the States eligible under § 1214.5 pursuant to the following procedure:

(a) The percent reduction in the fatality rate for each eligible State will be calculated.

(b) The amount to be awarded to each eligible State will be determined using the following formula:

$$\text{Award} = \frac{\text{State's percent reduction of fatality rate}}{\text{Sum of all eligible States' percent reductions in fatality rate}} \times \text{Total funds to be distributed}$$

§ 1214.5 Eligibility requirements.

To be eligible for an incentive award under this part, a State must have a fatality rate reduction for the base calendar year with regard to the average of the four preceding calendar years.

§ 1214.6 [Revoked]

(2) In Part 1215, §§ 1215.5 and 1215.6 would be amended as follows:

§ 1215.5 [Revoked]

§ 1215.6 Award procedures.

For each fiscal year, beginning with fiscal year 1978, for which funds are authorized for implementation of 23 U.S.C. 402(j)(3), grants will be made to the States eligible under § 1215.4 pursuant to the following procedure:

(a) The amount to be awarded to each eligible State will be determined using the following formula:

$$\text{Award} = \frac{\text{State's reduction from 4-yr average}}{\text{Sum of all eligible States' reductions from their 4-yr average}} \times \text{Total funds to be distributed}$$

DEPARTMENT OF THE TREASURY

Office of the Secretary

[31 CFR Part 8]

[Notice No. 306]

PRACTICE BEFORE THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Notice of Proposed Rulemaking

Notice is hereby given pursuant to 5 U.S.C. 553, that the Secretary of the Treasury proposes to amend Title 31, Code of Federal Regulations, by issuing a new Part 8 entitled "Practice before the Bureau of Alcohol, Tobacco and Firearms". The proposed part set forth below relates to the recognition of attorneys, certified public accountants, and other persons desiring to practice before the Bureau.

At the present time, regulations governing recognition and practice of attorneys, certified public accountants and other persons before the Bureau of Alcohol, Tobacco and Firearms are contained

in Title 31 CFR, Part 10, entitled "Practice before the Internal Revenue Service". Since July 1, 1972, the Bureau has not been a division of the Internal Revenue Service, but has been a separate Bureau within the Treasury Department. The proposed new part conforms recognition and practice requirements to the present organizational structure of the Bureau; recognition requirements for persons not attorneys or certified public accountants are also liberalized and specific areas of technical competence are recognized for such persons.

Since establishment of the Bureau of Alcohol, Tobacco and Firearms as a Bureau apart from the Internal Revenue Service, the Director of the Bureau has assumed the functions of the Commissioner of Internal Revenue as related to the administration of alcohol, tobacco, firearms, and explosives laws. The proposed regulations, therefore, vest in the Director, Bureau of Alcohol, Tobacco and Firearms, certain authorities relating to practice before the Bureau. These are the authority to make preliminary decisions concerning enrollment of persons before the Bureau; to issue enrollment cards; to authorize limited practice without enrollment to persons for specific matters; and to maintain registers of enrolled practitioners, persons disbarred or suspended from practice before the Bureau, and persons whose applications for practice before the Bureau have been denied. Duties and responsibilities of the Director of Practice are unchanged in the proposed regulations as they relate to appeals from denial of applications to practice and to disciplinary proceedings.

The proposed regulations permit both attorneys and certified public accountants to practice before the Bureau without enrollment. In addition, they establish a third category of persons permitted to practice before the Bureau who are refererd to as "enrolled practitioners" in order to distinguish them from "enrolled agents" who practice before the Internal Revenue Service. These enrolled practitioners may represent clients before the Bureau in the same manner as attorneys or certified public accountants; they are also bound by the same duties and restrictions, and subject to the same disciplinary procedures as attorneys and certified public accountants.

Enrolled practitioners will be required to demonstrate technical knowledge of the laws and regulations administered by the Bureau. Section 8.21(b) of the proposed regulations lists the minimum criteria which may be used to demonstrate technical competence; they are: 5 years employment with the Treasury Department in a responsible position which would familiarize the practitioner with applicable laws and regulations; or 5 years employment in a regulated industry in a responsible position which would familiarize the practitioner with applicable laws or regulations; or possession of a degree in law; or other significant experience such as the prior representation of persons before the Internal Revenue Service or the Bureau.

Since the Bureau administers laws and regulations applying to several different industry segments, it is further proposed to permit an enrolled practitioner to practice before the Bureau in one or more of subject areas, i.e., alcohol, tobacco, firearms, or explosives matters. By doing so, practitioners will be relieved of acquiring or demonstrating knowledge in areas of expertise in which they neither have knowledge of, nor wish to practice in.

Persons desiring to become enrolled practitioners must submit an application to the Director, Bureau of Alcohol, Tobacco and Firearms, on which certain background information is stated including the applicant's experience, educational background, or other technical knowledge of laws and regulations relating to activities administered by the Bureau. The application should also clearly specify which area or areas of subject matter the applicant wishes to practice in (alcohol, tobacco, firearms, or explosives). The Director may then use the information contained in the application for enrollment, in much the same way as a written examination is used by the Internal Revenue Service as a basis for granting or rejecting enrollment to the applicant, or for requesting additional information from the applicant. Any applicant denied enrollment by the Director retains the right to appeal the denial to the Director of Practice and to the Secretary of the Treasury.

Enrollment will be granted by the Director for a period of 5 years and all enrollment cards will bear an expiration date after which the practitioner may no longer practice before the Bureau. However, § 8.25 of the proposed regulations provides that enrollment may be renewed by the practitioner during a period beginning 12 months prior to, and ending on, the expiration date of his or her enrollment. The practitioner would be required to submit an application for renewal of enrollment which contains basic background information but information regarding technical qualifications of the practitioner may be omitted. Renewal of enrollment will be granted for a period of 5 years, and enrollment may be renewed every 5 years.

Proposed § 8.26 provides that a practitioner may at any time during his or her period of enrollment also apply to the Director for a change in the subject areas (alcohol, tobacco, firearms, or explosives) in which he or she desires to practice before the Bureau. This application must include the technical qualifications of the practitioner in order for the Director to make a determination that the practitioner is qualified to practice before the Bureau in a particular subject area or areas.

It is proposed to liberalize the qualifications for enrolled practitioners in several respects. The age requirement is being established at 18 years to be consistent with the current trend in society. The citizenship requirement is also being eliminated since the Bureau believes this requirement to be restrictive upon foreign individuals or companies who may wish to be represented by persons not United States citizens. Consistent with the elimination of this requirement, the regulations do not require an oath of allegiance to the United States of persons becoming enrolled practitioners.

Former employees of the Bureau of Alcohol, Tobacco and Firearms may apply and become enrolled practitioners in the same fashion as any other person. No special category of former employees is established under the proposed regulations, although experience gained through their employment may be used to demonstrate the applicant's technical competence and ability to assist and render valuable service when representing others before the Bureau. Former employees are, however, subject to certain conflict of interest laws which are reflected in § 8.37 of the proposed regulations.

Persons who are currently enrolled agents before the Internal Revenue Service have been permitted to practice before the Bureau of Alcohol, Tobacco and Firearms pending issuance of these regulations. After adoption of these regulations, enrolled agents will no longer be able to practice before the Bureau unless they apply for, and are granted enrollment to practice. The regulations provide that their experience gained in representing persons before the Treasury Department will serve to qualify them to practice before the Bureau. It is also proposed to waive the fee accompanying their application for enrollment if they are enrolled agents in the time of the adoption of these proposed regulations.

The proposed regulations contain no provision for granting temporary recognition. It is believed that the number of applicants seeking to become enrolled practitioners will be very small and such applications may be processed rapidly. Also, since a written examination is not required, there will be no delay due to completion and grading of examinations. All necessary information concerning the applicant should be present on the application. Limited practice without enrollment may still be granted in cases when good cause can be shown.

Subpart D of the proposed regulations outlines duties of, and restrictions placed upon, persons practicing before the Bureau. Specific responsibilities placed upon practitioners include the furnishing of information upon request to officers of the Bureau or to the Director of Practice, the prompt and accurate presentation of oral and written information to the Bureau and to a client, and the responsibility to inform a client of any error or omission made in any document, or of any violation of law on the part of the client. Restrictions placed upon practitioners include a prohibition against accepting assistance from or practicing with another person who has been suspended or disbarred from practice before the Treasury Department, or who is a former Government employee with personal involvement in a matter to be presented before the Bureau. Prac-

titioners are also prohibited from charging unreasonable fees for their services, from acting as notaries in respect to matters in which they may have some interest, from representing conflicting interests before the Bureau unless they make full disclosure of the fact, from soliciting employment through advertising, and from practicing law if not members of the bar. In addition, restrictions are placed upon practice by former Government employees regarding matters in which they participated while a Government employee. The duties and responsibilities in Subpart D correspond closely to those in 31 CFR Part 10 relating to practice before the Internal Revenue Service.

Disciplinary proceedings are set forth in Subpart E. The proposed regulations define "disreputable conduct" which may be used as grounds for bringing disciplinary proceedings against an attorney, certified public accountant or enrolled practitioner, and provide a framework for the conduct of such hearings. As outlined in § 8.52, disreputable conduct includes, but is not limited to: Conviction for certain criminal offenses or offenses involving dishonesty, giving false or misleading information, solicitation of employment, failure to prepare Federal tax returns or illegally avoiding payment of taxes, misappropriation of funds, disbarrment or suspension from practice in any State or before the Internal Revenue Service, aiding or encouraging disbarred or suspended persons to practice before the Bureau, contemptuous conduct, or any willful violation of the regulations in this part. Subpart E gives the Director of Practice, Office of the Secretary, the authority to institute and provide for the conduct of disciplinary proceedings in a similar fashion as proceedings brought against practitioners before the Internal Revenue Service.

Persons who have been disbarred or suspended from practice before the Internal Revenue Service are not automatically prevented from continuing practice before the Bureau (if they do practice before the Bureau); however, the conduct warranting such disbarment or suspension may also be used to bring disciplinary proceedings against a practitioner before the Bureau. Such disbarment or suspension is listed in the proposed regulations at § 8.52(h), Disreputable Conduct, and may be used as the basis for disciplinary action. Similarly, practitioners are forbidden from accepting aid or assistance, or forming a partnership with a person under disbarment or suspension of practice before the Internal Revenue Service.

Throughout the proposed regulations, the term "hearing examiner" has been replaced with the term "administrative law judge" or "law judge" with respect to the person appointed pursuant to 5 U.S.C 3105 to conduct hearings in disciplinary proceedings.

Issuance of the proposed regulations will not affect the regulations at 31 CFR Part 10 as they apply to practice before the Internal Revenue Service. The proposed regulations will supersede 31 CFR Part 10 as they now apply to the Bureau of Alcohol, Tobacco and Firearms.

Public Participation

Prior to final adoption of these regulations, consideration will be given to any relevant data, views, or arguments. Persons wishing to comment upon these proposed changes may submit, in duplicate, their written data, views or arguments to the General Counsel, Department of the Treasury, Washington, D.C. 20220, on or before January 12, 1977. Any interested person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations, should submit his or her request, in writing, to the General Counsel within the 30-day period.

The proposed amendment is to be issued under the authority contained in § 3, 23 Stat. 258 (31 U.S.C. 1026); (5 U.S.C. 301, 500, 551–559); and Reorganization Plan No. 26 of 1950, 15 FR 4935, 64 Stat. 1280, as amended.

In consideration of the foregoing, it is proposed to amend Title 31 Code of Federal Regulations by adding a new Part 8 as set forth below.

PART 8—PRACTICE BEFORE THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Subpart A—General Requirements

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8.1 Scope.
8.2 Persons who may practice.
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8.51 Authority to disbar or suspend.
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8.61 Representation.
8.62 Administrative Law Judge.
8.63 Hearings.
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8.67 Proposed findings and conclusions.
8.68 Decision of Administrative Law Judge.
8.69 Appeal to the Secretary.
8.70 Decision of the Secretary.
8.71 Effect of disbarment or suspension.
8.72 Petition for reinstatement.

Authority: the provisions of this Part 8 issued under § 3, 23 Stat. 258 (31 U.S.C. 1026); 5 U.S.C. 301, 500, 551–559; and Reorganization Plan No. 26 of 1950, 15 FR 4935, 64 Stat. 1280, as amended, unless otherwise noted.

Subpart A—General Requirements

§ 8.1 Scope.

This part contains rules governing the recognition of attorneys, certified public accountants, enrolled practitioners, and other persons representing clients before the Bureau of Alcohol, Tobacco and Firearms.

§ 8.2 Persons who may practice.

(a) *Attorneys.* Any attorney who is not currently under suspension or disbarment from practice before the Bureau of Alcohol, Tobacco and Firearms, may practice before the Bureau upon filing a written declaration with the Bureau, that he or she is currently qualified as an attorney and is authorized to represent the particular party on whose behalf he or she acts.

(b) *Certified public accountants.* Any certified public accountant who is not currently under suspension or disbarment before the Bureau of Alcohol, Tobacco and Firearms, may practice before the Bureau upon filing a written declaration with the Bureau, that he or she is currently qualified as a certified public accountant and is authorized to represent the particular party on whose behalf he or she acts.

(c) *Enrolled practitioners.* Any person enrolled as a practitioner under the provisions of Subpart C of this part and who is not under suspension or disbarment from such enrollment may practice before the Bureau.

(d) *Limited practitioners.* Any person qualified for limited practice without enrollment under the provisions of § 8.27 may practice before the Bureau.

(e) *Restrictions on Government officers and employees.* Any officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia, who is otherwise eligible to practice under the provisions of this part, may represent parties before the Bureau when doing so in the proper discharge of his or her official duties. No such Government officer or employee

may otherwise practice before the Bureau except that, subject to the requirements of 18 U.S.C. 205, he or she may represent a member of his or her immediate family or a person or estate for which he or she serves as guardian, executor, administrator, trustee or other personal fiduciary. Members of Congress or Resident Commissioners (elect or serving) may not practice before the Bureau in connection with any matter for which they directly or indirectly seek any compensation.

(f) *Restrictions on State officers and employees.* No officer or employee of any State, or subdivision thereof, whose official responsibilities require him or her to pass upon, investigate, or deal with any State law or regulation concerning alcohol, tobacco, firearms, explosives matters or wagering, may practice before the Bureau if his or her official responsibility may disclose pertinent facts or information relating to matters administered by the Bureau.

(g) *Customhouse brokers.* Customhouse brokers, licensed by the Commissioner of Customs according to 19 CFR Part 111, may represent a party for whom they have acted as a customhouse broker before the Bureau with respect to matters relating to the importation or exportation of merchandise under customs or internal revenue laws.

(18 U.S.C. 203, 205)

§ 8.3 Conference and practice requirements.

Conference and practice requirements of the Bureau of Alcohol, Tobacco and Firearms, including requirements for powers of attorney are set forth in the following regulations:

(a) In Subpart E of 26 CFR Part 601 (or those regulations as recodified in 27 CFR Part 71 subsequent to the effective date of these regulations, 31 CFR Part 8) with respect to all representations before the Bureau except those in conjunction with license or permit proceedings;

(b) In 27 CFR Part 200 with respect to proceedings regarding permits issued under the Federal Alcohol Administration Act or the Internal Revenue Code;

(c) In 27 CFR 47.44 with respect to proceedings regarding licenses issued under the Arms Export Control Act (22 U.S.C. 2778);

(d) In Subpart E of 27 CFR Part 178 with respect to proceedings regarding licenses issued under the Gun Control Act of 1968 (18 U.S.C. Chapter 44); and

(e) In Subpart E of 27 CFR Part 181 with respect to proceedings regarding licenses or permits issued under the Organized Crime Control Act of 1970 (18 U.S.C. Chapter 40).

§ 8.4 Director of Practice.

The duties of the Director of Practice, Office of the Secretary of the Treasury, or his designee shall be to: act upon appeals from decisions of the Director, Bureau of Alcohol, Tobacco and Firearms denying applications for enrollment to practice before the Bureau; institute and provide for the conduct of disciplinary proceedings relating to attorneys, certified public accountants, and enrolled practitioners; make inquiries with respect to matters under his jurisdiction; and perform such other duties as are necessary or appropriate to carry out his functions under this part or as are prescribed by the Secretary of the Treasury.

§ 8.5 Records.

(a) *Availability.* Registers of all persons admitted to practice before the Bureau, and of all persons disbarred or suspended from practice, which are required to be maintained by the Director, Bureau of Alcohol, Tobacco and Firearms under the provisions of § 8.25, shall be made available for public inspection at the Office of the Director. Other records may be disclosed upon specific request in accordance with the disclosure regulations of the Bureau (27 CFR Part 71) and the Office of the Secretary.

(b) *Disciplinary proceedings.* A request by an attorney, certified public accountant or an enrolled practitioner, that a hearing in a disciplinary proceeding, conducted under the provisions of Subpart E of this part concerning him or her be public, and that the record thereof be made available for public inspection by interested persons, may be granted if agreement is reached by stipulation in advance to protect from disclosure any information which is confidential, in accordance with applicable laws and regulations.

§ 8.6 Special orders.

The Secretary of the Treasury reserves reserves the power to issue such special orders as he or she may deem proper in any cases within the scope of this part.

Subpart B—Definitions

§ 8.11 Meaning of terms.

As used in this part, except where the context clearly indicates otherwise, terms shall have the meaning ascribed in this section. Words in the plural shall include the singular, and vice versa. The terms "include" and "including" do not exclude things not enumerated which are in the same general class.

Administrative Law Judge or Law Judge. An Administrative Law Judge appointed as provided under 5 U.S.C. 3105.

Attorney. A person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia.

Bureau. The Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C. 20226.

Certified public accountant. Any person who is duly qualified to practice as a certified public accountant in any State, possession, territory, Commonwealth, or the District of Columbia.

CFR. The Code of Federal Regulations.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, D.C.

Enrolled practitioner. Any person enrolled to practice before the Bureau of Alcohol, Tobacco and Firearms pursuant to Subpart C of this part.

Government employee. An officer or employee of the United States Government, of any independent agency of the United States, or of the District of Columbia.

Practice before the Bureau. This comprehends all matters connected with presentation to the Bureau or any of its officers or employees relating to a client's rights, privileges, or liabilities under laws or regulations administered by the Bureau. Such presentations include the preparation and filing of necessary documents, correspondence with and communications to the Bureau, and the representation of a client at conferences, hearings, and meetings. Preparation of a tax return, appearance of an individual as a witness for any party, or furnishing information at the request of the Bureau or any of its officers or employees is not considered practice before the Bureau.

Secretary. The Secretary of the Treasury.

U.S.C. The United States Code.

Subpart C—Enrollment Procedures

§ 8.21 Eligibility for enrollment.

(a) *General qualifications.* The Director may grant enrollment to practice to any person who has not engaged in conduct which would justify the disbarment or suspension of any attorney, certified public accountant, or enrolled practitioner. Each person shall demonstrate to the satisfaction of the Director that he or she possesses the necessary technical qualifications to enable him or her to render valuable service before the Bureau, and that he or she is otherwise competent to advise and assist in the presentation of matters before the Bureau.

(b) *Technical qualifications.* (1) Enrollment to practice shall only be granted to persons possessing technical knowledge of the laws and regulations administered by the Bureau. Minimum criteria required of an enrolled practitioner shall consist of: 5 years employment with the Treasury Department in a responsible position which would familiarize the practitioner with applicable laws and regulations; or 5 years employment in a regulated industry in a responsible position which would familiarize the practitioner with applicable laws and regulations; or possession of a law degree; or other significant experience such as the prior representation of persons before the Internal Revenue Service or the Bureau of Alcohol, Tobacco and Firearms.

(2) An enrolled practitioner may demonstrate technical competence in one or more of the several areas of laws and regulations administered by the Bureau (alcohol, tobacco, firearms, or explosives matters).

(c) *Natural persons.* Enrollment to practice may only be granted to natural persons who have attained the age of 18 years.

(d) *Attorneys, certified public accountants.* Enrollment is not available to persons who are attorneys or certified public accountants who qualify to practice under § 8.2 (a) or (b).

§ 8.22 Application for enrollment.

(a) *Information to be furnished.* An application for enrollment to practice shall state the name, address and business address, citizenship and age of the applicant. Such application shall also state if the applicant has ever been suspended or disbarred as an attorney or certified public accountant, or if the applicant's right to practice has ever been revoked by any court, commission, or administrative agency in any jurisdiction. Such application shall set forth the applicant's requisite technical qualifications as specified in § 8.21(b) of this part which enable him or her to render valuable services before the Bureau. The applicant should indicate which area or areas of Bureau matters in which he or she desires to practice (alcohol, tobacco, firearms, or explosives matters).

(b) *Fee.* Each application for enrollment shall be accompanied by a check or money order in the amount of $25, payable to the Bureau of Alcohol, Tobacco and Firearms. This fee shall be retained by the United States whether or not the applicant is granted enrollment. Agents who are enrolled to practice before the Internal Revenue Service prior to _____ (effective date of these regulations) need not include this fee and should indicate their enrollment number on the application.

(c) *Execution under oath.* All applications for enrollment shall be executed under oath or affirmation.

(d) *Filing.* Applications for enrollment shall be filed with the Director, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

(e) *Additional information.* The Director, as a condition to consideration for enrollment, may require the applicant to file additional information as is pertinent. The Director shall, upon written request, afford an applicant the opportunity to be heard with respect to his or her application for enrollment.

§ 8.23 Denial of enrollment; appeal.

(a) The Director, in denying an application for enrollment, shall inform the applicant as to the reasons. The applicant may, within 30 days after receipt of the notice of denial, file a written appeal together with reasons in support thereof, with the Director of Practice. A decision on the appeal will be rendered by the Director of Practice as soon as practicable.

(b) An applicant may, within 30 days after receipt of the decision of the Director of Practice in sustaining a denial of enrollment, appeal the decision to the Secretary of the Treasury.

§ 8.24 Enrollment cards.

The Director shall issue an enrollment card to each practitioner who is enrolled to practice before the Bureau. Each enrollment card shall be valid for a period of 5 years and as long as the holder remains enrolled and in good standing before the Bureau. Unless advised to the contrary by the Director, any officer or employee of the Bureau may consider the holder of an unexpired enrollment card to be duly authorized to practice before the Bureau in the subject area or areas indicated upon the card (alcohol, tobacco, firearms, or explosives matters).

§ 8.25 Renewal of enrollment card.

(a) *Period of renewal.* Application for renewal of an enrollment card may be made during a 12-month period prior to the expiration of the enrollment card.

(b) *Application.* Each enrolled practitioner applying for a renewal of enrollment shall make application to the Director, Bureau of Alcohol, Tobacco and Firearms, on which all information required by § 8.22 shall be included. Information relating to technical qualifications need not be included on the application unless the enrolled practitioner is applying for enrollment in a subject area or areas in which he or she was not previously qualified to practice. The enrollment card last outstanding shall be attached to the application for renewal.

(c) *Fee.* Each application for renewal of enrollment shall be accompanied by a check or money order in the amount of $5.00, payable to the Bureau of Alcohol, Tobacco and Firearms.

§ 8.26 Change in enrollment.

(a) *Change in area of practice.* At any time during a period of enrollment, an enrolled practitioner may make application to practice in a subject area or areas in which he or she was not previously qualified to practice (alcohol, tobacco, firearms, or explosives matters).

(b) *Application.* Each enrolled practitioner applying for a change in enrollment shall make application to the Director, Bureau of Alcohol, Tobacco and Firearms, on which all information required by § 8.22 shall be included. Information relating to technical qualifications shall include only those additional subject areas in which the enrolled practitioner is applying to practice.

(c) *Fee.* Each application for change in enrollment shall be accompanied by a check or money order in the amount of $5.00, payable to the Bureau of Alcohol, Tobacco and Firearms.

§ 8.27 Enrollment registers.

The Director shall maintain, for public inspection, a register of all persons enrolled to practice before the Bureau and the subject areas in which each person is enrolled to practice, a register of all persons disbarred or suspended from practice, and a register of all persons whose applications for enrollment before the Bureau have been denied.

§ 8.28 Termination of enrollment.

(a) *Attorneys, certified public accountants.* The enrollment of a practitioner to whom an enrollment card has been issued shall terminate at such time as that person becomes eligible to practice without enrollment under § 8.2 (a) or (b), and such person shall surrender his or her enrollment card to the Director for cancellation.

(b) *Expiration of enrollment.* The enrollment of any person shall automatically terminate after the date indicated on the enrollment card unless, during the 12-month period prior to the expiration date of such enrollment card, that person files an application for renewal of enrollment with the Director, Bureau of Alcohol, Tobacco and Firearms, as provided in § 8.25. In such case, the person may continue to practice before the Bureau until his or her application has been finally determined.

§ 8.29 Limited practice without enrollment.

(a) *General.* Individuals may appear on their own behalf and may otherwise appear without enrollment, providing they present satisfactory identification, in the following classes of cases:

(1) An individual may represent another individual who is his or her regular full-time employer, may represent a partnership of which he or she is a member or a regular full-time employee, or may represent without compensation a member of his or her immediate family;

(2) Corporations (including parent corporations, subsidiaries or affiliated corporations), trusts, estates, associations, or organized groups may be represented by bona fide officers or regular full-time employees;

(3) Trusts, receiverships, guardianships, or estates may be represented by their trustees, receivers, guardians, administrators, or executors or their regular full-time employees;

(4) Any government unit, agency, or authority may be represented by an officer or regular employee in the course of his or her official duties; and

(5) Unenrolled persons may participate in rulemaking as provided in 5 U.S.C. 553.

(b) *Special appearances.* The Director subject to conditions as he deems appropriate, may authorize any person to represent a party without enrollment, for the purpose of a particular matter.

Subpart D—Duties and Restrictions Relating to Practice

§ 8.31 Furnishing of information.

(a) *To the Bureau.* No attorney, certified public account, or enrolled practitioner shall neglect or refuse promptly to submit records or information in any matter before the Bureau, upon proper and lawful request by a duly authorized officer or employee of the Bureau, or shall interfere, or attempt to interfere, with any proper and lawful effort by the Bureau or its officers or employees, to obtain any such record or information, unless he or she believes in good faith and on reasonable grounds that such record or information is privileged or that the request for, or effort to obtain, such records or information is of doubtful legality.

(b) *To the Director of Practice.* It shall be the duty of an attorney or certified public accountant, who practices before the Bureau, or enrolled practitioner when requested by the Director of Practice, to provide the Director of Practice with any information he or she may have

concerning violation of the regulations in this part by any person, and to testify thereto in any proceeding instituted under this part for the disbarment or suspension of an attorney, certified public accountant, or enrolled practitioner, unless he or she believes in good faith and on reasonable grounds that such information is privileged or that the request is of doubtful legality.

§ 8.32 Prompt disposition of pending matters.

No attorney, certified public accountant, or enrolled practitioner shall unreasonably delay the prompt disposition of any matter before the Bureau.

§ 8.33 Accuracy.

Each attorney, certified public accountant, and enrolled practitioner shall exercise due diligence:

(a) In preparing or assisting in the preparation of, approving, and filing returns, documents, affidavits, and other papers relating to Bureau matters;

(b) In determining the correctness of any representations made by him or her to the Bureau; and

(c) In determining the correctness of any information which he or she imparts to a client with reference to any matter administered by the Bureau.

§ 8.34 Knowledge of client's omission.

Each attorney, certified public accountant, or enrolled practitioner who knows that a client has not complied with applicable law, or has made an error in or omission from any document, affidavit, or other paper which the law requires such client to execute, shall advise the client promptly of the fact of such noncompliance, error or omission.

§ 8.35 Assistance from disbarred or suspended persons and former Treasury employees.

No attorney, certified public accountant, or enrolled practitioner shall, in presentation of any matter before the Bureau, knowingly and directly or indirectly:

(a) Employ or accept assistance from any person who is under disbarment or suspension from practice before any agency of the Treasury Department, or who, to the knowledge of the attorney, certified public accountant or enrolled practitioner, solicits business, obtains clients, or otherwise conducts his or her practice in a manner forbidden under the regulations of this part;

(b) Accept employment as an employee, associate, correspondent, or subagent of, or share fees with any such person; or

(c) Accept assistance in a specific matter from any person who participated personally and substantially in such matter as an employee of the Treasury Department.

§ 8.36 Practice by partners of Government employees.

No partner of an officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or the District of Columbia, shall represent anyone in any matter administered by the Bureau in which such officer or employee of the Government participates or has participated personally and substantially as a Government employee, or which is the subject of that employee's official responsibility.

§ 8.37 Practice by former Government employees.

(a) *Violation of law.* No former officer or employee of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, shall represent anyone in any matter administered by the Bureau if such representation would violate any of the laws of the United States.

(b) *Personal and substantial participation.* No former officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, shall represent anyone with respect to any matter under the administration of the Bureau, if he or she participated personally and substantially in that matter as an officer or employee of the Government.

(c) *Official responsibility.* No former officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, shall, within one year after his or her employment has ceased, appear personally as a practitioner before the Bureau with respect to any matter administered by the Bureau if such representation involves a specific matter under such former employee's official responsibility as an officer or employee of the Government, within a one-year period prior to the termination of such responsibility.

(d) *Aid or assistance.* No former officer or employee of the Treasury Department, who is eligible to practice before the Bureau, shall aid or assist any person in the representation of a specific matter in which such former officer or employee participated personally and substantially as an officer or employee of the Bureau.

(18 U.S.C. 207.)

§ 8.38 Notaries.

No attorney, certified public accountant, or enrolled practitioner shall, with respect to any matter administered by the Bureau, take acknowledgments, administer oaths, certify papers, or perform any official act in connection with matters in which he or she is employed as counsel, attorney, or practitioner, or in which he or she may be in any way interested before the Bureau.

(26 Op. Atty. Gen. 236)

§ 8.39 Fees.

No attorney, certified public accountant, or enrolled practitioner shall charge an unconscionable fee for representation of a client in any matter before the Bureau.

§ 8.40 Conflicting interests.

No attorney, certified public accountant, or enrolled practitioner shall represent conflicting interests in practice before the Bureau, except by express consent of all directly interested parties after full disclosure has been made.

§ 8.41 Solicitation.

No attorney, certified public accountant, or enrolled practitioner shall solicit employment, directly or indirectly, in matters relating to the Bureau. For the purposes of this section, solicitation includes, but is not limited to: the advertising of professional attainments or services; the employment of, or the forming of an association or partnership with, any person, partnership, corporation or other organization which solicits in a manner prohibited to attorneys, certified public accountants, and enrolled practitioners by the provisions of this part; or the use of signs, printing, or other written matter indicating some past or present connection with, or relationship to, the Bureau. In the case of an enrolled practitioner, the phrase "enrolled to practice before the Bureau of Alcohol, Tobacco and Firearms", when appearing on the stationery, letterhead, or professional card of such enrolled practitioner, is not considered to violate this prohibition. Customary biographical inserts in approved law lists and in reputable professional directories and journals, as well as the use of professional cards and announcements, are permissible providing that they do not violate the standards of ethical conduct adopted by the American Bar Association, the American Institute of Certified Accountants, and the National Society of Public Accountants.

§ 8.42 Practice of law.

Nothing in the regulations in this part shall be construed as authorizing persons not members of the bar to practice law.

Subpart E—Disciplinary Proceedings

§ 8.51 Authority to disbar or suspend.

The Secretary of the Treasury, after due notice and opportunity for hearing, may suspend or disbar from practice before the Bureau any attorney, certified public accountant, or enrolled practitioner shown to be incompetent, disreputable or who refuses to comply with the rules and regulations in this part or who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any client or prospective client, by word, circular, letter, or by advertisement.

(Sec. 3, 23 Stat. 258 (31 U.S.C. 1026).)

§ 8.52 Disreputable conduct.

Disreputable conduct for which an attorney, certified public accountant, or enrolled practitioner may be disbarred or suspended from practice before the Bureau includes, but is not limited to:

(a) Conviction of any criminal offense under the revenue laws of the United States; under any other law of the

United States which the Bureau enforces pursuant to Treasury Department Order No. 221 effective July 1, 1972, and Treasury Department Order No. 221–3 (Revision 1), effective February 21, 1976; or for any offense involving dishonesty or breach of trust.

(b) Giving false or misleading information, or participating in any way in the giving of false or misleading information, to the Bureau or any officer or employee thereof, or to any tribunal authorized to pass upon matters administered by the Bureau, in connection with any matter pending or likely to be pending before them, knowing such information to be false or misleading. Facts or other matters contained in testimony, Federal tax returns, financial statements, applications for enrollment, affidavits, declarations, or any other document or statement, written or oral, are included in the term "information".

(c) Solicitation of employment as prohibited under § 8.41 the use of false or misleading representations with intent to deceive a client or a prospective client in order to procure employment, or intimating that the practitioner is able improperly to obtain special consideration or action from the Bureau or an officer or employee thereof.

(d) Willfully failing to make a Federal tax return in violation of the revenue laws of the United States, or evading, attempting to evade, or participating in any way in evading or attempting to evade any Federal tax or payment thereof; knowingly counseling or suggesting to a client or prospective client an illegal plan to evade Federal taxes or payment thereof, or concealing assets of himself or herself, or of another in order to evade Federal taxes or payment thereof.

(e) Misappropriation of, or failure properly and promptly to remit funds received from a client for the purpose of payment of taxes or other obligations due the United States.

(f) Directly or indirectly attempting to influence, or offering or agreeing to attempt to influence, the official action of any officer or employee of the Bureau by the use of threats, false accusations, duress or coercion, by the offer to any special inducement or promise of advantage or by the bestowing of any gift, favor or thing of value.

(g) Disbarment or suspension from practice as an attorney or cerified public accountant by any duly constituted authority of any State, possession, Commonwealth, the District of Columbia, or by any Federal court of record.

(h) Disbarment or suspension from practice as an attorney, certified public accountant, or other person admitted to practice before the Internal Revenue Service.

(i) Knowingly aiding and abetting another person to practice before the Bureau during a period of suspension, disbarment, or ineligibility of such other person. Maintaining a partnership for the practice of law, accountancy, or other related professional service with a person who is under disbarment from practice before the Bureau or the Internal Revenue Service shall be presumed to be a violation of this provision.

(j) Contemptuous conduct in connection with practice before the Bureau, including the use of abusive language, making false accusations and statements knowing them to be false, or circulating or publishing malicious or libelous matter.

(k) Willful violation of any of the regulations contained in this part.

§ 8.53 Initiation of disciplinary proceedings.

(a) *Receipt of information.* If an officer or employee of the Bureau has reason to believe that an attorney, certified public accountant, or enrolled practitioner has violated any of the provisions of this part or engaged in any disreputable conduct as defined in § 8.52, the employee shall promptly make a report thereof which shall be forwarded to the Director of Practice. Any other person possessing such information may make a report thereof to the Director of Practice or to any officer or employee of the Bureau.

(b) *Institution of proceeding.* When the Director of Practice has reason to believe that any attorney, certified public accountant, or enrolled practitioner has violated any provisions of the laws or regulations governing practice before the Bureau, he or she may reprimand such person or institute a proceeding for the disbarment or suspension of such person. The proceeding shall be instituted by a complaint which names the respondent and is signed by the Director of Practice and filed in his or her office. Except in cases of willfulness, or when time, the nature of the proceeding, or the public interest does not permit, no proceeding shall be instituted until facts or conduct which may warrant such action have been called to the attention of the proposed respondent in writing and the respondent has been accorded the opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 8.54 Conferences.

(a) *In general.* The Director of Practice may confer with an attorney, certified public accountant, or enrolled practitioner concerning allegations of misconduct irrespective of whether a proceeding for disbarment or suspension has been instituted. If such conference results in a stipulation in connection with a proceeding in which such person in the respondent, the stipulation may be entered in the record at te instance of either party to the proceeding.

(b) *Resignation or voluntary suspension.* An attorney, certified public accountant, or enrolled practitioner, in order to avoid the institution or conclusion of a disbarment or suspension proceeding, may offer his or her consent to suspension from practice before the Bureau. An enrolled practitioner may also offer a resignation. The Director of Practice, at his or her discretion, may accept the offered resignation of an enrolled practitioner and may suspend an attorney, certified public accountant, or enrolled practitioner in accordance with the consent offered.

§ 8.55 Contents of complaint.

(a) *Charges.* A complaint shall give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informs the respondent of the charges so that he or she is able to prepare a defense.

(b) *Demand for answer.* The complaint shall give notification of the place and time prescribed for the filing of an answer by the respondent; such time shall be not less than 15 days from the date of service of the complaint. Notice shall be given that a decision by default may be rendered against the respondent if the complaint is not answered as required.

§ 8.56 Service of complaint and other papers.

(a) *Complaint.* A copy of the complaint may be served upon the respondent by certified mail or first-class mail as hereinafter provided. The copy of the complaint shall be delivered to the respondent or the respondent's attorney or agent of record either in person or by leaving it at the office or place of business of the respondent, attorney or agent, or the complaint may be delivered in any manner which has been agreed to by the respondent. If the service is by certified mail, the post office receipt signed by or on behalf of the respondent shall be proof of service. If the certified matter is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to him or her by first-class mail, addressed to the respondent at the address under which he or she is enrolled or at the last address known to the Director of Practice. If service is made upon the respondent or his or her attorney or agent of record in person, or by leaving the complaint at the office or place of business of the respondent, attorney or agent, the verified return by the person making service, setting forth the manner of service, shall be proof of such service.

(b) *Service of other papers.* Any paper other than the complaint may be served upon an attorney, certified public accountant, or enrolled practitioner as provided in paragraph (a) of this section or by mailing the paper by first-class mail to the respondent at the last address known to the Director of Practice, or by mailing the paper by first-class mail to the respondent's attorney or agent of record. Such mailing shall constitute complete service. Notices may be served upon the respondent or his attorney or agent of record by telegraph.

(c) *Filing of papers.* When the filing of a paper is required or permitted in connection with a disbarment or suspension proceeding, and the place of filing is not specified by this subpart or by rule or order of the Administrative Law

Judge, the papers shall be filed with the Director of Practice, Treasury Department, Washington, D.C. 20220. All papers shall be filed in duplicate.

§ 8.57 Answer.

(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint or notice of institution of the proceeding, unless on application the time is extended by the Director of Practice or the Administrative Law Judge. The answer shall be filed in duplicate with the Director of Practice.

(b) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which he or she knows to be true, or state that he or she is without sufficient information to form a belief when in fact the respondent possesses such information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proven, and no further evidence in respect of such allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Director of Practice or the Administrative Law Judge, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the Law Judge may make a decision by default without a hearing or further procedure.

(d) *Reply by Director of Practice.* No reply to the respondent's answer shall be required, and new matter in the answer shall be deemed to be denied, but the Director of Practice may file a reply at his or her discretion or at the request of the Administrative Law Judge.

§ 8.58 Supplemental charges.

If it appears that the respondent in his or her answer, falsely and in bad faith, denies a material allegation of fact in the complaint or states that the respondent has no knowledge sufficient to form a belief, when he or she in fact possesses such information, or if it appears that the respondent has knowingly introduced false testimony during proceedings for his or her disbarment or suspension, the Director of Practice may thereupon file supplemental charges against the respondent. Such supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare a defense thereto.

§ 8.59 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the Administrative Law Judge may order or authorize amendment of the pleading to conform to the evidence. The party who would otherwise be prejudiced by the amendment shall be given reasonable opportunity to meet the allegation of the pleading as amended, and the Law Judge shall make findings on any issue presented by the pleadings as so amended.

§ 8.60 Motions and requests.

Motions and requests may be filed with the Director of Practice or with the Administrative Law Judge.

§ 8.61 Representation.

A respondent or proposed respondent may appear in person or be represented by counsel or other representative who need not be enrolled to practice before the Bureau. The Director of Practice may be represented by an attorney or other employee of the Treasury Department.

§ 8.62 Administrative Law Judge.

(a) *Appointment.* An Administrative Law Judge, appointed as provided by 5 U.S.C. 3105, shall conduct proceedings upon complaints for the disbarment or suspension of attorneys, certified public accountants, or enrolled practitioners.

(b) *Responsibilities.* The Administrative Law Judge shall have authority, in connection with any disbarment or suspension proceeding assigned to him or her to do the following:

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests; such rulings may not be appealed prior to the close of the hearing except at the discretion of the Law Judge in extraordinary circumstances;

(3) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(4) Take or authorize the taking of depositions;

(5) Determine the time and place of hearing and regulate its course and conduct;

(6) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(7) Receive and consider oral and written arguments on facts or law;

(8) Make initial decisions;

(9) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings; and

(10) Perform such acts and take such measures as are necessary or appropriate for the efficient conduct of any proceeding.

§ 8.63 Hearings.

(a) *Conduct of hearing.* The Administrative Law Judge shall preside at the hearing on a complaint for the disbarment or suspension of an attorney, certified public accountant, or enrolled practitioner. Hearings shall be stenographically recorded and transcribed and the testimony of witnesses shall be received under oath or affirmation. Hearings will be conducted pursuant to 5 U.S.C. 556.

(b) *Failure to appear.* If either party to the proceeding fails to appear at the hearing, after due notice thereof has been sent, they shall be deemed to have waived the right to a hearing and the Law Judge may make a decision against the absent party by default.

§ 8.64 Evidence.

(a) *Rules of evidence.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings. However, the Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(b) *Depositions.* Depositions of witnesses taken pursuant to § 8.65 may be admitted as evidence.

(c) *Government documents.* Official documents, records, and papers of the Bureau of Alcohol, Tobacco and Firearms and the Office of the Director of Practice shall be admissible in evidence without the production of an officer or employee to authenticate them. Such documents, records and papers may be evidenced by a copy attested or identified by an officer or employee of the Bureau or the Treasury Department.

(d) *Exhibits.* If any document, record or other paper is introduced in evidence as an exhibit, the Law Judge may authorize the withdrawal of the exhibit subject to any conditions he or she deems proper.

(e) *Objections.* Objections to evidence shall be in short form, stating the grounds of objection and the record shall not include arguments thereon, except as ordered by the Law Judge. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

§ 8.65 Depositions.

Depositions for use at a hearing may, with the written approval of the Administrative Law Judge, be taken by either the Director of Practice or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written questioning, upon not less than 10 days' written notice to the other party before any officer duly authorized to administer an oath for general purposes or before an officer or employee of the Bureau authorized to administer an oath pursuant to 27 CFR 70.35. Such notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 10 days' notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed to by the parties. When a deposition is taken upon written questioning, any cross-examination shall be upon written questioning. Copies of such written questioning shall be served upon the other party with the notice, and copies of any written cross-interrogation shall be mailed or delivered to the opposing party at least 5 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken

must file it with the Administrative Law Judge and serve one copy upon the opposing party. Expenses in the reproduction of depositions shall be borne by the party at whose instance the deposition is taken.

§ 8.66 Transcript.

In cases in which the hearing is stenographically reported by a Government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. If the hearing is stenograhphically reported by a regular employee of the Bureau, a copy thereof will be supplied to the respondent either without charge or upon the payment of a reasonable fee. Copies of exhibits introduced at the hearing or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee.

(Sec. 501, 65 Stat. 290 (31 U.S.C. 483a))

§ 8.67 Proposed findings and conclusions.

Except in cases where the respondent has failed to answer the complaint or where a party has failed to appear at the hearing, the Administrative Law Judge, prior to making his or her decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

§ 8.68 Decision of Administrative Law Judge.

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Law Judge shall make the initial decision in the case. The decision shall include (a) A statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (b) An order of disbarment, suspension, or reprimand or an order of dismissal of the complaint. The Law Judge shall file the decision with the Director of Practice and shall transmit a copy thereof to the respondent or the respondent's attorney of record. In the absence of an appeal to the Secretary of the Treasury, or review of the decision upon motion of the Secretary, the decision of the Law Judge shall, without further proceedings, become the decision of the Secretary of the Treasury 30 days from the date of the Law Judge's decision.

§ 8.69 Appeal to the Secretary.

Within 30 days from the date of the Administrative Law Judge's decision, either party may appeal to the Secretary of the Treasury. The appeal shall be filed with the Director of Practice in duplicate and shall include exceptions to the decision of the Law Judge and supporting reasons for such exceptions. If an appeal is filed by the Director of Practice, he or she shall transmit a copy thereof to the respondent. Within 30 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Director of Practice. If the reply brief is filed by the Director of Practice, he or she shall transmit a copy of it to the respondent. Upon the filing of an appeal and a reply brief, if any, the Director of Practice shall transmit the entire record to the Secretary of the Treasury.

§ 8.70 Decision of the Secretary.

On appeal from or review of the initial decision of the Law Judge, the Secretary of the Treasury will make the agency decision. In making this decision, the Secretary of the Treasury will review the record or such portions thereof as may be cited by the parties to permit limiting of the issues. A copy of the Secretary's decision shall be transmitted to the respondent by the Director of Practice.

§ 8.71 Effect to disbarment or suspension.

(a) *Disbarment.* If the final order against the respondent is for disbarment, the respondent shall not thereafter be permitted to practice before the Bureau unless authorized to do so by the Director of Practice pursuant to § 8.72.

(b) *Suspension.* If the final order against the respondent is for suspension, the respondent shall not thereafter be permitted to practice before the Bureau during the period of suspension.

(c) *Surrender of enrollment card.* If an enrolled practitioner is disbarred or suspended, he or she shall surrender the enrollment card to the Director of Practice for cancellation, in the case of disbarment, or for retention during the period of suspension.

(d) *Notice of disbarment or suspension.* Upon the issuance of a final order for suspension or disbarment, the Director of Practice shall give notice thereof to appropriate officers and employees of the Bureau of Alcohol, Tobacco and Firearms and to interested departments and agencies of the Federal Government. The Director of Practice may also give notice as he or she may determine to the proper authorities of the State in which the disbarred or suspended person was licensed to practice as an attorney or certified public accountant.

§ 8.72 Petition for reinstatement.

The Director of Practice may entertain a petition for reinstatement from any person disbarred from practice before the Bureau after the expiration of 5 years following such disbarment. Reinstatement may not be granted unless the Director of Practice is satisfied that the petitioner, thereafter, is not likely to conduct himself or herself contrary to the regulations in this part, and that granting such reinstatement would not be contrary to the public interest.

(NOTE.—The Bureau of Alcohol, Tobacco and Firearms has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.)

Dated: December 1, 1976.

RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.76-36491 Filed 12-10-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 76-43]

SPECIAL ANCHORAGE AREA, CAMDEN HARBOR, MAINE

Proposed Special Anchorage

The Coast Guard is considering amending the anchorage regulations by establishing a Special Anchorage Area in Camden Harbor, Maine. The anchorage is needed to provide for the safety of pleasure craft anchoring in this vicinity. The anchorage would be for the general use of the public. In Special Anchorage Areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal to the Commander, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts, 02114. Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD 76-43), and give reasons for any recommended change in the proposal. Copies of all written comments will be available for examination by interested persons at the office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District will forward all comments received before January 27, 1977, and his recommendation to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on the proposal. The proposed regulations may be changed in the light of comments received.

In view of the foregoing, it is proposed to amend Part 110 of Title 33 of the Code of Federal Regulations by adding a new § 110.2a to read as follows:

§ 110.2a Camden Harbor, Maine.

The water area of Camden Harbor northwest of a line bearing 044° from a point on Dillingham Point at latitude 44°12'10.5" N., longitude 69°03'19" W., to a point on Northeast Point at longitude 69°03'19" W., to a point on Northeast Point at latitude 44°12'32" N., longitude 69°02'51" W.

(Sec. 1, 30 Stat. 98, as amended, 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655 (g)(1)(B) 49 CFR 1.46(c)(2).)

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 7, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-36427 Filed 12-10-76;8:45 am]

[33 CFR Part 110]

[CGD 76-103]

SPECIAL ANCHORAGE AREA, PUT-IN-BAY, OHIO

Proposed Special Anchorage Area

The Coast Guard, at the request of pleasure boat owners, the County Commissioners, and Township Trustees and Village Council of Put-In-Bay, Ohio, is considering amending the Anchorage Regulations by establishing a special anchorage area in Put-In-Bay, Ohio. This anchorage area would be for the general use of the public. The high density of boats customarily anchoring in a random manner in this area, often blocking access to shore areas and otherwise interfering with normal navigation, warrants establishment of a defined anchorage area. The proposed special anchorage is far enough removed from recognized traffic channels to allow safe anchoring of unlighted vessels. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal to the Commander, Ninth Coast Guard District 1420 East Ninth Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, and organization, if any, identify the notice number (CGD 76-103), and give reasons for any recommended changes in the proposal. Copies of all written comments will be available for examination by interested persons at the Office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District will forward all comments received before January 13, 1977, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters who will evaluate all communications received and take final action on the proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing it is proposed that a new section 110.84a be added to Part 110, Title 33 of the Code of Federal Regulations to read as follows:

§ 110.84a Put-In-Bay, Ohio.

The area in Put-In-Bay, Ohio commencing at a point 283° true 450 feet from Put-In-Bay Dock Light; thence 008° 900 feet, thence 254° 900 feet, thence 193° 450 feet, thence 126° 420 feet, thence 085° 500 feet to the point of origin. The area is further divided into two areas. Area I lies east of and Area II lies west of the line commencing at the southwest corner adjacent to Put-In-Bay Buoy 4 running 013° to the midpoint of the northern boundary.

NOTE: Area I is for boats anchoring using their own anchoring gear, excluding mooring buoys, Area II is for boats using their own anchoring gear and boats moored to authorized mooring buoys.

(Sec. 1, 28 Stat. 647, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 258, 49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2).)

The Coast Guard had determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 7, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-36428 Filed 12-10-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 211]

FOREST SERVICE ADMINISTRATIVE REVIEW PROCEDURES

Proposed Revision

Notice is hereby given that the Forest Service is proposing to revise its administrative review procedures. The proposal would delete current regulation 36 CFR 211.2 and substitute new material.

Significant changes include: (1) Deletion of provision for reconsideration of a Forest Officer's decision prior to review at the next higher level, (2) clarification of the fact that granting oral presentations is discretionary, not mandatory, (3) modification of time limits, and (4) clarification of notification requirements when a decision is made.

All persons who wish to submit written data, views, or objections pertaining to the proposed revision may do so by submitting them to the Chief, Forest Service, U.S. Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, on or before January 17, 1977.

All written submissions made pursuant to this notice will be available for public inspection in room 3021, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

The proposed revised wording follows:

§ 211.2 Appeal of decisions of forest officers.

(a) *Matters subject to appeal.* Any written decision of a Forest Service officer not excluded in paragraph (b) of this section is subject to administrative review by appeal under this section. A decision may be appealed by submitting a written notice of appeal to the officer who made the decision.

(b) *Matters excluded from appeal under this section.* (1) Decisions which are appealable to the Board of Contract Appeals of the Department of Agriculture under 7 CFR Part 24.

(2) Decisions which involve Freedom of Information Act denials under 7 CFR Part 1, Subpart A, or Privacy Act determinations under 7 CFR Part 1.118.

(3) Decisions in which jurisdiction of another Government Agency, the Comptroller General, or a Court supersedes that of the Department of Agriculture.

(4) Decisions which are appealable under separate procedures, including, but not limited to those under 36 CFR 252.14, 36 CFR 292.15(1), and 7 CFR 21.104.

(5) Decisions concerning contracts under the Federal Property and Administrative Services Act of 1949.

(6) Decisions which involve personnel matters.

(7) Decisions which involve monetary damages or reformation of a contract.

(c) *Decisions on procedural matters.* Procedural decisions shall be appealed within 15 days after they are made. Such decisions include, but are not limited to the following:

(1) Available levels of appeal.

(2) Requests for stay.

(3) Requests for extensions of deadlines.

(4) Rulings on matters excluded from appeal under this section.

(d) *Notice.* (1) Written notice of a decision shall be provided to the party or parties having a written instrument issued by the Forest Service and affected by the decision, and to any other interested person who has requested in writing notification of a specific decision.

(2) Notification of a decision may be provided through publication in a newspaper of general circulation.

(e) *Decisions final unless appealed within 45 days.* Except as provided in paragraph (c) of this section, a written decision shall be final unless an appeal is filed or a stay is granted within 45 days of the date of the decision. Implementation shall not be affected by the right to appeal unless a stay is granted.

(f) *Timely appeals.* Appeals must be submitted in writing within 45 days of the date of the decision. Any paper filed pursuant to this section shall be deemed to have been filed when it is postmarked, or when it is received if other than the United States mails are used to accomplish delivery. If the date of mailing cannot be determined from the postmark, other evidence of mailing may be required by the Forest Officer. Saturdays, Sundays, and Federal holidays shall be included in computing the time allowed for filing, but when such time expires on a Saturday, Sunday, or Federal holiday, the time shall be extended to include the next following business day.

(g) *No extension for timely appeals.* No extension of time for filing a notice of appeal will be granted.

(h) *Format for appeal notice.* A notice of appeal must be in writing and must be submitted to the Forest Officer who made the initial decision. The notice should identify specifically the decision being appealed, including its date, subject, the Forest Officer responsible for the decision, and the Reviewing Officer to whom the appeal is directed. The relief requested should be described specifically. A statement of reasons supporting the appeal must be included, or submitted in accordance with paragraph (i) of this section.

(i) *Extensions for filing statement of reasons.* The Forest Officer receiving a

timely appeal may, upon a clear and convincing showing by appellant of necessity, grant a reasonable period not to exceed 30 days from the date of receipt of the appeal, for the filing of a statement of reasons.

(j) *Stay of decision pending appeal.* A stay shall not be considered unless appellant has submited a statement of reasons supporting the request for stay. The Forest Officer receiving a timely request for stay with supporting reasons shall immediately transmit the request for stay to the Reviewing Officer. The Reviewing Officer shall, within 10 days of receipt of the request, grant or deny the stay and notify the appellant in writing. If the stay is denied the notification shall state the reasons for the denial.

(k) *Levels of appeal.* (1) The available levels of appeal are limited to the following sequence and number:

(i) Initial decisions of a District Ranger are subject to review by the Forest Supervisor and, subsequently, by the Regional Forester.

(ii) Initial decisions of a Forest Supervisor are subject to review by the Regional Forester, and subsequently, by the Chief.

(iii) Initial decisions of a Regional Forester are subject to review by the Chief only.

(iv) Initial decisions of the Chief are subject to review by the Secretary of Agriculture, but only if in his discretion he elects to review the Chief's decision and accepts the appeal within 30 days after it is submitted for his consideration.

(2) The entry of additional parties at any stage does not extend the levels of appeal available or alter time requirements.

(l) *Processing of appeal.* The Forest Officer responsible for the decision shall, following receipt of an appeal and statement of reasons, prepare a responsive statement concerning the decision being contested. Such a statement shall be prepared within 30 days of receipt of appellant's statement of reasons and a copy shall be furnished to appellant. Following completion of the appeal record, the Forest Officer shall immediately transmit the entire record to the Reviewing Officer. The appellant shall have 15 days from receipt of the responsive statement to submit to the Reviewing Officer written comments thereon. No extension of this period will be allowed.

(m) *Decision on appeal.* An appeal decision shall be made within 30 days of the Reviewing Officer's receipt of the complete record. If it becomes necessary for the decision period to exceed 30 days, the Reviewing Officer shall so notify the appellant in writing.

(n) *Remand for additional information or further action.* If, on appeal, the record is considered inadequate to support a decision on the appeal, the Reviewing Officer may request such additional evidence or information as may be appropriate or may remand the case with instructions for further action.

(o) *Oral presentation.* The appellant may, at the time of filing the statement of reasons in an appeal, request in writing the opportunity to present his views orally to the Reviewing Officer or his designee, and to include documentary evidence relevant to such oral presentation. The request shall be submitted to the Forest Officer responsible for the initial decision. The Reviewing Officer shall, within 15 days of the request, grant or deny the request and notify the appellant in writing of his decision. If an oral presentation is allowed, the Reviewing Officer shall determine the date, location, and Forest Service representative to hear the presentation. Subsequently the appeal record will include a brief summary of the oral presentation and any documentary evidence received at the presentation.

(p) *Participation of adversely affected persons.* Any persons who may be adversely affected by alteration of a decision on appeal including, but not limited to, persons holding or seeking a special use permit or other contractual relationship with the Forest Service, shall, upon request, or may, upon the initiative of the Forest Service, be furnished a copy of the request for appeal. Such parties shall be given the option to intervene in the appeal. All who intervene shall become entitled to the same procedural benefits and subject to the same procedural constraints as the original appellant. Intervention may be allowed, at the discretion of the Reviewing Officer, at any time prior to his decision.

(q) *Consolidation of appeals.* Multiple appeals of the same initial decision may be consolidated by the Reviewing Officer through the issuance of one appeal decision with copies to be sent to all appellants.

(r) *Scope of appeal.* The appellant and any intervenor shall, throughout all levels of appeal, be confined to those issues upon which the decision was originally based.

(s) *Administrative finality.* Decisions at the final level of appeal specified in paragraph (k) of this section shall constitute the final administrative determinations of the Department of Agriculture.

(30 Stat. 35, as amended, sec. 1, 33 Stat. 628; (16 U.S.C. 551, 472))

ROBERT W. LONG,
Assistant Secretary.

DECEMBER 8, 1976.

[FR Doc.76-36484 Filed 12-10-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

EDUCATION BENEFITS

Failure of School To Meet Requirements

The following regulatory changes are made to clarify and update existing provisions.

Section 21.4207 is amended to provide the correct effective date for administrative determinations by the Veterans Administration as to the failure of a school to meet the requirements of law. The language of the regulation is also amended for the purpose of providing greater clarity of existing provisions.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before January 12, 1977, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that records are available for inspection only in Central Office and furnished the address and the above room number.

The Veterans Administration has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Notice is also given that it is proposed to make these changes effective date of final approval.

Approved: December 7, 1976.

By direction of the Administrator.

A. J. SCHULTZ, Jr.,
Associate Deputy Administrator.

In § 21.4207, paragraphs (a), (c), (d), and (e) are revised to read as follows:

§ 21.4207 Failure of school to meet requirements.

(a) *Committee on Educational Allowances.* The Committee on Educational Allowances in the field station is authorized to make recommendations on action to be taken for the purposes of this section, subject to approval by the station head. The committee will include a minimum of three staff members designated by the station head. The unanimous recommendation of the committee, when approved by the station head, becomes the final administrative decision of the Veterans Administration unless an application for review is filed as provided in paragraph (d) of this section.

* * * * *

(c) *Referral to Central Office by the field station.* The decision will be made by Central Office and the issue shall be referred to the Director, Education and Rehabilitation Service if:

(1) The recommendation of the Committee on Educational Allowances is not unanimous, or

(2) The station head does not approve the recommendation of the Committee.

(d) *Request by the school for review.* The school may file an application for review by Central Office of any decision

rendered under paragraph (a) of this section. The application must be received in Central Office within 30 days after the date of notice of the decision. See § 21.4208.

(e) *Effective date.* The effective date for decisions of the field station or of Central Office will be:

(1) The date the station head approves the unanimous recommendation of the Committee on Educational Allowances, if no review by Central Office is required;

(2) The date the station head originally approved the recommendation of the Committee on Educational Allowances, if the decision is reviewed by Central Office, pursuant to paragraph (d) of this section, and approved;

(3) The date the station head originally approved the recommendation of the Committee on Educational Allowances, if the decision is reviewed by Central Office, pursuant to paragraph (d) of this section, and the station's decision is reversed by a Central Office decision; or

(4) The date of receipt by the field station of the decision of Central Office rendered pursuant to paragraph (c) of this section. See § 21.4208.

* * * * *

[FR Doc.76-36429 Filed 12-10-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

[41 CFR Part 101-25]

LABORATORY AND RESEARCH EQUIPMENT MANAGEMENT

Notice of Proposed Changes

The General Services Administration proposes to amend the regulations issued in Subpart 101-25.1 of the Federal Property Management Regulations (FPMR) applying to the management of laboratory and research equipment in Federal laboratories.

An earlier draft of this proposed amendment was submitted to a limited number of interested agencies for review, and their comments are reflected, to the extent feasible in this proposal.

Written comments concerning this proposed amendment may be submitted to the General Services Administration (F), Washington, DC 20406, on or before January 12, 1977.

Since November 1969, the FPMR has prescribed controls for use by Federal agencies in managing laboratory and research equipment in Federal laboratories. These controls, which are intended to promote the maximum use of equipment already owned in lieu of the purchase of similar new equipment, include the practice of inspection tours, or "walk-throughs," to identify idle and unneeded equipment available for reassignment and the establishment of equipment pools.

Followup surveys conducted to measure efficiency in Federal laboratory equipment utilization have led the General Accounting Office to conclude that the controls described above are not generally being employed in Federal laboratories, or are not being employed effectively. In a December 3, 1975, report (B-160140) to the Congress entitled "More Improvement Needed in Equipment Management Practices in Government Laboratories," the Comptroller General of the United States recommended specific additional controls for incorporation into the FPMR to strengthen the management practices currently prescribed. In brief, these additional controls include the following:

a. The establishment of teams of top management and scientific personnel to make laboratory walk-throughs and report their findings to the agency head.

b. The establishment of equipment pools in laboratories or the submission to the agency head in writing the reasons why a pool is not needed.

c. The preparation of an annual report for submission to the agency head concerning the use and effectiveness of the pooling of equipment.

d. The periodic independent review by each agency of walk-through practices and equipment pool operations to determine their effectiveness.

In consonance with the foregoing recommendations of the Comptroller General of the United States, it is proposed to amend the FPMR by revising §§ 101-25.109, 101-25.109-1, and 101-25.109-2, as follows:

PART 101-25—GENERAL

Subpart 101-25.1—General Policies

§ 101-25.109 Laboratory and research equipment.

(a) This section prescribes controls for use by Federal agencies in managing laboratory and research equipment in Federal laboratories. Agencies may establish such additional controls as are necessary to increase the use of equipment already owned in lieu of the procurement of similar equipment.

(b) The term "Federal laboratory," as used in this section, means any laboratory or laboratory facility in any Government-owned or -leased building which is equipped and/or used for scientific research, testing, or analysis, except clinical laboratories operating in direct support of Federal health care programs. The regulations contained in this section are also intended to cover commercial laboratories and laboratory facilities operating under contract with the Government, but only to the extent that Government-furnished equipment is involved.

§ 101-25.109-1 Identification of idle equipment.

(a) The provisions of this § 101-25.109-1 apply to all Federal laboratories regardless of size.

(b) Inspection tours of Federal laboratories shall be conducted on a scheduled basis, at least annually, for the purpose of identifying idle and unneeded laboratory and research equipment. Following each tour, a report of findings shall be prepared by the inspecting team and submitted to the agency head or his designee. Equipment identified by the team as idle or unneeded shall be reassigned as needed within the laboratory, placed in an equipment pool, or declared excess and made available to other agencies in accordance with Part 101-43.

(c) Laboratory inspection teams shall be appointed by the agency head or his designee and shall be comprised of senior program management, property management, and scientific personnel who are familiar with the plans and programs of the laboratory (ies) and who have a knowledge of laboratory and research equipment utilization.

(d) The agency head or his designee shall ensure compliance by responsible personnel with the requirements of this § 101-25.109-1 and shall require that periodic independent reviews of walk-through procedures employed in Federal laboratories under his control be conducted to determine their effectiveness and to effect modifications as appropriate.

§ 101-25.109-2 Equipment pools.

(a) The provisions of this § 101-25.109-2 apply to Federal laboratories which occupy an area of 10,000 square feet or more and employ 25 or more technical or scientific personnel. Laboratories which do not meet these size and staffing criteria should observe the requirements of this section whenever feasible.

(b) Equipment pools shall be established in Federal laboratories so that laboratory and research equipment can be shared or allocated on a temporary basis to laboratory activities and individuals whose average usage does not warrant the assignment of such equipment on a permanent basis. If it is determined that an equipment pool would not be practical at a particular laboratory, a written report fully justifying that determination shall be submitted to the agency head or his designee.

(c) In determining the number and location of equipment pools, consideration should be given to economy of operation, mobility of equipment, accessibility to users, frequency of use of the equipment, and impact on research programs. In instances in which the establishment of a physical pool would be economically unfeasible due to excessive transportation and handling costs or limited personnel resources, pooling may be accomplished by means of equipment listings. Consideration should be given to the establishment of an advisory committee consisting of technical and management personnel to determine the types of equipment to be shared or pooled and to identify equipment that is no longer required.

(1) Equipment pools may also be used to fill requests for temporary replacements while permanently assigned equipment is being repaired or to provide

equipment for new laboratories pending acquisition of permanent equipment.

(2) Although specific pieces of laboratory equipment may not be available for assignment to equipment pools, they may be available for sharing or loan. Information concerning the availability of such equipment can be maintained at a central location such as within equipment pools.

(d) An annual report concerning the use and effectiveness of equipment pooling shall be prepared by each Federal laboratory operating equipment pools and submitted to the agency head or his designee.

(e) The agency head or his designee shall ensure compliance by responsible personnel with the requirements of this § 101-25.109-2 and shall require that periodic independent reviews of equipment pool operations in Federal laboratories under his control be conducted to determine their effectiveness and effect modifications as appropriate.

(Sec. 205(c), 63 Sta. 390; 40 U.S.C. 486(c).)

The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 26, 1976.

WALLACE H. ROBINSON, Jr.,
Commissioner,
Federal Supply Service.

[FR Doc.76-36739 Filed 12-10-76;10:13 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Proposed One-Way Signalling On Primary Basis; Extension of Comment Period

Adopted December 3, 1976.

Released December 6, 1976.

Order. In the matter of Amendment to Part 21 of the Commission's rules to extend parts of § 25.501(a) (b), and (c) to permit one-way signaling on a primary basis, Docket No. 20907.

1. Frank Taubes, by letter dated November 22, 1976, requests an extension of time from December 1, 1976 to September 30, 1977, in order to file reply comments to the Docket referenced above (See 41 FR 39766, September 16, 1976).

2. Based upon the circumstances set forth in Mr. Taubes' letter we believe that the length of time requested for an extension of time to be inconsistent with the public interest. A majority of the facts set forth by Mr. Taubes have been introduced to the Commission by petitions from other parties of interest with regards to this Docket. However, it is the Commission's belief that to be consistent with the public interest a two-month extension would be within reason.

3. *Accordingly, it is ordered,* Pursuant to delegated authority under § 0.303 of the Commission's rules, that the time to file reply comments to the Docket referenced above has been extended from December 1, 1976 to February 1, 1977.

FEDERAL COMMUNICATIONS COMMISSION.

JOSEPH A. MARINO,
Deputy Chief, Common Carrier Bureau.

[FR Doc. 76-36471 Filed 12-10-76; 8:45 am]

[47 CFR Part 73]

FM BROADCAST STATIONS IN FORT MYERS BEACH, FLORIDA

Proposed Table of Assignments

Adopted: November 29, 1976.
Released: December 7, 1976.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fort Myers Beach, Florida), Docket No. 21007, RM-2736.

1. *Petitioner, proposal and comments.* (a) Notice of Proposed Rule Making is given concerning the amendment of the FM Table as Assignments (§ 73.202(b) of the Commission's rules and regulations) as concerns Fort Myers Beach, Florida.

(b) A "Petition for Rulemaking" was filed by Stoner Broadcasting System, Inc. ("petitioner"), through counsel, proposing the assignment of Channel 257A to Fort Myers Beach, as its first FM assignment. No oppositions have been received.

2. *Community data.*—(a) *Location.* Although Fort Myers Beach is unincorporated, petitioner alleges that it is a community consisting of two islands (Estero and San Carlos) located just off the west coast of Florida, approximately 193 kilometers (120 miles) northwest of Miami. Petitioner has furnished sufficient data to indicate that Fort Myers Beach can be considered as a "community" for FM assignment purposes.[1]

(b) *Population.* Fort Myers Beach, 4,305; Lee County, 105,216 (1970 U.S. Census figures).

(c) *Local broadcast service.* Fort Myers Beach has no local broadcast service, and this petition involves a first FM assignment proposal. However, because Fort Myers Beach is located in close proximity to the city of Fort Myers it does receive a number of AM and FM services.

(d) *Economic data.* The economy of Fort Myers Beach consists principally of tourism and commercial fishing, and the area has experienced rapid growth as illustrated by the fact that its 1970 population (4,305) was 75 percent greater than its 1960 population (2,463). More than 150 trawlers use Fort Myers Beach as their home port and process catches at the Islands own fisheries. Petitioner has alleged that a strong sense of community identity (in part attributable to its character as two islands with definite boundaries) as well as its rapid growth over the past few years, demonstrates the vital need for a local broadcast outlet in Fort Myers Beach to meet the special needs and interests of its citizens.

3. *Preclusion studies.* Preclusion is not ordinarily considered in the context of a first Class A assignment to a community without an FM channel assignment. However, a preclusion study submitted by the petitioner indicates that the only preclusion caused will be on Channels 257A and 258 for small areas of low population density.

4. *Additional considerations.* Petitioner's engineering study indicates that consistent with spacing requirements the transmitter may be located either on Estero Island or on the nearby mainland and from either site would be able to provide the required 70 dBu signal over the entire community. Although Fort Myers Beach is close to the larger community of Fort Myers, the facts of the case as they now appear do not give rise to a concern regarding an attempt to obtain a channel to serve this larger community rather than Fort Myers Beach.

PROPOSED AMENDMENT TO THE FM TABLE OF ASSIGNMENTS

5. Petitioner's showing is sufficient to warrant exploration of a possible first FM assignment to Fort Myers Beach. Accordingly, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) with regard to the community below as follows:

City	*Channel No.* Present	Proposed
Fort Myers Beach, Fla		257A

6. *Authority.* The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

7. *Comments and replies.* Interested persons and parties may file comments on or before January 13, 1977, and reply comments on or before February 2, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules. It is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this Notice of Proposed Rule Making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this Notice of Proposed Rule Making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file

[1] Petitioner referred to the existence of various local organizations and other institutions which reflect the conception of Fort Myers Beach as a community with an identifiable population grouping having a community of interest. See Colorado Springs, Col., 44 F.C.C. 2d 1047 (1974), and Yorktown, Va., Notice, F.C.C. 73-237, 38 FR 26203.

comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this Notice of Proposed Rule Making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-36470 Filed 12-10-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 76 06 Notice 3]

SPEEDOMETERS AND ODOMETERS

Motor Vehicle Safety Standard

This notice proposes a new Federal motor vehicle safety standard that would require vehicles to be equipped with speed and distance indicators, establish accuracy requirements for the indicators, limit the speed indicator scale to 85 mph, and require that distance indicators be tamper-resistant.

This is the same proposal that was published by the NHTSA August 30, 1976 (41 FR 36513), and later withdrawn September 23, 1976 (41 FR 41716), so that additional evaluation of its potential effects could be undertaken. For the benefit of interested persons, this preamble is being republished.

On February 22, 1974 (39 FR 6765), the NHTSA published a request for comments on the question whether there should be a rule concerning maximum speedometer indication and, if so, the most appropriate maximum indication. The comments were to take into account the current lower speed limits, the corresponding highway fatality reduction, driver convenience, and the expected effectiveness of such a rule. That notice was not a step in rulemaking procedure and stated that no final action would be taken without further notice and opportunity to comment.

Developments since publication of the previous notice have provided further indications that a speedometer scale limitation would be beneficial. Definitive judgments can now be made concerning the effect of the speed limit reduction to 55 mph on high-speed-related fatalities. The 1974 statistics show 9,400 fewer motor-vehicle related fatalities than in 1973. Further, several studies concerning the effects of the nationwide 55 mph speed limit have shown that slower and more uniform speeds, and not reduced travel, are primarily responsible for the 17 percent drop in the fatality rate.

Congress has now made the 55 mph limit permanent, recognizing not only the fatality reduction and fuel conservation benefits, but also the generally favorable public reaction to lower speeds. This proposed standard for reduced maximum speedometer indication has been initiated to help maintain these lower speeds at minimum costs.

Benefits are expected to be achieved by the proposed standard in several ways. First, whatever temptation present speedometers provide immature drivers to test the top speed of their vehicles will be diminished. Second, shifting the indication for 50 or 60 mph from the center of the speedometer dial nearer to the right end should suggest to drivers that these speeds are near the legal limit. Existing speedometers which indicate speeds of 120 mph or more use more than half of the dial to indicate illegal and dangerous speeds.

Finally, limiting the maximum indication to 85 mph will allow speedometer dials to be more precisely graduated and more readable in the range of speeds normally driven. The NHTSA regards 85 mph as an appropriate maximum indication, since a much higher figure would defeat the desired effect of the rule.

The NHTSA has received indications from the four large domestic automobile manufacturers that they intend to voluntarily reduce maximum speedometer indications on most models in the near future. Two of the manufacturers plan reductions to an 85 mph upper reading, and the other two manufacturers plan reductions to 100 mph. The NHTSA appreciates these voluntary efforts, although a 100 mph maximum reading is not considered a sufficient reduction, as noted earlier. In conjunction with the voluntary efforts on the part of these manufacturers, the NHTSA believes this proposal is necessary to initiate meaningful discussion from the industry as a whole on reduction of the upper readings of their speedometer scales. Reasonable leadtime would be given so that the reductions could be accomplished during normal model-year changes.

The proposed standard also requires a tamper-resistant odometer for all vehicles having a gross vehicle weight rating of 16,000 pounds or less. Vehicles with a GVWR of more than 16,000 pounds are excluded from the odometer requirement. These larger vehicles are routinely driven hundreds of thousands of miles, and maintenance records rather than odometer readings are traditionally used as the means of determining condition.

The purpose of the odometer requirements is twofold. First, it is important that purchasers of used vehicles know the actual road mileage of the vehicle they are buying, in order to ascertain the probable condition of the vehicle. If an odometer has been rolled back to show a false road mileage, the purchaser might be lulled into a false sense of security and forego needed maintenance or repairs. Second, it is important that odometers be accurate so that owners can maintain preventive maintenance schedules and assure that their vehicles are in safe working condition.

In summary, this proposed standard would require all motor vehicles, with the exception noted above, to be equipped with speedometers and odometers. The standard would limit the speedometer indication scale to 85 mph and would specify accuracy requirements for both speedometers and odometers. The accuracy requirements would only be established for speedometers and odometers installed in vehicles. Finally, odometers would be required to be designed so that they could not be turned in the reverse direction, for the purpose of preventing consumer fraud and the presence of potentially dangerous vehicles on the nation's highways.

The preliminary Economic Impact Analysis of this proposed standard has been placed in the docket and is available for public inspection. The analysis discusses both the expected costs and the expected benefits of the proposed requirements. The analysis indicates that the limitation of speedometer scales to 85 mph would cause a decrease in high-speed driving and result in an estimated 175 fewer fatal accidents and 1,900 fewer injury accidents. The proposed odometer requirements would result in the prevention of a percentage of the accidents at-

tributable to vehicular defects and mechanical problems resulting from neglected vehicle maintenance. The analysis estimates that the odometer requirements would result in the reduction of 660 accidents.

The economic impact of this proposed standard is estimated to be minimal. With sufficient leadtime, the majority of the requirements could be incorporated during normal model-year changes. The requirement that odometers indicate when 100,000 miles or 100,000 kilometers have been exceeded would result in an annual cost of $1.00 per vehicle, if a six-digit odometer is used to satisfy the requirement. However, if sufficient leadtime is given, the cost of this requirement should be negligible.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address-both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

In consideration of the foregoing, it is proposed that a new motor vehicle safety standard be added to 49 CFR Part 571 as set forth below.

Comment closing date: March 14, 1977.

Proposed effective date: September 1, 1979.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on December 7, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

MOTOR VEHICLE SAFETY STANDARD NO. —

SPEEDOMETERS AND ODOMETERS

S1. *Scope.* This standard establishes requirements for the installation and accuracy of speedometers and odometers in motor vehicles, limits the speedometer indication scale to 85 mph, and requires that odometers be tamper-resistant.

S2. *Purpose.* The purpose of this standard is to provide each motor vehicle with the instruments needed to maintain safe driving speeds and to maintain proper maintenance schedules, to help ensure that the vehicle is in safe condition.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles, and to speedometers and odometers for use in these vehicles. Motor driven cycles whose speed attainable in one mile is 30 mph or less, and vehicles that are designed and sold exclusively for use by law enforcement agencies, are excluded.

S4. *Defintions.* "Speed attainable in 1 mile" means the speed attainable by accelerating at maximum rate from a standing start for a distance of 1 mile on a level surface.

S5. *Requirements.*

S5.1 *Speedometer.* Each vehicle shall have a speedometer graduated in miles per hour. There may, at the option of the manufacturer, be additional graduation in kilometers per hour.

S5.1.2 The speed indication shall not be more than 4 miles per hour above or below the actual vehicle speed when tested at any speed from 20 mph to a maximum of either (1) 80 mph, or (2) the speed attainable in 1 mile if less than 80 mph, under the test conditions specified in S6.

S5.1.3 The speedometer shall not display values that exceed 85 mph or 137 kph.

S5.2 *Odometers.*

S5.2.1 Each vehicle with a gross vehicle weight rating of 16,000 pounds or less shall have an odometer.

S5.2.2 Each odometer shall be capable of indicating distance traveled (1) from 0 to 99,999 miles in 1-mile units or (2) from 0 to 99,999 kilometers in 1-kilometer units.

S5.2.3 Each odometer shall clearly indicate when (1) the mileage indications have exceeded 100,000 miles or (2) when the kilometer indications have exceeded 100,000 kilometers.

S5.2.4 The odometer shall either indicate when it has been turned in the reverse direction or shall be designed so that it cannot be turned in the reverse direction.

S5.2 The indicated odometer distance shall not be more than 4 percent above or below the actual distance traveled by the vehicle when tested for a distance of 100 miles, at any speed between 20 and 80 mph or the speed attainable in 1 mile, if less than 80 mph, and under the test conditions specified in S6.

S6. *Test Conditions.*

S6.1 The vehicle is at unloaded vehicle weight plus 200 pounds (including driver and instrumentation) for motorcycles or plus 300 pounds (including driver and instrumentation) for other vehicles. The additional weight is distributed in the front seat area.

S6.2 The vehicle is equipped with tires recommended by the manufacturer.

S6.2.1 Tire tread depth is at least 90 percent of the original tread depth.

S6.3 Vehicle adjustments, including tire pressure, are made according to the manufacturer's recommendations.

[FR Doc.76-36320 Filed 12-10-76;8:45 am]

[49 CFR Part 575]

[Docket No. 25; Notice 21]

UNIFORM TIRE QUALITY GRADING STANDARDS

Revision of Labeling and Point-of-Sale Information Requirements

This notice proposes a revision of the tread label and point-of-sale information requirements of the Uniform Tire Quality Grading Standards (UTQGS) regulation, in accordance with the decision in *B. F. Goodrich Co.* v. *Department of Transportation,* 541 F.2d 1178 (6th Cir., 1976).

The UTQGS regulation (49 CFR 575.104) requires manufacturers to provide grading information for new passenger car tires in each of the following performance areas: treadwear, traction, and temperature resistance. These grades must appear on tire sidewalls and on tread labels affixed to each tire (except for original equipment tires). They must also be provided for examination by prospective purchasers in a form retainable by them and to actual purchasers of motor vehicles. In all of these situations other than sidewall labeling, the grades are required to be accompanied by explanations of their meaning, as set out in Figure 2.

The petitioners in the B. F. Goodrich case argued that the explanatory language prescribed for the traction grade is misleading, because the grade is based only on straight ahead stopping performance and does not account for a tire's lateral traction characteristics. Similarly, the petitioners argued that the explanation for the temperature resistance grade is misleading because it does not indicate that the grade is based only on high speed testing at proper loads and inflation pressures. The Court remanded these issues to the agency for further consideration, suggesting the addition of clarifying warnings to the prescribed explanatory language.

The NHTSA has considered the potential misleading effects of the grade explanations presently prescribed in Figure 2 and has concluded that additional warnings are appropriate. This notice proposes the warnings suggested by the Court.

In accordance with Department of Transportation policy encouraging adequate analysis of the consequences of regulatory action (41 FR 16200; April 16, 1976), the agency herewith summarizes its evaluation of the economic and other consequences of this proposal on the public and private sectors. The proposed amendment would impose no new economic or environmental costs. It would provide the benefit of more accurate information available to prospective and actual tire purchasers.

In consideration of the foregoing, it is proposed that Figure 2 of 49 CFR 575.104 (Uniform Tire Quality Grading Standards) be amended to appear as follows:

DOT QUALITY GRADES

ALL PASSENGER CAR TIRES MUST CONFORM TO FEDERAL SAFETY REQUIREMENTS IN ADDITION TO THESE GRADES

Treadwear	The treadwear grade is a comparative rating based on the wear rate of the tire when tested under controlled conditions on a specified government test course. For example, a tire graded 200 would wear twice as well on the government course as a tire graded 100. The relative performance of tires depends upon the actual conditions of their use, however, and may depart significantly from the norm due to variations in driving habits, service practices and differences in road characteristics and climate.
Traction ** * 0	The traction grades are ** (the highest), *, and 0, and represent the tire's ability to stop on wet pavements as measured on asphalt and concrete test surfaces. A tire marked 0 for traction may have poor traction perfomance. *WARNING:* The traction grade assigned to this tire is based on braking (straight-ahead) traction tests and does not include cornering (turning) traction.
Temperature A B C	The temperature grades are A (the highest), B, and C, representing the tire's resistance to the generation of heat and its ability to dissipate heat. Sustained high temperature can cause the material of the tire to degenerate and reduce tire life, and excessive temperature can lead to sudden tire failure. The grade C corresponds to a level of performance which all passenger car tires must meet under the Federal motor vehicle safety standards. Grades B and A represent higher levels of performance than the minimum required by law. *WARNING:* The temperature grade for this tire is established for a tire that is properly inflated and not overloaded. Excessive speed and either underinflation or excess loading can cause heat build-up and possible tire failure.

Figure 2

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: January 27, 1977.

Proposed effective date: The change in Figure 2 would be made immediately upon publication of the final rule. New effective dates for the grading requirements of the UTQGS regulation have not yet been established.

(Secs. 103, 112, 119, 201, 203, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on December 7, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-36413 Filed 12-12-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 2]

RULES OF PRACTICE

Commission Review of Appeal Board Decisions

Under its current "Rules of Practice", 10 CFR Part 2, the Nuclear Regulatory Commission (Commission) reviews decisions of its Atomic Safety and Licensing Appeal Boards (Appeal Boards) only on its own motion. Requests by a party for review are not entertained. 10 CFR 2.786.

The Commission is considering altering this system to allow parties to petition for review of Appeal Board decisions. Such petitions could increase participation by the parties in the Commission's decisionmaking process and provide the Commission with focused views on the validity and impact of Appeal Board decisions. The Commission is concerned, however, that its review procedures not impose an expensive and time-consuming burden on parties to licensing proceedings and ultimately on the public. Accordingly, the Commission proposes a discretionary review system, based in part on the certiorari practice of various federal agencies and the United States Supreme Court. See, e.g., 47 CFR 1.104, 1.271 (Federal Communications Commission); 14 CFR 302.28 (Civil Aeronautics Board); 46 CFR Part 202 (Secretary (United States Supreme Court).

At present, parties can appeal Atomic Safety and Licensing Board decisions to the Appeal Board to which the Commission has delegated its review function. Another automatic right of appeal to the Commission on all aspects of Appeal Board decisions appears unnecessary and could well become a source of duplication of effort and delay. In contrast, the proposed system would allow petitions for review of Appeal Board decisions which could be granted or denied in whole or in part in the Commission's discretion. This would allow the Commission to exercise an informed review function restricted to major matters.

The proposed rules allow the filing of short petitions for review within fifteen days after Appeal Board decisions. Reply petitions opposing review would be allowed. If within twenty days after the filing of a petition for review, the Commission does not grant it in whole or in part, it would be deemed denied. Petitions would be granted if they raise important questions of law or policy requiring Commission action. Purely factual matters would not be considered by the Commission unless the Atomic Safety and Licensing Board and Appeal Board make conflicting findings on crucial factual points. Only important cases with broad implications would be considered appropriate for Commission review. The rules would continue to allow for Commission review in extraordinary cases of exceptional importance even if no petition is filed.

Under the proposed rules, neither the filing of a petition for review nor the granting of a petition would stay the effectiveness of an Appeal Board order, unless the Commission so orders. After a petition for review is granted, the Commission could request briefs or oral argument before reaching a decision. The rules would require short petitions for review—ten pages or less. The petition should explain why a case is important enough to merit Commission attention.

Finally, the proposed rules would provide a formal procedure for seeking stays of decisions or actions of the Commission, Appeal Board, and presiding officers. This inherent power has never been spelled out in NRC rules. Under the proposed rules the extraordinary relief of a stay would only be available if the traditional legal standards, including irreparable injury and high likelihood of success on the merits, are met. "See, e.g., Virginia Petroleum Jobbers Association v. FPC," 259 F.2d 921 (D.C. Cir. 1958).

Although there is no legal requirement that these proposed rules be circulated for public comment before adoption since "rules of agency organization, procedure, or practice" are exempt from that general requirement of the Administrative Procedure Act, 5 U.S.C. 553(b), the Commission is particularly interested in this case in the views of those who would be directly affected by the proposed rules. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Part 2 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Atten-

tion: Docketing and Service Section by January 27, 1977.

1. Section 2.786 is revised to read as follows:

§ 2.786. Review of decisions and actions of an Atomic Safety and Licensing Appeal Board.

(a) Within thirty (30) days after the date of a decision or action by an Atomic Safety and Licensing Appeal Board under § 2.785, the Commission may, in cases of exceptional legal or policy importance, review the decision or action on its own motion.

(b) (1) Within fifteen (15) days after service of a decision or action by an Atomic Safety Licensing Appeal Board under § 2.785 other than a decision or action on a referral or certification under §§ 2.718(i) or 2.730(f), a party may file a petition for review with the Commission on the ground that the decision or action is erroneous with respect to an important question of law or policy.

(2) A petition for review under this paragraph shall be no longer than ten (10) pages, and shall contain the following:

(i) A concise summary of the decision or action of which review is sought;

(ii) A statement (including record citation) where the matters of fact or law raised in the petition for review were previously raised before the Atomic Safety and Licensing Appeal Board and, if they were not, why not.

(iii) A concise statement why in the petitioner's view the decision or action is erroneous; and

(iv) A concise statement why Commission review should be exercised.

(3) Any other party to the proceeding may, within ten (10) days after service of a petition for review, file an answer opposing Commission review. Such an answer shall be no longer than ten (10) pages and should concisely address the matters in paragraph (b) (2) of this section to the extent appropriate. No answer in support of a petition for review will be entertained by the Commission.

(4) The grant or denial of a petition for review is within the discretion of the Commission, except that:

(i) A petition for review of matters of a law or policy will not ordinarily be granted unless it appears the case involves an important matter that could significantly affect the environment, the public health and safety or the common defense and security or otherwise raises important questions of public policy;

(ii) A petition for review of matters of fact will not be granted unless it appears that the Atomic Safety and Licensing Appeal Board has resolved a factual issue necessary for decision in a clearly erroneous manner contrary to the resolution of that same issue by the Atomic Safety and Licensing Board; and

(iii) A petition for review will not be granted to the extent that it relies on matters that could have been but were not raised before the Atomic Safety and Licensing Appeal Board.

(5) If within twenty (20) days after the filing of a petition for review the Commission does not grant the petition, in whole or in part, the petition shall be deemed denied, unless the Commission in its discretion extends the time for its consideration of the petition and any answers thereto.

(6) If a petition for review is granted, the Commission may issue an order specifying the issues to be reviewed and designating the parties to the review proceeding and request that appropriate briefs be filed, oral argument be held, or both.

(7) Petitions for reconsideration of Commission decisions upon review, or granting or denying review in whole or in part, will not be entertained.

(8) Neither the filing nor the granting of a petition for review will stay the effect of the decision or action of the Atomic Safety and Licensing Appeal Board, unless otherwise ordered by the Commission.

(9) Except as provided in this section, no petition or other request for Commission review of a decision or action of an Atomic Safety and Licensing Appeal Board will be entertained.

2. A new § 2.788 is added to read as follows:

§ 2.788 Stays of decisions of presiding officers and Atomic Safety and Licensing Appeal Boards pending review.

(a) Within seven (7) days after service of a decision or action (including a decision on a stay application) any party to the proceeding may file an application for a stay of the effectiveness of the decision or action pending filing of and a decision on an appeal or petition for review. Except as provided paragraph (f) of this section, such an application may be filed with the Commission, Atomic Safety and Licensing Appeal Board, or the presiding officer.

(b) An application for a stay shall be no longer than ten (10) pages, exclusive of affidavits, and shall contain the following:

(1) A concise summary of the decision or action which is requested to be stayed;

(2) A concise statement of the grounds for stay, with reference to the factors specified in paragraph (e) of this section;

(3) In the case of an application to the Commission for stay of decisions or actions by an Atomic Safety and Licensing Appeal Board, a statement where (including record citation, if available) a stay was requested from the Appeal Board and denied. If no such request was made of the Appeal Board, the application should state why not; and

(4) To the extent that an application for a stay relies on facts subject to dispute, appropriate affidavits by knowledgeable persons.

(c) Services of an application for a stay on the other parties shall be by the same method as the method for filing the application with the Commission, Atomic Safety and Licensing Appeal Board, or the presiding officer.

(d) Within ten (10) days after service of an application for a stay under this section, any party may file a reply opposing the granting of a stay. Such reply shall be no longer than ten (10) pages, exclusive of affidavits, and should concisely address the matters in paragraph (b) of this section to the extent appropriate. No reply in support of a stay will be entertained. Filing of and service of a reply on the other parties shall be by the same method as the method for filing the application for the stay.

(e) In determining whether to grant or deny an application for a stay, the Commission, Atomic Safety and Licensing Appeal Board, or presiding officer will consider:

(1) Whether the party is highly likely to prevail on the merits;

(2) Whether the party will be irreparably injured unless a stay is granted;

(3) Whether the granting of a stay would harm other parties, and

(4) Where the public interest lies.

(f) An application to the Commission for a stay of a decision or action by an Atomic Safety and Licensing Appeal Board will be denied if a stay was not, but could have been, sought before the Appeal Board. An application for a stay of a decision or action of a presiding officer may be filed before either the Atomic Safety and Licensing Appeal Board or the presiding officer, but not both at the same time.

(g) An application by a party to the Appeal Board or presiding officer for a stay of its own decision or action must be filed within seven (7) days of service of the decison or action, and in accordance with paragraphs (b) (1), (b) (2), (b) (4), (c) and (e) of this section. Any reply shall be filed in accordance with paragraph (d) of this section, except that any reply must be filed within three (3) days after service, including intermediate Saturdays, Sundays, and holidays notwithstanding § 2.710.

(h) In extraordinary cases, where prompt application is made under this section, the Commission, Atomic Safety and Licensing Appeal Board, or presiding officer may grant a temporary stay to preserve the status quo without waiting for filing of any reply. Such an application may be made orally: *Provided*, That the requesting party makes reasonable efforts to orally inform the other parties: *And provided further*, That the oral application is promptly confirmed by telegram.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 10th day of December 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-36731 Filed 12-10-76;9:39 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS; LOUISIANA GRAIN INSPECTION POINT

Statement of considerations. On June 18, 1976, there was published in the FEDERAL REGISTER (41 FR 24743) a notice announcing that the Greater Baton Rouge Port Commission had requested that its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Port Allen, Louisiana, be voluntarily suspended for an indefinite period effective June 16, 1976, pursuant to § 26.101(a) of the regulations (7 CFR 26.101(a)) under the U.S. Grain Standards Act, because it was no longer able to provide adequate inspection services to its inspection area.

The Greater Baton Rouge Port Commission has now requested that its designation as an official inspection agency at Port Allen, Louisiana, be voluntarily canceled pursuant to § 26.101(a) of the regulations (7 CFR 26.101(a)) under the U.S. Grain Standards Act. In response to the request, the Department is canceling the designation of the Greater Baton Rouge Port Commission, pursuant to section 26.101(a) of the regulations under the U.S. Grain Standards Act.

In order to provide an orderly continuation of needed official grain inspection services at Port Allen, Louisiana, grain inspection services will continue to be provided by the South Louisiana Grain Services, Inc., pursuant to its interim designation of June 16, 1976.

Effective date. This notice shall become effective December 13, 1976.

Done in Washington, D.C., on December 8, 1976.

DONALD E. WILKINSON,
Interim Administrator.

[FR Doc.76-36410 Filed 12-10-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 29608]

PHILIPPINE AIRLINES, INC.

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on January 4, 1977, at 9:30 a.m. local time), in Room 1003, Hearing Room B, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Stephen J. Gross.

Dated at Washington, D.C., December 7, 1976.

ROSS I. NEWMANN,
Chief Administrative Law Judge.

[FR Doc.76-36467 Filed 12-10-76;8:45 am]

[Docket 27573; Agreement C.A.B. 26253; Order 76-12-25]

SPECIFIC COMMODITY RATES

Order

Issued under delegated authority December 6, 1976.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to specific commodity rates.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 42nd Meeting of the TC1 Specific Commodity Rates Board held in Miami, Florida, on October 18, 1976.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rates structure applicable within the Western Hemisphere. These revisions are outlined in the attachment hereto, and reflect reductions from otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 26253 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

PHYLLIS T. KAYLOR,
Secretary.

Agreement CAB 26253—rates added under existing commodity descriptions

IATA commodity item No.[1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight in kilograms	Market
0006	[2] 27	300	Baltimore to Bermuda.
	16	200	Miami to Nassau.
	[2] 27	300	Philadelphia to Bermuda.
0603	22	500	San Salvador to Miami.
2201	39	2,000	Pointe a Pitre to New York.
	96	1,000	San Salvador to New York.
2211	[2] 84	500	Santiago to New York
2232	45	1,500	Barbados to New York.
2601	[2] 60	500	San Salvador to San Juan.
0208	[2] 51	1,000	Quito to New York.
8370	[2] 170	100	Rio de Janeiro to Los Angeles.
	[2] 175	100	Rio de Janeiro to San Francisco.
	[2] 170	100	Sao Paulo to Los Angeles.
	[2] 175	100	Sao Paulo to San Francisco.
9201	[2] 190	500	Miami to Santiago.
0006	22	500	San Salvador to Houston.
	22	500	San Salvador to Miami.
0670	[2] 40	2,000	New York to Ft De France.
	[2] 30	4,000	Do.
	[2] 40	1,000	New York to Pointe a Pitre.
1214	30	1,000	Santo Domingo to New York.
2199	104	300	Montevideo to New York.
	66	100	New York to Aruba.
	60	500	
	66	100	New York to Bonaire.
	60	500	
	66	100	New York to Curacao.
	60	500	
	27	500	San Jose to Miami.
2200	22	500	San Salvador to Miami.
2211	[2] 150	500	Miami to Santiago.
	[2] 183	500	New York to Santiago.
	[2] 79	500	Santiago to Miami.
4321	[2] 81	500	Sao Paulo to New York.
	[2] 76	1,000	
4325	[2] 87	500	Sao Paulo to Miami.
	[2] 81	1,000	
	[2] 87	500	Sao Paulo to New York.
	[2] 81	1,000	
4782	[2] 86	100	Sao Paulo to Miami.
7629	[2] 81	500	Rio de Janeiro to Miami.
	[2] 84	500	Rio de Janeiro to New York.
	[2] 81	500	Sao Paulo to Miami.
	[2] 84	500	Sao Paulo to New York.
0603		1,000	San Salvador to Miami.
2332		500	Barbados to New York.
7101		500	New York to Barbados.
1430	31	500	Caracas to Miami.
	39	500	Caracas to New York.
4314	23	500	Miami to Port Au Prince.
	20	500	Port Au Prince to Miami.

[1] See applicable tariffs for complete commodity descriptions.
[2] Expires Dec. 31, 1977.

AGREEMENT C.A.B. 26253

Item No.	Description
0300	Fish and seafood—excluding fish, live, inedible.[1]
0301	Fish and seafood—excluding caviar and/or fish, inedible.[1]
0326	Fish—excluding live, inedible.[1]
2601	Textiles and finished textile articles, excluding clothing and footwear, outerwear, undergarments.[1]
9201	Toy models, battery or electrically operated, and accessories, such as tracks or power packs.[1]

[1] Area of application changed.

[FR Doc.76-36337 Filed 12-10-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

PRIVACY ACT OF 1974

Amendment to Systems of Records

Notice is hereby given of an additional routine use for CRC-010, Travel, Payroll, Time and Attendance of Commissoners, staff, consultants and State Advisory Committee members.

Pursuant to 5 U.S.C. 552a(e)(11) interested person are invited to submit written comments on this routine use to the Office of General Counsel, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Washington, D.C. 20425. All comments must be received on or before January 12, 1977. Comments will be available for public inspection in Room 600, 1121 Vermont Avenue, from 8:45 a.m. to 5:30 p.m.

If no comments are received on or before January 12, 1977, this amendment will become effective as proposed on January 13, 1977.

In consideration of the foregoing, notice is hereby given of the addition of the following routine use to CRC-10, of the U.S. Commission on Civil Rights as follows:

Routine-uses of records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Director, Office of Management, U.S. Commission on Civil Rights, who will forward the request to the General Services Administration for appropriate action. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Director, Office of Management, U.S. Commission on Civil Rights, who will forward the request to the General Services Administration for appropriate action.

JOHN A. BUGGS,
Staff Director.

DECEMBER 3, 1976.

[FR Doc.76-36473 Filed 12-10-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special census are published semiannually in the Current Population Reports"—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since June 30, 1976, for which tabulations were completed between November 1, 1976, and November 30, 1976.

Dated: December 6, 1976.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

State/place or special area	County	Date of census	Population
Arkansas:			
Fayetteville, city	Washington	Sept. 7	24,036
Mountain Home, city	Baxter	Sept. 16	6,415
Newport, city	Jackson	Aug. 26	7,834
Summit, town	Marion	Sept. 16	451
Idaho: McCammon, city	Bannock	Sept. 27	813
Illinois:			
Auburn, city	Sangamon	Sept. 7	3,311
Bartlett, village	Cook and DuPage	Aug. 31	6,519
Bolingbrook, village	DuPage and Will	Aug. 18	31,113
Elgin, city	Cook and Kane	Aug. 11	61,116
Holiday Hills, village	McHenry	Sept. 13	704
Lemont, village	Cook	Sept. 23	5,137
Lisle, village	DuPage	Sept. 14	9,223
Loami, village	Sangamon	Sept. 23	813
Minooka, village	Grundy	Oct. 4	1,152
Richton Park, village	Cook	Sept. 9	8,016
Louisiana: Zachary, city	East Baton Rouge	Sept. 1	6,029
Michigan:			
Plymouth, township	Wayne	Sept. 14	20,450
Secord, township	Gladwin	Sept. 13	656
Nebraska: Sidney, city	Cheyenne	Sept. 9	6,092
North Dakota:			
Carrington, city	Foster	Sept. 13	2,037
Grand Forks, city	Grand Forks	Sept. 17	42,581
Michigan City, city	Nelson	Sept. 22	592
Pennsylvania:			
East Coventry, township	Chester	Aug. 23	3,714
McCandless, township	Allegheny	Aug. 24	24,062

[FR Doc.76-36290 Filed 12-10-76;8:45 am]

National Bureau of Standards

COMPUTER NETWORKING STANDARDS FOR LIBRARY AND INFORMATION SCIENCE COMMUNITY

Task Force Meeting

A task force has been established to address the problem of developing high-level computer-to-computer protocols for the nationwide interchange of information among existing and planned library and information science networks.

Members of the task force were designated by the National Commission on Libraries and Information Science on the basis of their recognized experience and knowledge in the area of computer-to-computer data interchange for this class of application, and their competence in developing related computer networking standard protocols. The task force receives technical support from the NBS Institute for Computer Sciences and Technology.

The results of the task force effort, expected to be completed in September 1977, will be provided directly to the American National Standards Institute, the American Library Association, and the American Society for Information Science for their respective consideration in development and adoption of standards directed specifically to the library and information science community.

All meetings of this task force will be open to the public; the purpose of this public notice is to announce the third task force meeting which will be held on January 10 and 11, 1977, in Room 8103, New Executive Office Building, 17th and H Streets, NW., Washington, D.C. The sessions will convene at 9 a.m. Future meetings of this task force will be announced in the FEDERAL REGISTER.

For further information, interested members of the public may contact John L. Little, Institute for Computer Sciences

and Technology, National Bureau of Standards, Washington, D.C. 20234, telephone: 301/921-3723.

Dated: December 6, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-36487 Filed 12-10-76; 8:45 am]

National Oceanic and Atmospheric Administration

DRAFT ENVIRONMENTAL IMPACT STATEMENTS CONCERNING SILVER AND RED HAKE, HERRING, MACKEREL, LONG AND SHORT-FINNED SQUID AND OTHER FINFISH

Public Meetings

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190); and section 10(a)(2) of the Federal Advisory Committee Act; notice is hereby given of public meetings to be held by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce, to receive public views and comments on Draft Environmental Impact Statements (DEIS) containing, as an integral part of each, draft preliminary plans for the management of the following fishery management units:

(a) Silver and red hake
(b) Herring
(c) Mackeral
(d) Long and short-finned squid
(e) Other finfish

These are fisheries for which foreign nations may be expected to apply for permits to fish, and for which the newly established Regional Fishery Management Councils may not be able to prepare and implement fishery management plans before March 1, 1977.

The meetings will be held at the following locations, dates, and times:

North Westport, Mass., Tuesday, 7-10 p.m., December 21, 1976, White's Restaurant, off I-195 East, near Intersection of Highways 24 and I-195.

Peabody, Mass., Tuesday, 7-10 p.m., December 28, 1976, Holiday Inn, Rt. 1 North at junction of Routes 1 and 128.

These are in addition to the five meetings previously scheduled, notice for which appeared in the FEDERAL REGISTER, November 5, 1976, Volume 41, Number 215 (41 FR 48764-48765).

Dated: December 8, 1976.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.76-36468 Filed 12-10-76;8:45 am]

FISHING IN MEXICAN GULF OF MEXICO WATERS

Agreement

The United States and Mexico signed on November 24, 1976, an agreement concerning fishing for shrimp and snapper-grouper by U.S. vessels within 200 miles of the Mexican coast. A Mexican law which limits fishing in this zone to Mexican vessels and to licensed vessels from other countries went into effect on July 31, 1976. Mexican license application forms (National Fishery Registration Forms), together with instructions, are being mailed by the St. Petersburg, Florida, Regional Office of the National Marine Fisheries Service to U.S. fishermen who have previously indicated an interest in purchasing licenses for fishing in the Mexican zone of the Gulf of Mexico. All fishermen who want to fish for shrimp or snapper-grouper in the Mexican zone and have not received an application form should contact: Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; telephone number (813) 893-3142.

Completed application forms will be forwarded to the Mexican Government. According to Mexican law, until such time as licenses are received from the Mexican Government, fishing by U.S. vessels in that country's 200-mile economic zone is prohibited. The annual license fees and charges are as follows:

	Vessel permit fee	Yearly catch charge	Performance bond or deposit
Shrimp:			
Tampico	$80	$2,006	Up to $1,600.
Contoy	80	1,538	
Campeche	(1)	(1)	(1)
Snapper-grouper:			
Mexican zone	80	433	Up to $1,600.

[1] No shrimp fishing permitted.

Issued in Washington, D.C., December 3, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-36307 Filed 12-10-76;8:45 am]

HARRY E. CHRISTOPHER

Receipt of Application for Certificate of Exemption

Notice is hereby given that the following applicant has applied in due form for a Certificate of Exemption under Pub. L. 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicant: Harry E. Christopher, 4200 Lakecliff Drive, Clemmons, North Carolina 27012.

Period of exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (1) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce by any means whatsoever and in the course of commercial activity any such species part;

(2) The prohibition, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Approximately forty (40) pounds of scrimshaw products and sperm whale teeth from which scrimshaw products are to be made.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before January 12, 1977.

Dated: December 8, 1976.

ROBERT J. AYERS,
Acting Assistant Director for
Fisheries Management.

[FR Doc.76-36485 Filed 12-10-76;8:45 am]

MELVIN DADD ET AL.

Receipt of Application for Certificate of Exemption

Notice is hereby given that the following applicants have applied in due form for Certificates of Exemption under Pub. L. 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicants: (1) Melvin Dadd, 25436 Lake Road, Bay Village, Ohio 44140.

Period of exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (1) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States; (ii) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity any such species part; (iii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Fifty three carvings made from sperm whale teeth and finished scrimshaw products to be made from a supply of fifty-five pounds of sperm whale teeth.

(2) Heinz Lange, Northwest Arts & Crafts, 2408 Seventh Avenue West, Seattle, Washington 98119.

Period of exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (1) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce by any means whatsoever and in the course of commercial activity any such species part;

(ii) The prohibition, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Approximately 765 scrimshaw items carved from sperm whale teeth, 665 scrimshaw items engraved on whale teeth and finished scrimshaw products to be made from 4,000 pounds of whole sperm whale teeth and 97.5 pounds of pieces of sperm whale teeth.

(3) HKL Johnson Co., Inc., P.O. Box 25608, Seattle, Washington 98125.

Period of exemption. The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted. (i) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity any such species part;

(ii) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted. Approximately 3,019 assorted jewelry items and 302 letter openers made of baleen.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before January 12, 1977.

Dated: December 8, 1976.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management.

[FR Doc.76-36486 Filed 12-10-76;8:45 am]

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Gulf of Mexico Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Gulf Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Alabama, west coast of Florida, Louisiana, Mississippi, and Texas. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This is the fourth in a series of organizational meetings of the Council. The meeting will be held Wednesday, Thursday, and Friday, January 5, 6, and 7, 1977, in the Daytona Room of the Barclay Quality Inn/Airport, 5303 W. Kennedy Boulevard, Tampa, Florida. The meeting will convene at 1:30 p.m. on January 5 and adjourn at about noon on January 7, 1977. The daily sessions will start at 8:30 a.m. and adjourn at 5 p.m. except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Council Organization and Administration Procedures.
2. Budget and Financial Management Plans.
3. Technical Procedures Including Fishery Management Plan Development.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about December 28, 1976:

Paul D. Fulham, Special Assistant to the Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Special Assistant to the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: December 8, 1976.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.76-36522 Filed 12-10-76;8:45 am]

NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the New England Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The New England Regional Fishery Management Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This meeting of the Council will be held December 28, 29, and 30, 1976, 10 a.m.-5 p.m., 9 a.m.-5 p.m., and 9 a.m.-3 p.m. respectively, at the Holiday Inn, junction of Routes 1 and 128, Peabody, Massachusetts.

PROPOSED AGENDA

1. Final review of preliminary fishery management plans.
2. Development of operational and organizational procedures, including annual report content and format.
3. Personnel matters.
4. Other fishery management business.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact Mr. Donald G. Birkholz, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, State Fish Pier, Gloucester, Massachusetts 01930 on or about 10 days before the meeting to receive information on changes in the agenda, if any.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: December 9, 1976.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.76-36561 Filed 12-10-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PRIVACY ACT OF 1974

Systems of Records

On November 4, 1976, there was published in the FEDERAL REGISTER (41 FR 48711), a notice of systems of records designated "Payroll Records—CBH-3", pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579 (5 U.S.C. 552a.). The public was given the opportunity to submit, not later than December 6, 1976, written comments concerning the proposed system of records. No comments were received and the proposed notice of the system of records is hereby adopted.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-36326 Filed 12-10-76;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

PRIVACY ACT OF 1974

Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a, the Commission on the Review of the National Policy Toward Gambling published in the FEDERAL REGISTER (40 FR 33179, 42307, and 41 FR 49897) a notice of the existence of the following

systems of records subject to the Privacy Act: CRNPG–1 Members and past members of the Commission; CRNPG–2 Personnel records; and CRNPG–3 Payroll records. The Commission will terminate operations on December 15, 1976, and the above systems of records are revoked as of that date.

Following is a summary of the disposition of the Commission's systems of records, subsequent to the termination date:

Payroll Records CRNPG–3. To be retained by General Services Administration, Region 3, Payroll Processing Branch, for use in concluding administrative operations of the Commission on the Review of the National Policy Toward Gambling as part of the GSA system of records, Defunct Agency Records GSA/OAD–36.

Members and past members of the Commission–CRNPG–1 and personnel records–CRNPG–2. Reviewed by the National Archives and Records Service and disposed of in accordance with Comprehensive Records Control Schedule NC 1–220–77–1, as approved by the Archivist of the United States.

CHARLES H. MORIN,
Chairman.

DECEMBER 3, 1976.

[FR Doc.76–36474 Filed 12–10–76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, February 1, 1977; Tuesday, February 3, 1977; Tuesday, February 15, 1977; and Tuesday, February 22, 1977 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552(b) of Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency, (5 U.S.C. 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

DECEMBER 7, 1976.

[FR Doc.76–36401 Filed 12–10–76;8:45 am]

Corps of Engineers, Department of the Army

DREDGING

Testing-of-the-Market Program for the Dredging of Navigation Channels

Pursuant to Congressional authorization contained in section 123(f) of the River and Harbor Act of 1970 (Pub. L. 91–611) the Chief of Engineers announces that on 1 January 1977 the Corps of Engineers will implement the Testing-of-the-Market (TOM) Program under which the Corps will solicit bids on that portion of navigation channel dredging work traditionally performed by Corps dredges.

The work to be advertised will amount to approximately 25 percent (by dollar volume) of the work performed by Corps hopper, sidecasting, cutterhead, dustpan and mechanical dredges. Additional information regarding the administrative guidelines for the TOM Program may be obtained from the following address:

Office of the Chief of Engineers, Department of the Army, ATTN: DAEN–CWO–S, Washington, D.C. 20314, telephone: 202/693–7028 or 202/693–7072.

On a regional basis, information will also be available through the Corps of Engineers Division and District offices.

Dated: December 9, 1976.

ALFRED F. LAWRENCE, Jr.,
Acting Colonel, Corps of Engineers Executive.

[FR Doc.76–36726 Filed 12–10–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 655–8]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on November 9, 1976, the Environmental Protection Agency received an application from Mine Safety Appliances Company to determine if its LIRA Model 202S Carbon Monoxide analyzer should be designated by the Administrator of EPA as a reference or equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

Dated: December 6, 1976.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

[FR Doc.76–36539 Filed 12–10–76;8:45 am]

[FRL 655–7]

COOPERATION WITH STATE AND LOCAL GOVERNMENTS UTILIZING INFORMATION SYSTEMS

OMB Circular A–90 Information Systems Policy

Notice is hereby given that the Environmental Protection Agency policy is in conformance with OMB Circular A–90 establishing Federal policy on information and computer requirements of state and local governments.

Below is a citation of currently published EPA regulations and procedures deemed to be consistent with the provisions of OMB Circular A–90, issued September 7, 1976:

40 CFR 51.7 Requirements for preparation, adoption, and submittal of implementation plans—reports.

40 CFR 142.15 National interim primary drinking water regulations implementation—primary enforcement responsibility—reports by States.

40 CFR 124.23 State program elements necessary for participation in the national pollutant discharge elimination system—transmission of data to regional administrator.

40 CFR 35.559 Appendix A—Water pollution control state and interstate program grants—Limitation on award—Water quality and pollutant source monitoring.

ALVIN L. ALM,
Assistant Administrator for Planning and Management.

[FR Doc.76–36546 Filed 12–10–76;8:45 am]

[FRL 656-1; OPP-180101]

DEPARTMENT OF AGRICULTURE

Issuance of A Specific Exemption To Use Dimethoate, Guthion, and Malathion To Control Citrus Blackfly in Florida

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), notice is given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture (hereafter referred to as "USDA") to use dimethoate, Guthion (azinphos methyl) and malathion to contain and eradicate the citrus blackfly in Broward, Dade, and Palm Beach Counties, Florida. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, SW., Room E-315, Washington, D.C. 20460.

According to USDA, the Citrus Blackfly (*Aleurocanthus woglumi*, Ashby) is taxonomically a whitefly and one of the most economically important pests of the United States citrus industry. An infestation of citrus blackfly has occurred in Florida once before, in 1934. Complete crop loss in as little as two years has occurred where heavy infestations of this pest have been allowed to go uncontrolled. The USDA estimates that annual production loss in the United States could approach 50 percent of the potential yield, if the citrus blackfly is not controlled; the spread of this pest into commercial groves could result in an estimated $20,000,000 to $30,000,000 loss per year.

There are no pesticides registered specifically to control the citrus blackfly, because the pest is not endemic to the continental United States. Although several pesticides are registered for the control of whiteflies, they are not registered for the use patterns specified for this control program. USDA anticipates that, sometime in the future, parasites will replace many of the chemicals employed against the citrus blackfly in Florida.

In March 1976, USDA notified EPA that it had availed itself of a crisis exemption for use of dimethoate, Guthion and malathion to control a new infestation of the citrus blackfly in Broward County, Florida. Notice of the crisis exemption was published in the FEDERAL REGISTER on June 14, 1976 (41 FR 23997). Guthion and malathion were used to treat a total of 425 nurseries involving an estimated 300 acres. Guthion was applied to host nursery plants as a ground spray or dip at the rate of 0.375 pound active ingredient per 100 gallons of water. Malathion was applied as a ground spray to nonhost plants in the nurseries at the rate of 7.4 ounces active ingredient per 100 gallons of water. In addition, approximately 7,000 acres of urban area scattered throughout Ft. Lauderdale and environs were treated with malathion and dimethoate at twelve ounces and 0.5 pound per 100 gallons of water, respectively. All applications were made with ground equipment. A specific exemption request was submitted to EPA for the use of dimethoate, Guthion, and malathion in Broward County, in accordance with section 166.8 of the controlling regulations.

However, USDA notified EPA of a second crisis exemption on April 29, 1976; malathion was used to control the spread of the citrus blackfly into Palm Beach County, Florida. Notice of this exemption was also published in the FEDERAL REGISTER on June 14, 1976 (41 FR 23997). Malathion was applied with ground equipment to host plants at the rate of twenty (20) ounces active ingredient per 100 gallons of water. Approximately 2,000 acres of residential area in the vicinity of Boca Raton, Florida, were involved. On July 28, 1976, the USDA notified EPA that it had availed itself of a third crisis exemption by using malathion to control the spread of the pest into Dade County, Florida. The application rate, application method, and use pattern were the same as those used in Palm Beach County. The treatment area included approximately the eastern one-third of Dade County.

The original request for a specific exemption which was submitted after the first crisis exemption asked for approximately 16,000 gallons of a 95 percent malathion formulation to be used on 8,000 acres of infested area, 100 pounds active ingredient Guthion to be used at approximately 425 nurseries and plant dealerships within the regulated area, and dimethoate to be used on commercial citrus groves should citrus blackfly infestations of these groves be confirmed. However, several amendments were requested.

The first amendment altered the proposed mixture rate for malathion from twelve (12) ounces to twenty (20) ounces of active ingredient per 100 gallons of water. Therefore, the total amount of malathion requested had to be changed from approximatly 16,000 gallons to approximately 25,000 gallons. Repeated applications of a mixture containing twenty (20) ounces active ingredient (malathion) per 100 gallons of water will be sprayed to the point of run-off on host trees with high pest populations in urban areas. All nonhost plants in the nurseries will receive a single application of malathion in the same procedure as noted above, after which the nonhost plant may be sold or moved. Guthion will be applied to host nursery stock within the regulated area at the rate of one-half (0.5) pound active ingredient per 100 gallons of water. Three (3) applications of Guthion will be made at 20-day intervals. Thereafter, applications will be made at 10-day intervals until stock is sold or moved. Guthion may also be used as a dip at the rate of ⅜ pound active ingredient per 100 gallons of water. Using the dip treatment, plants will be held in solution for fifteen seconds. After treatment, plants may be sold or moved. If the citrus blackfly spreads into commercial citrus groves, dimethoate will be used at the rate of one-half (0.5) pound active ingredient per 100 gallons of water. The total amount of dimethoate will vary, depending upon the area to be covered and the citrus blackfly populations. All applications will be made by ground.

Due to the spread of the citrus blackfly in Broward County, a second amendment increased the number of nurseries to be treated from 425 to 480; an increase in the total amount of Guthion to be applied from 100 pounds to 150 pounds active ingredient was also requested at this time.

The second crisis exemption occurred as the pest spread into Palm Beach County; this prompted another amendment adding this county to those areas to be treated with dimethoate, Guthion, and malathion. A request for an additional 10,000 gallons of a 95 percent malathion formulation for use in Palm Beach County was submitted. In addition to the 150 pounds of Guthion requested for Broward County approximately 100 pounds active ingredient Guthion were requested for use on host plants at 360 nurseries and plant dealerships in Palm Beach County.

Subsequent to the third crisis exemption, the USDA amended the original specific exemption request again by requesting the addition of Dade County to the areas already proposed. The extension of the control program into Dade County also required amending the exemption request to increase the total permissable amount of 95 percent malathion to be applied by 10,000 gallons. An additional 200 pounds of active ingredient Guthion were requested for treating host plants at 850 nurseries and plant dealerships in Dade County.

Pesticide applications will be made by licensed contractors or personnel of the Plant Protection and Quarantine Programs of the Animal and Plant Health Inspection Service (APHIS) and the Division of Plant Industry of the Florida State Department of Agriculture and Consumer Services. Supervision of the spray applications is to be provided by qualified inspectors from the agencies just mentioned. According to USDA, the use of malathion, dimethoate, and Guthion will result in some material reaching nontarget arthropods. However, because applications will be limited to nursery stock, urban areas and commercial groves, it is expected that the environmental impact of such treatments will be minimal. The pesticides, used at rates as stated above are not expected to have an adverse effect on fish,

birds, mammals, or man. Environmental monitoring will be conducted with resulting efficacy and residue data collected.

After reviewing the application and other available information, EPA has determined that (a) A pest outbreak of citrus blackfly has occurred; (b) There is no pesticide presently registered and available for use to control the citrus blackfly in Florida; (c) There are no alternative means of control, taking into account the efficacy and hazard; (d) Significant economic problems may result if the citrus blackfly is not controlled; and (e) The time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the USDA has been granted a specific exemption to use the pesticides noted above until October 1, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions.

1. The pesticide treatments shall be limited to Broward, Dade and Palm Beach Counties;

2. The total amounts of pesticides to be used in the control program will not exceed 45,000 gallons of 95 percent malathion, 1,000 pounds active ingredient dimethoate, and 450 pounds active ingredient Guthion;

3. Application sites are limited to nursery stock, urban areas and commercial citrus groves, should the citrus blackfly spread into commercial citrus groves;

4. Application rates and use patterns are limited to those specified in the specific exemption request and amendments submitted by USDA;

5. Environmental monitoring will be conducted by USDA, with resulting efficacy and residue data collected by APHIS or the Florida State Department of Agriculture; and

6. Pesticide applications will be made by licensed contractors or personnel of the Plant Protection and Quarantine Programs of APHIS and the Division of Plant Industry of the Florida Department of Agriculture and Consumer Services under the supervision of qualified inspectors from APHIS or the Florida State Department of Agriculture.

Dated: December 6, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-36538 Filed 12-10-76;8:45 am]

[FRL 652-5]

PLANT CLOSINGS ATTRIBUTABLE TO ENVIRONMENTAL REGULATIONS

Request for Information

The Environmental Protection Agency (EPA) is attempting to identify all industrial plant closings that have resulted from Federal, State, or local pollution control regulations. The EPA promptly transmits this information to the U.S. Department of Labor so that adverse employment effects can be minimized. This interagency reporting system is known as the Economic Dislocation Early Warning System (EDEWS). The information generated by the EDEWS is also essential in evaluating the effects of pollution control regulations on specific industries.

EPA is aware that plant closings generally result from a combination of factors, one of which may be the requirement to comply with environmental regulations. Because of the complexity of the subject and the unique circumstances of each decision to close a plant, EPA is not attempting to set forth guidelines as to what, in its view, may constitute a plant closing attributable to regulations for environmental protection. EPA would like to be contacted by any firm which has closed or plans to close a facility where inability to meet pollution control regulations is a substantial factor. The EPA would also appreciate any information regarding such situations from sources other than the firms themselves.

Please mail or phone the firm's name and address to the EPA contact in the appropriate region listed below.

Dated: December 3, 1976.

ALVIN L. ALM,
Assistant Administrator for Planning and Management.

ECONOMIC DISLOCATION EARLY WARNING SYSTEM

EPA REGIONAL REPRESENTATIVES

Ms. Mary Vance, Enforcement Division, U.S. Environmental Protection Agency, Region I, Room 2103, John F. Kennedy Building, Boston, Massachusetts 02203, 617-223-3479.

Mr. Dan Kraft, Chief, Planning and Evaluation, Management Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 1013, New York, New York 10007, 212-264-3052.

Mr. Fred Knapp, Management Division, U.S. Environmental Protection Agency, Region III, Curtis Building, (6th and Walnut Streets), Philadelphia, Pennsylvania 19106, 215-597-9217.

Mr. Alan W. McCluney, Jr., Program Planning, Development, and Evaluation, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, 404-881-3776.

Ms. MaryLu Lageman, Program Development Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312-353-2043.

Mr. Patrick Hudson, Enforcement Division, U.S. Environmental Protection Agency, Region VI, First International Building, 1201 Elm Street, Dallas, Texas 75270, 214-749-2142.

Mr. Ray Hurley, Management Division, U.S. Environmental Protection Agency, Region VII, 1735 Baltimore Street, Kansas City, Missouri 64108, 816-758-5825.

Mr. Duane Traylor, Management Division, U.S. Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203, 303-837-2351.

Mr. Dave Clark, Management Division, U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111, 415-556-2265.

Mr. Dan Bodien, Permits Branch, Enforcement Division, U.S. Environmental Protection Agency, Region X, 1200 6th Avenue, Seattle, Washington 98101, 206-442-1270.

[FR Doc.76-36547 Filed 12-10-76;8:45 am]

[FRL 653-7; OPP-42014B]

STATE OF MONTANA

Submission of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides, Approval Status

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On May 19, 1976, the Montana State Plan was approved, contingent upon promulgation of necessary regulations under the Montana Pesticides Act. Notice of contingent approval was published in the FEDERAL REGISTER on July 12, 1976 (41 FR 28615). Subsequently, on August 17, 1976, regulations necessary to implement the Montana Pesticides Act were promulgated. Having reviewed these regulations and finding that all requisite legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA Region VIII, hereby gives notice that the Montana State Plan is now a fully approved state plan.

Dated: November 29, 1976.

JOHN A. GREEN,
Regional Administrator.

[FR Doc.76-36386 Filed 12-10-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 835]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which

the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceeding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20281-CD-ML-77, Commercial Communications, Inc. (KUS258), Modification of license to change repeater frequencies from 459.025 and 459.125 MHz to 454.025 and 454.125 MHz at Loc. No. 1: Approx. 10 miles SSE of Rick Springs, Aspen Mountain, Wyoming; and change control frequencies from 454.025 and 454.125 MHz to 459.025 and 459.125 MHz at Loc. No. 2: 824 Walnut Street, Rock Springs, Wyoming.

20303-CD-MP-(2)-77, Seattle Radio Telephone Service, Inc. (KOA733), Modification of CP to relocate facilities operating on 454.175 MHz to be located at a new site described as Loc. No. 4: 23654 30th South, Kent, Washington; and relocate facilities operating on 454.275 MHz to be located at a new site described as Loc. No. 5: 8914 Roosevelt Way, Seattle, Washington.

20304-CD-P-77, Answer Canton, Inc. (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located at 930 Fifth Street, Canton, Illinois.

20305-CD-MP-77, The Lincoln Telephone and Telegraph Company (KUS403), Modification of CP to replace transmitter and change antenna system operating on 35.58 MHz located 2 miles East of Beatrice, Nebraska.

20306-CD-P-77, Nashville Mobilphone, Inc. (KFL652), C.P. to replace transmitter and relocate facilities operating on 158.70 MHz at Loc. No. 1 to be located at Shelbyville Pike, 5.3 miles South of Murfreesboro, Tennessee.

20307-CD-P-77, J. M. Blodgett dba Radio Page (KWT885), C.P. for additional facilities to operate on 35.58 MHz to be located at a new site described as Loc. No. 3: 1950 feet SE of intersection of Parvin Mill Road and Landis Avenue, Bridgeton Deerfield, New Jersey.

20308-CD-TC-(4)-77, Radio & Electronic Service Company, Inc. d.b.a. Mobilfone. Consent to Transfer of Control from Flora D. Mead, Transferor to Mobile Communications Corporation of America, Transferee. Stations: KIF649 and KLF640, Pensacola, Florida; KIY593 and KLF639, Fort Walton Beach, Florida.

20309-CD-P-(2)-77, Intrastate Radio Telephone, Inc. of San Francisco (KMA833), C.P. for additional facilities to operate on 454.125 and 454.175 MHz to be located at a new site described as Loc. No. 8: TV Hill, 1 mile North of Highway 4 near Port Chicago, California.

20310-CD-P-(2)-77, W. J. Curtin, Sr. d.b.a. Curtin Call Communications (KLF478), C.P. for additional facilities to operate on 152.15 and 152.18 MHz to be located at a new site described as Loc. No. 2: 1 West Dayton Street, Madison, Wisconsin.

20311-CD-P-77, Morris Communications, Inc. (New), C.P. for a new station to operate on 454.075 MHz to be located On Thicketty Mtn., 6½ miles NW of Gaffney, South Carolina.

20312-CD-MP-(3)-77, Mobilfone Corporation (KRS663), C.P. to change antenna system and relocate facilities operating on 454.250, 454.300, and 454.350 MHz to be located at 80 South 8th Street, Minneapolis, Minnesota.

20313-CD-P-(3)-77, Valley Mobile Communications, Inc. (KMD690), C.P. to replace transmitter, change antenna system and relocate facilities operating on 152.03 MHz and for additional facilities to operate on 152.12 MHz to be located 6.5 miles South and 2.2 miles East of Palmdale, California at Loc. No. 1; and for standby facilities to operate on 152.03 and 152.12 MHz to be located at 44830 N. Elm Avenue, Lancaster, California, Loc. No. 2.

Informative

The following application is a major action as defined by Section 1.1305 of the Commission's Rules concerning the implementation of the National Environmental Policy Act of 1969 and may be subject to Petition to Deny on environmental grounds pursuant to Section 1.1311 of the Commission's Rules:

21209-CD-P-76, Upper Peninsula Telephone Company (New), 0.2 miles South of Little Perch Lake, Michigan.

POINT TO POINT MICROWAVE RADIO SERVICES

420-CF-P-77, American Telephone and Telegraph Company (KAC71), 5.5 miles W. of Worden, Kansas. Lat. 38°47'07" N., Long. 95°26'09" W. C.P. to add frequency 4190H MHz toward Lenape, Kansas.

478-CF-P-77, American Telephone and Telegraph Company (KIW84), Warrenton 2, 2.9 miles NW of Warrenton, Virginia. Lat. 38°44'28" N., Long. 77°50'10" W. C.P. to change polarization from vertical to horizontal on frequencies 3730, 3890, and 3970 MHz toward Flint Hill, Virginia.

479-CF-P-77, Same (KGP50), 6.6 miles NNW of Flint Hill, Virginia. Lat. 38°51'00" N., Long. 78°08'52" W. C.P. to change coordinates and change polarization from vertical to horizontal on frequencies 3770, 3850, and 3930 MHz toward Warrenton 2, Virginia on azimuth 114.0 degrees.

495-CF-P-77, Mountain State Telephone and Telegraph Company (KOM61), 299 C Street, Idaho Falls, Idaho. Lat. 43°29'36" N., Long. 112°2'14" W. C.P. to replace transmitters on frequencies 6204.7H and 11075.0H MHz toward East Butte, Idaho, 6189.8H and 10755.0V Rexburg, Idaho and frequency 10755.0H MHz toward East Butte, Idaho.

496-CF-P-77, Same (KOM63), East Butte, 27.9 miles W. of Idaho Falls, Idaho. Lat. 43°33'24" N., Long. 112°35'13" W. C.P. to add frequency 11385.0H MHz toward Idaho Falls, Idaho; replace transmitters on frequencies 5952.6H and 11525.0H MHz toward Idaho Falls, Idaho 5937.8V and 10755.8H MHz toward Butte City and 11245.0H and 11485.0V MHz toward Idnaengrlab, Idaho.

497-CF-P-77, Same (KOM62), Idnaengrlab. 19.0 miles SE of Arco, Idaho. Lat. 43°31'45" N., Long. 112°56'48" W. C.P. replace transmitters on frequencies 10795.0H and 11035.0V MHz toward East Butte, Idaho.

498-CF-P-77, South Central Bell Telephone Company (KVH97), 4 miles SW of Catlettsburg, Kentucky. Lat. 38°21'54" N., Long. 82°39'11" W. C.P. decrease transmit antenna structure height; replace transmitter on frequencies 6249.1H and 11685H MHz toward Louisa, Kentucky; replace antenna on frequencies 6226.9V and 6345.5V MHz toward Ashland PR1, Kentucky.

499-CF-P-77, South Central Bell Telephone Company (KVH96), 0.4 miles SW of Louisa, Kentucky. Lat. 38°06'36" N., Long. 82°36'36" W. C.P. transmit antenna structure height; replace transmitter on frequencies 5937.1H and 10755H MHz toward Catlettsburg, Kentucky move and replace antenna 6019.3V, 6137.9V and 1095.5V MHz toward Hagerhill, Kentucky.

500-CF-P/L-77, RCA Alaska Communications, Inc. (New), 2.5 miles North of Nikolski, Alaska. Lat. 52°58'27" N., Long. 168°51'10" W. C.P. for a new station on frequencies 810V and 822H MHz toward Adak, Alaska on azimuth 269.1 degrees, 804H and 894V MHz toward Driftwood By, Alaska and azimuth 51.4 degrees.

501-CF-P/ML-77, RCA Alaska Communications, Inc. (WOF77), 7 miles West of Aniak P.O., Aniak, Alaska. Lat. 61°34'53" N., Long. 159°32'50" W. C.P. to add a new point of communications on frequencies 876H and 876V MHz toward Sparrevohn, Alaska on azimuth 102.4 degrees and 822V and 822H MHz toward Bethel, Alaska on azimuth 235.6 degrees.

502-CF-P/L-77, Same (New), Elmendorf 1931 Comm. Sqdrn, Elmendorf AFB, Anchorage, Alaska. Lat. 61°14'46" N., Long. 149°48'26" W. C.P. for a new station on frequencies 6219.5H and 6338.1H MHz toward Elmendorf R1, Alaska on azimuth 324.8 degrees.

503-CF-P/-77, Same (New), Shemya 1 mile NE of Shemya AFB, Shemya Island, Alaska. Lat. 52°43'46" N. Long. 174°06'00" W. C.P. for a new station on frequencies 783V 798H MHz toward Adak, Alaska on azimuth 95.0 degrees.

504-CF-P/L-77, Same (New), RCA Alascom Box 275, Tok Beaver Creek, Alaska. Lat. 63°03'32" N., Long. 141°49'36" W. C.P. for a new station on frequencies 4070R and 4150R MHz toward Mt. Dave, Alaska on azimuth 138.1 degrees and 3790R and 3870R MHz toward Tok Jct., Alaska on azimuth 298.6 degrees.

505-CF-P/L-77, Same (New), DM White Alice Building, Murphy Dome, Alaska. Lat. 64°67'03" N. Long. 148°21'10" W. C.P. for a new station on frequencies 4090R and 4170R MHz toward Pedro DM, Alaska on azimuth 76.9 degrees 3710R and 3870R MHz toward Clear, Alaska on azimuth 206.1 degrees and 7138.5V and 7197.5V MHz toward Clear BMEWS, Alaska on azimuth 208.6 degrees.

506-CF-P/L-77, Same (New), 1 mile SE of Adak Naval STA., Field, Adak, Alaska. Lat. 51°52'52" N., Long. 76°43'37" W. C.P. for a new station on frequencies 906V and 918H MHz toward Shemya, Alaska on azimuth 282.2 degrees, 930V and 942H MHz toward Nikolski, Alaska on azimuth 74.0 degrees.

507-CF-P/L-77, Same (New), RCA Alascom, Box 275, Tok Knob Ridge, Alaska. Lat. 63°38'57" N., Long. 144°03'49" W. CP for a new station on frequencies 3830R and 3910R MHz toward Gerstle Riv., Alaska on azimuth 290.3 degrees and 4030R, and 4110R MHz toward Cathedral, Alaska on azimuth 155.4 degrees.

508-CF-P/L-77, Same (New), RCA Alascom, Box 275, Tok Cathedral, Alaska. Lat. 63°23'06" N., Long. 143°47'38" W. C.P. for a new station on frequencies 3790R and 3870R MHz toward Knob Rdg., Alaska on azimuth 335.6 degrees and 4070R and 4150R MHz toward Tok Junction, Alaska on azimuth 97.2 degrees.

510–CF–P/L–77, Same (New), Bear Creek Box 83 Tanana, Alaska. Lat. 65°15'14" N., Long. 151°55'18" W. C.P. for a new station on frequencies 918V MHz toward Indiana Mtn., Alaska on azimuth 319.1 degrees, 924V MHz toward Pedro DM, Alaska on azimuth 207.7 degrees, and 930V MHz toward Kalakakt Creek, Alaska on azimuth 249.2 degrees.

511–CF–P/L–77, RCA Communications, Inc. (New), 1 mile N. of Gold King Airport, Gold King Creek, Alaska, Lat. 64°12'01" N. Long. 147°55'49" W. C.P. for a new station on frequencies 3830R and 3910R MHz toward Clear, Alaska on azimuth 281.6 degrees, 4030R and 4110R MHz toward Canyon Creek, Alaska on azimuth 79.7 degrees.

512–CF–P/L–77, Same (New), WACS, Within City of Kotzebur, Alaska and Lat. 66°53' 52" N., Long. 162°35'46" W. C.P. for a new station on frequencies 876H and 876V MHz toward Granite Mtn. on azimuth 158.8 degrees, 816H and 816V MHz toward Cp Lisburne on azimuth 265.3 degrees.

513–CF–P/L–77, Same (New), WACS, P.O. Box 567, Soldotna, Naptowne, Alaska and Lat. 60°31'47" N. Long. 150°35'00" W. C.P. for a new station on frequencies 3710R and 3790R MHz toward Rabbit Creek, Alaska on azimuth 36.2 degrees, 4090R and 4170R MHz toward Soldotna, Alaska on azimuth 270.6 degrees.

514–CF–P/L–77, Same (New), Rabbit Creek, Rabbit Creek Road, Anchorage, Alaska and Lat. 61°05'22" N. Long. 149°44'08" W. C.P. for a new station on frequencies 3750H and 3830H MHz toward Anchorage, Alaska on azimuth 335.2 degrees and 4050V and 4130V MHz toward Naptowne, Alaska on azimuth 216.9 degrees.

515–CF–P/L–77, Same (New), Canyon Creek RCA Alascom, Delta Jct., P.O. Box 486, Delta Junction, Alaska. Lat. 64°18'11" N., Long. 146°32'54" W. C.P. for a new station on frequencies 4070R and 4150R MHz toward Delta Jct., Alaska on azimuth 126.03 degrees 3790R and 3870R MHz toward Gold King Creek, Alaska on azimuth 260.93 degrees.

516–CF–P/L–77, Same (New), Diamond Rdg., P.O. Box 215, Homer, Alaska and Lat. 59° 40'52" N., Long. 151°37'23" W. C.P. for a new station on frequencies 816H and 816V MHz toward Pillar Mtn., on azimuth 192.9 degrees, 810H and 810V MHz toward Big Mtn., Alaska on azimuth 205.2 degrees and 3710H and 3790H MHz toward Starisky Creek, Alaska on azimuth 338.4 degrees.

517–CF–P/L–77, Same (New), Box 215 Homer Starisky, Alaska. Lat. 59°52'55" N., Long. 151°47'03" W. C.P. for a new station on frequencies 3750R and 3830R MHz toward Clam Gulch, Alaska on azimuth 29.1 degrees and 4050R MHz toward Diamond Rdg., Alaska on azimuth 157.9 degrees.

518–CF–P/L–77, Same (WOE33), WACS, P.O. Box 567, Soldontna, Alaska Lat. 60°31'53" N., Long. 151°04'55" W. C.P. to add a new point of communication on frequencies 3750R and 3830R MHz toward Naptowne, Alaska on azimuth 90.2 degrees, 4050R and 4130R toward Clam Gulch, Alaska on azimuth 207.4 degrees and 906H and 918V MHz toward Neklason LK, Alaska on azimuth 38.3 degrees.

519–CF–P/L–77, Same (New), Eielson Building, 3110 Eielson AFB, Alaska. Lat. 64°40' 34" N. Long. 147°05'25" W. C.P. for a new station on frequencies 7655.0H and 7325.0H MHz toward Pedro DM, Alaska on azimuth 334.2 degrees.

520–CF–P–77, RCA Alaska Communications, Inc. (New), WACS, P.O. Box 46, Glennallen, McCallum, Alaska. Lat. 63°14'19" N., Long. 145°38'45" W. C.P. for a new station on frequencies 3750R, 3910R and 5937.8R Paxson, Alaska on azimuth 163.4 degrees and 4030R, 4110R, 5982.3R, and 6041.6R MHz toward Bik Rapids, Alaska on azimuth 340.9 degrees.

521–CF–P/L–77, Same (New), WACS, P.O. Box 46, Glennallen, Paxson, Alaska. Lat. 62°58'05" N., Long. 145°28'06" W. C.P. for a new station on frequencies 3710R, 3870R, 6219.5R, and 6278.8R MHz toward Aurora, Alaska on azimuth 164.4 degrees and 4070R, 4150R, 6189.8R, and 6249.1R MHz toward McCallum, Alaska on azimuth 343.5 degrees.

522–CF–P/L–77, Same (New), 1 mile N. of Port Heiden Airport, Port Heiden, Alaska. Lat. 56°58'38" N., Long. 158°39'13" W. C.P. for a new station on frequencies 894-H, and 894V MHz toward Port Moller, Alaska on azimuth 223.8 degrees and 912H and 912V King Salmon, Alaska on azimuth 30.-5 degrees.

523–CF–P/L–77, Same (New), 2.9 miles SSE of Port Motter, Alaska Lat. 55°58'42" N., Long. 160°29'59" W. C.P. for a new station on frequencies 774H and 774V MHz toward Port Heiden, Alaska on azimuth 43.8 degrees and 780H and 780V MHz toward Cold Bay, Alaska on azimuth 242.9 degrees.

524–CF–P/L–77, RCA Alaska Communications, Inc. (New), WASC P.O. Box 46, Glennallen, Sheep Mtn., Alaska Lat. 61° 47'20" N., Long. 147°04'23" W. C.P. for new station on frequencies 3750R, 3910R, 5952.-6R and 6011.9R MHz toward Sawmill, Alaska on azimuth 273.8 degrees and 4030R, 4110R, 5967.4R, and 6026.7R MHz toward Tahneta Pass, Alaska on azimuth 74.7 degrees.

525–CF–P/L–77, Same (New), WACS, P.O. Box 46, Glennallen,, Aurora, Alaska and Lat. 62°24'17" N., Long. 145°07'45" W. C.P. for a new station 4030R, 4110R, 5967.4R, and 6026.7R MHz toward Paxson, Alaska on azimuth 344.7 degrees and 3750R, 3910R, 5952.6R and 6011.9R MHz toward Glennallen, Alaska on azimuth 213.7 degrees.

395–CF–ML–77, American Telephone and Telegraph Company (KKX57), 9.2 miles SW of Cutter, New Mexico. Lat. 32°59'40" N. Long. 107°09'25" W. Mod. of License to add 6390.0V and 10755V towards Monticello, New Mexico, on azimuth 346.1°. (Partial Transfer) from The Mountain States Telephone and Telegraph Co.

449–CF–ML–77, Same (KKX56), 10.5 miles ESE of Monticello, New Mexico. Lat. 33°22'38" N. Long. 107°16'22" W. Mod. of License to add 6108.3V and 11685V towards Cutter, New Mexico on azimuth 166.0°; 6137.9H and 11405H towards San Antonio, New Mexico on azimuth 44.3°. (Partial Transfer) from The Mountain States Telephone and Telegraph Co.

450–CF–ML–77, Same (KKW34), 9.5 miles SE of San Antonio, New Mexico. Lat. 33°50'36" N. Long. 106°43'38" W. Mod. of License to add 6360.3H and 10955H towards Monticello, New Mexico on azimuth 224.6°; 6390.0H and 10755H towards Socorro, New Mexico on azimuth 330.0°. (Partial Transfer) from The Mountain States Telephone and Telegraph Co.

451–CF–ML–77, Same (KKW33), 9 miles NNW of Socorro, New Mexico. Lat. 34°10'52" N. Long. 106°57'45" W. Mod. of License to add 6108.3H and 11685H towards San Antonio, New Mexico; on azimuth 149.8°; 6137.9V and 11365V towards Los Lunas, New Mexico on azimuth 10.8°. (Partial Transfer) from The Mountain States Telephone and Telegraph Co.

452–CF–ML–77, Same (KKW32), 4.8 miles W of Los Lunas, New Mexico. Lat. 34°47'50" N. Long. 106°49'10" W. Mod. of License to add 6360.3V and 10915V towards Socorro 1, New Mexico on azimuth 190.9°. (Partial Transfer) from The Mountain States Telephone and Telegraph Co.

453–CF–ML–77, The Mountain States Telephone and Telegraph Co. (KNZ51), Lat. 34°10'52" N. Long. 106°57'45" W. Mod. of License to delete 6108.3H and 11685H towards San Antonio, New Mexico on azimuth 149.8°; 6137.9V and 11365V towards Los Lunas, New Mexico on azimuth 10.8°. (Partial Transfer) to American Telephone and Telegraph Co.

454–CF–ML–77, Same (KNZ50), 4.8 miles W of Los Lunas, New Mexico. Lat. 34°47'50" N. Long. 106°49'10" W. Mod. of License to delete 6360.3V and 10915V towards Socorro, New Mexico on azimuth 190.9°. (Partial Transfer) to American Telephone and Telegraph Co.

455–CF–ML–77, Southern Bell Telephone and Telegraph Co. (KIY62), 6 miles N of Greenville, South Carolina. Lat. 34°56'29" N. Long. 80°24'40" W. Mod. of License to add 3890H and 3970H towards Greenville, South Carolina on azimuth 173.9°. (Partial Transfer) from American Telephone and Telegraph Co.

456–CF–ML–77, American Telephone and Telegraph Co. (KID67), 6.5 miles N of Greenville, South Carolina. Lat. 34°56'29" N., Long. 82°24'40" W. Mod. of License to delete 3890H and 3970H towards Greenville, South Carolina on azimuth 173.9°. (Partial Transfer) to Southern Bell Telephone and Telegraph Co.

625–CF–R–77, General Telephone Co. of Kentucky (WAU303), Temporary fixed. Renewal of Developmental license expiring April 4, 1976 was received for term beginning April 4, 1976 and ending April 4, 1977.

The Renewal for the following radio station license has been received for the term beginning February 1, 1976 and ending February 1, 1981.

Applicant: Sierra Microwave, Inc.; *Call Sign:* WHB 22; *Location:* Lovelock, Nevada; *File Number:* 626–CF–R–77.

526–CF–P/L–77, RCA Alaska Communications, Inc. (New), Box 215, Homer Clam Gulck, Alaska Lat. 60°12'51" N. Long. 151°24'45" W. C.P. for a new station on frequencies 3710R; and 3790R Soldotna, Alaska on azimuth 27.2° and 4090R and 4170R MHz toward Starisky Creek, Alaska on azimuth 209.2°.

527–CF–P/L–77, Same (New), Mile 284 Parks Highway Clear, Alaska. Lat. 64°17'39" N. Long. 149°05'24" W. C.P. for a new station on frequencies 4070R and 4150R MHz toward Gold King Creek, Alaska on azimuth 100.0° and 4050R and 4190R MHz toward Murphy DM, Alaska on azimuth 25.4°.

528–CF–P/L–77, Same (New), Gerstle Riv. RCA Alascom, P.O. Box 486, Delta Jct., Alaska. Lat. 63°48'00" N. Long. 145°00'24" W. C.P. for a new station on frequencies 3790R and 3870R MHz toward Delta Jct., Alaska on azimuth 307.1° and 4070R and 4150R MHz toward Knob Rdg. Alaska on azimuth 109.4°.

529–CF–P/L–77, Same (New), WACS, P.O. Box 46. Glennallen, Alaska. Lat. 62°06'37" N. Long. 145°32'49" W. C.P. for a new station on frequencies 3710R, 6234.3R, 3870R and 6293.6R MHz toward Tolsona, Alaska on azimuth 269.2° and 4070R, 4150R, 6204.7R and 6264R MHz toward Aurora, Alaska on azimuth 33.3°.

530–CF–P/L–77, Same (New), WACS, P.O. Box 46, Glennallen, Tahneta Pass, Alaska. Lat. 61°50'00" N. Long. 147°19'30" W. C.P. for a new station on frequencies 3710R, 3870R, 6219.5R and 6278.8R MHz toward Sheep Mountain, Alaska on azimuth 255.1° and 4070R, 4150R, 6189.8R and 6249.1R MHz toward, Alaska on azimuth 63.9°.

Major amendments

4476–C1–P–74, RCA Alaska Communications, Inc. (New), Smugglers Cove, Alaska. Amend application to delete Duncan Canal, Alaska and the associated frequencies, 786.0V and 789.0H MHz, as a point of communication.

4474–C1–P–74, Same (WJM35), Hoonah, Alaska. Amend application to delete Ocean Cape and Duncan Canal, Alaska and their respective frequencies 786.0H, 798.0V MHz, 774.0 and 762.0V MHz as points of communication.

4473–C1–P–74, Same (New), Cape Yakataga, Alaska. Amend application to delete Ocean Cape, Alaska and the associated frequencies, 762.0V MHz and 774.0H MHz, as a point of Communication.

4471–C1–P–74, Same (New), Amend Boswell Bay, Alaska. Amend application to add Middleton Island, Alaska and the associated frequency 882.0H MHz as a point of communication.

[FR Doc.76–36472 Filed 12–10–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ALGONQUIN GAS TRANSMISSION CO., ET AL.

Notice of Pending Synthetic Natural Gas Applications

Notice is hereby given by the Federal Energy Administration that the petitions listed in the Appendix hereto have been filed for the assignment of liquid petroleum fuels for SNG purposes. Petitions include requests for the establishment of base period use and assignment of base period supplier(s) for SNG feedstocks, and Btu enrichment. These petitions will be processed in accordance with criteria established in 10 CFR 205.30 et seq., 10 CFR 211.29 and Special Rule No 1, appendixed thereunder, and Subparts D, E, and J of 10 CFR Part 211. The attached list is provided for the general information of the public and no public comment is requested at this time. If deemed necessary, notice will be published in the FEDERAL REGISTER soliciting written comments and/or providing notice of a public hearing to be held in connection with a specific petition.

Copies of the petitions and all pertinent correspondence received in connection with the aforementioned petitions, with the exception of material found to be confidential pursuant to 10 CFR 205.9(f), is on file for public viewing at the FEA Freedom of Information Library, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday except for Federal holidays.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of any past or future FEDERAL REGISTER notice soliciting comments with respect to any particular referenced petition or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

Dated: December 7, 1976.

MICHAEL F. BUTLER,
General Counsel.

Appendix

Name of company	Date received	Type and quantity of feedstock requested
A. Request for assignment of SNG feedstock:		
Algonquin Gas Transmission Co.	Aug. 15,1975[1]	Naphtha—4,425,571 bbl per year.
Baltimore Gas & Electric Co.	Sept. 29,1975	Naphtha—2,160,000 bbl per year.
Do.	Dec. 3,1976[2]	Naphtha—540,000 bbl for the 1st calendar quarter of 1977.
Boston Gas Co.	July 12,1976	Propane—1,434,047 bbl per year.
Columbia LNG Corp.	June 9,1976	Propane, butane, or natural gasoline—24,000,000 bbl per year.
Commonwealth Natural Gas Co.	July 6,1976	Butane—1,095,250 bbl per year.
Consumers Power Co.	June 1,1976	Propane, butane, or natural gasoline—12,[illegible],500 bbl per year.
Indiana Gas Co.	Oct. 23,1974	Naphtha—3,776,743 bbl per year.
Lowell Gas Co.	Feb. 16,1976	Butane—[illegible],095 bbl per year.
Northern Illinois Gas Co.	Aug. 1,1976	Propane, butane, natural gasoline, or naphtha—[illegible],000 bbl per year.
Transco Energy Co.	Apr. 19,1976	Naphtha—19,000,000 bbl per year.
B. Request for permanent assignment for Btu enrichment:		
Algonquin Gas Transmission Co.	Dec. 30,1975	Propane—179,502 bbl per year.
Ashland Oil Co.	Sept. 29,1976	Propane—[illegible],144 bbl per year.
Baltimore Gas & Electric Co.	Sept. 29,1975	Propane—151,714 bbl per year.
Northern Illinois Gas Co.	Aug. 1,1976	Propane—1,065,000 bbl per year.
Philadelphia Gas Works	Aug. 28,1974[3]	Propane—700,000 bbl per year.

[1] Remanded to FEA Office of Regulatory Programs for further findings of fact and law pursuant to order of FEA Office of Exceptions and Appeals, dated June 28, 1976.
[2] Request for a temporary assignment.
[3] Date of original petition. Actual operation of plant scheduled for 1979.

[FR Doc.76–36331 Filed 12–7–76;3:23 pm]

CANADIAN ALLOCATION PROGRAM

Allocation Notice for the January 1 through June 30, 1977 Allocation Period

In accordance with the provisions of FEA's Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the allocation notice specified in § 214.32 for the allocation period commencing January 1, 1977 is hereby published.

The issuance of Canadian crude oil rights for the January 1, 1977 allocation period to refiners and other firms is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists the name of each refiner and other firm to which rights have been issued; the number of rights, expressed in barrels per day, issued to each such refiner or other firm; and the specific first or second priority refineries for which rights are applicable.

The issuance of Canadian crude oil rights is made pursuant to § 214.31, which provides that rights are issuable to refiners or other firms that own or control a first or second priority refinery based on the number of barrels of Canadian crude oil included in the refinery's volume of crude oil runs to stills or consumed or otherwise utilized by the facility during the base period, November 1, 1974 through October 31, 1975. These calculations have been made and are shown on a barrels per day basis.

The listing contained in the Appendix also reflects any adjustments made by FEA to base period volumes to compensate for reductions in volumes due to unusual or nonrecurring operating conditions as provided by § 214.31(d).

Based on its review of the affidavits, supplemental affidavits and reports filed pursuant to Subpart D of Part 214, and other information available to the agency, FEA has designated each refinery or other facility listed in the Appendix as a first or second priority refinery as defined in § 214.21. If a refinery or other facility has not been designated as a priority refinery by FEA, such refinery or other facility is not entitled to process or otherwise consume Canadian crude oil subject to allocation under the program.

As provided by § 214.31(e), in the allocation period commencing January 1, 1977, each refiner or other firm which has been issued Canadian crude oil rights is entitled to process, consume or otherwise utilize in the priority refinery or refineries specified in the Appendix to this notice a number of barrels of Canadian crude oil subject to allocation under Part 214 equal to the number of rights specified in the Appendix.

FEA has been advised by the Canadian government that the total volume of Canadian crude oil authorized by Canada for export to the United States, and therefore subject to allocation under Part 214, for the six month allocation period commencing January 1, 1977, will be at the average level of 275,000 barrels per day. FEA has also been advised that

the actual export level of Canadian crude oil for the allocation period will be 305,000 barrels per day in the first three months of this period and 245,000 barrels per day in the last three months thereof. FEA has set forth the allocations in the Appendix separately for the first and last three months to account for an export level in the final three months that is lower than the total base period volumes for all first priority refineries. Accordingly, first priority refineries have been allocated a total of 283,645 barrels per day for the first three months, which was calculated by adding to their total base period volumes of 264,216 barrels per day the amount of the projected shortfall from these volumes in the final three months, or 19,216 barrels per day, and by adjusting for the difference in the number of days in the two quarters. The allocations for first priority refineries in the last three months total 245,000 barrels per day, and a factor of 0.927272 has been applied to all first priority refineries' base period volumes shown in the Appendix for these months. These procedures are intended to assure that first priority refineries are able to import aggregate volumes of Canadian crude oil equal to their respective base period volumes over the entire allocation period. As to second priority refineries, the average total allocations for this allocation period are 10,618 barrels per day, and these allocations are reflected at the level of 21,355 barrels per day in the allocations for the first three months, with no allocations shown for the final three months where the export level will be lower than the sum of the base period volumes of first priority refineries. These allocations for the first three months to second priority refineries reflect the application of a factor of 0.045559 to each firm's base period volume (such factor for the entire allocation period for second priority refineries is 0.022653). Any change in the Canadian export level will be reflected in revised allocations for the entire period pursuant to a supplemental allocation notice.

On or prior to the fiftieth day preceding each allocation period, each refiner or other firm that owns or controls a first priority refinery shall file with FEA the supplemental affidavit specified in § 214.41(b) to confirm the continued validity of the statements and representations contained in the previously filed affidavit or affidavits, upon which the designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the fiftieth day preceding each allocation period.

Within 30 days following the close of each six-month allocation period, each refiner or other firm that owns or controls a priority refinery shall file the periodic report specified in § 214.41(d)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills of or consumed or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Part 214) for the allocation period.

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before January 12, 1977.

Issued in Washington, D.C. on December 7, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX.—*Canadian allocation program—rights for Jan. 1, 1977 to June 30, 1977*

Refiner/refinery	Priority	Allocation (barrels per day)		Average
		January to March	April to June	
Amoco:				
Whiting, Ind	II	1,219	0	606
Casper, Wyo	II	136	0	68
Mandan, N. Dak	II	410	0	204
Sugar Creek, Mo	II	15	0	7
Arco: Cherry Point, Wash	II	1,559	0	775
American Petrofina: El Dorado, Ark	II	9	0	4
Ashland:				
Buffalo, N.Y	II	1,674	0	833
Findlay, Ohio	II	100	0	50
St. Paul Park, Minn	I	47,995	41,456	44,707
DOW: Bay City, Mich	II	126	0	63
Clark: Blue Island, Ill	II	855	0	425
CF Petroleum: East Chicago	II	492	0	245
Consumers Power:				
Essexville, Mich	I	14,892	12,863	13,877
Marysville, Mich	I	29,314	25,320	27,306
Continental:				
Billings, Mont	I	27,905	24,103	25,991
Denver, Colo	II	211	0	105
Ponca City, Okla	II	54	0	27
Wrenshall, Minn	I	22,170	19,149	20,651
CRA:				
Coffeyville, Kans	II	15	0	7
Phillipsburg, Kans	II	8	0	4
Scotts Bluff, Nebr	II	18	0	9
Crystal Refining: Carson City, Mich	II	50	0	25
Exxon: Billings, Mont	I	17,078	14,751	15,908
Farmers Union: Laurel, Mont	I	14,427	12,462	13,439
Gladieux: Fort Wayne, Ind	II	35	0	18
Gulf: Toledo, Ohio	II	604	0	300
Husky:				
Cheyenne, Wyo	II	222	0	110
Cody, Wyo	II	37	0	18
Koch: St. Paul, Minn	I	79,853	68,073	74,384
Lake Superior District Power: Ashland, Wis	I	134	116	125
Laketon: Laketon, Ind	II	6	0	3
Lakeside: Kalamazoo, Mich	II	57	0	28
Little America: Casper, Wyo	II	102	0	51
Marathon: Detroit, Mich	II	469	0	233
Mobil:				
Buffalo, N.Y	II	1,139	0	566
Ferndale, Wash	II	2,070	0	1,029
Joliet, Ill	II	665	0	331
Murphy: Superior, Wis	I	27,509	23,701	25,605
NCRA: McPherson, Kans	II	38	0	19
Pasco: Sinclair, Wyo	II	32	0	16
Phillips:				
Great Falls, Mont	II	56	0	28
Kansas City, Kans	II	153	0	76
Rock Island: Indianapolis, Ind	II	48	0	24
Shell:				
Anacortes, Wash	II	2,548	0	1,267
Wood River, Ill	II	395	0	197
Sun: Toledo, Ohio	II	748	0	372
Standard Oil of Ohio: Toledo, Ohio	II	1,330	0	661
Tenneco: Chalmette, La	II	81	0	40
Tesoro: New Castle, Wyo	II	31	0	15
Texaco:				
Anacortes, Wash	II	1,878	0	934
Casper, Wyo	II	63	0	31
Lockport, Ill	II	57	0	28
The Refinery Corp.: Commerce City, Colo	II	8	0	4
Thunderbird:				
Cut Bank, Mont	II	25	0	13
Kevin, Mont	I	2,368	2,046	2,206
Total Leonard: Alma, Mich	II	443	0	220
Union Oil of California: Lemont, Ill	II	534	0	265
United Refining:				
Warren, Pa	II	452	0	225
West Branch, Mich	II	78	0	39

[FR Doc.76-36318 Filed 12-7-76;2:41 pm]

FEDERAL MARITIME COMMISSION

ITALIA-COSTA LINE JOINT SERVICE AGREEMENT

Agreement Number Change

Notice of the filing of the Italia-Costa Line Joint Service appeared in the FEDERAL REGISTER on September 10, 1976, as Agreement No. 10120-7, an amendment to the Sidarma-Costa Line Joint Service. A completely new document embodying the agreement of Italia and Costa as set forth in Agreement No. 10120-7 has since been filed and has been assigned Agreement No. 10271. This is the agreement number which should be referred to when corresponding with this Commission concerning the Italia-Costa Line Joint Service.

Dated: December 8, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-36488 Filed 12-10-76;8:45 am]

ORIENTAL LATIN AMERICA LINES, INC. ET AL.

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-75 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,071.

Oriental Latin American Lines, Inc. and Orient Overseas Line, Inc (Orient Overseas Line) C/O Orient Overseas Services, Inc., 510 Montgomery Street, San Francisco, California 94111.

Whereas, Oriental Latin America Lines, Inc. and/or Orient Overseas Line, Inc. (Orient Overseas Line) have ceased to operate the passenger vessel *Oriental Esmeralda;* and

Whereas, Certificate (Performance) No. P-75 and Certificate (Casualty) No. C-1,071 issued to Oriental Latin America Lines Inc. and Chinese Maritime Trust Ltd. (Orient Overseas Line) and reissued to Oriental Latin America Lines, Inc. and/or Orient Overseas Line, Inc. (Orient Overseas Line) covering the *Oriental Esmeralda* have been returned for revocation.

It is ordered, That Certificate (Performance) No. P-75 and Certificate (Casualty) No. C-1,071 covering the *Oriental Esmeralda* be and are hereby revoked effective December 2, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on the certificants.

By the Commission December 2, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-36489 Filed 12-10-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-9091, etc.]

GEORGIA POWER CO.

Filing of Settlement Agreement

DECEMBER 7, 1976.

Take notice that on November 30, 1976, the Georgia Power Company submitted a Settlement Agreement, encompassing Docket Nos. E-9091, ER76-397, E-9521 and finally E-9522. The Agreement, if approved, would resolve all issues in these respective consolidated proceedings. On December 1, 1976, the Presiding Law Judge certified the pleadings and record in these proceedings to the Commission for its consideration in ruling on the settlement.

Any person wishing to do so may submit comments in writing concerning the proposed settlement agreement to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 13, 1976. The Settlement Agreement is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36598 Filed 12-10-76;8:45 am]

[Docket No. RP73-17, (PGA77-1)]

GRANITE STATE GAS TRANSMISSION, INC.

Revised Changes In Rates Pursuant To Purchased Gas Adjustment Provision

NOVEMBER 29, 1976.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 66 Market Street (P.O. Box 508), Portsmouth, New Hampshire 03801, on November 22, 1976, tendered for filing Substitute Fourteenth Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates for effectiveness on December 1, 1976.

According to Granite State, the instant filing tracks revised changes in its cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) which Tennessee has proposed to make effective December 1, 1976, to reflect revised new national rates for gas as established in Opinion No. 770-A (Docket No. RM75-14), issued November 5, 1976. Granite State further avers that its filing is made pursuant to the purchased gas cost adjustment provision in its Tariff, previously approved by the Commission on December 14, 1972, in Docket No. RP73-17.

Granite State further states that its revised purchased gas cost changes are applicable to its sales to Northern Utilities, Inc. (Northern) which is Granite State's sole jurisdictional customer. According to Granite State, the annual effect on Northern of the proposed rates contained on Substitute Fourteenth Revised Sheet No. 3A is $800,482. The estimate is based on purchases from Tennessee and sales to Northern for the twelve months ended August 31, 1976.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36599 Filed 12-10-76;8:45 am]

[Docket Nos. RP74-97, (PGA77-1)]

MONTANA-DAKOTA UTILITIES CO.

Proposed Change In FPC Tariff

NOVEMBER 29, 1976.

Take notice that Montana-Dakota Utilities Co. ("MDU"), on November 22, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 4. MDU, in order to track producer rate increases based on Ordering Paragraph (B) of Opinion No. 770-A, has proposed adjustments which will effect an increase of 16.44 cents per Mcf under all three of its rate schedules. The proposed rate is an increase over the currently effective rates, but a reduction of 1.71 cents per Mcf from the rates filed by MDU on September 27, 1976 pursuant to the Commission's Opinion No. 770. These adjustments, which are Gas Cost Adjustments only, have been made pursuant to Ordering Paragraph (C) of Opinion No. 770-A. The proposed effective date of these adjustments is December 1, 1976.

Copies of the filing were served upon MDU's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing shall file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests shall be filed on or before December 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make pro-

testants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[Fr. Doc.76-36600 Filed 12-10-76;8:45 am]

[Docket Nos. C175-223, et al.]

SUN OIL CO., ET AL.

Applications for Certificates, Abandonment of Service and Petiitons To Amend Certificates[1]

DECEMBER 3, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commisison will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commisison by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI75-223 E 11-1-76	Sun Oil Co. (successor to Sun Calvert Co.), P.O. Box 20, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	(1)	.....
CI75-235 E 11-1-76	do	Michigan Wisconsin Pipe Line Co., Lenora Field, Dewey Parish, La.	(1)	.....
CI75-247 E 11-1-76	do	Kansas-Nebraska Natural Gas Co., Camrick Field, Beaver County, Okla.	(1)	.....
CI75-248 E 11-1-76	do	Panhandle Eastern Pipe Line Co., Six Mile Field, Beaver County, Okla.	(1)	.....
CI75-249 E 11-1-76	do	Arkansas Louisiana Gas Co., Kinta and Wilburton Fields, Haskell and Latimer Counties, Okla.	(1)	.....
CI75-250 E 11-1-76	do	Natural Gas Pipeline Co. of America, Camrick southeast gas pool, Beaver County, Okla.	(1)	.....
CI75-254 E 11-1-76	do	Arkansas Louisiana Gas Co., southeast Stigler area, Haskell County, Okla.	(1)	.....
CI75-255 E 11-1-76	do	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	(1)	.....
CI75-265 E 11-1-76	do	Northern Natural Gas Co., Camrick Field, Beaver County, Okla.	(1)	.....
CI75-266 E 11-1-76	do	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	(1)	.....
CI75-267 E 11-1-76	do	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	(1)	.....
CI75-268 E 11-1-76	do	Cities Service Gas Co., Avard area, Woods County, Okla.	(1)	.....
CI75-269 E 10-29-76	do	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	(1)	.....
CI75-324 E 10-29-76	do	Arkansas Louisiana Gas Co., Arkoma area, Okla.	(1)	.....
CI75-329 E 10-29-76	do	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	(1)	.....
CI75-336 E 10-29-76	do	Transcontinental Gas Pipe Line Corp., South Tilden Field, McMullen County, Tex.	(1)	.....
CI75-382 E 10-29-76	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	(1)	.....
CI75-417 E 10-29-76	do	Mountain Fuel Supply Co., South Baggs Field, Moffat and Carbon Counties, Colo. and Wyo.	(1)	.....
CI75-424 E 10-29-76	do	Texas Oil & Gas Corp., Browning unit area, Carbon County, Wyo.	(1)	.....
CI75-496 E 10-29-76	do	Panhandle Eastern Pipe Line Co., Northwest Eva Field, Texas County, Okla.	(1)	.....
CI75-497 E 10-29-76	do	Michigan Wisconsin Pipe Line Co., Northeast Selling Field, Woodward County, Okla.	(1)	.....
CI75-627 E 10-29-76	do	Arkansas Louisiana Gas Co., Kinta Field, Haskell County, Okla.	(1)	.....
CI76-233 E 10-29-76	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	(1)	.....
CI76-766 (CI64-697) B 9-23-76	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	New York Natural Gas Corp., Manufacturers Light & Heat Co., Artemas pool, Bedford County, Pa.	(2)	.....
CI76-793 (CI66-1313) E 9-17-76	Martha Sue Tepera (successor to Robinson Petroleum Corp.), P.O. Box 317, Pampa, Tex. 79065.	El Paso Natural Gas Co., Panhandle Field, Wheeler County, Tex.	13.5¢	14.65
CI77-4 (G-6230) E 10-1-76	Texas Pacific Oil Co., Inc., (successor to Union Texas Petroleum, a division of Allied Chemical Corp.	El Paso Natural Gas Co., San Juan basin area, San Juan and Rio Arriba, Counties, N. Mex.	[3 4] 52.0¢	14.73
CI77-103 B 11-4-76	E. G. (Hank) Pence, P.O. Box 153, Spencer, W. Va. 25276.	Consolidated Gas Supply Corp., Spring Creek district, Wirt County, W. Va.	(5)	(5)
CI77-104 A 11-11-76	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	[6 7 8] $1.5298	14.65
CI77-105 (CS76-787) B 11-10-76	R. C. Slack, P.O. Drawer 820, Pecos, Tex. 79772.	West Texas Gathering Co., Emperor Deep (Yates) Field, Winkler County, Tex.	(9)	(9)
CI77-108 A 10-26-76	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Natural Gas Pipeline Co., North Burton Flats Field, Eddy County, N. Mex.	[6 7 8 10] $1.43	14.65
CI77-109 A 11-15-76	Petroleum, Inc., 800 R. H. Garvey Bldg., 300 West Douglas, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Seward County, Kans.	[7 11 12 13] 49.429¢	14.65
CI77-110 A 11-15-76	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., leases in the Heldt Draw and East Heldt Draw Fields, in secs. 2 and 6—T45N-R76W and sec. 33—T46N-R76W, Johnson and Campbell Counties, Wyo.	[7 10 14] 49.1901¢	14.65
CI77-111 A 11-15-76	MRT Exploration Co., 9900 Clayton Rd., St. Louis, Mo. 63124.	Mississippi River Transmission Corp., Cedar Grove Field, Bossier and Caddo Parishes, La.	[7 13 15 16] $1.503839	15.025
CI77-113 (G-4809) E 11-15-76	D. B. McClinton, operator, et al. (successor to Chevron Oil Co., a California corporation).	United Gas Pipe Line Co., St. Martinville Field, St. Martin Parish, La.	25.85¢	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-114..... A 11-17-76	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex. 75250.	El Paso Natural Gas Co., S. R. Cooper No. 3 Well, S. R. Cooper No. 4 Well, Lea County, N. Mex.	[1] [11] [17] $1.6963	14.73
CI77-115..... A 11-15-76	Mitchell Energy Corp., et al., 3300 One Shell Plaza, Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Northeast Provident City Field, Colorado and Lavaca Counties, Tex.	[7] [13] $1.43	14.65
CI77-116..... (R-160-294) B 11-12-76	Fair Operating Account, 715 Alamo National Bldg., San Antonio, Tex. 78205.	Tennessee Gas Pipeline Co., Hagist Ranch Field, Duval County, Tex.	(9)	(9)

[1] Filing reflects merger agreement between Sun Calvert Co. and Sun Oil Co. (Delaware).
[2] All acreage covered by the Oct. 18, 1963, contract assigned to Manufacturers Light & Heat Co. effective Oct. 1, 1969.
[3] Subject to upward and downward Btu adjustment.
[4] Plus 100-pct tax reimbursement and Btu adjustment.
[5] Nonproductive.
[6] Plus 1¢ escalation per quarter.
[7] Subject to upward and downward Btu adjustment from base of 1,000.
[8] Applicant is willing to accept a certificate in accordance with opinion No. 770 as amended.
[9] Wells depleted.
[10] Plus 100-pct tax reimbursement.
[11] Includes 142.223¢ base price, 0.090¢ tax reimbursement and 7.116¢ Btu adjustment.
[12] Plus 0.995¢ escalation per quarter.
[13] Applicant proposes to collect the national rate in accordance with opinion No. 770 as amended.
[14] Includes 0.9346¢ gathering allowance.
[15] Applicant and purchaser are affiliated.
[16] Plus 1.02¢ escalation per quarter.
[17] Plus 1¢/MMBtu escalation per quarter.

[FR Doc.76-36261 Filed 12-10-76;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 169 varieties of domestic cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 FR 11178). The varieties are arranged in alphabetical order with tar values rounded to the nearest whole milligram and nicotine values rounded to the nearest tenth of a milligram.

Tar[1] and Nicotine[2] content of 169 varieties of domestic cigarettes—Federal Trade Commission, November 1976

[In milligrams per cigarette]

Brand	Type	TPM dry (tar)[1]	Nicotine[2]
Alpine	King size, filter, menthol	15.0	0.8
American Longs	120 mm, filter	21.0	1.5
Do	120 mm, filter, menthol	17.0	1.3
Belair	King size, filter, menthol	15.0	1.0
Do	100 mm, filter, menthol	18.0	1.3
Benson & Hedges	Regular size, filter, (hard pack)	10.0	.6
Do	King size, filter, (hard pack)	16.0	1.0
Benson & Hedges 100's	100 mm, filter, (hard pack)	17.0	1.1
Do	100 mm, filter, menthol, (hard pack)	17.0	1.0
Do	100 mm, filter	18.0	1.0
Do	100 mm, filter, menthol	18.0	1.0
Bull Durham	King size, filter	20.0	1.9
Camel	Regular, nonfiltcr	23.0	1.4
Do	King size, filter, (hard pack)	19.0	1.2
Camel Filters	King size, filter	19.0	1.2
Carlton 70's	Regular size, filter	.5	.05
Carlton	King size, filter	1.0	.1
Do	King size, filter, menthol	1.0	.1
Chesterfield	Regular size, nonfilter	23.0	1.4
Do	King size, nonfilter	23.0	1.6
Do	King size, filter	19.0	1.1
Do	101 mm, filter	18.0	1.1
Dawn	120 mm, filter	21.0	1.5
Do	120 mm, filter, menthol	22.0	1.6
Domino	King size, nonfilter	31.0	1.4
Do	King size, filter	23.0	1.2
Doral	do	13.0	.9
Do	King size, filter, menthol	11.0	.8
DuMaurier	King size, filter, (hard pack)	10.0	1.0
Eagle 20's	King size, filter	19.0	1.1
Do	King size, filter, menthol	19.0	1.1
English Ovals	Regular size, nonfilter, (hard pack)	24.0	1.6
Do	King size, nonfilter, (hard pack)	29.0	2.0
Eve	100 mm, filter	17.0	1.1
Do	100 mm, filter, menthol	17.0	1.1
Eve 120's	120 mm, filter, (hard pack)	14.0	1.0
Do	120 mm, filter, menthol, (hard pack)	15.0	1.0
Fact	King size, filter	14.0	1.0
Do	King size, filter, menthol	13.0	.9
Fatima	King size, nonfilter	23.0	1.6
Galaxy	King size, filter	16.0	1.0
Half & Half	King size, filter	25.0	1.8
Herbert Tareyton	King size, nonfilter	23.0	1.8
Home Run	Regular size, nonfilter	21.0	1.4

Brand	Type	TPM dry (tar)[1]	Nicotine[2]
Iceberg 100's	100 mm, filter, menthol	9.0	.6
Kent	King size, filter, (hard pack)	16.0	.9
Do	King size, filter	17.0	1.0
Do	100 mm, filter	18.0	1.1
Do	100 mm, filter, menthol	17.0	1.1
Kent Golden Lights	King size, filter	9.0	.7
King Sano	do	7.0	.4
Do	King size, filter, menthol	7.0	.3
Kool	Regular size, nonfilter, menthol	20.0	1.2
Do	King size, filter, menthol, (hard pack)	18.0	1.3
Do	King size, filter, menthol	17.0	1.3
Kool Milds	do	14.0	.9
Kool	100 mm, filter, menthol	18.0	1.3
L & M	King size, filter, (hard pack)	17.0	1.0
L & M	King size, filter	19.0	1.1
L & M	100 mm, filter	17.0	1.1
L & M	100 mm, filter, menthol	18.0	1.1
L. T. Brown	120 mm, filter	20.0	1.5
Do	120 mm, filter, menthol	19.0	1.4
Lark	King size, filter	18.0	1.1
Do	100 mm, filter	19.0	1.2
Long Johns	120 mm, filter	18.0	1.4
Do	120 mm, filter, menthol	15.0	1.2
Lucky Strike	Regular size, nonfilter	24.0	1.4
Do	King size, filter	26.0	1.6
Lucky Ten	do	9.0	.6
Lucky 100's	100 mm, filter	9.0	.6
Mapleton	Regular size, nonfilter	27.0	1.2
Do	King size, filter	22.0	1.1
Marlboro	King size, filter, (hard pack)	17.0	1.0
Do	King size, filter, menthol, (hard pack)	14.0	.7
Do	King size, filter	18.0	1.1
Do	King size, filter, menthol	14.0	.8
Do	100 mm, filter, (hard pack)	17.0	1.1
Do	100 mm, filter	18.0	1.1
Marlboro Lights	King size, filter	13.0	.8
Max	120 mm, filter	17.0	1.2
Max	120 mm, filter, menthol	17.0	1.2
Merit	King size, filter	8.0	.5
Do	King size, filter, menthol	8.0	.5
Miyako	King size, filter	15.0	.9
Montclair	King size, filter, menthol	18.0	1.3
More	120 mm, filter	21.0	1.5
Do	120 mm, filter, menthol	21.0	1.6
Multifilter	King size, filter	13.0	.8
Do	King size, filter, menthol	11.0	.7
Newport	King size, filter, menthol, (hard pack)	18.0	1.2
Do	King size, filter, menthol	18.0	1.2
Do	100 mm, filter, menthol	19.0	1.4
Now	King size, filter, (hard pack)	1.0	.1
Now	King size, filter, menthol, (hard pack)	1.0	.1
Oasis	King size, filter, menthol	19.0	1.1
Old Gold Straights	Regular size, nonfilter	19.0	1.1
Do	King size, nonfilter	23.0	1.4
Old Gold Filters	King size, filter, (hard pack)	17.0	1.2
Do	King size, filter	17.0	1.1
Old Gold 100's	100 mm, filter	21.0	1.3
Pall Mall	King size, nonfilter	25.0	1.6
Do	King size, filter, (hard pack)	23.0	1.5
Do	King size, filter	18.0	1.2
Pall Mall Extra Mild	King size, filter, (hard pack)	7.0	.6
Do	King size, filter	10.0	.7
Pall Mall	100 mm, filter	19.0	1.4
Do	100 mm, filter, menthol	16.0	1.2
Parliament	King size, filter, (hard pack)	15.0	.8
Do	King size, filter	15.0	.8
Parliament 100's	100 mm, filter	16.0	.9
Philip Morris	Regular size, nonfilter	20.0	1.0
Philip Morris Commander	King size, nonfilter	24.0	1.3
Philip Morris International	100 mm, filter, (hard pack)	18.0	1.1
Do	100 mm, filter, menthol, (hard pack)	17.0	.9
Phoenix	120 mm, filter	19.0	1.3
Do	120 mm, filter, menthol	19.0	1.3
Picayune	Regular size, nonfilter	20.0	1.4
Piedmont	do	24.0	1.3
Players	Regular size, nonfilter, (hard pack)	32.0	2.2
Raleigh	King size, nonfilter	24.0	1.4
Do	King size, filter	16.0	1.1
Do	100 mm, filter	18.0	1.3
Raleigh Extra Mild	King size, filter	14.0	1.0
St. Moritz	100 mm, filter	18.0	1.1
Do	100 mm, filter, menthol	18.0	1.1
Salem	King size, filter, menthol, (hard pack)	19.0	1.2
Do	King size, filter, menthol	18.0	1.2
Do	100 mm, filter, menthol	18.0	1.2
Salem Lights	King size, filter, menthol	11.0	.8
Sano	Regular size, nonfilter	18.0	.6
Saragota	120 mm, filter, (hard pack)	16.0	1.0
Do	120 mm, filter, menthol, (hard pack)	16.0	1.0
Silva Thins	100 mm, filter	17.0	1.2
Do	100 mm, filter, menthol	16.0	1.1
Spring 100's	do	19.0	1.0
Stratford	King size, nonfilter	27.0	1.0
Do	King size, filter	25.0	1.3
Super M	100 mm, filter, menthol	17.0	1.2
Tall	120 mm, filter	20.0	1.5
Do	120 mm, filter, menthol	17.0	1.4
Tareyton	King size, filter	20.0	1.3
Do	100 mm, filter	19.0	1.3
Tempo	King size, filter	8.0	.6
True	do	5.0	.4
Do	King size, filter, menthol	6.0	.4

Brand	Type	TPM dry (tar)[1]	Nicotine[2]
True 100's	100 mm, filter	13.0	.8
Do	100 mm, filter, menthol	13.0	.8
Twist	100 mm, filter, lemon/menthol	17.0	1.3
Vanguard	King size, filter	15.0	1.0
Vantage	do	10.0	.7
Do	King size, filter, menthol	11.0	.7
Vello	King size, filter	11.0	.7
Do	King size, filter, menthol	10.0	.7
Viceroy	King size, filter	15.0	1.0
Do	100 mm, filter	18.0	1.3
Viceroy Extra Mild	King size, filter	14.0	1.0
Virginia Slims	100 mm, filter	16.0	.9
Do	100 mm, filter, menthol	16.0	.9
Do	120 mm, filter, (hard pack)	16.0	1.0
Do	120 mm, filter, menthol, (hard pack)	15.0	1.0
Winston	King size, filter, (hard pack)	19.0	1.3
Do	King size, filter	19.0	1.2
Do	100 mm, filter	19.0	1.2
Do	100 mm, filter, menthol	19.0	1.2
Winston Lights	King size, filter	13.0	.9
Zack	King size, filter, (hard pack)	18.0	1.2
Do	King size, filter	17.0	1.2
Do	King size, filter, menthol	16.0	1.1

[1] TPM (tar)—milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.

By direction of the Commission dated December 1, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-36394 Filed 12-10-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 7, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed SEC and NRC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before December 31, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

SECURITIES AND EXCHANGE COMMISSION

SEC requests an extension no change clearance of Form R-4a, Private Noninsured Pension Plans. The questionnaire is voluntary and is used quarterly by the SEC to collect from banks as managers of pension plans, corporations, unions and multi-employer groups as sponsors of pension plans, information for its annual survey of pension funds. The form requests information on common stock acquisitions and dispositions, and a statement of assets. The respondent burden is estimated by SEC to average 2.5 hours per response. The sample will consist of about 560 respondents from a universe of approximately 34,000.

SEC requests an extension no change clearance of Form R-5, Property and Liability Insurance Companies. The quarterly questionnaire is voluntary and is used by the Securities and Exchange Commission to collect from property and liability insurance companies, information for its annual survey of pension funds. The form requests information on common stock acquisitions and dispositions, and a statement of assets. The respondent burden is estimated by SEC to be 1.25 hours per response. The sample will consist of about 120 respondents from a universe of approximately 3,200.

NUCLEAR REGULATORY COMMISSION

NRC requests clearance of new forms "Qualifications Investigation," Forms 212 and 212A. Information entered on Forms 212 and 212A is used to determine the qualifications and suitability of applicants for employment with the NRC and of current NRC employees for reassignment, reinstatement, transfer, and promotion. Respondents are supervisors and former supervisors of individuals who have applied for employment with the NRC or are being considered for promotion, transfer, or reinstatement. NRC estimates burden to average 15 minutes per response and that approximately 4,000 responses will be received annually.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.76-36423 Filed 12-10-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Pub. L. 93-579) as prescribed in 5 U.S.C. 552a(e)(4), the following notices of systems of records that are maintained by the Department of Health, Education, and Welfare are published as set forth below. New system reports were filed for the new system with the Director, Office of Management and Budget, the Speaker of the House, the President of the Senate, and the Chairman of the Privacy Protection Study Commission on November 24, 1976. These new systems are the following: NIH/NIEHS 0337.00, entitled "Epidemiology Studies, National Institute of Environmental Health Sciences—HEW/NIH/NIEHS" and CDC/NIOSH 0146.00, entitled "Medical Health Surveillance of Grain Handlers—HEW/PHS/CDC".

In addition to the new systems notices there are two modified systems. The modifications are as follows:

1. ADAMHA/OA 0026.03, entitled "Official contract files containing personal information on individual contractors, and contractors' employees, used by HEW/ADAMHA". The new routine use disclosure for this system is the following: "the Department contemplates that it will contract with a private firm for the purpose of collecting, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 9.)"

2. FDA 0013.02, entitled "Employee conduct investigative records—HEW/FDA/HFA". The new material includes information on the location and custodian of the records as well as adding a new internal user; namely, the Review Panel for New Drug Regulation.

The additional/modified information contained within the body of the sections of the notices is indicated by italics. Prior to the final adoption of the proposed routine uses of these notices, consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before January 12, 1977. Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 526E, South Portal Building, at the above address.

Dated: December 3, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

NIH: NIEHS 0337.00

System name:

Epidemiology Studies, National Institute of Environmental Health Sciences, HEW/NIH/NIEHS.

Security class:

None.

System location:

National Institute of Environmental Health Sciences, Environmental Biometry Branch, P.O. Box 12233, Research Triangle Park, North Carolina 27709.

Categories of individuals covered by the system:

Individuals and minors, both male and female, with known or suspected diseases, maladies, chemical or biological contaminations, as well as normal or non-suspect individuals and minors in control or study groups for the purposes of comparison. Individuals included in this system of records will normally have volunteered to participate in the study and voluntarily provided information for inclusion in the system. The participants may be, but are not limited to, patients; workers subject to specific environments; individuals selected because of social, nutritional, physical, genetic and economic conditions and behavioral characteristics; and members of the general population subject to the variety of contaminants present in the environment.

Categories of records in the system:

This system consists of a variety of records pertinent to an individual's current health status; medical history; occupational history and work environments; and selected items of personal data such as smoking habits, family size, family medical history and domiciles. Examples of information which may be included in this system, are the individual or minor's name, SSAN, date of birth, weight, height, sex, race, medical history, blood type, laboratory results, examination findings, current and previous medications received, list of employers, descriptions of the work environment, substances or compounds routinely handled or exposed to, and a history of current and previous residences.

Authority for maintenance of the system:

42 U.S.C. 241.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

A. Disclosure may be made to HEW contractors and collaborating researchers and their staff for the purposes of analyzing data and preparing scientific reports and articles.

B. Disclosure may be made to a congressional office from the record of the individual in response to an inquiry from the congressional office, made at the request of the individual, and in the case of a minor, the minor's parent or legal guardian.

C. Other HEW routine uses as published in the FEDERAL REGISTER, October 8, 1975, page 47415, Appendix B and (45 CFR Part 5b) are listed below:

(2) Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(8) Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose a record which is otherwise exempt from a mandatory disclosure, disclosure may be made from this system of records.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(100) To the Department of Justice or other appropriate Federal agencies in defining claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Information will be stored in one of a combination of the following mediums: file folders, data forms, punch card, magnetic tape, discs.

Retrievability:

Information will be retrieved by personal identifier such as social security number, name or code number. HEW USES: National Institute of Environmental Health Sciences will use the date collected to determine: factors and substances in the environment which have adverse effects on the health and well being of individuals or groups of individuals; the mechanisms by which these factors and/or substances, by themselves or in combination, produce adverse health effects; individual or group characteristics that render persons susceptible to chemical contamination, disease, or other adverse health effects from agents in the environment; general levels of environmental contamination and body burden on a national, regional, or local basis as well as within general or specific work environments; and the scientific basis for advising regulatory agencies such as the Environmental Protection Agency, the National Institute of Occupational Safety and Health and the Department of Labor on adverse health effects of substances and conditions found in the environment.

Safeguards (access controls):

Access to the information will be controlled by the Project Officer or his representative at remote locations. Contractors or collaborating researchers will, by formal agreement, comply with the provisions of the Privacy Act and Department regulations. Hard copy data will be maintained in locked file cabinets at the National Institute of Environmental Health Sciences or other remote study locations. Information stored in computer systems will be accessible only through proper sequencing of signal commands and access codes specifically assigned to the Project Officer or contractor in accordance with Departmental standards and National Bureau of Standards guidelines. Subjects directly participating in studies will be advised that their identity will be known only to those persons involved in conducting the study and that any published findings will be in a format which precludes individual identification.

Retention and disposal:

The records will be maintained until they are no longer required for the research purpose(s) for which the record was established. The records will be destroyed by shredding, burning, or other appropriate means so as to render them illegible. Computer tapes and discs will be erased.

System manager(s) and address:

Chief, Environmental Biometry Branch, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, North Carolina 27709.

Notification procedure:

Normally, individuals would know whether a file existed on the basis of their voluntary participation and provision of data. However, individuals may write to the systems manager to determine if a file exists. In writing, they should provide the following data:

a. Complete name at the time of the study.

b. Birthdate.

c. Home address at the time of the study.

d. The facility where the examination was given or information otherwise collected.

e. Date, or approximate dates when information was collected or an examination conducted.

f. Name of study if known.

g. A current name, address and telephone number where they can be reached.

h. The name, address and telephone number of a responsible representative who will be willing to review the record and inform the requester of its contents at his/her discretion, in the event the file contains medical or medically related information. The representative may be a physician, other health professional, or any other responsible individual of the person's choice. These provisions for notification regarding medical records are in accordance with Department Regulation (45 CFR Part 5b.6) published in the FEDERAL REGISTER, October 8, 1975, page 47411.

Record access procedures:

The same information as outlined under notification procedures is needed for access to records except as noted under the provisions for access to medical rec-

ords. For non-medical records, the request should be addressed to the Systems Manager and accompanied by either a notarized statement that the person is who he/she claims to be or a certification that the individual is who he/she claims to be, and understands that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense subject to a $5,000 fine. In addition, for access to medical records, as with notification, the requester must provide the name, address, and telephone number of a responsible representative who will be willing to review the record and inform the requester of its contents at his/her discretion. The representative may be a physician, other health professional, or any other responsible individual of the person's choice. These provisions for access to medical records are in accordance with Department Regulation (45 CFR, Part 5b.6) published in the FEDERAL REGISTER, October 8, 1975, page 47411.

Contesting record procedures:

Write to the Systems Manager and specify the record and the information to be contested.

Record source categories:

HEW agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, commercial institutions, labor and trade organizations, State agencies, international agencies, foreign governments, other U.S. Government agencies, patients and normal volunteers, physicians, researchers and other collaborating personnel.

Systems exempted from certain provisions of the act:

None.

CDC/NIOSH 0146.00

System name:

Medical Health Surveillance of Grain Handlers—HEW/PHS/CDC.

Security classification (if none, so state):

None.

System location:

A system of records will be maintained by the principal investigator(s) or the respondent institution(s) awarded contract. Duplicate copies of records will also be maintained at the Appalachian Laboratory for Occupational Safety and Health, NIOSH, 944 Chestnut Ridge Road, Morgantown, WV 26505.

Categories of individuals covered by the system:

Multiple samples of workers in the grain industry and selected control subjects chosen from the general population.

Categories of records in the system:

Occupational and medical histories, demographic data, results of medical tests.

Authority for maintenance of the system:

Occupational Safety and Health Act, Section 20 (29 USC 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records may be released to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (45 CFR Part 5B, Appendix B, Item 100). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosure may be made to officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing control of communicable diseases and other public health programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Report form, computer tape or disks, computer cards, computer printouts, medical research questionnaire and permission forms, and file folders.

Retrievability:

The main purpose is to conduct a medical health surveillance or workers in the industrial environments(s) of grain handlers. This system will primarily be maintained by the contractor(s) with indirect supervision by the National Institute for Occupational Safety and Health (NIOSH). Name and identifier code numbers are the indexes used to retrieve records from this system. As an addendum to the final report(s) of the study said contractor(s) shall provide the Appalachian Laboratory for Occupational Safety and Health (ALOSH) with a copy of all data obtained on each participant with sufficient identification (personal identifiers) to permit ALOSH to contact the participant if such contact is in the further research interests of ALOSH.

Safeguards (access controls):

The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g., security codes will be used limiting access to authorized personnel.

Retention and disposal:

One year to indefinitely, depending on the requirements of the specific study. Records are shredded, burned, or erased.

System manager(s) and address (include zip code):

Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Park Building, Room 3-32, Rockville, Maryland 20352.

Notification procedure:

To determine if a file exists, write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, GA 30333, and provide the following information: (1) Approximate date(s) and place of treatment or questionnaire administration (2) Name of study if known; (3) An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department regulations, 45 CFR, Part 5b.6, FEDERAL REGISTER, October 8, 1975, page 47411).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures:

Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, GA 30333. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b7).

Record source categories:

Information is obtained directly from the individual participants in the study and employee records.

Systems exempted from certain provisions of the act (if none, so state):

None.

ADAMHA OA 0026.03

System name:

Official contract files containing personal information on individual contractors and contractors' employees used by HEW/ADAMHA.

Security classification:

None.

System location:

National Institute on Drug Abuse, Contracts Management Branch, Room 209, Rockwall Building, 11400 Rockville Pike, Rockville, MD 20352.

National Institute on Alcohol Abuse and Alcoholism, Contracts Management Branch, 14-C-04, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.

National Institute of Mental Health, Grants and Contracts Management Branch, OPA, Room 7-C-02, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852.

Categories of individuals covered by the system:

Contractors and contractors' personnel.

Categories of records in the system:

Curriculum vitae, salary information, evaluations of contractors by contract review committees.

Authority for maintenance of the system:

Public Health Service Act Section 301 (42 U.S.C. 241 and 41 U.S.C. 252(c)). NIDA: Drug Abuse Office and Treatment Act Sections 410 and 501 (21 U.S.C. 1177 and 1191). NIAAA: Community Mental Health Centers Act, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 Sections 101, 311 (42 U.S.C. 4551, 4577). NIMH: Public Health Service Act Section 455.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual; *the Department contemplates that it will contract with a private firm for the purpose of collecting, analyzing, aggregating or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. (Appendix B, Departmental Regulations, 45 CFR 5(b), Item 9).*

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Documents filed in folder in enclosed file cabinets.

Retrievability:

By contract number and cross-indexed by name, except for NIMH. Used by contract review committee members in assessing a proposal initially and by key contract officials for review when official is changed during course of the contract.

Safeguards:

Released only to authorized staff. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g. security codes) will be used, limiting access to authorized personnel.

Retention and disposal:

Information retained indefinitely. Kept at Institutes until end of contract period and then retired to Federal Records Center.

System manager(s) and address:

National Institute on Drug Abuse, Chief, Contracts Management Branch, OPS, Room 209, Rockwall Building, 11400 Rockville Pike, Rockville, Md. 20852.

National Institute on Alcohol Abuse and Alcoholism, Chief, Contracts Management Branch, Room 14–C–04, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852.

National Institute of Mental Health, Chief, Grants and Contracts Branch, Room 7–C–02, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852.

Notification procedure:

Write to the system manager at the above address.

Record access procedures:

Same as the above. Give number of contract under which employed.

Contesting record procedures:

Same as the above.

Record source categories:

Contract proposals and supporting documents, contract review committees, site visitors.

Systems exempted from certain provisions of the act:

None.

FDA 0013.02

System name:

Employee Conduct Investigative Records HEW/FDA/HFA.

Security classification:

None.

System location:

Policy Management Staff, FDA, Room 10–90, 5600 Fishers Lane, Rockville, MD 20852.

Review Panel For New Drug Regulation Staff, Rm. 3139, NHEW, 330 Independence Ave., S.W., Washington, D.C. 20201.

Categories of individuals covered by the system:

Employees or former employees, or special Government employees of FDA who are alleged to have violated FDA or Departmental regulations and/or Federal statutes.

Categories of records in the system:

This system includes records relating to correspondence concerning an individual's employment status or conduct while employed by FDA. Examples of these records include: correspondence from employees, Members of Congress, and members of the public alleging misconduct by an official of FDA. It also contains reports of investigation to resolve allegation of misconduct or violation of statute, with related exhibits of statements, affidavits or records obtained during the investigation; reports of action taken by management deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system:

5 U.S.C. 301; Title 18, U.S.C. (e.g., 18 U.S.C. 201, 203, 205, 207, 208, 209, 1905); 21 U.S.C. 331; 28 U.S.C. 535(b); 44 U.S.C. 3101; E.O. 10450 and 11222; 45 CFR Part 73.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing that statute, or rule, regulation or order issued pursuant thereto. (45 CFR Part 5b, Appendix B(1)).

(2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (45 CFR Part 5b, Appendix B (5)). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records, in folders, in file cabinets.

Retrievability:

Alphabetical by name. Used within FDA *and by the Review Panel for New Drug Regulation* for providing management with information needed to take action on complaints or alleged violations. May be referred to Office of Investigations and Security, Office of the Secretary, HEW, and disclosures may be made by that office.

Safeguards:

Records are maintained in locked file cabinets within a locked file room or in a safe within a secured area.

Retention and disposal:

Records are retained until death of subject individual.

System manager(s) and address:

Director, Policy Management Staff, HFA-20, Room 10–90, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852.

Executive Secretary, Review Panel on New Drug Evaluation, Rm. 3510, NHEW, 330 Independence Ave., S.W., Washington, D.C. 20201.

Notification procedure:

FDA Privacy Act Coordinator (HFC–18), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Record access procedures:

Same as notification procedure (some material is exempt from access and con-

test). Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with FDA Regulations (21 CFR 7.40), published in the Federal Register, December 2, 1975, page 55844.).

Contesting record procedures:

Write to the official at the address specified under 'Notification Procedure' above and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with FDA Regulations (21 CFR 7.50), published in the Federal Register, December 2, 1975, page 55846.). (Some material is exempt from access and contest.).

Record source categories:

Information in this system of records is obtained from FDA personnel and records, subjects of investigations, complaints, witnesses, other Federal agencies, State and local agencies, and personal observation by the investigator.

Systems exempted from certain provisions of the act:

This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c) (3), (d) (1) to (4), (e) (3), (e) (4) (G) to (H), and (f)) the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, or investigatory material that would reveal confidential sources compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information.

[FR Doc.76-36385 Filed 12-7-76;4:54 pm]

Office of Education

GRADUATE AND UNDERGRADUATE INTERNATIONAL STUDIES PROGRAMS

Closing Date for Receipt of Non-Competing Continuation Applications

Notice is hereby given that pursuant to the authority contained in section 601 (a) of Title VI of the National Defense Education Act of 1958, as amended (20 U.S.C. 511(a)), applications are being accepted from institutions of higher education for non-competing continuation grants under the Graduate and Undergraduate International Studies Programs.

In order to be assured of consideration for funding from appropriations for Fiscal Year 1977, applications should be received by the U.S. Office of Education Application Control Center on or before February 4, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.435B. Applications sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than January 31, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:30 p.m. Washington, D.C. time, except Saturdays, Sundays, or Federal holidays.

C. *Program information and forms.* Information and application forms may be obtained from the International Studies Branch, Bureau of Postsecondary Education, U.S. Office of Education, Room 3671, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Estimated distribution of program funds.* The amount of funds available for non-competing continuation grants under the Graduate and Undergraduate International Studies Programs will be approximately $535,000 for Fiscal Year 1977. Under the Graduate International Studies Program, it is expected that six continuation grants will be awarded, at an average of approximately $35,000. Under the Undergraduate International Studies Program, it is expected that thirteen continuation grants will be awarded, at an average of $25,000. Grants for either Graduate or Undergraduate Programs will not exceed $45,000 for a single institution or $70,000 for a consortium. Continuation applications will be considered only for a second year for a single institution and only for a second or third year for a consortium. A separate deadline for initial grants is published in the FEDERAL REGISTER.

The above statement with regard to the expected distribution of funds is basically for informational purposes and does not bind the Office of Education, except as may be required by the applicable statute and regulation.

E. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a). A Notice of Proposed Rulemaking setting forth proposed regulations for the Modern Foreign Language and Area Studies Program was published in the FEDERAL REGISTER of August 12, 1976 (41 FR 34052). A public hearing on those regulations was held and written comments were received. Final regulations are being developed and will be published in the FEDERAL REGISTER in the near future. Applicants are advised to follow the requirements and standards published in the proposed regulations in submitting their applications. If the final regulations contain new or inconsistent requirements or funding criteria, the closing date will be extended to allow applicants who have submitted applications based on the proposed regulations to revise their applications.

(20 U.S.C. 511(a).)

(Catalog of Federal Domestic Assistance Number 13:435; Foreign Language and Area Studies—International Studies Program.)

Dated: December 3, 1976.

EDWARD AGUIRRE,
United States Commissioner of Education.

[FR Doc.76-36392 Filed 12-10-76;8:45 am]

INTERNATIONAL STUDIES CENTERS

Closing Date for Receipt of Non-Competing Continuation Applications

Notice is hereby given that pursuant to the authority contained in section 601 (a) of Title VI of the National Defense Education Act of 1958, as amended (20 U.S.C. 511(a)), applications are being accepted from institutions of higher education for non-competing continuation grants under the International Studies Centers Program.

In order to be assured of consideration for funding from appropriations for Fiscal Year 1977, applications should be received by the U.S. Office of Education Application Control Center on or before January 31, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW, Washington, D.C. 20202, Attention: 13.435A. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than January 26, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and

4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays.

C. *Program information and forms.* Information and application forms may be obtained from the International Studies Branch, Bureau of Postsecondary Education, U.S. Office of Education, Room 3671, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Estimated distribution of program funds.* The amount of funds available for non-competing continuation grants under the International Studies Centers program will be approximately $7,150,000 for Fiscal Year 1977. It is anticipated that 80 continuation grants will be awarded at an average of approximately $89,000, with a range of between $35,000 and $170,000. No new grants will be awarded in Fiscal Year 1977.

The above statement with regard to the expected distribution of funds is basically for informational purposes and does not bind the Office of Education, except as may be required by the applicable statute and regulation.

E. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a). A Notice of Pproposed Rulemaking setting forth proposed regulations for the Modern Foreign Language and Area Studies Program was published in the FEDERAL REGISTER of August 12, 1976 (41 FR 34052). A public hearing on those regulations was held and written comments were received. Final regulations are being developed and will be published in the FEDERAL REGISTER in the near future. Applicants are advised to follow the requirements and standards published in the proposed regulations in submitting their applications. If the final regulations contain new or inconsistent requirements or funding critera, the closing date will be extended to allow applicants who have submitted applications based on the proposed regulations to revise their applications.

(20 U.S.C. 511(a).)

(Catalog of Federal Domestic Assistance Number 13.435; Higher Education—Language and Area Centers Program.)

Dated: December 3, 1976.

EDWARD AGUIRRE,
United States Commissioner of Education.

[FR Doc.78-36393 Filed 12-10-76;8:45 am]

MODERN FOREIGN LANGUAGE AND AREA STUDIES GRANTS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in sections 601 (a) and (b) of Title VI of the National Defense Education Act of 1958, as amended (20 U.S.C. 511 (a) and (b)), applications for Modern Foreign Language and Area Studies grants are being accepted from institutions of higher education for (1) initial grants under the Graduate and Undergraduate International Studies Programs, and (2) quotas of fellowships under the Foreign Language and Area Studies Fellowships program.

A separate Notice of Closing Date is published for applications for non-competing continuation grants under the Graduate and Undergraduate International Studies Programs.

Applications for initial grants must be received by the U.S. Office of Education Application Control Center on or before January 31, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention (as applicable): 13.434A Foreign Language and Area Studies Fellowships or 13.435B Graduate and Undergraduate International Studies Programs.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than Jan. 26, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the International Studies Branch, Division of International Education, Bureau of Postsecondary Education, Office of Education, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Estimated distribution of program funds.* The amount of funds available for initial grants under the Graduate and Undergraduate International Studies Programs will be approximately $750,000 for Fiscal Year 1977. Under the Graduate International Studies Program, it is expected that five to ten initial grants will be awarded at an average of approximately $40,000. Under the Undergraduate International Studies Program, it is expected that ten to fifteen initial grants will be awarded at an average cost of $30,000. Grants for either Graduate or Undergraduate Programs will not exceed $45,000 for a single institution or $70,000 for a consortium.

The amount of funds available for the Foreign Language and Area Studies Fellowship Program will be approximately $3,990,000 for an estimated 800 fellowships at an approximate unit cost of $5,000. The tentative allocation of fellowships among language and area centers/programs according to world area is as follows: Africa 89; Latin America 65; East Asia 193; Southeast Asia 70; Eastern Europe and the U.S.S.R. 140; Western Europe 15; Near East 140; and South Asia 88.

The above statement with regard to the expected distribution of funds is basically for informational purposes and does not bind the Office of Education except as may be required by the applicable statute and regulation.

E. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a). A Notice of Proposed Rulemaking setting forth proposed regulations for the Modern Foreign Language and Area Studies Program was published in the FEDERAL REGISTER of August 12, 1976 (41 FR 34052). A public hearing on those regulations was held and written comments were received. Final regulations are being developed and will be published in the FEDERAL REGISTER in the near future. Applicants are advised to follow the requirements and standards published in the proposed regulations in submitting their applications. If the final regulations contain new or inconsistent requirements or funding criteria, the closing date will be extended to allow applicants who have submitted applications based on the proposed regulations to revise their applications.

(20 U.S.C. 511 (a) and (b))

(Catalog of Federal Domestic Assistance Programs: 13.434 Modern Foreign Language and Area Studies—Fellowships; 13.435 Foreign Language and Area Studies—International Studies Programs.)

Dated: December 3, 1976.

EDWARD AGUIRRE,
U.S. Commissioner of Education.

[FR Doc.76-36391 Filed 12-10-76;8:45 am]

Health Resources Administration

ARIZONA

Redesignation of Health Service Areas

Upon request of the Governor of Arizona, the Secretary of Health, Education, and Welfare in accordance with section 1511(b) (4) of the Public Health Service Act, as amended by Pub. L. 93-641, has determined that Arizona Health Service Area 3 (which consists of Yuma, Mohave, and Yavapai Counties and parts of Coconino, Navajo, Apache, and White Mountain Apache Reservation portion of Gila County as well as the Hopi Reservation) be redesignated into Arizona Health Service Area 5 (which consists of

Yuma and Mohave Counties) and Arizona Health Service Area (which consists of Yavapai County; parts of Coconino Navajo, Apache Counties; and the White Mountain Apache Reservation portion of Gila County; as well as including the Hopi Reservation).

In addition, notice is hereby given that application materials are available in DHEW Regional Office IX for entities interested in applying for designation as a health systems agency (HSA) for either of the two redesignated areas in Arizona. This health systems agency will be responsible for health planning for the health service area, and the promotion of the development of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

Those entities interested in applying for designation must file a letter of intent to apply for such designation with DHEW Regional Office IX by January 14, 1977, and an application by March 30, 1977. The deadline for submission of Governor's comments will be May 2, 1977.

Application materials and further information may be obtained from the Regional Health Administrator, DHEW Regional Office IX, 50 Fulton Street, San Francisco, California 94102.

Once health systems agencies are designated, they will be entitled to receive planning grants under section 1516 of the Act. The amount of the planning grant will be determined in accordance with a formula set forth in the regulations governing this program (42 CFR Part 122, Subpart C), and will be based, in part, upon a determination by the Secretary of the population of the health service areas. Section 122.205 of the governing regulations provides that the Secretary will determine the populations of such areas based upon the latest available estimate from the Department of Commerce and will publish annually in the FEDERAL REGISTER a list of all health service areas and their populations. A notice to this effect was published on September 16, 1976 (41 FR 39825–39827). A determination has now been made that the population of the new Area 3 is 131,294 and the population of the new Area 5 is 100,000.

Dated: December 7, 1976.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.76-36459 Filed 12-10-76;8:45 am]

VERMONT

Health Systems Agency Revised Application Information

On November 12, 1976 (41 FR 50071), a notice was published in the FEDERAL REGISTER designating the State of Vermont as a single health service area and setting forth the population of the State for planning grant purposes. The notice also contained application information for entities interested in applying for designation as a health systems agency.

Several interested groups expressed concern that, especially in view of delays inherent in the holiday season, additional time is required to afford a greater opportunity for public participation in the development of applications. Therefore, the Department has concluded that the dates stated in the Notice which pertain to the application review cycle should be extended.

Those entities interested in applying for designation must file a letter of intent to apply for such designation with DHEW Regional Office I by January 26, 1977, and an application by March 28, 1977. The deadline for submission of Governor's comments will be April 28, 1977.

Application materials and further information may be obtained from the Regional Health Administrator, DHEW Regional Office I, John F. Kennedy Federal Building, 14th Floor, Boston, MA 02203.

Dated: December 7, 1976.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.76-36460 Filed 12-10-76;8:45 am]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Loan Repayment Program

Notice is hereby given that section 403 (e) of the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484) provides for retroactivity of the agreement provisions under section 741 (f) of the Public Health Service Act, as in effect prior to the date of enactment (October 12, 1976) of Pub. L. 94-484, for members of the Public Health Service who meet certain specified conditions.

Under section 741(f) of the PHS Act, as in effect prior to October 12, 1976, the Secretary of Health, Education, and Welfare could repay a portion of the educational loans for health professions training of a physician (M.D. and D.O.), dentist, optometrist, pharmacist, podiatrist, or veterinarian who entered into an agreement to practice his profession in a designated health manpower shortage area for a period of at least two years.

Section 403(e) provides that any individual, who between the period beginning on November 18, 1971, and ending on October 11, 1976, met the requirements of section 741(f)(1)(A) and (B), and practiced his health profession in a designated health manpower shortage area as a member of the National Health Service Corps or an officer of the Regular or Reserve Corps of the Public Health Service or as a civilian employee of the Public Health Service, shall be considered to have entered into an agreement with the Secretary, for purposes of section 741(f), if the individual makes application for such agreement not later than January 1, 1977.

Section 741(f)(1)(A) and (B) referenced above specified that to enter an agreement, an individual must have received a degree of doctor of medicine, doctor of osteopathy, doctor of dentistry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, doctor of optometry or an equivalent degree, bachelor of science in pharmacy or an equivalent degree, or doctor of podiatry or an equivalent degree; and have obtained Health Professions Student Loans or other educational loans for his costs at a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, or podiatry.

Eligible individuals wishing to apply for retroactive agreement benefits must submit an application, postmarked no later than January 1, 1977, to:

Operations Section, Student Assistance Branch, Bureau of Health Manpower, Health Resources Administration, Building 31, Room 4C-19, 9000 Rockville Pike, Bethesda, Maryland 20014.

Inquiries may be addressed to Mr. John Belin, Chief, Operations Section, at the address above (Phone: Area Code 301, 496-4154).

Dated: November 29, 1976.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.76-36462 Filed 12-10-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON CORPORATE DISCLOSURE

Meeting

This is to give notice pursuant to Section 10(a) of the Federal Advisory Committee Act, (5 U.S.C. App. I 10(a)), that the Advisory Committee on Corporate Disclosure will conduct open meetings on January 10 and 11, February 7 and 8, and March 10 and 11, 1977 at 500 North Capitol Street, Washington, D.C. 20549, in Room 776 beginning at 10 a.m.

The summarized agendas for the meetings are as follows:

JANUARY

1. Discussion of the Disclosure of Management Projections and other types of soft information.

2. Discussion of the Commission's policy making practices and post rule-making monitoring.

FEBRUARY

1. Discussion of liability provisions of the federal securities laws and their impact on the quality of disclosure.

2. Discussion of accounting and policy making problems.

MARCH

1. Discussion of socially relevant disclosure (social audit).

2. Discussion of proxy statement disclosure (including shareholder proposals).

Further information may be obtained from Mary E. T. Beach, Staff Director, Advisory Committee on Corporate Disclosure, Securities and Exchange Commission, Washington, D.C. 20549.

Dated: December 6, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36543 Filed 12-10-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS

Exemption Applications—

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described, as in past publications. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions because they represent the large majority of applications awaiting disposition.

COMMENTS BY: December 31, 1976 with respect to applications for renewal and applications to become a party.

ADDRESSED TO: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, N.W., Washington, D.C.

Application No.	Applicant	Renewal of special permit or exemption
970-X	Department of the Army, Washington, D.C.	970
1862-X	Greer Hydraulics, Inc., Los Angeles, Ca.	1862
2582-X	Matheson Gas Products, Lyndhurst, N.J.	2582
2708-X	Union Carbide Corp., Tarrytown, N.Y.	2708
2913-X	Energy Research and Development Administration, Washington, D.C.	2913
2933-X	Department of the Army, Washington, D.C.	2933
2933-X	IMC Chemical Group, Inc., Allentown, Pa.	2933
2933-X	IMC Chemical Group, Inc., Allentown, Pa.	2933
3109-X	Department of the Army, Washington, D.C.	3109
3142-X	Energy Research and Development Administration, Washington, D.C.	3142
3187-X	PPG Industries, Inc., Pittsburgh, Pa.	3187
3353-X	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	3353
3498-X	Department of the Army, Washington, D.C.	3498
3563-X	Energy Research and Development Administration, Washington, D.C.	3563
3630-X	Allied Chemical, Morristown, N.J.	3630
3637-X	Michigan Chemical Corp., Chicago, Ill.	3637
3648-X	AIRCO Industrial Gases, Murray Hill, N.J.	3648
3657-X	Union Carbide Corp., Tarrytown, N.J.	3657
3667-X	Groendyke Transport, Inc., Enid, Okla.	3667
3768-X	PPG Industries, Pittsburgh, Pa.	3768
3879-X	Air Products & Chemicals, Inc., Allentown, Pa.	3879
3980-X	Leonard J. Buck & Co., Morristown, N.J.	3980
4039-X	AIRCO Industrial Gases, Murray Hill, N.J.	4039
4163-X	Allied Chemical, Morristown, N.J.	4163
4242-X	Department of the Army, Military Traffic Management Command, Washington, D.C.	4242
4248-X	Mallinckrodt, Inc., St. Louis, Mo.	4248
4248-X	Allied Chemical, Morristown, N.J.	4248
4275-X	Union Carbide Corp., Tarrytown, N.Y.	4275
4291-X	United Technologies, Chemical Systems Division, Sunnyvale, Calif.	4291
4354-X	PPG Industries, Inc., Pittsburgh, Pa.	4354
4399-X	Union Carbide Corp., Tarrytown, N.Y.	4399
4400-X	AIRCO Industrial Gases, Murray Hill, N.J.	4400
4417-X	National Aeronautics and Space Administration, Washington, D.C.	4417
4453-X	Sierra Chemical Co., Reno, Nev.	4453
4575-X	Union Carbide Corp., Chemicals and Plastics, Bound Brook, N.J.	4575
4717-X	——do——	4717
4719-X	Allied Chemical, Morristown, N.J.	4719
4734-X	General Electric Co., Waterford, N.Y.	4734
4763-X	Griffith Laboratories USA, Alsip, Ill.	4763
4845-X	Graviner Ltd., Slough, SL3 OHB, England.	4845
5038-X	Synthatron Corp., Edgewater, N.J.	5038
5038-X	Western Electric, Lee's Summit, Mo.	5038
5107-X	Stauffer Chemical Co., Westport, Conn.	5107
5188-X	Energy Research and Development Administration, Washington, D.C.	5188
5206-X	Monsanto Co., St. Louis, Mo.	5206
5243-X	Austin Powder Co., Cleveland, Ohio.	5243
5401-X	Great Lakes Chemical Corp., El Dorado, Ark.	5401
5573-X	Austin Powder Co., Cleveland, Ohio.	5573
5704-X	IMC Chemical Group, Inc., Allentown, Pa.	5704
5767-X	AMCHEM Products, Inc., Ambler, Pa.	5767
5767-X	Mallinckrodt, Inc., St. Louis, Mo.	5767
5771-X	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y.	5771
5820-X	ICI United States, Inc., Wilmington, Del.	5820
5825-X	Phillips Petroleum Co., Bartlesville, Okla.	5825
5849-X	PPG Industries, Inc., Pittsburgh, Pa.	5849
5895-X	Explosive Technology, Fairfield, Calif.	5895
5923-X	Union Carb de Corp., Tarrytown, N.Y.	5923
5970-X	Mobay Chemical Corp., Kansas City, Mo.	5970
5995-X	Lucidol Division, Pennwalt Corp., Buffalo, N.Y.	5995
6007-X	Nuclear Products Co., El Monte, Calif.	6007
6016-X	Strate Welding Supply Co., Inc., Buffalo, N.Y.	6016
6066-X	Union Carbide Corp., Bound Brook, N.J.	6066
6080-X	U.S. Energy Research and Development Administration, Washington, D.C.	6080
6113-X	San Diego Gas & Electric Co., San Diego, Calif.	6113
6113-X	Western Gillette, Inc., Los Angeles, Calif.	6113
6113-X	Northwest Natural Gas Co., Portland, Oreg.	6113
6113-X	City of Savannah Public Utilities, Savannah, Tenn.	6113
6117-X	Montana Sulphur & Chemical Co., Billings, Mont.	6117
6128-X	United States Navigation Inc., New York, N.Y.	6128
6128-X	——do——	6128
6137-X	Oxirane Chemical Co., Pasadena, Tex.	6137
6189-X	Chevron Chemical Co., San Francisco, Calif.	6189
6215-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	6215
6225-X	Michigan Chemical Corp., Chicago, Ill.	6225
6247-X	Allied Chemical Corp., Morristown, N.J.	6247
6253-X	United States Navigation, Inc., New York, N.Y.	6253
6253-X	Contrans Gesellschaft fur Containerverkehr mbH, Hamburg, West Germany.	6253
6253-X	United States Navigation, Inc., New York, N.Y.	6253
6305-X	Ensign Bickford Co., Simsbury, Conn.	6305
6332-X	Bio-Lab., Decatur, Ga.	6332
6334-X	Department of the Army, Washington, D.C.	6334
6399-X	Unitech Chemical, Inc., Chicago, Ill.	6399
6403-X	Ethyl Corp., Baton Rouge, La.	6403
6453-X	General Motors Corp., Warren, Mich.	6453
6479-X	Ethyl Corp., Baton Rouge, La.	6479
6484-X	IMC Chemical Group, Inc., Terre Haute, Ind.	6484
6504-X	Chevron Chemical Co., San Francisco, Calif.	6504
6538-X	CTH Trading Co., Orange, Calif.	6538
6543-X	Synthatron Corp., Edgewater, N.J.	6543
6554-X	Borg-Warner Chemicals, Parkersburg, W. Va.	6554
6557-X	General Fire Extinguisher Corp., Northbrook, Ill.	6557
6563-X	Safety Laboratories, Inc., Miami, Fla.	6563
6569-X	Johnson Sean Star (N.A.), San Francisco, Calif.	6569
6571-X	American LNG Co., Oak Brook, Ill.	6571
6593-X	Chevron Chemical Co., San Francisco, Calif.	6593
6600-X	Quaternion Chemical Industries, Oakland, Calif.	6600
6602-X	Michigan Chemical Corp., Chicago, Ill.	6602
6602-X	Dow Chemical Co., Midland, Mich.	6602
6607-X	Bio-Lab, Inc., Decatur, Ga.	6607
6614-X	Purex Corporation, City of Industry, Calif.	6614
6621-X	Michigan Chemical Corp., Chicago, Ill.	6621
6621-X	Great Lakes Chemical Corp., El Dorado, Ark.	6621
6622-X	Park Chemical Co., Detroit, Mich.	6622
6632-X	Airwick Industries, Inc., Peterboro, N.J.	6632
6651-X	Park Chemical Co., Detroit, Mich.	6651
6651-X	Heatbath Corp., Springfield, Mass.	6651
6658-X	U.S. Energy Research and Development Administration, Washington, D.C.	6658
6672-X	Department of the Army, Washington, D.C.	6672
6672-X	Nuclear Valve Division, Borg-Warner Corp., Van Nuys, Calif.	6672
6672-X	Chandler Evans, Inc., West Hartford, Conn.	6672
6687-X	PPG Industries, Inc., Pittsburgh, Pa.	6687
6710-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	6710
6725-X	Shell Oil Co., Houston, Tex.	6725
6728-X	Ethyl Corp., Baton Rouge, La.	6728
6743-X	Atlas Powder Co., Dallas, Tex.	6743
6752-X	Pennwalt Corp., Philadelphia, Pa.	6752
6754-X	Eaton Corp., Southfield, Mich.	6754
6756-X	ICI United States, Inc., Wilmington, Del.	6756
6762-X	DuBois Chemicals, Cincinnati, Ohio.	6762
6766-X	——do——	6766
6793-X	Superintendence Co., Inc., New York, N.Y.	6793
6800-X	Plasti-Drum Corp., Lockport, Ill.	6800
6811-X	Eaton Corp., Southfield, Mich.	6811
6837-X	Department of the Army, Washington, D.C.	6837
6838-X	Air Cruisers Co., Belmar, N.J.	6838
6839-X	American Airlines, Tulsa, Okla.	6839
6871-X	Miller Transporters, Inc., Jackson, Miss.	6871
6890-X	Department of the Army, Washington, D.C.	6890
6901-X	Monsanto Co., St. Louis, Mo.	6901
6902-X	Halocarbon Products Corp., Hackensack, N.J.	6902
6905-X	Park Chemical Co., Detroit, Mich.	6905
6909-X	Monsanto Co., St. Louis, Mo.	6909
6918-X	Amvac Chemical Corp., Los Angeles, Calif.	6918
6922-X	Halocarbon Products Corp., Hackensack, N.J.	6922
6927-X	Dow Chemical Co., Midland, Mich.	6927

Application No.	Applicant	Parties to an exemption
6929-X	Energy Research and Development Administration, Washington, D.C.	6929
6939-X	Warren Petroleum Co., Tulsa, Okla.	6939
6944-X	Department of the Army, Washington, D.C.	6944
6945-X	Stauffer Chemical Co., Westport, Conn.	6945
6949-X	Monsanto Co., St. Louis, Mo	6949
6949-X	FMC Corp., Philadelphia, Pa	6949
6950-X	Ozark-Mahoning Co., Tulsa, Okla.	6950
6960-X	Pepsi-Cola Co., Purchase, N.Y.	6960
6961-X	Monsanto Co., St. Louis, Mo	6961
6962-X	Energy Research and Development Administration, Washington, D.C.	6962
6972-X	Dow Chemical Co., Midland, Mich.	6972
6984-X	Energy Sciences & Consultants, Inc., Biwabik, Minn.	6984
6984-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	6984
6984-X	Energy Science & Consultants, Inc., Biwabik, Minn.	6984
6995-X	Monsanto Co., St. Louis, Mo	6995
6995-X	Feed Service, Caldwell, Idaho	6995
6998-X	Greer Hydraulics, Inc., Los Angeles, Calif.	6998
7000-X	Mobay Chemical Corp., Pittsburgh, Pa.	7000
7023-X	Lehigh Valley Chemical Co., Easton, Pa.	7023
7046-X	J. T. Baker Chemical Co., Phillipsburg, N.J.	7046
7051-X	Ozark-Mahoning Co., Tulsa, Okla.	7051
7052-X	Power Conversion, Inc., Mount Vernon, N.Y.	7052
7052-X	Eagle Picher, Joplin, Mo	7052
7052-X	Honeywell, Inc., Horsham, Pa	7052
7052-X	Electrochimica Corp., Mountain View, Calif.	7052
7081-X	do	7081
7054-X	National Ammonia Co., Philadelphia, Pa.	7054
7056-X	Virginia Chemicals, Inc., Portsmouth, Va.	7056
7063-X	Hooker Corp., Niagara Falls, N.Y.	7063
7068-X	Department of the Army, Washington, D.C.	7068
7073-X	Ethyl Corp., Baton Rouge, La	7073
7076-X	LaMotte Chemical Co., Chestertown, Md.	7076
7078-X	Carroll Air Service, Inc., Kingstown, N.Y.	7078
7094-X	Tennessee Eastman Co., Kingsport, Tenn.	7094
7094-X	Union Carbide, Bound Brook, N.J.	7094
7094-X	The Lubrizol Corp., Cleveland, Ohio.	7094
7096-X	Fike Metal Products Corp., Blue Springs, Mich.	7096
7206-X	Ruan Transport Corp., Des Moines, Iowa.	7206
7212-X	Hoker Chemical Corp., Niagara Falls, N.Y.	7212
7214-X	Mobay Chemical Corp., Pittsburgh, Pa.	7214
7218-X	Structural Composites Industries, Inc., Azusa, Calif.	7218
7244-X	United Airlines, San Francisco, Calif.	7244
7257-X	Drewer Chemical Corp., Honolulu, Hawaii.	7257
7284-X	Virginia Chemicals, Inc., Portsmouth, Va.	7284
7426-X	Martin Mariette Chemicals, Charlotte, N.C.	7426
7429-X	Lawrence W. Bierlein, Washington, D.C.	7429
7435-X	Ross Aviation, Inc., Albuquerque, N. Mex.	7435
7512-X	Puerto Rico Marine Management, Inc., Elizabeth, N.J.	7512
7569-X	Rich International Airways, Inc., Miami, Fla.	7569
7573-X	Department of Defense, Washington, D.C.	[1] 172
7574-X	Remmers-Tomkins Flight Service, Inc., Burlington, Iowa.	[1] 1020
2981-P	Austin Powder Co., Cleveland, Ohio.	2981
3216-P	Pennwalt Corp., Philadelphia, Pa.	3216
3307-P	Austin Powder Co., Cleveland, Ohio.	3307
3519-P	Energy Research and Development Administration, Washington, D.C.	3519
3907-P	Phillips Petroleum Co., Bartlesville, Okla.	3907
3897-P	PPG Industries, Inc., Pittsburgh, Pa.	3897
4575-P	Pennwalt Corp., Philadelphia, Pa.	4575
5022-P	United Technologies Corp., Sunnyvale, Calif.	5022
5080-P	Mobil Chemical Co., Richmond, Va.	5080
5959-P	El Paso Products Co., Odessa, Tex.	5959
6113-P	Northern Petrochemical Co., Des Plaines, Ill.	6113
6113-P	Utility Propane Co., Elizabeth, N.J.	6113
6113-P	El Paso Products Co., Odessa, Tex.	6113
6231-P	do	6231
6309-P	Worum Fiberglass Supply Co., St. Paul, Minn.	6309
6392-P	El Paso Products Co., Odessa, Tex.	6392
6403-P	do	6403
6479-P	do	6479
6557-P	Gases & Arc Supply Co., Pueblo, Colo.	6557
6680-P	Turner Co., Sycamore, Ill	6680
6723-P	Van De Mark Chemical Co., Inc., Lockport, N.Y.	6723
6725-P	F. & H. Electronic Materials Corp., Dearborn, Mich.	6725
6823-P	do	6823
7031-P	Austin Powder Co., Cleveland, Ohio.	7031
7045-P	Gamma Industries, Baton Rouge, La.	7045
7045-P	Agfa-Gevaert, Inc., Teterboro, N.J.	7045
7210-P	Amway Corp., Ada, Mich	7210
7227-P	Airco Industrial Gases, Houston, Tex.	7227
7269-P	U.S. Energy Research and Development Administration, Washington, D.C.	7269
7444-P	Public Service Electric & Gas Co., Newark, N.J.	7444
7460-P	Fabricated Metals, Inc., Modena, Pa.	7460

[1] FAA.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on December 6, 1976.

C. H. THOMPSON,
Acting Director, Office of Hazardous Materials Operations.

[FR Doc.76-36236 Filed 12-7-76;8:45 am]

HAZARDOUS MATERIALS REGULATIONS

Exemption Applications

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

COMMENTS BY: December 28, 1976 with respect to application for renewal and applications to become a party.

ADDRESSED TO: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington D.C.

Each mode of transportation for which a particular exemption renewal or party status is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Renewals

No. Application	Applicant	Regulation(s) affected	Nature of application
863-X	Department of Defense, Washington, D.C.	49 CFR 173.1(b), 174.501(a), 175.651(a), 177.801, 177.802.	To renew SP 863 authorizing shipment of ammunition and explosives loaded by DOD shipper without inspection by carrier. (Modes 1 and 2.)
930-X	Callery Chemical Co., Callery, Pa.	49 CFR 173.21(b), 173.300, 173.301	To renew SP 930 authorizing shipment of diborane in DOT 3AA1800, 3AA2015 and 3AA2400 cylinders. (Modes 1 and 2.)
970-X	do	49 CFR 173.21(b), 173.300, 173.301	To renew SP 970 authorizing shipment of diborane in DOT 3AA2015 or 3AA2100 cylinders. (Modes 1 and 2.)
2051-X	International Plastics Inc., Colwick, Kans.	49 CFR 173.304(a) (1) and (2)	To renew SP 2051 authorizing shipment of monochlorodifluoromethane or other fluorocarbon refrigerant gas in DOT 39 cylinders with no relief device. (Modes 1, 2, 3, 4 and 5.)
2136-X	Department of Defense, Washington, D.C.	49 CFR 174.501(a), 174.525, 175.651(a), 177.801, 177.802.	To renew SP 2136 authorizing shipment of radioactive materials and radioactive materials with explosives to be packaged in DOD containers by DOD and loaded by DOD without carrier inspection. (Modes 1 and 2.)
2462-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.73(b)	To renew SP 2462 authorizing shipment of a certain initiating explosive in glass bottles overpacked in a wooden box with 4 of these composite packages overpacked in a wooden box. (Mode 1.)
3001-X	Union Carbide Corp., Tarrytown, N.Y.; Airco Industrial Gases, Murry Hill, N.J.; Air Products & Chemicals Inc., Allentown, Pa.	49 CFR 173.302	To renew SP 3001 authorizing shipment of argon, hydrogen, nitrogen or oxygen in non-DOT specification sampling bottles, (Modes 1, 2, 4, and 5.)
3051-X	Chemetron Corp., Chicago, Ill.	49 CFR 173.302(a)(1)	To renew SP 3051 authorizing shipment of certain non-flammable, non-liquefied compressed gases in non-DOT sampling bottles. (Modes 1, 2 and 4.)
3126-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.62	To renew SP 3126 authorizing shipment of desensitized liquid nitroglycerin in non-DOT specification drums or DOT 5 metal drums and 42B aluminum drums. (Mode 1.)
3128-X	Department of Defense, Washington, D.C.	49 CFR 173.87, 173.304	To renew SP 3128 authorizing shipment of cool gas generator, consisting of a welded cylinder charged with alcohol and carbon dioxide and assembled with an explosive power device, Class C. (Modes 1 and 2.)
3302-X	Chemetron Corp., Chicago, Ill.; Airco Industrial Gases, Murray Hill, N.J.	49 CFR 173.302	To renew SP 3302 authorizing shipment of certain non-flammable, non-liquefied compressed gases in non-DOT specification cylinders. (Modes 1, 2 and 4.)
3307-X	Monsanto Co., St. Louis, Mo.; Atlas Powder Co., Dallas, Tex.	49 CFR 173.154, 173.182(c)	To renew SP 3307 authorizing shipment of certain oxidizing materials in non-DOT specification plastic or polyethylene bags or spiral tubes. (Modes 1, 2 an 3.)
3364-X	Allied Chemical Morristown, N.J.	49 CFR 173.224(a)(4)	To renew SP 3364 authorizing shipment of cumene hydroperoxide in DOT MC-311 or MC-312 tank motor vehicle. (Mode 1.)
3367-X	Air Products & Chemicals Inc., Allentown, Pa.	49 CFR 173.315	To renew SP 3367 authorizing shipment of a certain flammable gas in non-DOT specification cargo tanks. (Mode 1.)
3460-X	E.I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.315(a) (1), Note 11	To renew SP 3460 authorizing shipment of vinyl fluoride, inhibited in accordance with § 173.315(a)(1), Note 11 except common carriers may be used. (Mode 1.)
3768-X	Chemetron Corp., La Porte, Tex.; FMC Corp., Philadelphia, Pa.	49 CFR 173.119, 173.245, 173.288	To renew SP 3768 authorizing shipment of certain flammable and corrosive liquids in DOT MC-304, MC-307 and MC-312 cargo tanks. (Mode 1.)
3879-X	L & V Industrial Supply Inc., Encinitas, Calif.	49 CFR 173.316(a)(2)	To renew SP 3879 authorizing shipment of liquefied hydrogen in non-DOT specification cylinders. (Mode 1.)
3966-X	Allied Chemical, Morristown, N.J.	49 CFR 173.234, 178.236-3(a)	To renew SP 3966 authorizing shipment of sodium nitrite in paper bags meeting requirements of the DOT 44B bag except for 178.236-3(a). (Modes 1 and 2.)
3980-X	MCB Manufacturing Chemists, Norwood, Ohio.	49 CFR 173.366	To renew SP 3980 authorizing shipment of solid arsenic in non-DOT specification steel drums. (Modes 1, 2, and 3.)
3992-X	Hooker Chemicals & Products Corp., Niagara Falls, N.Y.; Stauffer Chemical Co., Westport, Conn.; Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.314	To renew SP 3992 authorizing shipment of anhydrous hydrogen chloride in DOT 105A500W or 105A600W tank car tanks. (Mode 2.)
4067-X	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.315(a)(1)	To renew SP 4067 authorizing shipment of hydrogen sulfide in DOT MC-330 and MC-331 cargo tanks. (Mode 1.)
4108-X	Capitol Corp., Jackson, Miss.	49 CFR 172.101, 173.315(a)(2)	To renew SP 4108 authorizing shipment of certain cyrogenic gases in non-DOT specification cargo tanks. (Mode 1.)
4163-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304(a)(2)	To renew SP 4163 authorizing transportation of sulfur hexafluoride in DOT 3A1800 and 3AA1800 cylinders filled to density of 120%. (Modes 1, 2 and 3.)
4248-X	MCB Manufacturing Chemists, Norwood, Ohio.	49 CFR 173.245(a)(27), 173.368(d)	To renew SP 4248 authorizing shipment of certain corrosive liquids in glass bottles in DOT 33A polystyrene container. (Modes 1, 2 and 3.)
4338-X	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.245(a), 173.247(a), 173.347a.	To renew SP 4338 authorizing shipment of certain corrosive liquids in DOT 3E1800 and 3AA2015 cylinders, and DOT Specification 51 portable tanks. (Mode 2.)
4354-X	Chemetron Corp., La Porte, Tex.	49 CFR 173.245, 173.288(d)	To renew SP 4354 authorizing shipment of certain corrosive liquids in 6D or 37M/2S, 2SL or 2T containers which may be vented and the SP 6037 polyethylene container. (Modes 1, 2 and 3.)
4393-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314	To renew SP 4393 authorizing shipment of anhydrous hydrogen chloride in DOT 105A500W and 105A600W tank car tanks. (Mode 2.)
4453-X	IMC Chemical Group, Allentown, Pa.	49 CFR 173.182(c)	To renew SP 4453 authorizing shipment of nitro carbo nitrate in non-DOT specification bulk hopper-type aluminum tanks. (Mode 1.)
4490-X	Air Products & Chemicals Inc., Allentown, Pa.	49 CFR 173.316(a)	To renew SP 4490 authorizing shipment of liquefied hydrogen in non-DOT specification cargo tanks. (Mode 1.)
4547-X	Department of Defense, Washington, D.C.	49 CFR 173.306(f)	To renew SP 4547 authorizing shipment of hydraulic accumulators precharged with helium and equipped with an electric squib. (Modes 1 and 2.)
4588-X	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.65(a)	To renew SP 4588 authorizing shipment of certain high explosives in non-DOT packaging. (Mode 1.)
4631-X	Energy Sciences & Consultants Inc., Biwabik, Minn.	49 CFR 173.182(c), 173.304(a).	To renew SP 4631 authorizing shipment of an oxidizing material, and a non-flammable compressed gas in non-DOT specification hopper-type tank trucks and cargo tank carriers. (Mode 1.)
4717-X	Northern Petrochemical Co., Des Plaines, Ill.	49 CFR 173.314	To renew SP 4714 authorizing shipment of saturated liquefied ethane or liquefied ethylene in a proposed DOT 113D120W tank car tank. (Mode 2.)
4726-X	U.S. Energy Research and Development Administration, Washington, D.C.	49 CFR 173.245	To renew SP 4726 authorizing shipment of certain corrosive liquids in non-DOT containers and to amend the SP by raising gross weight to 200 lbs. (Modes 1 and 2.)
4763-X	Lehigh Valley Chemical Co., Easton, Pa.; Allied Chemical, Morristown, N.J.	49 CFR 173.234(a)(2)	To renew SP 4763 authorizing shipment of sodium nitrite in DOT 41C bags constructed of extensible kraft. (Modes 1 and 2.)
4775-X	Thio-Pet Chemicals Ltd., Edmonton, Alberta, Canada.	49 CFR 173.314(c)	To renew SP 4775 authorizing shipment of hydrogen sulfide in DOT 105A600W tank cars. (Mode 1.)
4844-X	Bristol Aerojet Ltd., Avon, England	49 CFR 173.301(j)	To renew SP 4844 authorizing transportation of certain compressed gases in British-made cylinders to be used in aircraft of foreign manufacture. (Modes 1 and 2.)
4850-X	Ensign Bickford Co., Simsbury, Conn.	49 CFR 173.100(cc)	To renew SP 4850 authorizing shipment of flexible linear shaped charges, metal clad in wooden or fiberboard boxes in compliance with § 173.101. (Modes 1,2 and 4.)
4853-X	Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.299(a)(2)	To renew SP 4853 authorizing shipment of liquid etching acid in 37M/2S or 2SL containers. (Modes 1, 2 and 3.)
4884-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.302(a)(1), 178.61	To renew SP 4884 authorizing shipment of certain non-liquefied compressed gases in DOT 4BW cylinders, except for being made from Type 304 stainless steel. (Modes 1, 2, 3, 4 and 5.)
5003-X	to MonsanCo., St. Louis, Mo.	49 CFR 173.182(c)	To renew SP 5003 authorizing shipment of nitro carbo nitrate in DOT Specification 41P polyethylene bags. (Modes 1 and 2.)
5018-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.336(a)(3)	To renew SP 5018 authorizing shipment of nitrogen tetroxide in compliance with § 173.336(a)(3) except non-gas tight caps may be used if each valve opening is gas-tight by means of metal screw plugs or screw caps. (Modes 1 and 2.)

No. Application	Applicant	Regulation(s) affected	Nature of application
5117-X	U.S. Environmental Protection Agency, Washington, D.C.	49 CFR 173.346, 173.358, 173.365, 172.400, 175.30, 175.630(a).	To renew SP 5117 authorizing shipment of certain Class B poisonous materials in non-DOT specification packaging without labels. (Modes 1, 2, 4 and 5.)
5232-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.173.314(c) table	To renew SP 5232 authorizing shipment of certain compressed gases in AAR 105A500W tank cars and DOT 105A500W tank cars converted to AAR Class 105A tank cars. (Mode 2.)
5243-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.60(g)(1), 173.103(a), 177.835 (g).	To renew SP 5243 authorizing shipment of fuillion MS connectors (delay connectors), Class A or C explosives as specified in § 173.60(g)(1) except each connector may be enclosed in an plastic sheath. (Modes 1, 2 and 3.)
5315-X	Department of Defense, Washington, D.C.	49 CFR 173.87	To renew SP 5315 authorizing shipment of a Class A explosive projectile and rocket engine in non-DOT containers. (Mode 1.)
5322-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.315(a)(1)	To renew SP 5322 authorizing shipment of liquefied methane in non-DOT cargo tanks. (Mode 1.)
5403-X	Halliburton Service, Duncan, Okla.	49 CFR 173.119(d), 173.245(a)(31), 173.263(a)(10).	To renew SP 5403 authorizing shipment of certain flammable and corrosive liquids in non-DOT specification cargo tanks. (Mode 1.)
5433-X	Montana Sulphur and Chemical Co., Billings, Mont.	49 CFR 173.314(c)	To renew SP 5433 authorizing shipment of hydrogen sulfide in DOT 105A500W tank car tanks. (Mode 2.)
5654-X	MCB Manufacturing Chemists, Norwood, Ohio.	49 CFR 173.154(a)(6), (a)(14), 173.219.	To renew SP 5654 authorizing shipment of certain oxidizing materials in plastic bottles overpacked in DOT Specification 12A fiberboard boxes. (Modes 1 and 2.)
5792-X	Publicker Industries Inc., Philadelphia, Pa.	49 CFR 173.314	To renew SP 5792 authorizing shipment of liquefied ethylene in non-DOT specification tank cars. (Mode 2.)
5489-X	Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.217(a)(5), 175.3	To renew SP 5489 authorizing shipment of calcium hypochlorite mixtures, dry, in a DOT 21C fiber drum. (Modes 1, 2, 3 and 4.)
5852-X	Philadelphia Gas Works, Philadelphia, Pa.	49 CFR 173.315	To renew SP 5852 authorizing shipment of liquefied methane in non-DOT specification aluminum cargo tanks. (Mode 1.)
5883-X	Ethyl Corp., Baton Rouge, La.	49 CFR 173.354(c)	To renew SP 5883 authorizing shipment of motor fuel antiknock compound in steel tanks at least equivalent to ASME Code Construction. (Modes 1 and 2.)
5948-X	U.S. Energy Research Development Administration, Washington, D.C.	49 CFR 173.393(c)	To renew SP 5948 authorizing shipment of certain radioactive materials in steel drums or wooden crates loaded in specially modified ATMX Series 600 or 600 rail cars. (Mode 2.)
5959-X	Ethyl Corp., Baton Rouge, La.	49 CFR 173.315(a)(1)	To renew SP 5959 authorizing shipment of liquefied ethylene in non-DOT specification insulated cargo tanks. (Mode 1.)
5972-X	Prudential Lines, Inc., New York, N.Y.	49 CFR 173.119(b); 49 CFR 93.35	To renew SP 5972 authorizing shipment of certain flammable and combustible liquids in non-DOT specification portable tanks. (Modes 1 and 3.)
6016-X	Harvey Co., Greensburg, Pa.	49 CFR 173.315	To renew SP 6016 authorizing shipment of cryogenic gas in non-DOT specification cryogenic portable tanks. (Mode 1.)
6045-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.121	To renew SP 6045 authorizing shipment of carbon bisulfide in DOT Specification 312 cargo tanks and to amend the SP to allow retesting of cargo tanks every two years. (Modes 1 and 3.)
6071-X	Walter Kidde & Co., Belleville, N.J.	49 CFR 173.304, 173.305	To renew SP 6071 authorizing shipment of monobromotrifluoromethane pressurized with nitrogen in non-DOT stainless steel pressure vessels. (Modes 1, 2, 4, and 5.)
6080-X	Air Products and Chemicals Inc., Allentown, Pa.	49 CFR 173.304, 173.305	To renew SP 6080 authorizing shipment of certain nonflammable compressed gases in non-DOT specification stainless steel pressure vessels. (Modes 1, 2, 4 and 5.)
6113-X	American LNG Co., Oak Brook, Ill.; Process Engineering Inc., Plaistow, N.H.; Philadelphia Gas Works, Philadelphia, Pa.; Haverhill Gas Co., Amesbury, Mass.; Union Carbide Corp., Tarrytown, N.Y.; Valley Gas Co., Cumberland, R.I.; UGI Corp., Reading, Pa.; Hartford Electric Light, Hartford, Conn.; Southern Connecticut Gas Co., New Haven, Conn.	49 CFR 173.315(a)(1)	To renew SP 6113 authorizing shipment of methane, ethylene, ethane or liquefied petroleum gas in DOT specification cargo tanks. (Mode 1.)
6117-X	Montana Sulphur and Chemical Co., Billings, Mo.	49 CFR 173.314	To renew SP 6117 authorizing shipment of hydrogen sulfide in DOT 105A500W and proposed AAR 105A500W tank cars. (Mode 2.)
6127-X	Monsanto Co., St. Louis, Mo.	49 CFR 173.373	To renew SP 6127 authorizing shipment of liquefied O-nitroaniline in DOT MC-304, MC-307, MC-310, MC-311 and MC-312 cargo tanks. (Mode 1.)
6154-X	Uniroyal Inc., Naugatuck, Conn.	49 CFR 173.154(a)(12), 178.205-16	To renew E 6154 authorizing shipment of certain flammable solids in a modified DOT 12B fiberboard box. (Modes 1, 2 and 3.)
6197-X	Connecticut Light and Power Co., Hartford, Conn.	49 CFR 173.315(a)(1)	To renew SP 6197 authorizing shipment of liquefied natural gas or liquefied methane in a non-DOT cargo tank. (Mode 1.)
6218-X	Liquid Carbonic Corp., Chicago, Ill.; Chemetron Industrial Gases, Chicago, Ill.	49 CFR 173.315	To renew SP 6218 authorizing shipment of certain compressed gases in a non-DOT vacuum insulated aluminum cargo tank. (Mode 1.)
6231-X	Northern Petrochemical, Des Plaines, Ill.	49 CFR 173.314	To renew SP 6231 authorizing shipment of liquid ethylene in DOT 113C120W tank cars. (Mode 2.)
6234-X	Pennwalt Corp., Philadelphia, Pa.	49 CFR 173.154(a)	To renew SP 6234 authorizing shipment of certain oxidizing materials, n.o.s., in packaging prescribed in 49 CFR 173.217. (Modes 1 and 2.)
6238-X	Vicksburg Chemical Co., Vicksburg, Miss.	49 CFR 173.182(b), 172.400	To renew SP 6238 authorizing shipment of potassium nitrate in DOT 44P plastic bags without hazardous materials label. (Modes 1 and 2.)
6247-X	Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.264(a)	To renew SP 6247 authorizing shipment of hydrofluoric acid solutions not exceeding 52% in 5 gallon DOT 2S polyethylene drums. (Modes 1, 2 and 3.)
6249-X	Monsanto Co., St. Louis, Mo.	49 CFR 173.346(a)	To renew SP 6249 authorizing shipment of trichloropropene in DOT 51 portable tanks. (Modes 1 and 3.)
6281-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 172.101, 173.273 (a)(5)	To renew SP 6281 authorizing shipment of unstabilized sulfur trioxide in DOT MC-311 or MC-312 cargo tanks. (Mode 1.)
6282-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.182(b)(5)	To renew SP 6282 authorizing shipment of certain oxidizing materials in a non-DOT specification polyethylene lined Typar® or identical materials by other trade name ing. (Modes 1, 2 and 3.)
6293-X	Olin Corp., East Alton, Ill.	49 CFR 173.21(b), 173.245(a)(31)	To renew SP 6293 authorizing shipment of certain corrosive liquids in DOT-MC-311 or MC-312 tank motor vehicles. (Mode 1.)
6305-X	Monsanto Co., St. Louis, Mo.	49 CFR 173.113(a)(1)	To renew SP 6305 authorizing shipment of detonating fuzes, Class C explosives, in pasteboard cartons in DOT 12B5 fiberboard boxes. (Modes 1 and 2.)
6334-X	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.263(a), (b)	To renew SP 6334 authorizing shipment of a certain corrosive liquid in DOT MC-310, MC-311 or MC-312 tank motor vehicles. (Mode 1.)
6349-X	Union Carbide Corp., Tarrytown, N.Y.; Airco Inc., Murray Hill, N.J.	49 CFR 173.315	To renew SP 6349 authorizing shipment of liquefied helium and liquefied hydrogen in non-DOT portable tanks. (Modes 1, 2, and 3.)
6369-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 172.101, 173.346(a)(10), 173.347 (a)(2), 173.374(a).	To renew SP 6369 authorizing shipment of certain Class B poisonous liquids in DOT 105A400W, 112A400W, 111A400W, 120A200W, and proposed 120A400W tank car tanks. (Mode 2.)
6392-X	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.314(c)	To renew SP 6392 authorizing shipment of liquefied ethylene in AAR Specification 112C120W tank car tanks. (Mode 2.)
6399-X	Unitech Chemicals, Chicago, Ill.	49 CFR 173.132(a)(2)	To renew SP 6399 authorizing shipment of rubber cement in DOT 52 aluminum portable tanks. (Mode 1.)
6429-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.64(a) (4) and (5)	To renew SP 6429 authorizing shipment of high explosive with no liquid ingredient in polyethylene bags in DOT 12H or 23H fiberboard boxes. (Modes 1 and 2.)
6432-X	Chemetron Corp., Chicago, Ill.	49 CFR 173.315(a)(1)	To renew SP 6432 authorizing shipment of certain nonflammable liquefied gases in non-DOT specification cargo tanks. (Mode 1.)
6442-X	Department of Defense, Washington, D.C.	49 CFR 173.53(k), 173.87	To renew SP 6442 authorizing shipment of an explosive projectile with bursting and containing either certain corrosive or flammable liquids. (Modes 1 and 2.)
6443-X	Montana Sulphur & Chemical Co., Billings, Mont.	49 CFR 173.315(a)(1)	To renew SP 6443 authorizing shipment of hydrogen sulfide in DOT MC-331 cargo tanks. (Mode 1.)

No. Application	Applicant	Regulation(s) affected	Nature of application
6466-X	Monsanto Co., St. Louis, Mo.; Ensign Bickford Co., Simsbury, Conn.	49 CFR 173.63(a)(1), 173.87	To renew SP 6466 authorizing shipment of detonating primers in a DOT 12H fiberboard box. (Mode 1.)
6471-X	Magnolia Welding Supply Co., Inc., Pascagoula, Miss.	49 CFR 173.34(e)	To renew SP 6471 authorizing shipment of certain compressed gas in DOT 3A and 3AA cylinders retested every 10 years. (Modes 1 and 2.)
6497-X	FMC Corp., Philadelphia, Pa	49 CFR 173.365	To renew SP 6497 authorizing shipment of a certain Class B poison solid in a modified DOT 56 portable tank. (Modes 1 and 2.)
6500-X	Johnson Sean Star, San Francisco, Calif.	49 CFR 173.119(b)	To renew SP 6500 authorizing shipment of alcohol in non-DOT stainless steel portable tanks. (Modes 1 and 3.)
6518-X	Union Carbide Corp., Bound Brook, N.J.; Stauffer Chemical Co., Westport, Conn.	49 CFR 173.134(a)(5), 173.154, 176.30 (a)(3), 172.302. (a)(3) 172.302.	To renew SP 6518 authorizing shipment of certain pyroforic materials in non-DOT steel portable tanks. (Modes 1 and 3.)
6523-X	FMC Corp., Philadelphia, Pa	49 CFR 173.154(a)(15)	To renew and amend SP 6523 authorizing shipment of certain oxidizing materials in sift-proof covered hopper cars or hopper type motor vehicles or DOT 44B and 44C bags. (Modes 1 and 2.)
6554-X	Bio-Lab, Inc., Decatur, Ga.; Airwick Industries, Inc., Teterboro, N.J.; Pennwalt Corp., Philadelphia, Pa.	49 CFR 173.154, 173.217	To renew E 6554 authorizing shipment of certain oxidizing materials in polyethylene containers. (Modes 1 and 2.)
6584-X	Pennwalt Corp., Philadelphia, Pa.; Monsanto Co., St. Louis, Mo.; Stauffer Chemical Co., Westport, Conn.	49 CFR 173.245(a)(26), 173.249(a)(1), 173.250a(a)(1), 173.257(a)(1), 173.263 (a)(23), 173.265(d)(6), 173.266(b)(8), 173.272(i)(9), 173.277(a)(6), 173.287 (c)(1), 173.289(a)(1), 173.292 (a)(1), 178.19.	To renew E 6584 authorizing shipment of certain corrosive liquids in a modified DOT Specification 34 container. (Modes 1, 2 and 3.)
6606-X	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.358(a)(2)	To renew SP 6606 authorizing shipment of diethyl chlorophosphate in DOT 17C/28L containers. (Modes 1 and 3.)
6610-X	Oxirane Chemical Co., Pasadena, Tex.	49 CFR 173.221(a)	To renew SP 6610 authorizing shipment of a liquid organic peroxide in DOT 111A100W6 tank cars and MC-307 cargo tanks and amend to allow increasing of inspection interval to 1 year. (Modes 1 and 2.)
6611-X	Air Products and Chemicals Inc., Allentown, Pa.	49 CFR 173.315(a)	To renew SP 6611 authorizing shipment of liquid helium in non-DOT specification portable tanks. (Modes 1 and 3.)
6618-X	Monsanto Co., St. Louis, Mo	49 CFR 173.374(a), 173.365(a)	To renew SP 6618 authorizing shipment of para-nitrochlorobenzene in an insulated, heated DOT MC-312 tank motor vehicle. (Mode 1.)
6622-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.234(a)(2)	To renew SP 6622 authorizing shipment of certain oxidizing materials as specified in § 173.234(a)(2) in LCL and LTL quantities. (Modes 1 and 2.)
6628-X	----do	49 CFR 173.272(g), (i) (22)	To renew SP 6628 authorizing shipment of sulfuric acid in DOT 103CW and 111A100W6 tank cars constructed of Type 304-L stainless steel. (Mode 1.)
6662-X	Hercules Inc. Wilmington Del	49 CFR 173.154 173.401(a)(1)	To amend SP 6662 by modifying the guards on the portable tanks. (Modes 1 and 3.)
6667-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.346(a)(20)	To renew E 6667 authorizing shipment of certain Class B poisons liquids in the DOT 6D/28L container. (Modes 1 and 3.)
6694-X	Products Chimiques Ugine Kuhlmann Paris, France.	49 CFR 173.315	To renew SP 6694 authorizing shipment of dichlorodifluoromethane in a non-DOT specification portable tanks. (Modes 1 and 3.)
6695-X	----do	----do	To renew SP 6695 authorizing shipment of monochlorodifluoromethane in a non-DOT specification portable tank. (Modes 1 and 3.)
6699-X	Virginia Chemicals Inc., Portsmouth, Va.	49 CFR 173.249(a)(5), 179.200-4	To renew SP 6699 authorizing shipment of liquid caustic soda in a DOT 111A100W1 tank car with insulation covered by an elastomeric coating instead of metal. (Mode 2.)
6709-X	Crawn Zellerbach, Camas, Wash	49 CFR 173.119(b)(2), 178.116-10	To renew SP 6709 authorizing shipment of dimethyl disulfide in drums manufactured in compliance with DOT 17E drums except they are not so embossed. (Modes 1 and 3.)
6714-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314(c)	To renew SP 6714 authorizing shipment of difluoroethane in DOT 112A400W tank cars. (Mode 2.)
6715-X	FMC Corp., Philadelphia, Pa	49 CFR 173.358(a)(11)	To renew SP 6715 authorizing shipment of ethion in DOT 105A200AL-W or 105A300W tank cars. (Mode 2.)
6719-X	Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.119 (a), (b)	To renew SP 6719 authorizing shipment of acetone and amyl acetate in DOT 17E drums. (Mode 1.)
6725-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.119(b)	To renew SP 6725 authorizing shipment of certain flammable liquids in DOT 2U containers overpacked in DOT 12P fiberboard boxes. (Modes 1, 2, and 3.)
6728-X	Hooker Chemicals and Plastics Corp., Niagara Falls, N.Y.	49 CFR 171.6(b)(1), 173.314(c) Note 12	To renew SP 6728 authorizing shipment of chlorine tank cars not loaded to capacity. (Mode 2.)
6751-X	Dow Chemical Co., Pittsburg, Calif.	49 CFR 173.249(a)(6), 173.263(a)(10)	To renew SP 6751 authorizing shipment of hydrochloric acid or liquid caustic soda in non-DOT fiberglass reinforced plastic cargo tanks. (Mode 1.)
6772-X	Monsanto Co., St. Louis, Mo	49 CFR 173.245, 173.264(a), 173.346, 173.349:	To renew SP 6772 authorizing shipment of certain corrosive or Class B poison liquids in glass or plastic bottles overpacked in DOT 17H drums surrounded by vermiculite. (Mode 1.)
6793-X	Aceto Chemical Co., Inc., Flushing, N.Y.	49 CFR 173.119, 173.125, 173.245, 173.247, 173.346:	To renew E 6793 authorizing shipment of certain poisonous, flammable, corrosive, and combustible liquids in non-DOT portable tanks. (Modes 1 and 3.)
6793-X	----do	49 CFR 173.119, 173.125	To amend E 6793 by including n, n, dimethyl aniline and n, n, diethyl aniline. (Modes 1 and 3.)
6800-X	Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.119, 173.245, 173.245b, 173.249, 173.250a, 173.257, 173.263, 173.265, 173.266, 173.272, 173.377, 173.287, 173.289, 173.292, 178.19:	To renew E 6800 authorizing shipment of certain corrosive materials and flammable liquids in non-DOT polyethylene containers. (Modes 1, 2 and 3.)
6802-X	Fitch Industrial and Welding Supply, Lawton, Okla.; Lincoln Welding Supply Co., Lincoln, Nebr.	49 CFR 173.315	To renew SP 6802 authorizing shipment of certain non-flammable liquefied gases in a non-DOT truck mountable cargo tank. (Mode 1.)
6803-X	Halocarbon Products Corp., Hackensack, N.J.	49 CFR 173.264(b), 173.314(c), 179.300-15:	To renew E 6803 authorizing shipment of certain corrosive liquids in a 4BW cylinder. (Mode 1.)
6814-X	Allied Chemical, Morristown, N.J	49 CFR 173.272(d), (i)(27)	To renew SP 6814 authorizing shipment of sulfuric acid in DOT MC-310, MC-311 or MC-312 tank motor vehicles. (Mode 1.)
6823-X	3M Company, St. Paul, Minn	49 CFR 173.119(b)	To renew SP 6323 authorizing shipment of certain flammable liquids in a DOT 12P/2U container. (Mode 1.)
6844-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.249a	To renew SP 6844 authorizing shipment of liquid coal tar dye in non-DOT 275 gallon "Dypak" polyethylene container overpacked in a plywood box. (Modes 1, 2, and 3.)
6847-X	United Foam Corp., Compton, Calif.	49 CFR 173.346(a)	To renew SP 6847 authorizing shipment of certain Class B poisonous liquids in non-DOT steel portable tanks. (Modes 1 and 3.)
6858-X	Francosteel Corp., New York, N.Y.	49 CFR 173.119(b), 173.125(a), 173.346 (a)(12):	To renew SP 6858 authorizing shipment of certain flammable liquids in non-DOT portable tanks. (Modes 1, 2 and 3.)
6862-X	Stauffer Chemical Co., Westport, Conn:	49 CFR 173.245(a)	To renew SP 6862 authorizing shipment of certain corrosive liquids in non-DOT metal cans in DOT 12A fiberboard boxes. (Modes 1, 2, 3 and 4.)
6880-X	AmChem Products Inc., Ambler, Pa.	49 CFR 173.249(a)	To renew SP 6880 authorizing shipment of certain corrosive liquids in DOT 57 portable tanks. (Modes 1 and 2.)
6883-X	Stauffer Chemical Co., Westport, Conn.	49 CFR Part 173, subpt. E	To renew E 6883 authorizing shipment of certain corrosive liquids in non-DOT molded 55-gallon polyethylene containers. (Modes 1, 2 and 3.)
6894-X	Callery Chemical Co., Callery, Pa.	49 CFR 173.206(a)(2)	To renew SP 6894 authorizing shipment of metallic potassium in 30 gallon DOT 5C stainless steel drums. (Mode 1.)

PARTIES TO AN EXEMPTION

No. Application	Applicant	Regulation(s) affected	Nature of application
2805-P	Mobil Chemical Co., Beaumont, Tex.	49 CFR 172.101, 173.315(a)(1)	To become a party to E 2805 authorizing shipment of cryogenic liquid ethylene in non-DOT specification insulated cargo tanks. (Mode 1.)
3657-P	....do	49 CFR 173.315(a)(1)	To become a party to E 3657 authorizing shipment of ethylene or ethane in non-DOT specification cargo tanks. (Mode 1.)
3941-P	Kerr McGee Chemical Corp., Oklahoma City, Okla.	49 CFR 173.229(a)(2)	To become a party to E 3941 authorizing shipment of ammonium perchlorate in non-DOT specification aluminum portable tanks. (Modes 1 and 2.)
4291-P	....do	49 CFR 173.229(a)(2)	To become a party to E 4291 authorizing shipment of ammonium perchlorate in non-DOT specification portable tanks. (Modes 1 and 2.)
4554-P	Mobil Chemical Co., Beaumont, Tex.	49 CFR 173.315(a)(1)	To become a party to E 4554 authorizing shipment of liquid ethylene in specially designed DOT MC-331 cargo tanks. (Mode 1.)
4588-P	Lawrence Livermore Lab., University of Calif., Livermore, Calif.; Mason & Hanger—Silas Mason Co., Inc., Armarillo, Tex.	49 CFR 173.65(a)	To become a party to E 4588 authorizing shipment of certain high explosives in non-DOT packaging. (Mode 1.)
4717-P	El Paso Products Co., Odessa Tex.; Stauffer Chemical Co., Westport, Conn.	49 CFR 173.314	To become a party to E 4717 authorizing shipment of saturated liquefied ethane or liquefied ethylene in a proposed DOT 113D120W tank car tank. (Mode 2.)
4726-P	Union Carbide Corp., Oak Ridge, Tenn.; Lawrence Livermore Lab., University of Calif., Livermore, Calif.	49 CFR 173.247	To become a party to E 4726 authorizing shipment of certain corrosive liquids in non-DOT containers and to amend the SP by raising gross weight to 200 lbs. (Modes 1 and 2.)
5736-P	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.314	To become a party to E 5736 authorizing shipment of liquefied ethylene in proposed DOT 113C120W tank car tanks. (Modes 2 and 3.)
5792-P	Stauffer Chemical Co., Westport, Conn.; El Paso Products Co., Odessa, Tex.	49 CFR 173.314	To become a party to E 5792 authorizing shipment of liquefied ethylene in proposed DOT 113D60W tank car tanks. (Mode 2.)
5849-P	Olin Chemical Group, Stamford, Conn.	49 CFR 173.217(a)(5), 175.3	To become a party to E 5849 authorizing shipment of calcium hypochlorite mixtures, dry, in a DOT 21C fiber drum. (Modes 1, 2, 3 and 4.)
5948-P	Rockwell International, Golden, Colo.; Monsanto Research Corp., Miamisburg, Ohio.	49 CFR 173.393(c)	To become a party to E 5948 authorizing shipment of certain radioactive materials in steel drums or wooden crates loaded in specially modified ATMX Series 500 or 600 rail cars. (Mode 2.)
6016-P	Guttman Supply Co., Belle Vernon, Pa.	49 CFR 173.315	To become a party to E 6016 authorizing shipment of cryogenic gas in non-DOT specification cryogenic portable tanks. (Mode 1.)
6113-P	Public Service Electric and Gas Co., Newark, N.J.; Mobil Chemical Co., Beaumont, Tex.	49 CFR 173.315(a)(1)	To become a party to E 6113 authorizing shipment of methane, ethylene ethane or liquefied petroleum gas in non-DOT specification cargo tanks. (Mode 1.)
6231-P	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.314	To become a party to SP 6231 authorizing shipment of liquid ethylene in DOT 113C120W tank cars. (Mode 2.)
6250-P	National Aeronautics and Space Administration, Washington, D.C.	49 CFR 173.69, 173.79, 173.87, 173.92, 173.94, 173.101, 173.102, 177.848, 176.83.	To become a party to E 6250 authorizing shipment of partially disassembled aircraft with explosives components installed and to amend the exemption to allow shipment by the Orbiter spacecraft. (Modes 1 and 3.)
6253-P	Akzo Zant Chemie Nederland bv, Amsterdam, Holland.	49 CFR 110, 173.125, 173.245, 173.247, 173.266, 173.294.	To become a party to SP 6253 authorizing shipment of certain flammable, corrosive, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2 and 3.)
6434-P	Riverside Chemical Co., Memphis, Tenn.	49 CFR 173.377(i)(1)	To become a party to SP 6434 authorizing shipment of dry organic phosphate compound mixtures in non-DOT specification paper bags. (Modes 1 and 2.)
6464-P	Public Service Electric and Gas Co., Newark, N.J.	49 CFR 172.101, 173.315(a)	To become a party to E 6464 authorizing shipment of liquefied natural gas or liquefied ethylene in non-DOT aluminum cargo tanks. (Mode 1.)
6479-P	Mobil Chemical Co., Beaumont, Tex.	49 CFR 173.315(a)(1)	To become a party to SP 6479 authorizing shipment of certain liquefied flammable gases in non-DOT specification stainless steel cargo tanks. (Mode 1.)
6536-P	Mobil Chemical Co., Beaumont, Tex.; Public Service Electric and Gas Co., Newark, N.J.	49 CFR 173.315(a)(1)	To become a party to E 6536 authorizing shipment of liquefied natural gas in non-DOT aluminum cargo tanks. (Mode 1.)
6637-P	Aqua-Serv Engineers Inc., Los Angeles, Calif.	49 CFR 173.119 (a), (b), 173.245, 173.249, 173.256a, 173.257, 173.263, 173.266, 173.266, 173.272, 173.377, 173.287, 173.289, 173.292, 173.346, 173.357, 173.358, 173.359, 178.19.	To become a party to SP 6637 authorizing shipment of certain corrosive, flammable, and Class B poisonous liquids in non-DOT polyethylene containers. (Modes 1, 2 and 3.)
6738-P	Texas Eastman Co., Longview, Tex.	49 CFR 172.101, 173.315(a)	To become a party to E 6738 authorizing shipment of cryogenic liquid ethylene in a non-DOT specification cargo tank. (Mode 1.)
6787-P	Charter Chemicals, Houston, Tex.	49 CFR 173.119 (a), (b), 173.240(a), 173.357(b), 173.358(a), 173.359 (a), (b).	To become a party to E 6787 authorizing shipment of certain flammable, corrosive, and Class B poisonous liquids in DOT 24 containers. (Modes 1, 2 and 3.)
6858-P	Eurotainer Co., Paris, France	49 CFR 173.119(b), 173.125(a), 173.346 (a)(12).	To become a party to SP 6858 authorizing shipment of certain flammable liquids in non-DOT portable tanks. (Modes 1, 2 and 3.)

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on December 3, 1976.

C. H. THOMPSON,
Acting Director, Office of Hazardous Materials Operations.

[FR Doc.76-36203 Filed 12-6-76;3:22 p.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Arizona State University, Department of Zoology, Tempe, Arizona 85281.

OMB NO. 42-R1572

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To examine habitat requirements, movements of adults and young, food habits and population recruitment of southern Bald Eagles in Arizona.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Robert D. Ohmart (Prin. Invest.)
Dept. Zoology
Arizona State University
Tempe, AZ 85281

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'11" WEIGHT: 160
DATE OF BIRTH: 2 January 1938
COLOR HAIR: Blnd COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: FTS 766-2932
SOCIAL SECURITY NUMBER: 525-72-9628
OCCUPATION: Assoc. Prof. Wildlife Ecology
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Educational and research
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Dr. Ronald Alvarado (FTS 766-3571)
R. Alvarado 11/16/76
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Major river drainages in Arizona
Primarily Salt and Verde Rivers.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Banding permit no. 9775
Sci.Collecting permit no. 2-479 AQ

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Applied for

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ NA

10. DESIRED EFFECTIVE DATE: 1 January 1977

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attached.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Robert D. Ohmart
DATE: 11/15/76

3-200 (6/74) GPO 895-042

1. Area of study. Headwaters and tributaries of the Verde River to Salt-Verde River confluence. Headwaters and tributaries of the Salt River to Salt-Verde River confluence. Essentially this area includes central Arizona.

2. Cameras will not be placed in nests but at a safe (50 to 100 m) distances from the nest so that food habits of the young can be monitored. Cameras will not be installed in locations until the eggs have hatched and the young are a week or so old.

3. There are not alternatives to biotelemetry backpacks. Enclosed is a copy of a letter from Dr. Southern on his studies of the use of biotelemetry with immature Bald Eagles. Coming soon will be a letter from Dr. Don Frenzel (FTS 786-1715), who fully supports the use of biotelemetry techniques in Bald Eagles and currently has placed ten transmitters on immature Bald Eagles with no problems. We will use the same techniques in our study that Dr. Franzel has used in his studies.

4. I have worked in the area of avian sciences over twenty years. In my studies I have used wing tags, biotelemetry equipment and assorted techniques to study the ecology of birds. I have held state and federal banding and collecting permits for many years (over ten). I have published extensively in journals dealing with avian ecology. In the original proposal there are people who will speak on the subject of my qualifications and expertise.

OBJECTIVES OF PROPOSED STUDY

I. Coordinate this research with all other agencies presently involved with biological or literature research.

II. Evaluate nesting habitat. A. Determine home range by mapping movements of individual members of the pair as they come and go to the nest site.

B. Determine primary foraging sites by observing where the individual pair members forage. Physical and biological measurement (water depth, perch diameter and sturdyness, water tubidity, relative fish densities and species compositons, etc.) will be determined for these primary sites.

C. Examine nest site characteristics such as cliff or tree nest, proximity to stream, alternate nest used, etc.

III. Determine movements of young. A. Color mark, U.S. Fish and Wildlife Service mark all accessible nests containing young after the nestlings have attained an adequate size and prior to period where premature fledging might occur. Three young from two different nests will be fitted with radio transmitters for tracking purposes to determine the fate of these young once they are no longer cared for by their parents.

IV. Determine food habits of young. A. Direct observation of nests from blinds will be undertaken on one or two nests.

B. Cameras will be placed on one or two nests to examine food fed to young. A picture will be taken every minute during the daylight hours to monitor feeding and brooding activities.

17.23

(1) Southern Bald Eagle (*Haliaeetus l. leaeocephalus*). All nests in Arizona, all pairs and all young.

(3) Management decisions are being and will continue to be made on the Southern Bald Eagle in Arizona, and presently little biological information is available from which one can support or refute the action of these decisions. This study (U.S. Forest Service supported) will provide some insight and guideline for making management plans for the preservation and continued existence of this unique animal.

Dr. Robert D. Ohmart will be the principal investigator and will be aided in the study by a graduate assistant, Mr. Tom Hildebrandt. Handling and banding of young will only be conducted by Dr. Ohmart; but Mr. Hildebrandt will assist in these matters.

Adult movements will be monitored from cliffs and other vantage points with binoculars and spotting scopes. Movements will be plotted on topographic maps along with feeding sites.

Blinds and cameras, currently being used in other raptor studies, will be established at safe distances from nests that are well along in incubation or after the chicks have hatched. No visits near the nest sites will be undertaken until this time.

Well developed young will be fitted with a U.S. Fish and Wildlife band, a color band and possibly a color marker on the humerous (rivited around—not to penetrate the flesh) if this does not interfere with the survival of the young. This will aid individual recognition and differentiation between wintering, immature Northern Bald Eagles in Arizona.

Three young, two from one nest and one from another, will be fitted with transmitter back packs (battery or solar powered) to determine where and how these birds survive and if they ever return to supplement the breeding population. Telemetered birds will be located by fixed-wing aircraft and revisited on foot for observation. Culmen, tarsus and wing chord lengths will be taken on all young at the time of banding.

Non-fertile eggs will be taken for pesticide analysis if they are not broken when the young are banded. Persistent egg shells will be collected for thickness measurements when the young are banded.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-375-07;

please refer to this number when submitting comments. All relevant comments received on or before January 12, 1977 will be considered.

Dated: December 8, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.76-36416 Filed 12-10-76;8:45 am]

ENDANGERED SPECIES PERMIT
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Dallas Zoo and Aquarium, 621 East Clarendon Drive, Dallas, Texas 75203, Larry O. Calvin, Director.

OMB NO. 42-R1613

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Purchase and transport one pair (1 male, 1 female) captive bred, young adult, Tibetan White Eared Pheasants Crossoptilon crossoptilon drouyi for the purpose of public display and propagation.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dallas Zoo
621 East Clarendon Drive
Dallas, Texas 75203

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Municipal Zoo, Non-profit public zoological exhibits for education and recreation of mass, audiences. Captive breeding and related research programs.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
To be purchased through Dealer:
International Animal Exchange, Inc.
1489 East Nine Mile Road
Ferndale, Michigan 48220

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Larry O. Calvin, Director (214) 946-515
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Transport from private breeders compound:
Charles Sivelle
41 Westcliff Drive
Dix Hills, New York 11746
To the Dallas Zoo, Dallas, Texas

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
USDI 2-SP-193

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ Not applicable

10. DESIRED EFFECTIVE DATE
ASAP

11. DURATION NEEDED
Until terminated

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR [illegible]) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHED) IS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) — Larry O. Calvin — Director Dallas Zoo and Aquarium — DATE: November 5, 1976

3-200
(5/74)

CITY OF DALLAS,
DALLAS ZOO AND AQUARIUM,
Dallas, Tex., November 5, 1976.

DIRECTOR (FWS/LE),
U.S. Fish and Wildlife Service,
U.S. Department of Interior,
Post Office Box 19183,
Washington, D.C.

DEAR SIR: This accompanies and explains our application under Title 50, Chapter 1, Item 17.22 for a permit to:

(1) Purchase and transport in an interstate commerce one male and one female Tibetan White Eared Pheasants *Crossoptilon crossoptilon drouyni* for the purpose of propagation, research and educational exhibition to mass public audiences in a municipal, nonprofit zoological garden.

(2) These birds were hatched in 1975 from eggs laid in captivity.

(3) Being offspring of captive birds, no wild birds are involved. These pheasants were bred and hatched by a private fancier who maintains a long term captive, self-sustaining population of this endangered species.

(4) These pheasants were hatched and raised and are now housed by Mr. Charles Sivelle, 41 Westcliff Drive, Dix Hills, New York 11746.

(5) The Dallas Zoo is a nonprofit municipal zoological garden with a very good record of breeding endangered, threatened and difficult species. Excluding the aquarium, it has an animal inventory of approximately 2,000 specimens of over 700 species. It consists of 65 acres and has a staff of 83 people. It has been in existence since shortly after the turn of the century and has made consistant improvements and modernizations. The zoo has excellent support of both the general public and the Dallas Zoological Society. The address is 621 East Clarendon Drive, Dallas, Texas 75203.

(6) (i) It is planned that these Tibetan white eared pheasants will be kept in a new area, completed a year ago, which now houses 15 species of exotic pheasants in separate cages. The dimensions of each cage is: 15 feet long by 15 feet wide, they are 12 feet in height with a gradual increase to 16 feet at the rear of the enclosure. Each has a heated shelter attached which measures 5 feet by 5 feet by 6 feet in height. There is a small pool in each exhibit as well as living plants (trees, bushes, vines) to provide security or some seclusion for the pheasants. There are also nonliving tree branches as the upper space is utilized for exotic doves or other small, inoffensive perching birds. During the short period that these exhibits have been in use both Reeves' and Silver pheasants have reproduced in them. The Swinhoe's pheasants occupying one of these displays are the offspring of several generations bred at the Dallas Zoo. Likewise all of the 15 different species of pheasants in this area are from captive breedings.

(ii) The professional animal keepers at the Dallas Zoo will care for the birds. The two Curators, Bird Supervisor and Lead Bird keeper have a combined experience in animal keeping in excess of 72 years.

(iii) We will cooperate in any breeding program and studbook records.

(iv) The shipping containers will be provided by the breeder. Both he and the dealer

through which these pheasants are being purchased have many years experience in shipping birds of this type and are cognizant of the pertinent government and airline requirements.

(v) The Dallas Zoo has maintained over twenty species of the Family: Phasianidae for many years including such rare forms as Afropavo congensis. One Congo Peacock has been in the collection since May 1966. While most specimens of the genus Crossoptilian were acquired, for the new pheasant runs, during the last year, one blue eared pheasant lived in the collection for nine years. Breeding success with birds of the family phasianidae has been very good and mortalities have been minimal. Most deaths can be attributed to normal attrition such as old age. No instances of gross loss due to infectious disease has occurred.

(7) The subject animals are to be purchased through the International Animal Exchange, Inc., 1489 East Nine Mile Road, Ferndale, Michigan 48220.

No written contracts exist yet for the purchase of these birds. Oral agreement between Larry O. Calvin, Director Dallas Zoo and Aquarium and Tom Hunt, Executive Vice-President of International Animal Exchange has been reached as to the purchase price and shipping arrangements.

(8) The Dallas Zoo and the Dallas Zoological Society is deeply concerned with the conservation of wildlife, particularly those forms designated as threatened or endangered. To that end, we have shown our commitment in various activities and programs. Our breeding record is well known and we are constantly striving to improve our husbandry techniques and to learn from and to share our experiences with our colleagues. When surpluses are produced, they will be made available to other zoos and qualified organizations to facilitiate the establishment and continuation of a captive self-sustaining population of this and other endangered species.

Sincerely,

LARRY O. CALVIN,
Director,
Dallas Zoo and Aquarium.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-483-07; please refer to this number when submitting comments. All relevant comments received on or before January 12, 1977, will be considered.

Dated: December 8, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.76-36417 Filed 12-10-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. U.S.D.A.—Forest Service, Institute of Pacific Islands Forestry, 1151 Punchbowl Street, Room 323, Honolulu, Hawaii 96813, Dr. C. John Ralph.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☑ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Take for banding and release individuals of the following species: Creeper (Loxops maculata), Akepa (Loxops coccinea), Akiapolaau (Hemignathus wilsoni) and Palila (Psittirostra bailleui) for scientific study of the species' habitat requirements.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Dr. C. John Ralph Phone:(808) 546-5669
USDA-Forest Service
Institute of Pacific Islands Forestry
1151 Punchbowl St., Rm. 323
Honolulu, HI 96813

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☑ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 6' 1"	WEIGHT 200
DATE OF BIRTH 09-03-40	COLOR HAIR Black	COLOR EYES Brown
PHONE NUMBER WHERE EMPLOYED (808) 546-5669	SOCIAL SECURITY NUMBER 550-58-1025	
OCCUPATION Wildlife Biologist		

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
N/A

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
State of Hawaii

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☑ YES ☐ NO
(*If yes, list license or permit numbers*)
"Bird Banding Permit #9082

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☑ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)
State of Hawaii #77-27
Scientific Collecting Permit

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: 10 October 1976

11. DURATION NEEDED: 5 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) C. John Ralph DATE 23 August 1976

3-200 (8/74)

U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE, PACIFIC SOUTHWEST FOREST AND RANGE EXPERIMENT STATION, INSTITUTE OF PACIFIC ISLANDS FORESTRY, HONOLULU, HAWAII, *September 15, 1976.*

Mr. C. R. BAVIN,
Chief, Division of Law Enforcement, Fish and Wildlife Service, Washington, D.C.

DEAR MR. BAVIN: Below is an addition to my application (dated 23 August) for a permit to take and release after banding four species of endangered birds here in Hawaii following your request dated 9 September. I will take up the items in 50CFR17.22 in order:

1. Number to be taken and released:

Creeper:	approximately	50
Akepa:	"	75
Akiapolaau:	"	75
Palila:	"	50

2. Wildlife are still in the wild.

3. Every effort will be made to insure that the birds involved are returned quickly to the wild, and that no mortality takes place during the capture process.

4. N.A.

5. N.A.

6. i. N.A., ii. I have been netting and banding birds since 1958, and have instructed many people in the proper use of nets so as

to minimize damage to birds. iii. N.A. iv. After their removal from nets or traps the birds will be held for a brief time (usually less than 30 minutes) in separate darkened containers until processing. Paper liners will be changed with each occupant of these holding cages. v.N.A.

7. N.A.

8. The study will involve the capture, individual marking (with color bands), and release of the birds. Subsequently, the birds will be followed and their activity monitored. The end product is expected to be a definition of each species' habitat requirements. This will provide information on proper management practices to insure continued survival of the species and their eventual removal from endangered status.

Sincerely,

C. JOHN RALPH,
Wildlife Biologist.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-357-07; please refer to this number when submitting comments. All relevant comments received on or before January 12, 1977, will be considered.

Dated: December 8, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.76-36418 Filed 12-10-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Marian E. Havlik, 1603 Mississippi Street, La Crosse, Wisconsin 54601.

OMB NO. 42-R190

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate one): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH LICENSE OR PERMIT IS NEEDED: Need to take up to 50 live specimens of Lampsilis higginsi, L. orbiculata, Potamilus capax, endangere mollusks. Taxonomic studies are needed on the first two listed (scientific research and educational purposes). To take an unlimited number of dead specimens, (an unkown number of dead specimens are present in dredge spoils in certain areas of the Mississippi River, these areas may be covered by additional spoils in the future).

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Marian E. Havlik
1603 Mississippi St.
La Crosse, Wis. 54601
608-782-7958

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☒ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'6" WEIGHT: 210
DATE OF BIRTH: January 14, 1935
COLOR HAIR: brown COLOR EYES: hazel
PHONE NUMBER WHERE EMPLOYED: 608-785-0940
SOCIAL SECURITY NUMBER: 397-30-0358
OCCUPATION: Registered nurse, amateur malacologist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: Ohio State University, Milwaukee Public Museum, U.S. Fish Control Lab, La Crosse, WI. ? of other similar public institutions.

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: N.A.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: N.A.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: N.A.

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: Scientific collecting on the Upper Mississippi River and tributaries.

I would like permission as soon as possible to pick up an unkown number of dead specimens on dredge spoils on the Mississippi River, before specimens deteriorate from the weather.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list License or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO. Have applied for approval from Ill. and Minn. and to take specimens under 1 3/4", and for a collectors permit from Iowa Conservation Commission.
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ N.A.

10. DESIRED EFFECTIVE DATE: ASAP or Dec. 22, 1976
11. DURATION NEEDED: 5 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR [illegible]) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Marian E. Havlik
DATE: Oct. 22, 1976

3-200
8/76
GPO 895-042

La Crosse, Wis., *October 22, 1976.*

Director (FWS/LE)
U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C.

Re: 50 CFR 17, 17.32 Endangered Species Permit.

1. *Common and scientific names* of endangered naiad mollusks: *Lampsilis higginsi*, Higgins' Eye pearly mussel, *Lampsilis orbiculata*, Pink Mucket pearly mussel, *Potamilus capax*, Fat Pocketbook pearly mussel.

Number: unlimited number of dead shells of each species, 50 live specimens of each species. There are taxonomy problems with the first two species listed which cannot be solved until an adequate number of soft parts and shells have been studied according to Dr. David Stansbery, the Ohio State University, Museum of Zoology.

Age and sex: would be by chance findings; a few gravid females would be needed especially for scientific purposes.

Activity to be authorized: to take dead and live specimens of the 3 listed species for scientific and educational purposes from the Mississippi River and tributaries.

2. Naiad mollusks sought to be covered are still in the wild; however an unknown number of dead shells can be picked up, and should be picked up before they deteriorate from the weather, in dredge spoils sites on the Mississippi River.

3. Live naiad mollusks sought will have to be removed from their natural habitat (rivers) in order to be studied. Likewise most specimens will probably die after being out of their natural habitat for a period of time. Every effort, in this activity of collecting, will be made to avoid destroying habitat or uncollected populations. Soft parts, shells, or portions thereof will be preserved.

4. Not applicable.

5. Ohio State University, Museum of Zoology, 1813 N. High St., Columbus, Ohio 43210.

Biology Department, University of Wis., La Crosse, La Crosse, Wis. 54601.

Milwaukee Public Museum, 800 W. Wells St., Milwaukee, Wis. 53233.

U.S. Fish Control Lab, P.O. Box 862, La Crosse, Wis. 54601.

National Museum of Natural History, Smithsonian Institute, Washington, D.C.

Academy of Natural Sciences, of Philadelphia, Dept. of Malacology, 19th and Parkway, Philadelphia, Pa. 19103; and other similar institutions.

6. Live specimens will be cared for in glass aquariums of various sizes with an air pump for oxygenation. River sand, gravel and/or rocks will be on the bottom of the aquarium. River water will be used if possible. Dead specimens will be housed in the usual manner of museums; the soft parts in a preservative, the shells stored dry in drawers in closed cabinets. Specimens at the U.S. Fish Control Lab consist of shells on display in a locked, glass, 6' display case in a public aquarium. This building is open during normal government business hours.

6. *Marian E. Havlik*, registered nurse, has studied fresh-water mollusks for 7 years. In 1976 she spent five weeks doing independent study under Dr. David Stansbery, Director of the Museum of Zoology at the Ohio State University. Funding for this was possible through a Bush Summer Fellows Award from the Bush Foundation, Minneapolis, Minn. She has kept other species of mollusks alive in an aquarium at home, as described, for 6 months. Member of the American Malacological Union.

Dr. David H. Stansbery, Ohio State University, is also curator of bivalve mollusks at the Museum of Zoology. He is a nationally known authority on naiad mollusks having studied them for 25 years. Most live specimens obtained will be sent to Dr. Stansbery for study. Other members of the Museum

staff may assist with the study and processing of specimens.

6iii. It is almost impossible to propagate mollusks in captivity as they need a specific fish as part of their life cycle. If facilities were available this could be attempted. This was done with minimal success during the early 1900's during the time pearl buttons were made from clam shells.

I, Marian E. Havlik, am willing to participate in a cooperative breeding program if such is found to be feasible.

Studbook not applicable.

6iv. Live endangered naiad mollusks will be wrapped in burlap, wet with river water and then shipped or transported to Ohio State University Museum of Zoology in 5 gallon metal pails with a perforated lid. They need no further care during transport.

6v. In the past 5 years the only known mortalities known of these species are incidental records from commercial clamming and in July–August 1976 from dredging by the U.S. Army Corps of Engineers in the East Channel of the Mississippi River at Prairie du Chien, Wis. Steps taken to avoid or decrease such mortalities included a letter of complaint to the Corps and to the Secretary of Interior. Education of commercial clammers would also be necessary to aid in the identification and retrieval of these species.

7. No contracts are presently in effect. Members of my family and assistants from the area will assist in my collecting activities. Commercial clammers may also provide specimens. Such activities will be carried out during the "open water" season of the Mississippi River and its tributaries, exact dates are unknown, but this normally ranges from April through November. Gravid specimens of these 3 species would most likely be found in late summer and fall. If anticipated contracts are signed between governmental agencies (Corps of Engineers and/or the Fish and Wildlife Service) and Ohio State University, when these agencies will also be involved to some extent in this work.

8. Applicant is justified in obtaining this permit in order to help determine distribution and densities of these species. More importantly, taxonomic studies are needed to determine the relationship of *L. higginsi* and *L. orbiculata*.

8i. *Activities sought to be authorized:* to take dead and live specimens of the 3 listed species for scientific study and educational purposes. More accurate distribution of these species would be available in case it were deemed necessary to designate certain areas as critical habitat.

8ii. Specimens will be obtained by hand collecting, collecting with scuba equipment, collecting with crowfoot bars and hooks, and possibly by the use of some type of small dredge (up to 1 meter square). Dead specimens will be picked up from dredge spoils by hand.

8iii. Information obtained should help enhance the survival of these species because of scientists having a better understanding of them. Propagation probably will not be directly affected. Taxonomic problems will be studied.

8iv. Most specimens would be deposited in OSU Museum of Zoology or similar public institutions. Some will be kept by the applicant for ongoing and continuing comparative studies, and for anticipated studies by participating agencies of the Great River Environmental Action Team (Corps of Engineers, Fish and Wildlife Service, state conservation agencies). Studies are anticipated in areas of the Mississippi River and tributaries that have been traditionally, and that may be in the future, subject to maintenance dredging.

Thank you.

Sincerely,

MARIAN E. HAVLIK.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-473-07; please refer to this number when submitting comments. All relevant comments received on or before January 12, 1977, will be considered.

Dated: December 8, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.76-36419 Filed 12-10-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Charles Sivelle, 41 Westcliff Drive, Dix Hills, New York 11746.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Authorization to purchase in interstate commerce 4 pairs Brown-eared (Cros. Mantichurian) pheasants for colony propagation to enhance survival of species

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Charles Sivelle
41 Westcliff Drive
Dix Hills, N.Y. 11746
516-423-6146

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5'11"	WEIGHT 190 lbs
DATE OF BIRTH 9/24/18	COLOR HAIR Brown	COLOR EYES Blue
PHONE NUMBER WHERE EMPLOYED 516-423-6146	SOCIAL SECURITY NUMBER 125-97-0277	
OCCUPATION Manufacturer		

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
n.a.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
None

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
n.a.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
n.a.

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
41 Westcliff Drive
Dix Hills, N.Y. 11746

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(*If yes, list license or permit numbers*)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)
N.Y. State importation permit to be obtained on issuance of this permit

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $ n.a.

10. DESIRED EFFECTIVE DATE date of issuance

11. DURATION NEEDED 6 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 C.F.R. Part 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) Charles Sivelle DATE Nov. 5, 1976

3-200
10/74

DIX HILLS, LONG ISLAND, N.Y.,
November 5, 1976.

DIRECTOR (FWS/LE)
U.S. Fish and Wildlife Service,
U.S. Dept. of the Interior,
P.O. Box 19183,
Washington, D.C.

DEAR SIR: The undersigned requests an endangered species permit to purchase and transport 4 pair of Brown-eared (Cros. mantuchurian) pheasants from Jim Chamberlain, 4850 Alcorn Rd., Fallon, Nevada 89406.

(2) Pheasants purchased and transported by air shipment from Fallon, Nevada.

(3) Purpose of permit is to provide a colony propagation center for the specie. These birds are to be bred together with an unrelated stock possessed by the undersigned. As the specie is inbred and lacking in new blood, it is hoped that propitious selection of mates will occur and that superior young will be developed by eventual selective breeding thus creating a more viable stock to enhance the survival of the specie.

(4) The applicant possesses 130 aviaries varying in size from 18' L x 10' W x 7' H to 100' L x 40' x 18' H, all of which are landscaped and possess appropriate heated shelters varying in size from 10' L x 14' W x 9' H. All aviaries are predator proof employing heavy gauge wire, redwood, two inch galvanized pipe, fiberglass roofing and ¾" waterproof plywood. Four acres of land are used at present with an additional ten acres available.

(5 and 6) Wildlife in question were captive raised by Mr. Chamberlain and will not affect the survival of any wildlife in its native habitat.

(7) i) These birds will be kept in a completely enclosed area approximately 200 feet long by 200 feet wide heavily landscaped with appropriate shelters and completely predator proof. Print attached.

(ii) Applicant has been propagating pheasants for twenty years and is internationally recognized. He has already raised hundreds of the pheasants referred to as endangered and has been responsible for establishing captive populations in whole or part of the following pheasants in the United States today.

(1) Bornean Argus.
(2) Bornean Crested Fireback.
(3) Bornean Crestless Fireback.
(4) Koklass.
(5) Humes Bar-tail.
(6) Mikado.
(7) Brown-Eared.
(8) White-Eared.
(9) Ijima Copper.
(10) Cabot Tragopan.
(11) Bronze-tail peacock.

His aviaries contain thirty-two different species of pheasants many of which are the only species of their kind in the United States. The collection is considered the most complete in the world.

The applicant is an active member of many wildlife organizations including (1) American Pheasant & Waterfowl Society—Director, (2) World Pheasant Association—Vice President, (3) N.Y. Zoological Society—Field Associate, (4) Avicultural Society of Long Island—Exec. Secretary, (5) Game Bird Breeders Cooperative Federation—Director.

The applicant has his own hospital where fecal analysis and other simple post mortems are made of all birds on premises when required which includes isolation areas. This is under the supervision of a visiting licensed veterianian.

(iii) The applicant has participated in many pheasant propagation programs involving Endangered Species of pheasants thruout the world and also has assisted in the establishment of stud books for several species including the White-eared pheasant and will participate in a cooperative breeding program and maintain and contribute data to a studbook.

(iv) Containers for this shipment will be made to accommodate the bird size. They will vary in size from 12" to 14" in width to 18" in height and 18" to 24" in length. 2" wood is used for frame to which ¼" hard board (masonite) is firmly nailed. Air holes are drilled on all four sides as per photo. A foam lined frame is inserted on the top of the shipping container to prevent scalping of the birds head and a final hard board is firmly nailed or screwed over this.

A specially designed water container which provides for minimum spillage is wired to inside wood frame of container. Food is supplied in a wood container also wired to opposite side of wood frame of container.

Applicant has shipped hundreds of pheasants in this manner throut the world with negligible loss.

(v) Among the hundreds of Endangered Species the applicant possesses and has bred only one (1) adult White-eared pheasant has died and such was reported to Fish and Wildlife Service.

(8) Upon termination of my breeding program, those birds covered by the permit as well as those which are not will be distributed among qualified breeders of those species concerned and/or placed in the trust of the World Pheasant Association.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

CHARLES SIVELLE.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Servce's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-484-07; please refer to this number when submitting comments. All relevant comments received on or before January 12, 1977, will be considered.

Dated: December 8, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.76-36420 Filed 12-10-76;8:45 pm]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. David H. Ellis, Box 95-A-1 Sasabe Star Route, Tucson, Arizona 85736.

TUCSON, ARIZ., *November 15, 1976.*

Mr. C. R. BAVIN,
Chief, Division of Law Enforcement,
Fish and Wildlife Service,
Washington, D.C.

DEAR SIR: This is my response to your letter FWS/LE PRT 2-441-07-B. I regret my misinterpretation of section 17.22(6)ii of the FEDERAL REGISTER cent. As I understood that section, I need only reply if I was requesting a permit to house and maintain the endangered wildlife in question. I did not request permission to maintain birds, but I am glad to supply information on my qualifications to conduct a field survey of the American peregrine falcon in the southwest. Enclosed is a vitae including highlights of my research experience, grants received, and papers presented. Not sufficiently described in the vitae are the following:

1. I began the Arizona peregrine falcon survey in 1975 and continued it in 1976 in conjunction with my official duties as Biologist-in-charge of the Tucson Field Station of the Patuxent Wildlife Research Center.

2. In 1975 I was designated consultant to the Rocky Mountain and Southwestern Peregrine Falcon Recovery Team.

3. I am still recognized as a consultant to the above team.

4. I have worked with raptorial birds since my early teens.

5. I have field experience with all of the falcons regularly inhabiting the United States and Canada. I have engaged in prairie falcon surveys in Utah, Montana, and Arizona, and have also visited historic peregrine eyries in the same states.

I have also accumulated a considerable amount of experience in maintaining injured and young raptors in captivity and in hacking flight-worthy raptors to the wild. I have personally released three golden eagles and assisted in the handling of many others. I have maintained at least 14 species of raptors in a captive or injured state

Because I have conducted the Arizona peregrine falcon survey since 1975, you may wonder why I am now finally trying to arrange for a permit. My 1975-1976 activities were part of my official work as a Fish and Wildlife Service employee with the Patuxent Wildlife Research Center, and were covered under PWRC permits. Fish and Wildlife Service financial support is no longer available, so I am proceeding independently.

Your attention to this request is appreciated. Please recontact me if further information is needed. I hope you will expedite this request.

Sincerely,

DAVID H. ELLIS, Ph.D.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
conduct census, record behavior, photograph, observe from distant blinds, recover addled eggs, participate in productivity enhancement measures (as directed by the species recovery team), band

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
David H. Ellis
Box 95-A-1 Sasabe Star Rt.
Tucson, AZ 85736
phone (602) 822-1080

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'10" WEIGHT: 150 lbs.
DATE OF BIRTH: 7 April 1945 COLOR HAIR: brown COLOR EYES: blue
PHONE NUMBER WHERE EMPLOYED: 792-6368 SOCIAL SECURITY NUMBER: 522-56-6669
OCCUPATION: Biologist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
designated as consultant to the Rocky Mountain - Southwestern Peregrine Falcon Recovery Team

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Arizona, Utah, New Mexico

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(*If yes, list license or permit number*)
Bird Banding Master Permit No: 20017

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)
Permit required to handle raptors. My permit No. is 169.

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N.A.

10. DESIRED EFFECTIVE DATE: 1 Feb. 1977

11. DURATION NEEDED: 5 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
see attachments

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*) David H. Ellis DATE October 1, 1976

3-200 (6/74)

ATTACHMENTS TO FORM 3-200

APPLICATION FOR DAVID H. ELLIS

1. Species (subspecies): *Falco peregrinus anatum* American peregrine falcon.

Permission is sought to: (1) view birds from a distance using telescopes while determining number of young produced at eyries; (2) observe from distant blinds, if necessary, to determine the effect of human use of nest area; (3) participate in productivity enhancement measures including placement of captive-reared young in non-productive eyries, exchanging or supplementing wild produced young with captive produced young to increase productivity, double-clutching to increase number of eggs produced per productive wild pair, and release of pen-reared young via foster parent, hacking, or similar methods; (4) band nestlings when visiting nests for other reasons (no effort will be made to visit nests specifically to band adults or nestlings, but adults and nestlings to be banded if they are incidentally procurred as injured birds or are incidentally encountered in association with other activities described in this section). In all of these activities I agree to operate under the programs outlined by the appropriate recovery plan and under direction of the appropriate recovery team.

In summary, I request permission to observe the birds in association with status determination, and to handle the birds in association with productivity enhancement measures. I do not request permission to kill or take any live bird(s).

2. Birds to be studied are now wild and will remain so.

3. Birds to remain in the wild.

4. Captive reared stock from any of several captive breeding units may be placed in the wild as directed by species recovery team. No permit is sought to remove birds from the wild.

5. Birds to remain in the wild.

6. Birds to remain in the wild.

7. No contracts have been made.

8(i, ii, & iii). Activities to be covered by permit.

a. *Census* by viewing potential breeding sites from a distance with telescopes from March 1 to August 1 of each permit year.

b. *Photograph and record behavior* by viewing from great distances or from concealment in blinds removed from eyries.

c. *Remove addled eggs or dead young* by rappeling to eyries when the behavior of the adults indicates that the eyrie is unproductive. Eyries to be observed from blinds or from viewpoints at great distances to infer from behavior of the adults the probable contents of the eyrie.

d. *Participate in productivity enhancement measures* by observing birds from great distances to determine timing of breeding cycle and by rappeling to eyries and placing captive produced eggs or young in eyries that do not produce young or by supplementing eyries that would produce fewer young; also to double clutch productive adults to increase number of young produced, by periodically rappeling to eyries; also release captive-reared birds by foster parent releases or hacking methods.

All activities to be carried out in cooperation with and under direction of appropriate recovery team.

These activities are designed to determine (1) present status of bird, (2) productivity of remaining adults, and (3) effects of human activities on remaining pairs. The activities should also serve to increase the wild population by increasing the numbers of young available for recruitment into the breeding population.

8(iv). No wildlife to be taken under this permit.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-441-07, B, please refer to this number when submitting comments. All relevant comments received on or before January 12, 1977, will be considered.

Dated: December 8, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.76-36421 Filed 12-10-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Texas A&M University, Department of Wildlife and Fisheries Sciences, College Station, Texas 77843.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Check one) (If any)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation of embryos, eggs, or osteological parts of Crocodylus intermedius from Venezuela, for scientific study, related to project designed to enhance and protect the populations of the species throughout its range.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
James R. Dixon
Dept. Wildlife & Fisheries Sciences
Texas A&M University
College Station, TX 77843
Tel. 713-845-6751

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

	HEIGHT	WEIGHT
☒ MR. ☐ MRS. ☐ MISS ☐ MS.	6'2"	200
DATE OF BIRTH: 1 Aug 1928	COLOR HAIR: Brown	COLOR EYES: Hazel
PHONE NUMBER WHERE EMPLOYED: 845-6751	SOCIAL SECURITY NUMBER: 453-36-1316	

OCCUPATION: Professor

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Dept. Wildlife & Fisheries Sciences
Texas A&M University
College Station, TX 77843

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF BUSINESS, AGENCY, OR INSTITUTION:

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Llanos Region of Venezuela

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list License or permit number(s))
US Form 16-26 & 16-25 (U.S.D.A. animal parts)
PRT 2-172 AQ; PRT 8-60-C; PRT 2-41

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdiction and type of document)
Export and collecting permits are pending the result of this application.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 1 Jan 1977

11. DURATION NEEDED: 1 Jan 1977-31 Dec. 1979

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR [illegible]) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): James R. Dixon
DATE: Oct. 11, 1976

3-200
10/70

GPO 893-042

1. The species sought to be covered by the permit is *Crocodylus intermedius*, Orinoco Crocodile; less than 20 skulls (osteological elements); sex unknown, age unknown; and in addition, as many preserved eggs and embryos as necessary to predict incubation and embryo growth periods. I desire to import these for scientific study.

2. The animals sought are in the wild, although the osteological parts are in the possession of a Venezuelan Rancher in the Llanos, and has been removed from the wild.

3. The wildlife sought will be thoroughly studied in the field, and only those elements (eggs, embryos, bones) necessary for laboratory analysis will be utilized.

4. See part 2; skulls already in possession of rancher.

5. The Texas Cooperative Wildlife Collection maintains all vertebrates in proper order and under a strict code of "Association of Systematic Collections: policy. The collections are permanently housed and curated by 4 curators of professional competence. The collections are part of the Department of Wildlife and Fisheries Sciences, Texas A&M University, College Station, Texas 77843.

6. All breeding activities will be carried out in the host country; the 5 year proceding data N/A.

7. This can only be justified following acceptance of enclosed proposal to World Wildlife Fund, Inc. The guidelines spelled out in 17.22 (part 7) are included in the attached (submitted Sept. 30, 1976) proposal.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-451-07; please refer to this number when submitting comments. All relevent comments received on or before January 12, 1977, will be considered.

Dated: December 8, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.76-36422 Filed 12-10-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 77-12]

BAILEY MINING CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Bailey Mining Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 7 Mine, located in Floyd County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(i) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches.

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that the installing of canopies on haulage equipment is not

now feasible and would create a hazard to the equipment operators.

2. Petitioner's electric face equipment consists of and averages in height as follows:

	inches
Cutting machine	34
Roof bolter	28
Coal drill	26
Scoop	26

The face equipment is approximately 6 years old and was never designed for cabs or canopies.

3. The coal seam height at this mine is 38 inches, both the mine floor and roof are uneven thus causing the height to vary considerably. Headers up to 6 inches and cable boards are used, further decreasing mining heights.

4. In the No. 2 Elkhorn seam of coal which Petitioner is presently mining, Petitioner feels that even if it were possible to adapt cabs or canopies to its equipment it would be creating an even greater hazard and would also result in cramped and uncomfortable conditions for its equipment operators. Petitioner feels the technology for compliance at its mine is not available at the present time.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36431 Filed 12-10-76;8:45 am]

[Docket No. M 77-13]

BISHOP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Bishop Coal Co., has filed a petition to modify the application of 30 CFR 75.1710 to its Bishop No. 34 Mine, located in McDowell County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner contends that application of 30 CFR 75.1710 and 1710-1(a)(5) to its present electrical face equipment will result in a diminution of safety in the operation of its mine.

2. Petitioner's Bishop No. 34 Mine has one section, S-14 (MESA I.D. 013), in which the coalbed height varies from 43 inches to 5½ feet, a second section, Y-Mains (MESA I.D. 009), where the height varies from 45 inches to 8 feet and a third section, Y-Left (MESA I.D. 029), where the height varies from 46 inches to 7½ feet.

3. Petitioner has experimented with various cab and canopy designs on the electrical face equipment presently in use, but has not been able to find an effective and safe configuration which will allow proper visibility for the operator, prevent "roofing" caused by operation over uneven bottom or under uneven top, or which will allow the operator to escape rapidly from under the cab or canopy in the event of an emergency.

4. Numerous UMW members at Petitioner's mine have complained and have threatened to stop work if they are required to operate electrical face equipment which is hampered by a cab or canopy and which results in the abovementioned safety hazards.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36430 Filed 12-10-76;8:45 am]

[Docket No. M 77-21]

B. B. & W. COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), B. B. & W. Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 1A, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 7, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that the installation of canopies on its equipment is creating a hazard to the equipment operator.

2. Petitioner's haulage equipment consists of two S & S scoops model no.

UAT74SSA and two roof bolting machines, which are Acme D–1.

3. The No. 1–A Mine is in the Elkhorn No. 2 seam and ranges from 32 to 50 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from getting against the roof and possibly destroying roof support. Canopies only allow a 22-inch vertical operating compartment which limits the vision of the equipment operator and creates a hazard to him as well as to the other employees in the mine.

4. The canopies on the bolting machine must be mounted in a manner such that the operator cannot bolt the roof on the left side closer than 5 feet to the rib, or 3½ feet to the face. The mounting plate is constantly hitting the operator's legs and Petitioner fears that a serious accident may occur.

5. Petitioner feels that the equipment operator's vision is limited. Further, the position in which an operator must be in to work the equipment is such that the installation of canopies could be a contributing factor in any accident which may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36432 Filed 12-10-76;8:45 am]

[Docket No. M77-32]

CONSOLIDATION COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Consolidation Coal Co. has filed a petition to modify the application of 30 CFR 75.1700 to its Humphrey No. 7 Mine located in Monongalia County, West Virginia.

30 CFR 75.1700 provides:

Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

The substance of Petitioner's statement is as follows:

1. The large majority of petroleum wells in Humphrey No. 7 Mine were drilled and many were also abandoned between 1890 and 1920 when no standards for drilling and plugging existed. Oil and gas sands are now nearly depleted, hence no appreciable volume of gas comes from petroleum reservoirs.

2. In lieu of the provision to establish and maintain barriers around oil and gas wells, it is proposed that the Pittsburgh coal seam be sealed from surrounding strata at the affected wells, and to this end the Petitioner submits its plan which is set forth below.

3. Petitioner will plug the wells in Humphrey No. 7 Mine using a proven technique developed through a series of cooperative agreements between the United States Bureau of Mines, the Energy Research and Development Administration, the Mining Enforcement and Safety Administration, and the coal industry. Exhibit "A" is a schematic drawing illustrating this technique.[1] The procedure essentially involves the placing of plugs in the wellbore below the base of the Pittsburgh coalbed which will prevent any natural gas from entering the mine after the well is mined through.

4. Before the well is filled to the Pittsburgh coalbed, Petitioner may run a directional survey on the well to determine the exact location of the wellbore in the coalbed; but if it does not, and if it does not penetrate the wellbore in mining, Petitioner shall continue mining until the well is located. Gamma ray neutron and caliper logs shall be run in the well to determine the exact depth of the coalbed, the most competent formation for setting a mechanical bridge plug will be used if needed, and the wellbore diameter will be determined for calculating the cement requirements. An automatic tracer injector unit of sulfur hexafluoride will be placed in the well.

5. The well will be plugged back to the base of the Pittsburgh coalbed using an expandable cement and fly-ash-gel water slurry. A 50 percent fly-ash-cement mix will be used to fill the wellbore from the base of the Pittsburgh coalbed to the surface.

6. Petitioner will, during its normal mining cycle, mine through and remove that segment of the plug existing between the mine pavement and roof. During this operation and for a period of six months thereafter, Petitioner, in cooperation with the Mining Enforcement and Safety Administration, will monitor the mine atmosphere for traces of gas. A federal mine inspector shall be present during the mining through operations.

7. Petitioner shall instruct all personnel in the affected area to proceed with caution when mining into and through the well-support pillar, and especially diligent efforts shall be made to assure a gas-free atmosphere in the affected areas. Petitioner will cooperate with the Mining Enforcement and Safety Administration to sample for gas immediately before, during and immediately after mining through each well.

8. In addition to the methane testing procedures set forth in 30 CFR Part 75, methane examinations shall be made by qualified personnel using approved methane detection equipment at least once during each shift during development and retreat mining. The date and time of such examinations shall be recorded on a fireboss dateboard which shall be placed in the area.

9. The alternate proposal as above described will at all times provide no less than or a greater measure of safety than intended by the Act, as the alternate proposal will effect:

a. The elimination of possible gas flow path;

b. The simplification of the mine ventilation system; and

c. The improvement of subsidence control in second mining.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36433 Filed 12-10-76;8:45 am]

[Docket No. M 77-33]

CONSOLIDATION COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Consolidation Coal Co. has filed a petition to modify the application of 30 CFR 75.1700 to its Pursglove No. 15 Mine located in Monongalia County, West Virginia.

30 CFR 75.1700 provides:

Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations,

[1] This exhibit is available for inspection at the address shown in the last paragraph of the notice.

except that such barriers shall not be less than 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

The substance of Petitioner's statement is as follows:

1. The large majority of petroleum wells in Pursglove No. 15 Mine were drilled and many were also abandoned between 1890 and 1920 when no standards for drilling and plugging existed. Oil and gas sands are now nearly depleted, hence no appreciable volume of gas comes from petroleum reservoirs.

2. In lieu of the provision to establish and maintain barriers around oil and gas wells, it is proposed that the Pittsburgh coal seam be sealed from surrounding strata at the affected wells, and to this end the Petitioner submits its plan which is set forth below.

3. Petitioner will plug the wells in Pursglove No. 15 Mine using a proven technique developed through a series of cooperative agreements between the United States Bureau of Mines, the Energy Research and Development Administration, the Mining Enforcement and Safety Administration, and the coal industry. Exhibit "A" is a schematic drawing illustrating this technique.[1] The procedure essentially involves the placing of plugs in the wellbore below the base of the Pittsburgh coalbed which will prevent any natural gas from entering the mine after the well is mined through.

4. Before the well is filled to the Pittsburgh coalbed, Petitioner may run a directional survey on the well to determine the exact location of the wellbore in the coalbed; but if it does not, and if it does not penetrate the wellbore in mining, Petitioner shall continue mining until the well is located. Gamma ray neutron and caliper logs shall be run in the well to determine the exact depth of the coalbed, the most competent formation for setting a mechanical bridge plug will be used if needed, and the wellbore diameter will be determined for calculating the cement requirements. An automatic tracer injector unit of sulfur hexafluoride will be placed in the well.

5. The well will be plugged back to the base of the Pittsburgh coalbed using an expandable cement and fly-ash-gel water slurry. A 50 percent fly-ash-cement mix will be used to fill the wellbore from the base of the Pittsburgh coalbed to the surface.

6. Petitioner will, during its normal mining cycle, mine through and remove that segment of the plug existing between the mine pavement and roof. During this operation and for a period of six months thereafter, Petitioner, in cooperation with the Mining Enforcement and Safety Administration, will monitor the mine atmosphere for traces of gas. A federal mine inspector shall be present during the mining through operations.

7. Petitioner shall instruct all personnel in the affected area to proceed with caution when mining into and through the well-support pillar, and especially diligent efforts shall be made to assure a gas-free atmosphere in the affected areas. Petitioner will cooperate with the Mining Enforcement and Safety Administration to sample for gas immediately before, during and immediately after mining through each well.

8. In addition to the methane testing procedures set forth in 30 CFR, Part 75, methane examinations shall be made by qualified personnel using approved methane detection equipment at least once during each shift during development and retreat mining. The date and time of such examinations shall be recorded on a fireboss dateboard which shall be placed in the area.

9. The alternate proposal as above described will at all times provide no less than or a greater measure of safety than intended by the Act, as the alternate proposal will effect:

a. The elimination of possible gas flow path;

b. The simplification of the mine ventilation system; and

c. The improvement of subsidence control in second mining.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36434 Filed 12-10-76;8:45 am]

[Docket No. M 77-28]

DAN BRANCH MINING CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Dan Branch Mining Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 6 Mine, located in Campbell County, Tennessee.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner requests modification of 30 CFR 75.1710 at its No. 6 Mine relative to cabs or canopies for the continuous miner (serial No. 7242), the S & S scoop (serial No. 74 SS BCA 459), the S & S tractor (serial No. 70A-270), the S & S tractor (serial No. 70A-164), the roof bolting machine (serial No. 20462) and the roof bolting machine (serial No. 3085780).

2. The general mine conditions as to height are a minimum clearance of 38 inches. The Lee-Norse Model 265 continuous miner is 36 inches high. The mine floor is rolling or "humpy" and all equipment has a tendency to tip up on these humps further reducing effective clearance.

3. A cab or canopy that would clear 38 inches would so reduce vision and working space as to create a hazard to the operator and those working around him. Cabs or canopies installed on the rubber-tired, battery-powered tractors and scoop would have to be so low to clear the mine roof that the operators would have to lay down in the deck, reducing their ability to see and also causing them to look out the side. Each of these situations would create additional danger to the operator and those working around him.

4. Cabs or canopies installed on the roof bolters would increase hazards to the operators and those around them because of reduced vision, side vision and

[1] This exhibit is available for inspection at the address shown in the last paragraph of this notice.

striking the mine roof when traveling over uneven bottom.

5. In summary, the low seam height and uneven bottom make cabs or canopies extremely impractical and would in fact increase hazards to operators and others working near them. The Petitioner feels that present roof control and safety procedures provide maximum safety and that compliance with the questioned orders would increase rather than decrease danger to operators and other miners.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36435 Filed 12-10-76;8:45 am]

[Docket No. M 77-17]

EASTERN ASSOCIATED COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Eastern Associated Coal Corp. has filed a petition to modify the application of 30 CFR 75.1105 to its Keystone No. 2 Mine located in Wyoming County, West Virginia.

30 CFR 75.1105 provides:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

The substance of Petitioner's statement is as follows:

1. The 3 West 5 North mine area is composed of four intake air entries. A 500 KVA power transformer is located approximately 150 feet outby the rotary dump in the number 1 entry at spad number 1233. Five permanent pump stations are also located in intake entries of 3 West 5 North (spad 232, 100 feet outby spad 237, 40 feet inby spad 1238, at spad 1201, and at spad 1203).[1]

2. Due to excessive water accumulations in the entire 3 West 5 North mine area, the locations of the pump stations are essential for dewatering the 3 West 5 North area and other portions of the mine. The transformer location is essential to provide the requisite power to the mine area.

3. Although air currents which ventilate the installations were originally coursed directly to the return, the return is presently unavailable to ventilate the entries, due to massive roof falls in the 3 West 5 North area. Even if the return were to be reopened, effective coursing to the return would be extremely difficult due to restrictions created by the adjacent gob area.

4. Petitioner requests that application of 30 CFR 75.1105 be modified in the 3 West 5 North mine area at the following electrical installations:

WKL 100-5 pump station (4-inch pump) at spad 232
WKL 100-5 pump station (4-inch pump), 100 feet outby spad 237
Gorman Ropp pump station (2-inch pump), 40 feet inby spad 1238
Gorman Ropp pump station (3-inch pump) at spad 1201
Gorman Ropp pump station (6-inch pump) at spad 1203
General Electric transformer (500 KVA) at spad 1233.

5. As an alternative to coursing the air currents directly to return air, Petitioner proposes to install dry chemical fire-suppression devices on each installation. The fire-suppression devices will be approved and maintained in accordance with 30 CFR 75.1107, and will be in addition to the fire extinguishing materials and devices currently required under the regulations.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36436 Filed 12-10-76;8:45 am]

[Docket No. M 77-27]

EASTERN ASSOCIATED COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Eastern Associated Coal Corp. has filed a petition to modify the application of 30 CFR 75.1700 to its Federal No. 2 Mine located in Fairview, West Virginia.

30 CFR 75.1700 provides:

Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

The substance of Petitioner's statement is as follows:

1. The majority of petroleum wells in this area were drilled and many were also abandoned between 1890 and 1920 when no standards for drilling and plugging existed. Oil and gas sands are now nearly depleted, hence no appreciable volume of gas comes from petroleum reservoirs.

2. In lieu of the provision to establish and maintain barriers around oil and gas wells, it is proposed that the Pittsburgh coal seam be sealed from surrounding strata at the well to be plugged as hereinafter described and that such system will at all times provide no less than the same degree of safety as intended by the Act.

3. To provide no less than the same measure of protection intended by the Act, the Petitioner proposes to plug the well using a proven technique developed through a series of cooperative agreements between the United States Bureau of Mines, the Energy Research and Development Administration, the Mining Enforcement and Safety Administration, and the coal industry. Exhibit "A" shows the technique which will be used at the well in a manner acceptable to and monitored by the Mining Enforcement and Safety Administration.[1] Plugs will be placed in the well bore below the base of the Pittsburgh coalbed which will prevent any natural gas from entering the mine after the well is mined through. Before the well is filled to the Pittsburgh coalbed, Petitioner may run a directional survey on the well to determine the exact location of the well bore in the coalbed; but it if does not, and if it does not penetrate the well bore in mining, Petitioner shall continue mining until the well is located. Gamma ray neutron and caliper logs shall be run in the well to determine the exact depth of the coalbed, the most competent formation for setting a mechanical bridge plug will be used if needed, and the well bore diameter for calculating the cement requirements will be determined. An automatic tracer injector unit of sulfur hexafluoride will be placed in the well. The well will be plugged back to the base of the Pittsburgh coalbed using an expandable cement and fly-ash-gel water slurry. A 50 percent fly-ash-cement mix will be used to fill the well bore from the base of the Pittsburgh coalbed to the surface.

[1] An exhibit illustrating this is available for inspection at the address shown in the last paragraph of this notice.

[1] This exhibit is available for inspection at the address shown in the last paragraph of the notice.

4. Petitioner shall mine through and remove segments of the wells between the mine pavement and roof during its normal mining cycle in accordance with mining projections filed with and approved by the State of West Virginia Department of Mines and the District Manager of the Mining Enforcement and Safety Administration. Petitioner, in coperation with the Mining Enforcement and Safety Administration, shall monitor the mine atmosphere during such mining and for a period of 6 months thereafter for traces of gas.

5. A Federal Mine Inspector shall be present during the mining through operations. Mining through will be accomplished during a shift to be determined by the district manager of the Mining Enforcement and Safety Administration, such determination to be made following a joint meeting with representatives of the United Mine Workers, the Mining Enforcement and Safety Administration, the West Virginia Department of Mines and with Petitioner.

6. Petitioner shall instruct all personnel in the affected area to proceed with caution when mining into and through the well-support pillar, and especially diligent efforts shall be made to assure a gas-free atmosphere in the affected area. In addition to the methane testing procedures in Part 75, Title 30, Code of Federal Regulations, a firehoss date-board shall be placed in the area and methane examinations made at least once per shift by a qualified person during development and retreat work using an approved methane detector, recording the date and the time of the examination on the date-board. Petitioner will cooperate with the Mining Enforcement and Safety Administration to sample for gas before, during and after mining through each well.

7. The above-described alternate proposal will at all times provide at least as much or more or more safety than intended by the Act because it will provide for the following:

A. The elimination of possible gas flow path;

B. The simplification of the mine ventilation and haulage system; and

C. The improvement of subsidence control in second mining.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36437 Filed 12-10-76;8:45 am]

[Docket No. M 77-35]

ENDURO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Enduro Coal Co., has filed a petition to modify the application of 30 CFR 75.1710 to its Enduro No. 2 Mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal miles having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches; and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on its face equipment will create a hazard to the operators.

2. Petitioner's face equipment consists of one Acme roof bolting machine and one Paul's roof bolting machine, both of which range in height of 30 inches.

3. The No. 2 Mine is in the No. 2 Elkhorn seam which ranges from 36 to 46 inches in height. In this seam, Petitioner is constantly running into ascending and descending grades which result in dips in the coalbed. By installing canopies on these machines, Petitioner feels it is limiting the vision of the operators which creates a hazard to them as well as to other employees in the mine.

4. Petitioner feels that with canopies the bolting machine operators' vision is limited. Further, because of the position required in order to be seated in the deck of the machine, the installation of canopies could be a contributing factor in accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36438 Filed 12-10-76;8:45 am]

[Docket No. M 77-2]

HIGHWALL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Highwall Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its No. 1 Mine, located in Blount County, Alabama.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within four years after March 30, 1970.

The substance of Petitioner's statement is as follows:

1. Approximately 2 years ago Petitioner was given notice that its coupling system was not satisfactory. Petitioner has 1-ton cars and at that time employed 22 men. Subsequently, Petitioner installed a coupler which met the necessary standard. With this new system, a prior closure order was abated.

2. Petitioner requests that it be able to utilize this current coupler system through a modification of 30 CFR 77.1405. Petitioner feels its current system to be as practical and safe as the standard of section 77.1405, yet to be better adapted for the conditions of its mining operation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36439 Filed 12-10-76;8:45 am]

[Docket No. M 77-46]

HAWLEY COAL MINING CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Hawley Coal Mining Corp. has filed a petition to modify the application of 30 CFR 75.305 to its Blue Boy No. 6 Mine, located in McDowell County, West Virginia.

30 CFR 75.305 provides:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of the Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard and the record shall be open for inspection by interested persons.

Section 75.305-1.—*Intervals of examination.* Examinations as required by § 75.305 shall be made at least once each week and the phrase "once each week" shall mean at intervals not exceeding 7 days rather than at any time during each calendar week.

Section 75.305-2.—*Tests for methane.* Until December 31, 1970, a permissible flame safety lamp may be used to make tests for methane required by the regulations in this part. On and after December 31, 1970, a methane detector approved by the Secretary shall be used for such tests and a permissible flame safety lamp may be used as a supplementary testing device.

The substance of Petitioner's statement is as follows:

1. Petitioner presently engages in the mining of bituminous coal from its Blue Boy No. 6 Mine. The Blue Boy No. 6 Mine was acquired by the Petitioner on or about April 30, 1968, from a prior operator.

2. The Petitioner mines coal from three separate working sections, designated, 3 East, 4 East and 10 Right.

3. Under its present arrangement for the ventilation of the working places in the Blue Boy No. 6 Mine, the Petitioner causes return air from these working places to travel a route, a portion of which passes through abandoned areas in which a prior operator of the Blue Boy No. 6 Mine conducted its mining operations. The return aircourse for this mine passes through approximately 5,800 feet of abandoned areas. This return aircourse has been so used by the Petitioner for approximately 7 years, since November 1, 1969.

4. The Petitioner, as part of the approved ventilation plan for this mine, causes a certified person designated by it to examine the intake aircourse, in its entirety, and that portion of the return aircourse which does not pass through abandoned workings. These examinations are conducted regularly on a weekly basis.

5. The Petitioner maintains two separate and distinct escapeways for the safety of the miners which it employs in the subject mine, both of which follow intake aircourses, and are not in any way connected with the abandoned area referred to above. Said escapeways are, in accordance with the approved ventilation plan for this mine, regularly examined on a weekly basis.

6. Petitioner submits that it has successfully utilized the present return aircourse, for a period of approximately 7 years without, in anyway whatsoever, adversely affecting the safety and health of the miners employed by it at its mine.

7. At present there is no other route available to the Petitioner over which it may channel return air, and which may, in its entirety be examined regularly by its certified representative.

8. Petitioner submits that the application of 30 CFR 75.305 insofar as it pertains to the requirement that return aircourses in their entirety be examined, will result in a diminution of safety at the Blue Boy No. 6 Mine in that:

a. The abandoned areas are extensive and a substantial likelihood exists that individuals designated to examine them may become disoriented and lost therein;

b. A substantial likelihood exists that those designated by the Petitioner to examine these areas will be overcome by accumulations of carbon dioxide, resulting in a condition known as "black damp;"

c. The mining height within the abandoned areas is extremely low, and inasmuch as transportation through these areas can therefore not be provided, it would be necessary for representatives to crawl through the abandoned areas over a distance of approximately 5,800 feet, and back again, thereby physically exhausting them, and significantly increasing the likelihood of injury to them; and

d. There is a substantial likelihood that other hazards to the safety of these individuals may exist, insofar as the physical environs of said abandoned areas is concerned.

9. Petitioner has over the past year caused a number of entries to be driven into the workings of its mine from an adjacent mine, and in addition, is causing entries to be driven from the Blue Boy No. 6 Mine to link up with the previously mentioned adjacent entries, so as to provide an additional return aircourse (capable of being examined in its entirety on a regular basis) for the ventilation of the said Blue Boy No. 6 Mine. These operations have encountered significant adverse mining conditions which have slowed the progress being made by the Petitioner to establish a new return aircourse for the Blue Boy No. 6 Mine. Petitioner estimates that it will take between 1 to 2 years before the new return aircourse can be completed.

10. Petitioner submits that a modification, as herein contemplated, of the standard embodied in 30 CFR 75.305, insofar as it pertains to the requirement that return aircourses be examined in their entirety, will not, if applied to its Blue Boy No. 6 Mine, in any way create any less a degree of safety than is intended to be established by 30 CFR 75.305 or that is now provided by the Petitioner for the benefit of the miners employed by it at its mine.

11. As an alternate method to provide the same degree of protection to the health and safety of its miners at the Blue Boy No. 6 Mine, as intended by 30 CFR 75.305, the Petitioner affirms that it shall strictly comply with all aspects of the approved ventilation plan for the Blue Boy No. 6 Mine so as to ensure the safety and health of its miners employed there, and will, at the same time, continue to drive new entries to and from the Blue Boy No. 6 Mine, thereby establishing an additional return aircourse which can, in accordance with 30 CFR 75.305, be regularly examined in its entirety.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of
Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36440 Filed 12-10-76;8:45 am]

[Docket No. M 77-22]

JEWELL RIDGE COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Jewell Ridge Coal Corporation has filed a petition to modify the application of 30 CFR 75.326 to its No. 18 Mine, located in Buchanan County, Virginia.

30 CFR 75.326 reads as follows:

In any coal mine opened after March 30, 1970, the entries used as intake and return air courses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to March 30, 1970, which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through such entries, (a) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate active working places, and (b) when the belt haulage entries are not necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane.

The substance of Petitioner's statement is as follows:

1. The No. 18 Mine is opened by two concrete-lined shafts approximately 213 feet deep and one slope approximately 825 feet into the low volative Jawbone coal-bed, which averages 36 to 48 inches in thickness locally, and the cover ranges from 250 to 650 feet. Shaft sinking operations began in 1971 and the mine began producing coal in May 1972. The mine is projected as a shortwall mine.

2. The belt haulage system passes down the 825-foot slope. Petitioner requests a modification of the above-mentioned safety standard to take the quantity of air that enters the opening of the belt haulage system down the length of the slope and then direct it into the face area. This additional ventilation is needed due to the liberation of methane in the face area.

3. The conveyor belt is an approved flame-resistant belt. Each belt drive is provided with an automatic deluge system and high pressure water lines are installed along the belt. Outlets are provided at 300-foot intervals along these lines and firehoses, nozzles and other fittings are available at strategic locations. There are no trolley wires or feeder lines in the slope which eliminates the source of ignition that may have been present had these wires or lines been present. There will be trolley wires from the bottom of the slope to the face area. There will be an air intake escapeway to the outside from all working faces separate and independent from track and belt haulage entries.

4. Petitioner requests a modification of the standards stated herein and states that there will be no diminution of safety by the issuance of this modification.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36441 Filed 12-10-76;8:45 am]

[Docket No. M 77-23]

JEWELL RIDGE COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Jewell Ridge Coal Corporation has filed a petition to modify the application of 30 CFR 75.327 to its No. 18 Mine, located in Buchanan County, Virginia.

30 CFR 75.327 reads as follows:

In any coal mine opened on or after March 30, 1970, or, in the case of a coal mine opened prior to such date, in any new working section of such mine, where trolley haulage systems are maintained and where trolley wires or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake aircourses in order to limit, as prescribed by the Secretary, the velocity of air currents on such haulageways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.

The substance of Petitioner's statement is as follows:

1. The No. 18 Mine is opened by two concrete-lined shafts approximately 213 feet deep and one slope approximately 825 feet feet into the low volative Jawbone coalbed, which averages 36 to 48 inches in thickness locally, and the cover ranges from 250 to 650 feet. Shaft sinking operations began in 1971 and the mine began producing coal in May 1972. The mine is projected as a shortwall mine.

2. The belt haulage system passes down the 825-foot slope. Petitioner requests a modification of the above-mentioned safety standard to take the quantity of air that enters the opening of the belt haulage system down the length of the slope and then direct it into the face area. This additional ventilation is needed due to the liberation of methane in the face area.

3. The conveyor belt is an approved flame resistant belt. Each belt drive is provided with an automatic deluge system and high pressure water lines are installed along the belt. Outlets are provided at 300-foot intervals along these lines and firehoses, nozzles and other fittings are available at strategic locations. There are no trolley wires or feeder lines in the slope which eliminates the source of ignition that may have occurred had these wires or lines been present. There will be trolley wires from the bottom of the slope to the face area. There will be an air intake escapeway to the outside from all working faces separate and independent from track and belt haulage entries.

4. Petitioner requests a modification of the standards stated herein and states that there will be no diminution of safety by the issuance of this modification.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36442 Filed 12-10-76;8:45 am]

[Docket No. M 77-24]

JEWELL RIDGE COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Jewell Ridge Coal Corporation has filed a petition to modify the application of 30 CFR 75.326 to its No. 12A Mine, located in Buchanan County, Virginia.

30 CFR 75.326 reads as follows:

In any coal mine opened after March 30, 1970, the entries used as intake and return air courses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to March 30, 1970, which has been developed

with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through such entries, (a) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate, active working places, and (b) when the belt haulage entries are not necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane.

The substance of Petitioner's statement is as follows:

1. The No. 12A Mine is opened by six openings, two on return and four on intake, into the low volatile Jawbone coalbed, which averages only 30 inches in thickness locally and the coverage averages approximately 350 feet. No. 12A has been producing since 1970. The mine is planned and projected as a longwall mine, and there are now four entries being developed on the longwall section.

2. Quantities of methane are trapped in the coalbed and adjacent strata and the coal is very permeable; thus, large volumes of air are required to dilute and carry away methane liberated during mining and from the mine surfaces after mining. The rate of methane liberation dictates the use of two splits of air to ventilate each developing section. Due to the facts mentioned above and to the lack of area in the low seam mining, Petitioner requests a modification of the above-stated safety standard in the longwall section to allow Petitioner to use air off the track and belt entries to ventilate the face area. Due to the type of mining, longwall method, and the rather long face area, 380 feet across, this modification is needed to supply the required ventilation in the face area. The ventilation that will be obtained from the modification may supply as much as one-third of the ventilation that will ventilate this face area.

3. The conveyor belts are approved fire-resistant belts and these are patrolled continuously. There is an ample water line along the entire belt and there are deluge water sprays at the head.

4. There is an intake escapeway separate from the belt and track, and for a secondary escapeway, Petitioner has intake air on the tail of the plow.

5. Petitioner requests, since the standard involved herein will result in a diminution of safety at its mines, that the standard be modified to not require Petitioner to obtain full clearance at the aforementioned locations.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36443 Filed 12-10-76;8:45 am]

[Docket No. M 77-25]

JEWELL RIDGE COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Jewell Ridge Coal Corporation has filed a petition to modify the application of 30 CFR 75.327 to its No. 12A Mine located in Buchanan County, Virginia.

30 CFR 75.327 reads as follows:

In any coal mine opened on or after March 30, 1970, or, in the case of a coal mine opened prior to such date, in any new working section of such mine, where trolley haulage systems are maintained and where trolley wires or trolley feeder wires are installed, an authorized representative of the Secretary shall require a sufficient number of entries or rooms as intake aircourses in order to limit, as prescribed by the Secretary, the velocity of air currents on such haulageways for the purpose of minimizing the hazards associated with fires and dust explosions in such haulageways.

The substance of Petitioner's statement is as follows:

1. The No. 12A Mine is opened by six openings, two on return and four on intake, into the low volatile Jawbone coalbed, which averages only 30 inches in thickness locally and the coverage averages approximately 350 feet. No. 12A has been producing since 1970. The mine is planned and projected as a longwall mine, and there are now four entries being developed on the longwall section.

2. Quantities of methane are trapped in the coalbed and adjacent strata and the coal is very permeable; thus, large volumes of air are required to dilute and carry away methane liberated during mining and from the mine surfaces after mining. The rate of methane liberation dictates the use of two splits of air to ventilate each developing section. Due to the facts mentioned above and to the lack of area in low seam mining, Petitioner requests a modification of the above-stated safety standard in the longwall section to allow Petitioner to use air off the track and belt entries to ventilate the face area. Due to the type of mining, longwall method, and the rather long face area, 380 feet across, this modification is needed to supply the required ventilation in the face area. The ventilation that will be obtained from the modification may supply as much as one-third of the ventilation that will ventilate this face area.

3. The conveyor belts are approved fire-resistant belts and these are patrolled continuously. There is an ample water line along the entire belt and there are deluge water sprays at the head.

4. There is an intake escapeway separate from the belt and track, and for a secondary escapeway, we have intake air on the tail of the plow.

5. Petitioner requests, since the standard involved herein will result in a diminution of safety at its mines, that the standard be modified to not require Petitioner to obtain full clearance at the aforementioned locations.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36444 Filed 12-10-76;8:45 am]

[Docket No. M 77-30]

JIM AND ANN COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Jim and Ann Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 1 located in Knott County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. The following equipment is used in Petitioner's mine:

One—Kersey load-a-tram scoop, Type—PAST 16–S, Serial No. 7470.

One—Elkhorn load-a-tram scoop, Type—AR–4, Serial No. 41–197.

One—Paul's Repair Shop roof bolter, Type—10409, Serial No. 242.

2. Petitioner feels that the application of 30 CFR 75.1710 constitutes a danger to Petitioner's employees since the coalbed height is such that a canopy diminishes the vision of the operators of equipment to such an extent that the lives of other men working in the mine are endangered. With canopies the operator does not have adequate vision to properly control his machine.

3. Petitioner feels that a canopy cannot be placed on this equipment without greatly increasing the possibility that such equipment would strike the roof supports, dislodge them and thereby create a danger of a roof fall.

4. Petitioner has investigated the possibility of fitting its equipment with canopies in accordance with the requirements of 30 CFR 75.1710 and such an investigation has been done in good faith in an effort to comply with the requirements of the statute. To this date no satisfactory canopy has been found which would not diminish the safety of the operator and the other men working in the mine.

5. There have been no serious injuries or fatalities as a result of roof falls suffered by any of the operators of the equipment in this mine since it was put into production in 1974.

6. Petitioner has posted a notice at conspicuous places at the entrance to its mine that petition for modification of 30 CFR 75.1710 has been filed.[1]

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76–36445 Filed 12–10–76;8:45 am]

[1] Exhibits are available for inspection at the address shown in the last paragraph of the notice.

[Docket No. M 77–44]

KAISER STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Kaiser Steel Corporation has filed a petition to modify the application of 30 CFR 75.522–1(a) to its Sunnyside Nos. 1, 2 and 3 Mines located in Sunnyside, Utah.

30 CFR 75.522–1(a) reads as follows:

(a) Except for areas of a coal mine inby the last open crosscut, incandescent lamps may be used to illuminate underground areas. When incandescent lamps are used in a track entry or belt entry or near track entries to illuminate special areas other than structures, the lamps shall be installed in weather-proof sockets located in positions such that the lamps will not come in contact with any combustible material. Lamps used in all other places must be of substantial construction and be fitted with a glass enclosure.

The substance of Petitioner's statement is as follows:

1. Petitioner seeks to modify 30 CFR 75.522–1(a) to permit Petitioner to utilize, in lieu of weather-proof sockets attached to strung wire, a flexible metal conduit system with porcelain sockets, which are not "weather-proof," bolted to 4-inch metal junction boxes attached to the conduit.

2. Petitioner believes that the alternate method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mines by 30 CFR 75.522–1(a). Specifically, the area of the mine affected is not subject to wet or damp conditions, thereby obviating the need for weather-proof sockets.

3. Petitioner further believes that application of 30 CFR 75.522–1(a) results in diminution of safety to miners in the affected mines. Specifically, the use of the flexible metal conduit system protects the wires against falls from roof and ribs and the use of the porcelain sockets bolted to the metal junction boxes allows the miners to change light bulbs without the necessity of holding the socket, thereby protecting them against possible short outs.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76–36446 Filed 12–10–76;8:45 am]

[Docket No. M 77–45]

K.C.B. COAL, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), K.C.B. Coal, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located in Knott County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches; and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that having canopies installed on its equipment will create a hazard to the operators.

2. The No. 2 Mine is in the No. 7 seam which ranges from 44 to 48 inches in height. In this seam Petitioner is daily running into rolling tops and also has rolls in the floor. By installing canopies on the equipment, it would limit the vision of the operators of the equipment, creating a hazard to them as well as to other employees of the mine. Also, the experience of some operators has been that the canopies increase the possibility of the equipment turning over while in operation.

3. Petitioner feels that for the reasons stated above, the installation of canopies could contribute to accidents in the operation of its mine, and that rather than promoting safety, the installation itself would create hazardous conditions.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36447 Filed 12-10-76;8:45 am]

[Docket No. M 77-16]

MINERAL DEVELOPMENT CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Mineral Development Co., has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 3, located in Preston County, Maryland.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirement of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches; and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one Lee-Norse 265 continuous miner which is 29 inches high, one Fletcher double head bolter which is 35 inches high, one Joy No. 8 shuttle car which is 34 inches high and one Elkhorn scoop which is 30 inches high.

3. The No. 3 Mine is in the Upper Freeport seam which ranges from 40 to 60 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and ment of the Interior, 4015 Wilson Boule- Appeals, Hearings Division, U.S. Depart- vard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1975.

[FR Doc.76-36448 Filed 12-10-76;8:45 am]

[Docket No. M 77-41]

NATIONAL MINES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), National Mines Corp. has filed a petition to modify the application of 30 CFR 75.1101 to its National Pocahontas Mine located in Wyoming County, West Virginia.

30 CFR 75.1101 reads as follows:

Deluge-type water sprays or foam generators automatically actuated by rise in temperature, or other no less effective means approved by the Secretary of controlling fire, shall be installed at main and secondary belt-conveyor drives.

The substance of Petitioner's statement is as follows:

(1) Petitioner's belt conveyors are installed for rock haulage. Coal will not be transported on the subject belt conveyors.

(2) At least one employee will be within direct sight of each belt tail while in operation.

(3) The combined total length of the two belt-conveyors is only 600 feet and can easily be inspected for hazardous conditions each shift.

(4) The alternate method which will not cause a diminution of safety to the miners involved is set out below.[1]

(5) At all times while the belts are operating, at least one miner will be within sight and sound of the subject belt drives.

(6) The subject belt conveyors will be well maintained, and inspected frequently so as to minimize hazards. The entire length of the belt conveyors will be examined for hazardous conditions at 60-minute intervals. Records of the examination will be maintained.

(7) One portable fire extinguisher having capacity of 20 pounds of dry chemical will be maintained at each belt conveyor drive. This will be in addition to firefighting equipment required by 30 CFR 75.-1100-2(g).

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36449 Filed 12-10-76;8:45 am]

[Docket No. M 77-42]

NATIONAL MINES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c)

[1] An exhibit illustrating the method is available for inspection at the address shown in the last paragraph of the notice.

of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), National Mines Corp. has filed a petition to modify the application of 30 CFR 75.1103 to its National Pocahontas Mine, located in Wyoming County, West Virginia.

30 CFR 75.1103 reads as follows:

On or before May 29, 1970, devices shall be installed on all such belts which will give warning automatically when a fire occurs on or near such belt. The Secretary shall prescribe a schedule for installing fire suppression devices on belt haulageways.

The substance of Petitioner's statement is as follows:

1. Petitioner's belt conveyors are installed for rock haulage. Coal will not be transported on the subject belt conveyors.

2. At least one employee will be within direct sight of each belt tail while in operation.

3. The combined total length of the two belt conveyors is only 600 feet and can easily be inspected for hazardous conditions each shift.

4. The alternate method which will not cause a diminution of safety to the miners involved is set forth below.

5. At all times while the belts are operating, at least one miner will be within sight and sound of the subject belt drives.

6. The subject belt conveyors will be well maintained, and inspected frequently so as to minimize hazards. The entire length of the belt conveyors will be examined for hazardous conditions at 60-minute intervals. Records of the examination will be maintained.

7. One portable fire extinguisher having capacity of 20 pounds of dry chemical, will be maintained at each belt conveyor drive. This will be in addition to firefighting equipment required by 30 CFR 75.1100-2(g).

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36450 Filed 12-10-76;8:45 am]

[Docket No. M 77-18]

PEABODY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Peabody Coal Co. has filed a petition to modify the application of 30 CFR 77.400(a) to its Rogers County Mine No. 2, located in Craig and Nowata Counties, Oklahoma.

30 CFR 77.400(a) reads as follows:

Gears; sprockets; chains, drive, head, tail, and takeup pulleys; flywheels; couplings; shafts; sawblades; fan inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons shall be guarded.

The substance of Petitioner's statement is as follows:

1. Petitioner's surface mining operation equipment consists of the Marion type 5561/6972 shovel. Underneath the shovel there are gears and shafts which move only when the shovel moves. In movement the lowest part of the gear or shaft is approximately 3 feet from the pit floor. The gears and shafts are situated near a control panel which contains shift jaw clutches which are operated by a groundman to move and steer the shovel.

2. Placing metal guards around the gears and shafts would involve a basket type construction as these gears and shafts hang down from the bottom of the machine. Guards located on these machines in this fashion could cause a fire hazard since the guards would collect grease which now falls to the pit floor. Further, the uneven pit floor, rocks and vibrations of the shovel knock the guards loose and at times completely off.

3. Petitioner proposes to meet the safety standard of 30 CFR 77.400(a) by instructing all mine personnel not to go under the shovel except for those whose duties require their presence there. All personnel will be further instructed to remove themselves from under the machine before the machine is to be moved. Notices to this effect will be given personally to all mine personnel and placed on mine bulletin boards.

4. The control panel under the shovel will be moved and located a minimum of a 7-foot distance from the nearest gear or shaft. A platform will be constructed to enable the groundman to stand on it as he operates the control panel to move and steer the shovel. The groundman will be instructed when he goes underneath the shovel to operate, steer and move the shovel to carefully observe and make absolutely certain that all personnel are out from underneath the machine. He will further be instructed not to commence movement of the shovel until there are no other mine personnel underneath the machine.

5. Signs will be attached at eye level on the front and back of the shovel (the only means to get underneath with the words in large letters of a distinctive color stating: "Danger, keep out from under shovel while shovel is being moved."

6. Petitioner has a regular instructional safety program for its employees which is designed to educate and train in safety techniques and to eliminate an exposure of its employees to the problems inherent in going underneath the machine unless their duties of necessity require it.

7. Petitioner will further continue to make job safety analysis studies; continue to assure that shovel operation practices comply with company policy as well as with Federal and State requirements; continue to discuss with individual employees job safety analysis studies as well as Federal and State regulations and continue its safety program as described above.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36451 Filed 12-10-76;8:45 am]

[Docket No. M 77-19]

PEABODY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Peabody Coal Co. has filed a petition to modify the application of 30 CFR 77.400(a) to its Bee-Veer Mine, located in Macon County, Missouri.

30 CFR 77.400(a) reads as follows:

Gears; sprockets; chains; drive, head, tail, and takeup pulleys; flywheels; couplings; shafts, sawblades; fan inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons shall be guarded.

The substance of Petitioner's statement is as follows:

1. Petitioner's surface mining operation equipment consists of the Marion Type 5562 shovel. Underneath the shovel there are gears and shafts which move only when the shovel moves. In movement the lowest part of the gear or shaft is approximately 3 feet from the pit floor. The gears and shafts are situated near a control panel which contains shift jaw clutches which are operated by a groundman to move and steer the shovel.

2. Placing metal guards around the gears and shafts would involve a basket type construction as these gears and shafts hang down from the bottom of the machine. Guards located on these machines in this fashion could cause a fire hazard since the guards would collect grease which now falls to the pit floor. Further, the uneven pit floor, rocks and vibrations of the shovel knock the guards loose and at times completely off.

3. Petitioner proposes to meet the safety standard of 30 CFR 77.400(a) by

instructing all mine personnel not to go under the shovel except for those whose duties require their presence there. All personnel will be further instructed to remove themselves from under the machine before the machine is to be moved. Notices to this effect will be given personally to all mine personnel and placed on mine bulletin boards.

4. The control panel under the shovel will be moved and located a minimum of a 7-foot distance from the nearest gear or shaft. A platform will be constructed to enable the groundman to stand on it as he operates the control panel to move and steer the shovel. The groundman will be instructed when he goes underneath the shovel to operate, steer and move the shovel to carefully observe and make absolutely certain that all personnel are out from underneath the machine. He will further be instructed not to commence movement of the shovel until there are no other mine personnel underneath the machine.

5. Signs will be attached at eye level on the front and back of the shovel (the only means to get underneath) with the words in large letters of a distinctive color stating: "Danger, keep out from under shovel while shovel is being moved."

6. Petitioner has a regular instructional safety program for its employees which is designed to educate and train in safety techniques and to eliminate an exposure of its employees to the problems inherent in going underneath the machine unless their duties of necessity require it.

7. Petitioner will further continue to make job safety analysis studies; continue to assure that shovel operation practices comply with company policy as well as with Federal and State requirements; continue to discuss with individual employees job safety analysis studies as well as Federal and State regulations and continue its safety program as described above.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36452 Filed 12-10-76;8:45 am]

[Docket No. M 77-20]

PEABODY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Peabody Coal Co. has filed a petition to modify the application of 30 CFR 77.400(a) to its Power Mine located in Henry County, Missouri.

30 CFR 77.400(a) reads as follows:

Gears: sprockets; chains; drive, head, tail, and takeup pulleys; flywheels; couplings; shafts, sawblades; fan inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons shall be guarded.

The substance of Petitioner's statement is as follows:

1. Petitioner's surface mining operation consists of the use of the Marion type 5561/7511 and 5561/8592 shovels Underneath each shovel are situated gears and shafts which move only when the shovel moves. The lowest part of the gear or shaft is approximately 3 feet from the pit floor. The gears and shafts are situated near a control panel which contains shift jaw clutches which are operated by a groundman to move and steer the shovel.

2. Placing metal guards around the gears and shafts would involve a basket type construction as these gears and shafts hang down from the bottom of the machine. Guards located on these machines in this fashion could cause a fire hazard since the guards would collect grease which now falls to the pit floor. Further, the uneven pit floor, rocks and vibrations of the shovel knock the guards loose and at times completely off.

3. Petitioner proposes to meet the safety standard of 30 CFR 77.400(a) by instructing all mine personnel not to go under either shovel except those personnel whose duties require their presence there. All personnel will be further instructed to remove themselves from under the machine before the machine is to be moved. Notices to this effect will be given personally to all mine personnel and placed on mine bulletin boards.

4. The control panel under each shovel will be moved and located a minimum of a 7-foot distance from the nearest gear or shaft. A platform will be constructed to enable the groundman to stand on it as he operates the control panel to move and steer the shovel. The groundman will be instructed when he goes underneath either shovel to operate, steer and move the shovel to carefully observe and make absolutely certain that all personnel are out from underneath the machine. He will be further instructed to not commence movement of the shovel until there are no other mine personnel underneath the machine.

5. Signs will be attached at eye level to each shovel at the front and back of the shovel (the only means to get underneath) with the words in large letters of a distinctive color stating: "Danger, keep out from under shovel while shovel is being moved."

6. Petitioner has a regular instructional safety program for its employees which is designed to educate and train in safety techniques and to eliminate an exposure of its employees to the problems inherent in going underneath a machine unless their duties of necessity require it. Petitioner will further continue to make job safety analysis studies; continue to assure that shovel operation practices comply with company policy as well as with Federal and State requirements; continue to discuss with individual employees job safety analysis studies as well as Federal and State regulations and continue its safety program as described above.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36453 Filed 12-10-76;8:45 am]

[Docket No. M 77-11]

ROBINSON-PHILLIPS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Robinson-Phillips Coal Co., has filed a petition to modify the application of 30 CFR 75.1710 to its Angus No. 1 Mine, located in McDowell County, West Virginia.

30 CFR 75.1710 provides

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides.

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner is presently operating only one section at its mine. The estimated life of this mine is 6 months. The mining heights vary from 45 to 48 inches. Petitioner's mine is in the Sewell Seam which characteristically runs up and down causing canopies to rub the top of the mine when equipment comes up a grade.

3. Canopies were installed at this mine with negative results. These canopies were removed and modified but to no avail.

4. Petitioner feels the use of canopies causes it to be in violation of the roof control plan since cap boards are used with roof plates on equipment and this takes up an additional 3-inch clearance. Canopies hook these cap boards and dislodge roof bolts.

5. Petitioner feels that canopy installation will result in cramped conditions and poor visibility for equipment operators.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36454 Filed 12-10-76;8:45 am]

[Docket No. M 77-43]

SMALLWOOD COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Smallwood Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 9 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating suh equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that by having canopies installed on its haulage equipment it is creating a hazard to the operators.

2. Petitioner's haulage equipment consists of two Epling tractors and three Porter shuttle cars. These cars were not designed to have canopies installed, as the new type cars are today. Petitioner also has two bolting machines, one Epling spinner, one drill machine, and one 8 BU Joy.

3. The Smallwood Mine is in the No. 2 Elkhorn Seam ranging from 40 to 43 inches in height. In this seam Petitioner is constantly running into ascending and descending grades, resulting in dips in the coalbed. By installing canopies on the tractors Petitioner feels it is limiting the vision of the operators of the equipment, creating a hazard to them as well as to other employees in the mine.

4. Petitioner feels that since the shuttle car operator's vision is limited and because of the position required in order to be seated in the deck of the shuttle car, the installation of canopies could be a contributing factor to accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such request or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36455 Filed 12-10-76;8:45 am]

[Docket No. M 77-31]

UNITED STATES STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), United States Steel Corp. has filed a petition to modify the application of 30 CFR 75.305 to its Robena No. 1 and Robena No. 2 Mines, located in Greene County, Pennsylvania.

30 CFR 75.305 reads as follows:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of the Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

Section 75.305-1. *Intervals of examination.* Examinations as required by § 75.305 shall be made at least once each week and the phrase "once each week" shall mean at intervals

not exceeding 7 days rather than at any time during each calendar week.

Section 75.305–2. *Tests for methane.* Until December 31, 1970, a permissible flame safety lamp may be used to make tests for methane required by the regulations in this part. On and after December 31, 1970, a methane detector approved by the Secretary shall be used for such tests and a permissible flame safety lamp may be used as a supplementary testing device.

The substance of Petitioner's statement is as follows:

1. Robena Nos. 1 and 2 Mines are old mines with many worked-out areas.

2. At Robena No. 1 Mine, the return air entries on the right side of No. 2 Main Butts between No. 2 Flat Right and the equalizing overcasts at No. 1½ Flat Left were developed approximately 35 years ago before the advent of roof bolting for roof control.

3. In Robena No. 2 Mine, the return air entries on the left side of No. 1 Main Butts between No. 6 Flat Right and No. 12 Flat Right, and on the right side of No. 1 Main Butts between the No. 6 Flat Right and the equalizing overcasts outby Long Shaft were developed approximately 25 years ago, in large part before the advent of roof bolting for roof control.

4. These return aircourses ventilate only abandoned areas. Progressive roof deterioration in the return aircourses has taken place over the years, resulting in numerous massive roof falls over extensive areas of the aircourses.

5. Due to the conditions described above, it is virtually impossible to conduct the examinations of the return aircourses required under § 75.307. In any event, such examination can be conducted only at great personal risk to the certified examiner. Attempts at restoring said return aircourses to a travelable condition have been unsatisfactory and demonstrate that such restoration is not feasible.

6. Petitioner proposes the following alternative method of achieving the result of the standard set forth in § 75.305, insofar as it requires that a weekly examination be made by a certified person in at least one entry of each return aircourse in its entirety, which alternative method will at all times guarantee no less than the same measure of protection afforded the miners employed in Robena Nos. 1 and 2 Mines by said standard.

7. A certified person shall examine the subject return aircourses weekly by taking air and methane readings at each measuring station shown on Exhibit Nos. 1–9.[1] These air and methane readings shall be recorded in a book maintained at each measuring station.

8. A date board shall be maintained at each measuring station. The person taking the air and methane readings shall place his initials and the date and time of the readings on the date board.

9. A diagram indicating the direction or air flow in the vicinity of each measuring station shall be posted at that measuring station. The vicinity of each measuring station and access thereto shall be maintained in a safe and travelable condition.

10. Methane shall not be allowed to accumulate in the subject return aircourses in excess of legal limits, as determined by readings taken at each measuring station.

11. The subject return aircourses shall at no time be utilized as return aircourses for the ventilation provided to the working sections of the mines.

12. Each person working in the affected area shall be required to wear or carry a self-rescue device at all times. Each person working in the affected area shall be able to reach a separate split of air within a reasonable period of time.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearinge and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

DECEMBER 6, 1975.

[FR Doc.76-36456 Filed 12-10-76;8:45 am]

[Docket No. M 77-39]

VALLEY CAMP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), The Valley Camp Coal Company has filed a petition to modify the application of 30 CFR 75.329 to its No. 1 Mine located in Ohio County, West Virginia.

30 CFR 75.329 reads as follows:

On or before December 30, 1970, all areas from which pillars have been wholly or partially extracted and abandoned areas, as determined by the Secretary or his authorized representative, shall be ventilated by bleeder entries or by bleeder systems or equivalent means, or be sealed, as determined by the Secretary or his authorized representative. When ventilation of such areas is required, such ventilation shall be maintained so as continuously to dilute, render harmless, and carry away methane and other explosive gases within such areas and to protect the active workings of the mine from the hazards of such methane and other explosive gases. Air coursed through underground areas from which pillars have been wholly or partially extracted which enters another split of air shall not contain more than 2.0 volume per centum of methane, when tested at the point it enters such other split. When sealing is required, such seals shall be made in an approved manner so as to isolate with explosion-proof bulkheads such areas from the active workings of the mine.

Section 75.329–1 *Sealing or ventilation of pillared or abandoned area.* (a) All areas of a coal mine from which the pillars have been wholly or partially extracted and abandoned areas shall be ventilated or sealed by December 30, 1970. For those coal mines in which ventilation can be maintained so as to continuously dilute, render harmless and carry away methane and other explosive gases within such areas and to protect the active workings of the mine from hazards of such methane and other explosive gases, the operator shall request permission from the Coal Mine Safety District Manager in whose district the mine is located to ventilate such areas.

(b) The request for permission to ventilate such areas must be submitted in time to allow consideration of the request, to obtain approval, and to permit the operator to install the ventilation system, or to install seals in the event the request to ventilate is denied, on or before December 30, 1970.

(c) The determination of whether ventilation will be permitted will be made after taking into consideration the history of methane and other explosive gases in the mine, the size of the gob or abandoned areas, and if the areas can be ventilated adequately.

(d) To be considered for approval the request shall contain the following information provided by the mine operator.

(1) Name of mine and company.

(2) Location of mine (town, county, State).

(3) Operator's name and address.

(4) Date of application.

(5) A detailed history of the methane content determined throughout the mine and when available, the volume of air in which such methane determinations were made, to support the operator's application to ventilate.

(e) A description of the method by which the areas from which the pillars have been wholly or partially extracted and abandoned areas shall be ventilated and such maps and drawings as may be required to illustrate such method and to indicate existing or proposed air volumes used to ventilate such areas.

(f) The signature and title of the person who submits the application for the operator.

Section 75.329–2 *Construction of seals or bulkheads.* Pending the development and publication of definitive specifications for explosion-proof seals or bulkheads, such seals or bulkheads may be constructed of solid, substantial, and incombustible materials such as concrete, brick, cinder block, or tile, or the equivalent, sufficient to prevent an explosion which may occur in the atmosphere on one side of the seal or bulkhead from propagating to the atmosphere on the other side; *Provided, however,* That upon publication of definitive specifications, all such seals or bulkheads, including those in place at the time of such publication, shall be required to meet or exceed those specifications.

The substance of Petitioner's statement is as follows:

1. Within Petitioner's No. 1 Mine, the following sections are considered to be abandoned, and further, the pillars in these areas have been wholly or partially extracted, thus imposing the conditions set forth in 30 CFR 75.329, *et seq.*: 1, 2, 3, 4, 5, 6 left butt panels off Main South Faces.

2. The sections under consideration here are not considered at the present time, nor have they ever been considered to be gaseous, in that there are no significant quantities of methane or any other explosive gases detected in these

[1] Exhibits are available for inspection at the address shown in the last paragraph of the notice.

areas. The purpose of the statutory provision referred to herein, is to assure that no methane or other explosive gases cause any threats, injury or death to the miners employed at this mine. The Petitioner submits that the Secretary need not direct that this area either be ventilated or sealed as contemplated by 30 CFR 75.329 in that there exists no rational basis to require such ventilation or sealing.

3. The Petitioner does intend to install a regulator immediately outby No. 1 left, off Main South Faces to allow a split of intake air to enter the No. 1 entry of Main South Faces, this entry being a return which would sweep past the mouth of No. 1 left thence directly to the present Souttell Run exhaust fan or the planned new fan installation on Souttell Run when completed by way of the line of overcasts approximately 900 feet inby the mine drift mouth.

4. Further, the Petitioner intends to install a regulator between Nos. 1 and 2 entries of Main South Faces opposite No. 3 entry of 5 left butt panel, so as to allow intake air to enter the No. 1 entry, a return, of Main South Faces. This air will divide at this point with a split going outby sweeping by the mouths of Nos. 3, 2 and 1 entries of 5 left butt panel and all entries of 4, 3 and 2 left butt panels, thence directly to the Souttell Run fan as is proposed for No. 1 left butt panel as set out herein.

5. The other split will travel inby directly to the return of Dean's Hill fan, sweeping by Nos. 3, 4, and 5 entries of 5 left and 6 butt panels entries.

6. Check points are established so as to determine the methane content, if any does exist, of the air sweeping past the mouths of these abandoned butt panels, which check point shall be established at the overcast line 900 feet inby the main drift mouth and as well also as the junction of Main South Faces and Main East Butts.

7. Exhibit A is a map of the area in question reflecting the proposed route of ventilation as described herein.[1]

8. The basis upon which the Petitioner submits that no significant quantities of methane or other explosive gases exist in the areas in question, is that at no time have significant quantities of methane been detected in this area, all of which is a result of the fact that this entire mine in the area in question is "out crop" coal which is above the drainage and therefore because of this shallow cover, the methane as well as other explosive gases have, over the years, been permitted to escape. As further evidence of the absence of any significant amount of methane or other explosive gases, the Petitioner submits the analysis of air samples collected by the Bureau of Mines during the period which mining was in progress in the areas in question as more particularly set forth in Exhibit B.[1]

9. The Petitioner further states that the areas in question cannot be ventilated in any manner or sealed as required by 30 CFR 75.329 in that the areas involved are inaccessible to perform either function.

10. If Petitioner is permitted to establish and install the system as set forth herein, and because the area involved is not considered to be gaseous, the plan as set forth will at all times guarantee no less than the same measure of protection afforded to miners of the No. 1 Mine by compliance with 30 CFR 75.329.

[1] This exhibit is available for inspection at the address shown in the last paragraph of the notice.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 12, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 6, 1976.

[FR Doc.76-36457 Filed 12-10-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-503(a)-3 and 332-81]

PRESIDENT'S LIST OF ARTICLES WHICH MAY BE DESIGNATED AS ELIGIBLE ARTICLES FOR PURPOSES OF THE GENERALIZED SYSTEM OF PREFERENCES

Time and Place of the Atlanta Hearing

Notice is hereby given that the United States International Trade Commission's public hearing to be held in Atlanta, Georgia, in connection with the captioned investigations, will be held on Tuesday, December 14, 1976, beginning at 10 a.m., e.s.t., at the Federal Executive Board, Room 556, Baker and Peachtree streets.

Notice of the institution of the investigations and date of hearing was published in the FEDERAL REGISTER of December 7, 1976 (41 FR 53547).

By order of the Commission.

Issued: December 8, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-36545 Filed 12-10-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

SCIENCE APPLICATIONS TASK FORCE

Open Meeting

In accordance with the Federal Advisory Commitee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Science Applications Task Force.
Date: 6-7 January 1977.
Time: 6 January: 9 a.m.-5 p.m. 7 January: 9:00 a.m.-5 p.m.
Place: Room 540, 1800 G Street, N.W., Washington, DC 20550.
Type of meeting: Open.
Contract person: Gilbert B. Devey, Executive Secretary, Science Applications Task Force, 1730 K Street, N.W., Washington, DC, telephone: 202-634-6608.
Persons interested in attending the meeting should inform the Executive Secretary before 5 p.m. on December 30, 1976.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248, National Science Foundation, Washington, DC 20550.
Purpose of Advisory Group: The purpose of the NSF Task Force on Science Applications is to provide advice and assessments and make recommendations to the NSF Director on Science applications programs and related organization and management issues.

AGENDA

JANUARY 6, 1977

9 a.m.—Opening remarks; Introduction of Task Force Members and NSF Secretariat, Dr. John R. Whinnery, Task Force Chairperson.

9:30 a.m.—The Need for an Assessment of the NSF Science Applications Program, Dr. Richard C. Atkinson, Acting Director, NSF.

10 a.m.—History and Issues: Mathematical, Physical Sciences and Engineering Directorate (MPE), Dr. Edward C. Creutz, Assistant Director, MPE.

11:30 a.m.—Discussion.

12:15—1:30 p.m. Lunch.

1:30 p.m.—History and Issues: Research Applications Directorate (RA), Dr. Alfred J. Eggers, Jr., Assistant Director (RA).

3 p.m.—Discussion.

3:45 p.m.—History and Issues: Astronomical, Atmospheric, Earth and Ocean Sciences Directorate (AAEO), Dr. Edward P. Todd, Acting Assistant Director, AAEO.

4:15 p.m.—Discussion.

5:00 p.m.—Adjourn.

JANUARY 7, 1977

9 a.m.—History and Issues: Biological, Behavioral and Social Sciences Directorate (BBS), Dr. Eloise E. Clark, Assistant Director (BBS).

9:45 a.m.—Discussion.

10:30 a.m.—History and Issues: Scientific, Technological and International Activities Directorate (STIA), Dr. John V. Granger, Acting Assistant Director (STIA).

11:15 a.m.—Discussion.

12:00-1:30 p.m.—Lunch.

1:30 p.m.—Preparation of Task Force Work Plan. Formation and Responsibilities of Task Force Sub Groups. Instructions to NSF Secretariat.

5 p.m.—Adjourn.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

December 8, 1976.

[FR Doc.76-36542 Filed 12-10-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-53 issued to the Baltimore Gas and Electric Company

(the licensee) for operation of the Calvert Cliffs Nuclear Power Plant Unit No. 1 (the facility), a pressurized water reactor located in Calvert County, Maryland, and currently authorized to operate at power levels up to 2560 MWt.

In accordance with the licensee's application for a license amendment dated July 6, 1976, and associated filings by the licensee dated October 1 and 20 and November 5 and 30, 1976, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of the Emergency Core Cooling System (ECCS) performance calculated in accordance with an acceptable evaluation model that conforms with the requirements of the Commission's regulations in 10 CFR § 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would terminate the further restrictions imposed by the Commission's December 27, 1974 and June 17, 1976 Orders for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR § 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By January 12, 1977 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to James A. Biddison, Jr., General Counsel, Gas and Electric Building, Charles Center, Baltimore, Maryland 21203, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 6, 1976, and associated filings by the licensee dated October 1 and 20 and November 5 and 30, 1976, (2) the Commission's Order for Modification of License issued December 27, 1974 (published in the FEDERAL REGISTER on January 9, 1975—40 FR 1783) and the documents referred to in the Order, and (3) the Order for Modification of License issued June 17, 1976 (published in the FEDERAL REGISTER on June 28, 1976—41 FR 26616), and the documents referred to in the Order, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Calvert County Library, Prince Frederick, Maryland 20678.

Dated at Bethesda, Maryland, this 1st day of December, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief Operating Reactors Branch No. 2 Division of Operating Reactors.

[FR Doc.76-36269 Filed 12-10-76;8:45 am]

[Docket Nos. 50-317 and 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 18 and 3 to Facility Operating License Nos. DPR-53 and DPR-69 (respectively), issued to Baltimore Gas and Electric Company (the licensee), which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2 (the facilities) located in Calvert County, Maryland. The amendments are effective as of their date of issuance.

The amendments modified the Technical Specifications for the facilities to eliminate the operability and surveillance requirements of the Turbine Runback feature of the Engineered Safety Feature Actuation System. The Turbine Runback feature reduces the turbine output to 70 percent when a control rod is dropped.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on October 26, 1976 (41 FR 46915). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated September 23, 1976, (2) Amendment No. 18 to License No. DPR-53 and Amendment No. 3 to License No. DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland 20678. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of December, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-36273 Filed 12-10-76;8:45 am]

[Docket Nos. 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-19 and DPR-25 issued to Commonwealth Edison Company (the licensee) for operation of Unit Nos. 2 and 3 of the Dresden Nuclear Power Station (the facilities), boiling water reactors located in Grundy County, Illinois, and currently authorized to operate at 2527 megawatts (thermal).

The amendments would revise the provisions in the Technical Specifications to increase the allowable duration of reactor operation with one automatic de-

pressurization system valve out of service, in accordance with the licensee's application for amendment dated October 28, 1976.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By January 12, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with repect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to John W. Rowe, Esquire, Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60603, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated October 28, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Dated at Bethesda, Maryland, this 2nd day of December, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-36270 Filed 12-10-76;8:45 am]

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-29 and DPR-30 issued to Commonwealth Edison Company (the licensee) for operation of Unit Nos. 1 and 2 of the Quad Cities Nuclear Power Station (the facilities), boiling water reactors located in Rock Island County, Illinois, and currently authorized to operate at 2511 megawatts (thermal).

The amendments would revise the provisions in the Technical Specifications to increase the allowable duration of reactor operation with one automatic depressurization system valve out of service from 7 days to 30 days, and to authorize operation for up to 24 hours with more than one automatic depressurization relief valve out of service, in accordance with the licensee's application for amendment dated October 28, 1976.

Prior to issuance of the proposed license amendments, the Commission will will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By January 12, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to John W. Rowe, Esquire, Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60603, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated October 28, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Moline Public Library, 504—17th Street, Moline, Illinois 60625.

Dated at Bethesda, Maryland, this 2nd day of December, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-36271 Filed 12-10-76;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Proposed Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-20, issued to Consumers Power Company (the licensee), for operation of the Palisades Plant (the facility), located in Van Buren County, Michigan.

The amendment would change the license to allow more fuel to be stored at the Palisades Plant by modifying the storage racks in the spent fuel pool. The proposed modifications would increase the storage capacity from 276 to 798 assemblies by replacing the existing storage racks with those of a design capable of accommodating an increased number of assemblies in accordance with

the licensee's application for amendment dated November 16, 1976.

Prior to issuance of the proposed amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By January 12, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to M. I. Miller, Esquire, Isham, Lincoln & Beale, Suite 4200, One First National Plaza, Chicago, Illinois 60670 and J. L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, the attorneys for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated November 16, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Dated at Bethesda, Maryland, this 3rd day of December 1976.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-36272 Filed 12-10-76;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey. The amendment is effective 60 days from its date of issuance.

The amendment to the Technical Specifications will revise the present structure for Safety Review and Audit and will implement a revised method by which independent review and audit of facility operations will be accomplished.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 20, 1976, (2) Amendment No. 17 to License No. DPR-16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Ocean County Library, 15 Hopper Avenue, Toms River, New Jersey 08753.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 26th day of November 1976.

For the Nuclear Regulatory Commission.

JAMES J. SHEA,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-36274 Filed 12-10-76;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-40 issued to Omaha Public Power District, which revised Technical Specifications for operation of the Fort Calhoun Station Unit No. 1 located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

This amendment to the Technical Specifications will allow continued reactor operation through core Cycle 3 provided the allowable fuel exposure of 23,000 effective full power hours is not exceeded.

In addition, the Commission has approved the reevaluation of ECCS cooling performance for Fort Calhoun Unit No. 1 that you submitted on October 4, 1976 and supplemented on October 15, 1976, in response to the Commission's Order for Modification of License dated June 17, 1976.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on October 14, 1976 (41 FR 45070). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The applications for amendment dated September 3, October 4 and October 19, 1976 (as supplemented by letters dated October 15, November 10, November 12, and December 1, 1976), (2) Amendment No. 20 to License No. DPR-40, and (3) The Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3 day of December 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Operating Reactors.

[FR Doc.76-36275 Filed 12-10-76;8:45 am]

[Docket Nos. 50-275 O.L., 50-323 O.L.]

PACIFIC GAS AND ELECTRIC CO. (DIABLO CANYON NUCLEAR POWER PLANT, UNITS NOS. 1 AND 2)

Order

DECEMBER 3, 1976.

The Board will convene to hear oral argument at 9:30 A.M. on Tuesday, January 11, 1977, on the questions certified in our Order of November 3, 1976. The argument will be held in the courtroom of the United States Court of Appeals for the Ninth Circuit, U.S. Courthouse and Post Office Building, 7th & Mission Streets, San Francisco, California. (This is Courtroom No. 14 on the 2nd floor, please use elevator No. 3.)

Each side will be permitted one and one-half hours for argument. The applicant will be heard first and may reserve a portion of its time for rebuttal. Argument by the intervenors and the Commission staff will follow in that order. Unless some other division is agreed upon by counsel, these parties will share equally the time allotted their side.

The parties shall inform the Secretary to the Board in writing no later than January 4, 1977, of the name of the attorney who will present oral argument.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary of the Appeal Board.

[FR Doc. 76-36276 Filed 12-10-76; 8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.124, "Design Limits, Loading Combinations, and Supplementary Criteria for Class 1 Linear-Type Component Supports," delineates acceptable design limits and appropriate combinations of loadings associated with normal operation, postulated accidents, and specified seismic events for the design of Class 1 linear-type component supports as defined in Section III of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code. This guide applies to light-water-cooled reactors.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.124 will, however, be particularly useful in evaluating the need for an early revision if received by February 4, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 1st day of December 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-36277 Filed 12-10-76;8:45 am]

[Docket No. 50-254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-29 issued to Commonwealth Edison Company (the licensee) for operation of Unit No. 1 of the Quad Cities Nuclear Power Station (the facility), a boiling water reactor located in Rock Island County, Illinois, and currently authorized to operate at 2511 megawatts (thermal).

In accordance with the licensee's application for a license amendment dated October 28, 1976, the amendment would reduce the rod block monitor setpoint from 110 percent to 107 percent for the facility to compensate for an error in a previous analysis as recommended by the reactor vendor (the General Electric Company).

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By January 12, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to John W. Rowe, Esquire, Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60603, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated October 28, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Illinois 60625.

Dated at Bethesda, Md., this seventh day of December, 1976.

For The Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-36570 Filed 12-10-76;8:45 am]

[Docket No. 50-564A]

EXXON NUCLEAR CO., INC.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated December 3, 1976.

You have requested our advice pursuant to section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application. The applicant is a wholly-owned subsidiary of Exxon Enterprises, Inc., which is a wholly-owned subsidiary of Exxon Corporation. Exxon Company, U.S.A., a division of Exxon Corporation, mines and mills uranium which is sold by applicant to domestic and foreign customers. Applicant fabricates replacement cores or "reloads" for light water nuclear powered reactors. Applicant also has expressed a strong desire to enter the uranium enrichment field.

When fully expanded, applicant's contemplated facility, which will be located in Roane County, Tennessee, will have a spent fuel storage capacity of 7,000 MTU and a yearly reprocessing capability of up to 2,100 MTU. Spent fuel storage with initial capacity (3,500 MTU) will commence in 1980–1982, while initial reprocessing services (1,500 MTU) will commence in 1984–1986. Overall capital costs for initial capacities are estimated at approximately $600 million.

We have examined the information submitted by applicant in connection with the present application, as well as other pertinent information with respect to applicant's competitive relationships which is available to the Department. Our conclusion is that, so far as we are aware, there are no antitrust problems which would require a hearing by your Commission on the instant application.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by January 12, 1977, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group, Nuclear Reactor Regulation.

[FR Doc.76-36569 Filed 12-10-76;8:45 am]

[Docket No. P-636A, etc.]

FLORIDA POWER AND LIGHT CO., ET AL.

Order Regarding Postponement of Prehearing Conference and Oral Arguments

In the matter of Florida Power and Light Company (South Dade Nuclear Unit), Docket No. P-636A; in the matter of Florida Power and Light Company (St. Lucie Plant, Units 1 and 2), Docket Nos. 50-335A, 50-389A; Florida Power and Light Company (Turkey Point Plant, Units 3 and 4), Docket Nos. 50-250A, 50-251A.

The prehearing conference and oral arguments set by the Licensing Board and Petition Board in these matters for December 13, 1976 have been postponed. They are now scheduled for January 3, 1977 at 10:00 a.m. at the East West Towers Building, 4350 East West Highway, 5th Floor, Bethesda, Maryland 20014.

Dated at Bethesda, Md., this 8th day of December 1976.

It is so ordered.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman of the Boards.

[FR Doc.76-36571 Filed 12-10-76;8:45 am]

[Docket No. 50-389]

FLORIDA POWER & LIGHT CO. (ST. LUCIE NUCLEAR POWER PROJECT, UNIT NO. 2)

Order for Evidentiary Hearing

The evidentiary hearing in this matter will resume on Wednesday, December 15, 1976 at 9 a.m., in the East Courtroom, U.S. Post Office and Courthouse Building, 300 NE First Avenue, Miami, Florida.

Dated at Bethesda, Md., this 9th day of December 1976.

It is so ordered.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chairman.

[FR Doc.76-36732 Filed 12-10-76;9:39 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO., (WOLF CREEK GENERATING STATION, UNIT 1)

Order Convening Evidentiary Hearing

The Regulatory Staff of the Commission has prepared and served upon all parties to this proceeding a revised Table S-3. At the present time, the parties are considering the possibility of a stipulation for submission of the revised Table S-3 into evidence, but reservations have been expressed which indicate the necessity of an evidentiary hearing. If such a hearing is requested, December 20, 1976 is indicated to be a convenient date.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Nuclear Regulatory Commission, that an evidentiary hearing is scheduled to convene at 9 a.m. on Monday, December 20, 1976 in Courtroom Division 2 (Fifth Floor) of the Jackson County Courthouse, 415 East 12th Street, Kansas City, Missouri 64106.

Issued: December 8, 1976, Bethesda, Md.

Atomic Safety and Licensing Board.

SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-36733 Filed 12-10-76;9:39 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY STAFF COMMITTEE: GENERALIZED SYSTEM OF PREFERENCES

Withdrawal of Petition From Interagency Consideration and From Public Hearings

Notice is hereby given by the Chairman of the Trade Policy Staff Committee of the withdrawal by the Petitioner of the following petition, which was listed in a FEDERAL REGISTER notice of November 19, 1976 (41 FR 51362) as having been accepted for review:

Case No.	TSUS or TSUSA Item No.	Article	Petitioner	Action requested
76-B-29		Citrus fruits, fresh, or prepared or preserved:	Jacob Ben-Ezer, Ltd., New York, N.Y.	Designate the articles as eligible for GSP benefits.
	147.16	Grapefruit: If entered during the period from Nov. 1, in any year, to the following July 31, inclusive.		
	147.31	Oranges: Other.		

This petition will not be reviewed further, and will not be included in the public hearings scheduled to begin December 14, 1976, which were announced in the FEDERAL REGISTER notice of November 19.

WILLIAM B. KELLY, Jr.,
Chairman, Trade Policy Staff Committee.

[FR Doc.76-36595 Filed 12-10-76;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

PRIVACY ACT OF 1974

Payroll Records System Notice

On December 7, 1976, there was published in the FEDERAL REGISTER, at 41 FR 53643, notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-479, 5 U.S.C. 552a.

The Office of Telecommunications Policy (OTP) hereby publishes for comment an adidtional routine use for the system designated "Payroll/Personnel System—9."

Any person interested in commenting on the additional routine use contained in this notice may do so by submitting coments in writing to the Office of the General Counsel, Office of Telecommunications Policy, Room 703, 1800 G Street, NW, Washington, D.C. 20504. Comments must be submitted on or before January 12, 1977 and, if the comments do not require change in the notice, it will become final on January 14, 1977.

Dated at Washington, D.C., on December 7, 1976.

THOMAS J. HOUSER,
Director.

OTP–9

System name:

Payroll/Personnel System—OTP

System location:

General Services Administration, Region 3 Office; copies held by the Office of Telecommunications Policy. (GSA holds records for the Office of Telecommunications Policy under contract.)

Categories of records maintained in the system:

Varied payroll records including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefit records, requests for deductions; tax forms, W–2 forms, overtime requests; leave data; retirement records. Records are used by OTP and GSA employees to maintain adequate payroll information for OTP employees, and otherwise by OTP and GSA employees who have a need for the record in the performance of their duties.

Authority for the system:

31 U.S.C., generally. Also, Executive Order No. 11556, section 11, and Reorganization Plan No. 1 of 1970.

Routine use of records:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C. 20504. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Executive Officer.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Pub. L. 93–579.

Policies and practices for storing and retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper and microfilm.

Retrievability and accessing:

Social Security Number.

Safeguards:

Stored in guarded building; released only to authorized personnel.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Dispostion System (OAD P 1820.2).

System manager:

Executive Officer, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C. 20504.

Notification procedures:

Refer to OTP access regulations contained in 47 CFR 204.

Record access procedures:

Refer to OTP access regulations contained in 47 CFR 204.

Contesting records procedures:

Refer to OTP access regulations contained in 47 CFR 204.

Categories of sources of records in the system:

The subject individual; the officers of the Office of Telecommunications Policy.

APPENDIX—OFFICE OF TELECOMMUNICATIONS POLICY

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc.76–36475 Filed 12–10–76;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM–7/1]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on carriage of dangerous goods of the Subcommittee on Safety of Life at Sea, a Subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Tuesday, January 4, 1977, in Room 8234 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting will be to discuss:

U.S. positions on matters to be considered at the 27th Session of the Subcommittee on the Carriage of Dangerous Goods of the Intergovernmental Maritime Consultative Organization (IMCO) scheduled to be held in London January 17–21, 1977

Progress of IMCO activities of a continuing nature such as implementation of the International Maritime Dangerous Goods (IMDG) Code

Requests for further information on the meeting should be directed to Captain C. E. Mathieu, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2296.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

DECEMBER 3, 1976.

[FR Doc. 76-36398 Filed 12-10-76; 8:45 am]

[Public Notice CM-7/2]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on bulk chemicals of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Thursday, January 13, 1977, in Room 8236 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting will be to discuss preparations for the Second Session of the Subcommittee on Bulk Chemicals of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to be held in London January 24-28, 1977. In particular, the following topics will be discussed:

Hazard evaluation of noxious liquid substances
Procedures and arrangements for the discharge of noxious liquid substances
Guidelines for technical assessment for intervention under the Intervention Protocol
Review plans for the Second Session of the Subcommittee on Bulk Chemicals

Requests for further information on the meeting should be directed to Mr. R. J. Lakey, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2170.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, JR.,
Acting Director,
Office of Maritime Affairs.

DECEMBER 6, 1976.

[FR Doc.76-36399 Filed 12-10-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 210]

ASSIGNMENT OF HEARINGS

DECEMBER 8, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 126986 (Sub 9), Dufour Brothers, Inc. now being assigned March 22, 1977 (2 weeks) at Pittsfield, Massachusetts in a hearing room to be later designated.

MC 109540 (Sub 34), Yeary Transfer Company, Inc. now being assigned February 16, 1977 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 142359, Port East Transfer, Inc., now being assigned January 10, 1977 (1 week) at Baltimore, Maryland, in Room G-39 Federal Building, 31 Hopkins Plaza.

MC-C-8664, Sala Motor Freight Line, Inc.-v-Jones Truck Lines, Inc., et al, now assigned December 6, 1976 at Baton Rouge, Louisiana, has been postponed to January 10, 1977 (1 week) at Baton Rouge, Louisiana in the 5th Floor Conference Room State Library, 760 Riverside Mall.

FD 28250, New York Dock Railway—Control—Brooklyn Eastern District Terminal and FD 28294, New York Dock Railway now being assigned February 7, 1977 (2 weeks) at New York, New York in a hearing room to be later designated.

No. 36312, U.S. Energy Research and Development Administration-v-The Akron, Canton and Youngstown Railroad Company, et al; No. 36313, Allied-General Nuclear Services, et al.-v-The Akron, Canton and Youngstown Railroad Company, et al; No. 36330, GPU Service Corporation, et al.-v-The Akron, Canton and Youngstown Railroad Company, et al; No. 36335, Commonwealth Edison Company et al.-v-The Akron, Canton and Youngstown Railroad Company, et al and No. 36336, General Electric Company-v-The Akron, Canton and Youngstown Railroad Company, et al, has been continued to February 7, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36494 Filed 12-10-76;8:45 am]

[Notice No. 86]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before January 12, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76774, filed October 12, 1976. Transferee: LAURMOND R. McNEIGHT, doing business as Ellensburg Transfer Co., 112 So. Railroad Ave., Ellensburg, Wash. 98926. Transferor: James L. Thompson, doing business as Ellensburg Transfer Co., 407 W. 4th St., Ellensburg, Wash. 98926. Applicants' representative: Laurmond R. McNeight, P.O. Box 516, Ellensburg, Wash. 98926. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 136535, issued April 3, 1973, as follows: (1) *General commodities* (except commodities in bulk, classes A and B explosives, articles of unusual value, articles requiring special equipment, and household goods), and (2) *used household goods*, in containers, over irregular routes, Between points in Kittitas County, Wash., with restriction. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76789, filed October 20, 1976. Transferee: SUZANNE I. McNAUGHTON, doing business as S. I. McNaughton, 96 Dunsinane Drive, New Castle, DE 19720. Transferor: Joseph J. Craig, 74 San Remo Circle, Naples, FL 33940. Applicants' representative: Raymond A. Thistle, Jr., Esquire, Suite 1012, Four Penn Center Plaza, Philadelphia, PA 19103. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 11041 issued June 20, 1963, as follows: Electric and gas appliances and supplies therefor, from King of Prussia, Pa., to Wilmington, Del., and points in Atlantic, Burlington, Camden, Cumberland, Gloucester, Mercer, and Salem Counties, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76814, filed November 3, 1976. Transferee: STROP TRANSPORTATION, INC., 1501 S. Burlington, Hastings, NE 68901. Transferor: Charles R. Strop, doing business as Strop Transportation, 1501 S. Burlington, Hastings, NE 68901. Applicants' Representative: Arlyn L. Westergren, Esquire, 530 Univac Building, 7100 W. Center Road, Omaha, NE 68106. Authority sought for purchase by

transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 134341 Sub 3 and MC 134341 Sub 5, issued February 20, 1973, and July 19, 1976, respectively, as follows: Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Minden Beef Company, at Minden, Nebr., to points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, and the District of Columbia; and packinghouses byproducts (other than hides), from the plant site of Hastings Hide, Inc., at or near Hastings, Nebr., to Denver, Colo., and Kansas City, Mo.; and hides, from the plant site of Hastings Hide, Inc., located at or near Hastings, Nebr., to Los Angeles, Long Beach, and San Francisco, Calif., Portland, Oreg., and Seattle, Wash. Transferee presently holds no authority from this Commission. Authority has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76825, filed November 15, 1976. Transferee: Bollinger, Inc., a Corporation, doing business as Sabini's Moving & Storage Co., 1346 Washington Boulevard, Stamford, Conn. 06902. Transferor: Joseph Sabini, John Sabini, and Angelo Sabini, a partnership, doing business as Sabini's Moving & Storage Co., 614 Shippan Ave., Stamford, Conn. 06902. Applicants' representative: Sidney K. Goldstein, attorney at law, 109 Church St., New Haven, Ct. 06510. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate, No. MC 93461, issued July 10, 1973, as follows: *Household goods* as defined by the Commission, over irregular routes, Between Stamford, Conn., and points within 15 miles thereof, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76826, filed November 15, 1976. Transferee: Tiago Inc., 7725 DePalma, Downey, Calif. 90241. Transferor: Garrett & Thomas Livestock Transportation Co., Inc., 3598 East Vernon Ave., Los Angeles, Calif. 90058. Applicants' representative: Jerry S. Berger, Attorney at Law, 433 North Camden Dr., Beverly Hills, Calif. 90210. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 126145, issued October 11, 1974, as follows: *Dry manufactured fertilizer*, in bulk, over irregular routes, from specified points in California to points in Arizona from points in Imperial County, Calif., to San Diego, Calif., and points in the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission, From points in Yuma County, Ariz., to points in Imperial County, Calif., Aggregates used in the manufacture of concrete and concrete products, over irregular routes. Between points in that part of California lying in and south of San Luis Obispo, Kern, and Inyo counties, Calif., and points in Arizona. *Aggregates* (except cement and pozzolan), over irregular routes, from points in Inyo, Mono, San Bernardino, Ventura, and Riverside Counties, Calif., to points in Nye and Clark Counties, Nev. *Aggregates* (except cement and pozzolan), in bulk, over irregular routes, From Las Vegas, Nev., to points in Riverside, San Bernardino, San Diego, Ventura, Mono, and Inyo Counties, Calif., *Potash*, over irregular routes, From Trona, Calif., to points in Arizona. With Restrictions. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76843, filed November 29, 1976. Transferee: King Bros. Trucking, Inc. of Ashkum, Illinois, Rural Route 2, Ashkum, Illinois 60911. Transferor: Leo King Trucking Service, Hubert Street, Ashkum, Illinois 60911. Applicants' representative: Edward D. McNamara, Jr., attorney at law, 907 S. 4th, Springfield, Ill. 62703. Authority sought for purchase by transferee of the operating rights set forth in Certificates Nos. MC 133630 (Sub-No. 1), MC 133630 (Sub-No. 2), and MC 133630 (Sub-No. 3), issued by the Commission December 22, 1969, March 29, 1973, and May 13, 1974, respectively as follows: Dry and liquid fertilizer, from Ashkum, Ill., to points in a described area in Illinois; dry fertilizer, in bulk, from Ashkum, Ill., to specified points and places in Wisconsin. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36495 Filed 12-10-76;8:45 am]

[Notice No. 165]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 8, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date of the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 285TA), filed December 3, 1976. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, Mo. 64142. Applicant's representative: Rodger J. Walsh, Suite 1200 Temple Bldg., 903 Grand Ave., Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities ofilized by Ore-Ida Foods, Inc., at or near Greenville, Mich., to points in Colorado, Connecticut, Delaware, the District of Columbia, Kansas, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia and West Virginia, for 180 days. Supporting shipper: Ore-Ida Foods, Inc., Boise, Idaho 83707. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 11207 (Sub-No. 383TA), filed December 1, 1976. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: G. E. Tickle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral fiber, mineral fiber products and insulating materials*, from the facilities of United States Gypsum Company, at Birmingham, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, for 180 days. Supporting shipper: United States Gypsum Co., 101 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 103191 (Sub-No. 50TA), filed December 3, 1976. Applicant: THE GEO. A. RHEMAN CO., INC., P.O. Box 2095,

2019 Elgin St., Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, P.O. Box 4259, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in bulk, from Goose Creek, S.C., to points in Georgia, North Carolina, South Carolina and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Airco Industrial Gases, 575 Mountain Ave., Murray Hill, N.J. 07974. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 108207 (Sub-No. 449TA), filed November 29, 1976. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Neoprene insulated wire* (to be transported at zero degrees), from Los Angeles, Calif., to points in Arizona, Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Memphis, Tenn., for 180 days. Supporting shipper: Energy Sealants, 1361 Sherman Way, North Hollywood, Calif. 91605. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 109533 (Sub-No. 82TA) filed December 3, 1976. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Ave., Richmond, Va. 23224. Applicant's representative: C. H. Swanson, P.O. Box 1216, Richmond, Va. 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring the use of special equipment, those injurious or contaminating to other lading and new household furniture), between Gallipolis, Ohio; Bluefield, W. Va.; and Covington, Va., on the one hand, and, on the other, points in Pennsylvania and West Virginia south of a line beginning at the West Virginia-Pennsylvania State line and extending eastward along U.S. Highway 22 to junction Pennsylvania Highway 60, thence along Pennsylvania Highway 60 to Pittsburgh, Pa.; west of a line beginning at Pittsburg and extending southward along U.S. Highway 19 to junction West Virginia Highway 100 (formerly unnumbered highway) just south of the Pennsylvania-West Virginia State line, thence along West Virginia Highway 100 through Maidsville, W. Va., to junction U.S. Highway 19, thence along U.S. Highway 19 to Summersville, W. Va., and thence along West Virginia Highway 39 to junction U.S. Highway 60, and north of a line beginning at the Kentucky-West Virginia State line and extending eastward along U.S. Highway 60 to junction West Virginia Highway 39, including points on the indicated portions of the highways specified. Applicant intends to tack its existing authority with MC 109533 Sub-No. 22. Applicant also intends to interline at Charleston, W. Va.; Parkersburg, W. Va.; Atlanta, Ga.; Birmingham, Ala.; Baltimore, Md.; Richmond, Va.; Jacksonville, Fla.; and Charlotte, N.C., for 180 days. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10-502 Federal Bldg., 400 N. 8th St., Richmond, Va. 23240.

No. MC 111729 (Sub-No. 688TA), filed November 30, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment and commercial papers, documents and written instruments as are used in the business of banks and banking institutions); (1) between Portland, Oreg., on the one hand, and, on the other, points in Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties, Oreg., on traffic having an immediately prior or subsequent movement by air, rail or motor vehicle; and (2) between all airports in Oregon, on the one hand, and, on the other, points in Oregon, on traffic having an immediately prior or subsequent movement by air, restricted against the transportation of packages or articles weighing in excess of 150 pounds in the aggregate, for 180 days. Supporting shippers: There are approximately 44 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114533 (Sub-No. 351TA) filed December 2, 1976. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th St., Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scientific instruments*, restricted to the transportation of packages weighing 50 pounds or less, between Lafayette, Ind., on the one hand, and, on the other, Indianapolis, Ind., for 180 days. Supporting shipper: Lafayette Instrument Co., Inc., Robert Pritchard, Sales Manager, P.O. Box 1279, Sagamore Parkway, Lafayette, Ind. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 114533 (Sub-No. 352TA) filed December 2, 1976. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th St., Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media and other business records*, between Elkhart, Ind., on the one hand, and, on the other, Indianapolis and Ft. Wayne, Ind., for 180 days. Supporting shipper: Williams, Div. of Leigh Products, Inc., Dale L. Fore, Division Controller, 1536 Grant St., Elkhart, Ind. 46514. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 115494 (Sub-No. 4TA) filed November 30, 1976. Applicant: J. D. LEWIS CORPORATION, Route 3, U.S. 41 North, Cordele, Ga. 31015. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and bark*, when transported in mixed loads with sawdust, in bulk, from the plantsite of Griffin Lumber Company, at or near Cordele, Ga., to points in Taylor County, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Griffin Lumber Co., Inc., P.O. Box 237, Drayton Road, Cordele, Ga. 31015. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 116519 (Sub-No. 38TA) filed November 30, 1976. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: Jeremy Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snow removal equipment, cultivators, rock pickers, and hay handling equipment*, from Ports of Entry on the United States-Canada International Boundary line located in New York and Michigan, to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming). Restrictions: (1) The operations authorized above are restricted to the transportation of shipments originat-

ing at the facilities of McKee Bros. Limited, at or near Elmira, Ontario, Canada; and (2) The operations authorized above are restricted to shipments moving in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McKee Bros. Limited, Traffic Manager Donald Coleman, Industrial Drive, Elmira, Ontario, Canada N30 2Z9. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 121630 (Sub-No. 4TA) filed December 2, 1976. Applicant: LEMORE TRANSPORTATION, INC., doing business as, ROYAL TRUCKING CO., 1420 Industrial Way, P.O. Box 6085, Concord, Calif. 94524. Applicant's representative: Randall M. Faccinto, 100 Pine St., San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore*, in bulk, in end dump trucks and end dump and hopper type vehicles, from Stockton, Calif., to Nichols, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allied Chemical Corporation, Industrial Chemicals Division, 100 Pine St., Suite 1885, San Francisco, Calif. 94111. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 211 Main St., Suite 500, San Francisco, Calif. 94105.

No. MC 128030 (Sub-No. 110TA) filed November 24, 1976. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, R.R. No. 1, Urbana, Ill. 61801. Applicant's representative: James R. Madler, 120 W. Madison, Suite 718, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and closures thereof and corrugated boxes*, from the plantsite of Universal Glass Products Division, at Joliet, Ill., to points in Kentucky, and St. Louis, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Glass Products Division, National Bottle Company, Moen Ave., Joliet, Ill. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 134272 (Sub-No. 5TA), filed December 1, 1976. Applicant: DAY & ROSS, LTD., P.O. Box 540, Hartland, New Brunswick, Canada. Applicant's representative: Peter L. Murray, 30 Exchange St., Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated cardboard cartons*, from Westbrook, Maine, to points of entry on the United States-Canada Boundary line at Houlton or Bridgewater, Maine, restricted to traffic destined for Florenceville or Grand Falls, New Brunswick, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: McCain Foods, Limited, Florenceville, New Brunswick, Canada. Weyerhaeuser Corporation, 100 Hawkes St., Westbrook, Maine 04092. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 136848 (Sub-No. 12TA), filed November 30, 1976. Applicant: JAMES BRUCE LEE AND STANLEY LEE, doing business as, LEE CONTRACT CARRIERS, P.O. Box 48, Old Route 66, Pontiac, Ill. 61768. Applicant's representative: Edward F. Stanula, 837 E. 162nd St., South Holland, Ill. 60473. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrought steel pipe or tubing*, from the plant and warehouse facilities of Pittsburgh International Division of Pittsburgh Tube Company, at or near Fairbury, Ill., to the plant and warehouse facilities of State Industries, Inc., at or near Henderson, Nev., under a continuing contract with Pittsburgh International Div. of Pittsburgh Tube Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pittsburgh International Div. of Pittsburgh Tube Company, William J. Allison, Vice-President, P.O. Box 9, Fairbury, Ill. 61739. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 138750 (Sub-No. 10TA), filed December 3, 1976. Applicant: W. F. BARTHELME DIST. CO., 1602 N. Broadway, Pittsburg, Kans. 66762. Applicant's representative: Laurel D. McClellan, 430 N. Seventh, Fredonia, Kans. 66736. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, *and related advertising and promotional supplies*, from Newport, Ky., to Pittsburg, Kans.; *and empty malt beverage containers and shipping pallets*, from Pittsburg, Kans., to Newport, Ky., under a continuing contract with S & S Distributing Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: S & S Distributing Company, 113 E. Third, Pittsburg, Kans. 66763. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 139410 (Sub-No. 3TA), filed December 1, 1976. Applicant: MIKE PHILLIPS ENTERPRISES, INC., 301 S. Third St., Phoenix, Ariz. 85004. Applicant's representative.: Laudell Hames, 4301 W. Country Gables, Glendale, Ariz. 85306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, from Phoenix, Ariz., to Las Vegas, Nev., and St. George, Utah. Applicant intends to tack its existing authority with MC 139410 Sub-No. 2, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A & W Distributing Company, 922 Broadway, Santa Monica, Calif. 90406. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 140927 (Sub-No. 3TA), filed December 3, 1976. Applicant: F. J. CAREY JR. TRANS., INC., 35 Brett St., Brockton, Mass. 02401. Applicant's representative: Frank J. Weiner, 15 Court Sq., Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chloride* with anti-caking agents, in bulk, in dump vehicles, from Boston, Mass., to points in Connecticut, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eastern Minerals, Inc., 120 Plain St., Lowell, Mass. 01851. Send protests to: D. W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 141197 (Sub-No. 11TA), filed November 29, 1976. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, Mo. 64151. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 W. Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common acrrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Craig County, Okla., to the facilities of Independence Power and Light Company, at or near Independence, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Associated Producers Company, 5000 N. Pennsylvania, Oklahoma City, Okla. 73112. Send protest to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141804 (Sub-No. 36TA), filed December 1, 1976. Applicant: WESTERN EXPRESS, DIV. OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco products*, from the plantsite and storage facilities of Lorillard, a Division of Loew's Theaters, Inc., at or near Greensboro, N.C., and Louisville, Ky., to points in Arizona, California, Colorado (except Denver), Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming, for 180 days. Applicant has also an underlying

ETA seeking up to 90 days of operating authority. Supporting shipper: Lorillard, a Division of Loew's Theaters, Inc., 2525 E. Market St., Greensboro, N.C. 27401. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142676 TA, filed November 29, 1976. Applicant: DONNIE D. MOOREFIELD, P.O. Drawer G, Shady Spring, W. Va. 25918. Applicant's representative: Donnie D. Moorefield (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feed*, in bulk by means of specialized pneumatic unloading equipment, from Rockwell, Ky., and Harrisonburg, Va., to points in West Virginia, under a continuing contract with Southern States Cooperative, Inc., for 180 days. Supporting shipper: Luther R. Wright, Director of Transportation, Southern States Cooperative, Inc., 7th & Main St., Richmond, Va. 23213. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 142677 TA, filed November 29, 1976. Applicant: SHELBY BODY SHOP, INC., U.S. Highway 74, Route 9, Box 22, Shelby, N.C. 28150. Applicant's representative: George W. Clapp, 109 Hartsville St., P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked and disabled trucks, tractors and trailers* (other than those designed to be drawn by passenger vehicles), from points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia and West Virginia, to points in Cleveland County, N.C.; (2) *Wrecked and disabled trucks, tractors and trailers* (other than those designed to be drawn by passenger vehicles), from points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, to points in Gaston County, N.C.; (3) *Replacement vehicles*, for the vehicles named in (1) above, from points in Cleveland County, N.C., to the origin points as described in (1) above; and (4) *Replacement vehicles*, for the vehicles named in (2) above, from points in Gaston County, N.C., to the origin points as described in (2) above, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Beaunit Corporation (Trucking Div.), 607 Charles St.; PPG Ind. (Trucking Div.), P.O. Box 288, Kings Mountain, N.C. 28086, and Carolina Freight Carriers Corp., P.O. Box 697, Cherryville, N.C. 28021. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 142678 TA, filed November 29, 1976. Applicant: LES RAY & SONS, INC., R. R. 2, Box 114A, Lindsborg, Kans. 67456. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and dry fertilizer materials*, from Carlsbad, N. Mex., and Joplin, St. Joseph and Kansas City, Mo., to points in McPherson County, Kans., north of U.S. Highway 56, and points in Saline County, Kans., south of U.S. Interstate Highway I-70 (except Salina); and *Liquid Fertilizer* (except anhydrous ammonia), from Joplin, Mo., and Borger, Tex., to points in McPherson County, Kans., north of U.S. Highway 56 and points in Saline County, Kans., south of U.S. Interstate Highway I-70 (except Salina), under a continuing contract with Farmers Union Elevator Co., Inc., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Farmers Union Elevator Co., Inc., Box 351, Lindsborg, Kans. 67456. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 142679 TA, filed November 29, 1976. Applicant: S. H. MITCHELL, doing business as, UNITED TRUCK LINES, 2734 Robinhood Road, Winston-Salem, N.C. 27106. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washintgon, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or rubber foam, cellular expanded or sponge pads and padding*, from Cornelius and Greensboro, N.C., to Flint and Port Huron, Mich., under a continuing contract with Fisher Body-General Offices, General Motors Corp., for 180 days. Supporting shipper: Fisher Body-General Offices, General Motors Corp., 30001 Van Dyke, Warren, Mich. 48090. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 142691 TA, filed November 30, 1976. Applicant: LARRY A. SANDBERG & NADINE C. SANDBERG, doing business as, L & N HOG MARKET, Rural Route Rowley, Iowa 52329. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), from the plantsite and storage facilities of Wapsie Valley Creamery, Inc., at or near Independence, Iowa, to points in Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wapsie Valley Creamery, Inc., 300 10th St., N.E., Independence, Iowa 50644. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc 76-36436 Filed 12-10-76;8:45 am]

[I.C.C. Order No. P-5]

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

Passenger Train Operation

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Laredo Texas; that the operation of these trains requires the use of the tracks and other facilities of the Missouri Pacific Railroad Company (MP) between St. Louis, Missouri, and Laredo; that a portion of these MP tracks between St. Louis and Poplar Bluff, Missouri, are temporarily out of service because of a derailment; that an alternate route is available between these points via the MP between St. Louis and the Illinois-Missouri state line in the vicinity of Ilmo, Missouri, thence via the St. Louis Southwestern Railway Company between Ilmo and Dexter, Jct., Missouri, thence via the MP between Dexter Jct. and Poplar Bluff; that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That: (a) Pursuant to the authority vested in me by order of the Commission served June 14, 1974; and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. § 562(c)), the St. Louis Southwestern Railway Company be, and it is hereby directed to permit the use of its tracks and facilities for the movement of trains of the National Railroad Passenger Corporation between a connection with the Missouri Pacific Railroad Company (MP) at the Illinois-Missouri state line in the vicinity of Ilmo, Missouri, and another connection with the MP at Dexter Jct., Missouri, a distance of approximately 50.1 miles.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them

with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(d) *Effective date.* This order shall become effective at 4:00 p.m., CST, December 2, 1976.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., CST, December 4, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this order shall be served upon the St. Louis Southwestern Railway Company and upon the National Railroad Passenger Corporation and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 2, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-36497 Filed 12-10-76;8:45 am]

federal register

MONDAY, DECEMBER 13, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

■

RUNAWAY YOUTH PROGRAM AND ACTIVITIES

Regulations on Grants to Provide Shelter Services

Title 45—Public Welfare

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

PART 1351—RUNAWAY YOUTH

Program and Activities; Regulations on Grants

On April 22, 1975, there was published in the FEDERAL REGISTER (40 FR 17824) a notice of proposed rulemaking covering the runaway youth program authorized under Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415, September 7, 1974).

Proposed Part 1351 covers the Runaway Youth Act which authorizes financial assistance for the purpose of developing or expanding local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and the juvenile justice system.

The purpose of the regulations is to implement the Runaway Youth Act. These regulations were issued to provide assistance to potential grantees in the development and efficient operation of a local runaway youth program. These final regulations will serve to clarify existing Departmental policy with respect to the implementation of the Runaway Youth Act and are consistent with overall administrative policy.

The notice of proposed rulemaking provided for the submittal of comments, suggestions or objections pertaining to the proposed rules within thirty (30) days. The comments received were carefully considered and revisions were made on the basis of these comments. Significant areas of comments and the decisions reached after review are as follows:

I. *Release of client records:* Numerous comments suggested that the written consent of the clients (as well as the parents or legal guardian) be obtained prior to the disclosure of their records and/or other pertinent data collected and maintained by the runaway house. The Department considers these suggestions to be valid in light of the sensitive nature of the information maintained by the runaway houses and the increasing movement towards the involvement of youth in decisions which affect them. Therefore, § 1351.14(v) and § 1351.34(a) have been revised accordingly. This revision would mean that parents would not have unhampered access to this information unless the particular youth involved provided his or her consent to such release. However, the Runaway Youth Act does stipulate parental consent in all instances except to another agency compiling statistical records or the court involved in the disposition of criminal charges.

II. *Access to records:* Concern was expressed that clients should have the right to review the records being maintained on them by the runaway house; to correct a record or to file a statement of disagreement; and to be apprised of the individuals who have reviewed their records. The need for the secure storage of client records at the Runaway house was also stressed. Given the sensitive nature of the information contained in these records and the fact that its disclosure is in an identifiable form could be potentially damaging to the clients, § 1351.14 (v) has been revised to include these provisions.

III. *Protection of rights of recipients:* Several comments addressed the need to obtain the consent of the client (as well as consent of the parents or legal guardian which is stipulated by the Runaway Youth Act) prior to participating in any research or experimentation, other than routine testing or program evaluation, or receiving medical, psychiatric or psychological treatment. A new § 1351.34(b)(3) has been added to this section which recognizes that there may be in effect State laws which offer a greater measure of protection for youth in the area of consent to research, experimentation, medical and psychiatric or psychological treatment than that provided for in these final Regulations. It is the Department's position that in such instances the Federal requirements in §§ 1351.34(b) (1) and (2) are inapplicable and that those State laws shall control. The Department concurs with both of these suggestions and § 13.5134(b) has been revised accordingly.

IV. *Mandating the provision of service beyond temporary shelter care and counseling:* Several comments recommended that the application requirements be expanded to include assurances by the runaway house regarding the provision of emergency medical and psychiatric treatment as well as legal counsel. As the Act does not give the Department the authority to require these assurances as a condition of funding, these recommendations have not been incorporated.

V. *Notification of parent or legal guardian:* Other comments suggested changes in the required time frame in which the parents, legal guardian, or relatives must be contacted following the youth's admission into the runaway house. Suggested time periods ranged from within 24 hours to within seven days. The intent of the Act is to fund short-term shelter care facilities designed to reunite runaway youth with their families, if this is determined to be in the best interest of the youth. It is felt that contacting the runaway youth's family immediately upon a youth's arrival at the runaway facility would seriously impair the development of a productive relationship between the youth and the project staff, and that a lapse of seven days before contacting the youth's family would greatly undermine the purpose of a short-term shelter care facility. A 24–72 hour time period was considered to be most appropriate, and the regulations have not been revised.

VI. *Duration of Federal assistance:* A few comments expressed concern that the limitation of a specific budget period to twelve months and of grant support to three budget periods is too restrictive. As these time frames reflect the standard Federal budget period and the three-year duration of the Act, respectively, the regulations have not been revised.

VII. *Funding priorities:* Several comments questioned the appropriateness of utilizing previous program experience, the level of financial assistance requested, and the size of the applicant's annual program budget as priorities in the funding of grants. As these funding priorities are mandated by the Act, the regulations have not been revised.

VIII. *Technical changes:* In addition to the revisions described above, the Department has incorporated various suggestions regarding minor technical changes designed to clarify the language and intent of the regulations.

The final regulations for Part 1351, the Runaway Youth Program and Activities, are divided into four basic subparts to make clear to the general public the regulatory provisions which apply to all programs funded under the Runaway Youth Act. These subparts, and significant regulations contained therein, will be discussed separately relative to their particular purpose and basis.

Subpart A consists of standard definitions of terms used in both the legislation and in the regulations. These definitions are drawn from the Grants Administration Manual, established Departmental policy, and commonly accepted definitions within the professional runaway service provider community. The purpose of this subpart is to define terms that are used throughout the regulations in a uniform manner and to clarify terms used in the statute.

The provisions of subpart B pertain to the Grants Program and consist of §§ 1351.10 through 1351.17. The purpose of this subpart is to assist States, localities and nonprofit private agencies to develop local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and the juvenile justice system. The Department believes that any condition of Federal assistance or participation should be expressly stated in the regulations. The basis of these regulations is to implement or clarify statutory eligibility criteria and funding priorities and to assure consistency with general Department grant operating procedures.

Section 1351.12(b) relates to the duration of Federal assistance and limits the extent of grant support to three budget periods.

Section 1351.13, pertaining to application scope, is a restatement of the legislation, specifically sections 312(a) and 316 (a), which indicate the permissible and authorized areas of grantee expenditure under the runaway program. It also specifically imposes a 15 per cent limitation on the amount of funds utilized for the acquisition and/or renovation of facilities. This requirement is administratively imposed to insure that the majority of grant funds are expended on services rather than on the facility from which services are provided.

Section 1351.14, application content, includes, in subsection (1), a requirement that prospective grantees document the number of youth in the area to be served and the existing services available to run-

away youth. This regulation is intended to insure that Federal resources are used as efficiently as possible within a particular geographic location and to insure that youth in a particular area are adequately served. This regulation also requires documentation by grantees of the number of runaways in the area to be served who have come into contact with law enforcement agencies. Assurances that funded runaway houses meet local health and safety standards are required in subsection (k). Section 1351.14 (l) clarifies the statutory requirement in section 312(b)(3) of the Act by defining what constitutes "adequate plans" for contacting the parents or legal guardian of the runaway youth served by a funded project, and sets a minimum and maximum time limit within which a runaway house must make such contact. Lastly, § 1351.14(u) implements the reporting requirements of section 315 of the Act to ensure Departmental receipt of sufficient information to report to Congress on the effectiveness of the projects funded under the Runaway Youth Act.

Subpart C authorizes the Secretary of Health, Education, and Welfare to award contracts for the provision of technical assistance to carry out the purpose of the Act. This regulation is a restatement of the authority contained in section 311 of the Act.

Subpart D contains grants administrative procedures. Section 1351.30 specifically incorporates the provisions of 45 CFR Part 74. This regulation is based upon the Department's belief that it is advantageous to all concerned to follow uniform administrative requirements and cost principles in order to avoid or minimize mistakes and misinterpretations of administrative provisions. Most States, moreover, are generally familiar with Part 74 requirements. Section 1351.34 pertains to confidentiality and to other public policy requirements which affect the dissemination of information about and the treatment provided clients served by the projects under the Act.

Additions to this subpart include the incorporation by reference of Parts 6, 8, 16, 75, 80, and 81, of Title 45 of the Code of Federal Regulations as well as section 504 of the Rehabilitation Act of 1973. These additions to the final regulations are being made because they were inadvertently omitted from the notice of proposed rulemaking and because of their general applicability to most or all Departmental grant programs, including the Runaway Youth Program.

The provisions of Part 6 are designed to safeguard the public interest in inventions developed by Department employees, contractors, and grantees with the aid of public funds and facilities. The application of Part 8, Inventions Resulting from Research Grants, is for the purpose of assuring that such research results are utilized in a manner which is in the best interest of the public, by being made available to the government, to science, to industry, and to the general public. Part 16 establishes the Department Grant Appeals Board which reviews and provides hearings upon post-award disputes that arise during the administration of grant programs. Part 75 establishes formal grant appeals procedures which must be exhausted before appealing a disputed issue under Part 16. Part 80 implements the non-discrimination provisions under Title VI of the Civil Rights Act of 1964 by stipulating that no person on the basis of race, color or national origin, shall be excluded from participation, be denied benefits of, or otherwise discriminated against under any Departmental activity receiving Federal financial assistance. Part 81 outlines the practices and procedures for the conduct of Title VI discrimination hearings. The provisions of section 504 of the 1973 Rehabilitation Act has been included to prevent discrimination against qualified handicapped individuals, solely by reason of a handicapping condition, under runaway projects receiving Federal financial assistance.

In summary, the majority of these regulations are restatements or expansions of the Act. The Department has sought to provide the information necessary for potential grantees to clearly understand the intent of the Act in their efforts to serve runaway youth through the development of local facilities to deal primarily with the immediate needs of this target population.

Previously issued guideline material based on the Notice of Proposed Rulemaking will be revised to reflect the changes made in these regulations.

Accordingly, the regulations as revised are hereby adopted.

Chapter XIII of Title 45 of the Code of Federal Regulations is amended by adding Part 1351 as follows:

Subpart A—Definitions

Sec.
1351.1 Definitions.

Subpart B—Grants Program

Sec.
1351.10 Purpose.
1351.11 Eligibility.
1351.12 Duration of Federal assistance.
1351.13 Application; scope.
1351.14 Application; content.
1351.15 Priority.
1351.16 Size of grant.
1351.17 Approval by Secretary.

Subpart C—Contracts

1351.25 Purpose.
1351.26 Provisions.

Subpart D—Grants Administrative Provisions

1351.30 General.
1351.31 Nature and use of grants.
1351.32 Application, review, award, and amendment of grants.
1351.33 Cost sharing, matching, and payments.
1351.34 Confidentiality and other public policy requirements.
1351.35 Financial and administrative requirements.
1351.36 Reporting requirements.
1351.37 Grantee procurements.
1351.38 Property requirements.
1351.39 Allowability of costs.
1351.40 Grant closeout, suspension and termination [Reserved].

AUTHORITY: 88 Stat. 1130 (42 U.S.C. 5702).

Subpart A—Definitions

§ 1351.1 Definitions.

For the purposes of this part, unless the context otherwise requires:

(a) "Act" means the Runaway Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415).

(b) "Aftercare counseling" and "aftercare services" mean the provision of services to runaway youth and their families, following the youth's return home or placement in alternative living arrangements which assist in alleviating the problems which contributed to their running away.

(c) "Area" means a specific neighborhood or section of the locality in which the runaway program is or will be located.

(d) "Budget period" means the intervals of time, usually 12 months, for which funds are awarded.

(e) "Counseling services" means the provision of guidance, support, and advice to runaway youth and their families designed to alleviate the problems which contributed to the youth's running away, resolve intrafamily problems, and to help youth decide upon a future course of action.

(f) "Demonstrably frequented by or reachable" means located in an area in which runaway youth congregate or an area accessible to runaway youth by public transportation or by the provision of transportation by the runaway house itself.

(g) "Facility" means a physical structure in which services are provided to runaway youth and their families.

(h) "Grants Administration Manual" (hereinafter referred to as the GAM) means the Department of Health, Education, and Welfare staff manual which sets forth policies for the administration of grants by agencies of the Department. The manual is available to the public by purchase on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office. In addition, it is available for public inspection and copying in the Department's central and regional office information centers pursuant to the Department's public information regulation (45 CFR Part 5).

(i) "Juvenile justice system" means agencies such as, but not limited to, juvenile courts, law enforcement, probation, parole, correctional institutions and detention facilities.

(j) "Law enforcement structure" means any police activity or agency with legal responsibility for enforcing a criminal code including, but not limited to, police departments and sheriffs' offices.

(k) "Locality" means a unit of general local government such as a city, county, township, town, borough, parish or village, or a combination of such units.

(l) "Nonprofit private agency" means any agency, organization or institution no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual. It may include agencies which

are fully controlled by private boards or persons.

(m) "Office" means the Office of Youth Development within the Department of Health, Education, and Welfare.

(n) "Past experience," with respect to the priority of private organizations or institutions for funding under this part, means that a major activity of such organizations or institutions has been the provision of temporary shelter, counseling and referral services to runaway youth and their families, either directly or through linkages established with other community agencies.

(o) "Program budget" means the total amount of funds expended by the applicant on services for runaway youth in the area during the 12 months preceding the submission of its application.

(p) "Runaway house" means a locally controlled facility outside the law enforcement structure and the juvenile justice system providing temporary shelter, either directly or through other facilities, and counseling services to runaway youth.

(q) "Runaway youth" means a person under 18 years of age who absents himself from home or legal residence without permission of parents or legal guardian.

(r) "Secretary" means the Secretary of the Department of Health, Education, and Welfare.

(s) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(t) "Technical assistance" means the provision of expertise for the purpose of developing and strengthening services for runaway youth.

(u) "Temporary shelter" means the provision of short-term room and board by a runaway house.

Subpart B—Grants Program

§ 1351.10 Purpose.

(a) The purpose of this subpart is to assist States, localities and nonprofit private agencies to develop local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and the juvenile justice system;

(b) Grants will be made under this subpart for the purpose of establishing, strengthening or funding existing or proposed runaway houses.

§ 1351.11 Eligibility.

(a) Grants under this subpart may be made to States, localities or nonprofit private agencies: Provided, however, that agencies and organizations which are a part of the law enforcement structure and the juvenile justice system are not eligible applicants;

(b) Nothing in this part shall be construed to:

(1) Deny grants to nonprofit private agencies fully controlled by private boards or persons but which in other respects meet the requirements of this part. Such private agencies must agree to be legally responsible for the operation of the runaway house;

(2) Give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

§ 1351.12 Duration of Federal assistance.

(a) A project grant shall be awarded for a specific budget period not in excess of 12 months;

(b) Grantees may reapply for and receive continued grant support for additional 12 month budget periods or less contingent upon having met all the requirements of the Act and this part, having demonstrated satisfactory past performance, and upon the availability of funds. Grant support, however, shall be limited to three budget periods.

(c) The budget period may be extended without additional grant support, for a period not in excess of 12 months, when required to assure adequate completion of the approved project.

§ 1351.13 Application; scope.

An application for establishing, strengthening or funding a runaway house must provide for temporary shelter to runaway youth and counseling services to both youth and their families. Funds may be requested for the acquisition and renovation of existing structures, staff training and the general costs of operating the runaway house. There is no provision for Federal financial participation in the construction of new facilities under this subpart. (For matching requirements, see Subpart D.) Federal participation in the cost of acquisition and renovation of existing structures shall not exceed 15 percent of the amount provided in the Federal grant award. Under special circumstances an applicant, on the basis of a demonstrated need, may receive a waiver from the Secretary of this 15 percent limitation.

§ 1351.14 Application; content.

An application for funds under this subpart shall contain the following information:

(a) A budget for the proposed period and a budget justification;

(b) A description of the qualifications, roles and functions of the principal staff to be responsible for the project;

(c) A detailed description of a staffing pattern which conforms to applicable State and local licensing requirements. At a minimum, the staffing pattern must provide for the presence of at least one adult staff member on the premises whenever youth are using the runaway house and for a staff member to be on the premises or directly accessible by telephone 24 hours a day when youth are not using the facility;

(d) A description of the methods to be employed in involving youth as staff and in the decision-making process of the runaway house:

(e) A description of the methods to be followed in utilizing youth and adult volunteers in the operation of the runaway house;

(f) A description of the methods to be employed in implementing the following programmatic goals:

(1) Alleviating the problems of runaway youth;

(2) Reuniting youth with their families and encouraging the resolution of intrafamily problems through counseling and services;

(3) Strengthening family relationships and encouraging stable living conditions for youth;

(4) Helping youth decide upon a future course of action.

(g) A description of the services to be provided both directly and through linkages with other agencies and service organizations;

(h) A statement as to the capacity for temporary shelter for runaways, with the assurance that no facility utilized by the runaway house for this purpose shall have a maximum capacity of more than 20 youth;

(i) Documentation of the number of runaway youth in the area and the existing services available to runaway youth. Applicants shall be required to provide the following:

(1) Annual statistics on the number of runaway youth in the area compiled from police, welfare, juvenile court, existing runaway service providers, and other resources documented by source;

(2) Annual data on available services for runaway youth in the area, including a listing of the existing temporary shelter facilities outside the law enforcement structure and the juvenile justice system and other available services for runaway youth and their families, indicating their service capacity.

(j) Documentation that the runaway house is or will be located in an area which is demonstrably frequented by or easily reachable by runaway youth. The documentation provided may consist of police contact reports, social service agency reports or other types of relevant data to substantiate that the facility is or will be located in an area which runaway youth frequent or verification that the facility is or will be located in an area easily accessible by public transportation or that transportation is or will be provided through arrangements with other agencies or by the facility itself;

(k) Assurance that the runaway house shall comply with, or exceed, applicable State and local licensing requirements including, but not limited to, building, health and safety codes;

(l) A description of the plans to be followed in contacting the runaway's parents, legal guardian or relatives. In the absence of applicable State laws, the runaway house shall be required to contact the youth's parents, legal guardian or relatives preferably within 24 hours but no more than 72 hours following the time of the youth's admission into the runaway house;

(m) A description of the procedures to be followed in assuring the safe return of the youth, either home or to an appropriate alternative living arrangement, according to the best interests of the youth. The procedures to be employed must provide for the involvement of both

the youth and the parents or legal guardian, and must be geared toward developing a consensus as to what constitutes the best interests of the youth;

(n) A description of the arrangements to be established with appropriate agencies for the provision of alternative living arrangements for those youth for whom returning home is not determined to be in their best interest;

(o) The methods to be employed in securing transportation and for assuring the safe arrival of youth who are returned home or are placed in an alternative living arrangement. If the parents or legal guardian are unable to meet the youth, the runaway house shall make appropriate arrangements to have the youth met, either by a representative of another runaway house or of an appropriate agency in the locality to which the youth is being returned or placed. The runaway house shall be required to contact the youth's home on alternative placement within 12 hours after the scheduled arrival to confirm the safe arival of the youth;

(p) A description of the provisions to be made, as needed, for aftercare counseling and aftercase services for runaway youth and their parents within the State and, to the extent possible, for runaway youth and their parents within the State which the runaway house is located;

(q) A description of procedures to be followed in contacting local government agencies pursuant to working relationships established with such agencies by the runaway house;

(r) A description of the methods to be employed in returning, in accordance with applicable Federal, State and local laws, youth who have run away from correctional institutions. This shall not be construed to mean that the runaway house shall bear the financial costs of returning these youth;

(s) A description of the procedures to be followed for establishing working relationships with law enforcement personnel;

(t) Assurance that the runaway house can and will comply with the statistical reporting requirements and shall submit data including, but not limited to, the number of youth served; their age, sex, race/ethnicity, and socio-economic background; the places from which they ran; and the types of services provided to both youth and their families;

(u) Assurance that the runaway house can and will comply with evaluation reporting requirements including, but not limited to, an assessment of its effectiveness in alleviating the problems of runaway youth; in reuniting youth with their families and encouraging the resolution of intrafamily problems; in strengthening family relationships and encouraging stable living conditions for youth; and helping youth decide upon a future course of action;

(v) Assurance that records on individual youth will not be disclosed without the written consent of the youth and parents or legal guardian except to a court involved in the disposition of criminal charges against the youth or to another agency compiling statistical records. Disclosure of information to an agency compiling statistical records shall be in a non-personally identifiable form. In order for an agency compiling statistical records to obtain access to individual case records, such agency must document that it is conducting a bona fide research on or otherwise has a bona fide interest in runaway youth programs. Reports or other documents based on such statistical records shall not disclose the identity of individual youth. Youth under the supervision of the runaway house shall have the right to review their records; to correct a record or file a statement of disagreement; and to be apprised of the individuals who have reviewed their records. Procedures shall be established for the secure storage of records and for the training of project personnel regarding the protection of these rights;

(w) Assurance that the runaway house can and will comply with the required accounting procedures and fiscal control devices;

(x) Assurance that the runaway house shall submit an annual report detailing how its programmatic goals have been met and how the plan contained in the approved application has been implemented;

(y) Assurance that the runaway house shall submit such other information as the Secretary reasonably deems necessary.

§ 1351.15 Priority.

(a) In considering the grant applications under this part, priority shall be given to:

(1) Private nonprofit organizations or institutions which have had past experience in dealing with runaway youth;

(2) Applicants whose requests for financial assistance are smaller than $75,000; and

(3) Applicants whose annual program budgets are smaller than $100,000.

(b) Once priorities have been assigned, the following factors will be considered in approving applications for funding;

(1) Documentation of the greatest need for Federal support based upon the number of runaway youth in the area and the existing availability of services;

(2) The completeness and adequacy of the grant application as outlined in § 1351.14.

§ 1351.16 Size of grant.

The size of such grant shall be determined by the number of runaway youth in the community and the existing services available for runaway youth.

§ 1351.17 Approval by Secretary.

An application for a grant may be approved by the Secretary only if it is consistent with the provisions of the Act and this subpart.

Subpart C—Contracts

§ 1351.25 Purpose.

The Secretary is authorized to make contracts for the provision of technical assistance to carry out the purposes of the Act.

§ 1351.26 Provisions.

Any contract under this part shall be entered into in accordance with, and shall conform to all applicable laws, regulations and Department policy.

Subpart D—Grants, Administrative Procedures

§ 1351.30 General.

Applicability of 45 CFR Part 74. The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part.

§ 1351.31 Nature and use of grants.

The provisions of chapter 1–00, Eligibility for Grants, of the GAM shall apply to all grants under this part.

§ 1351.32 Application, review, award, and amendment of grants.

(a) *Application review.* All applications for a grant will be reviewed by the Office to determine whether they meet the requirements of the Act and this part. The applicant may be requested to submit additional information either before or after review of the application. The Office may submit the application to technical consultants. On the basis of the recommendations received, the Secretary will determine the action to be taken with respect to each application and will notify the applicant accordingly;

(b) *Awards.* All grant awards shall be in writing, shall specify the amount of funds, the purposes for which these funds are granted, and the budget period for which support is given;

(c) *Grant amendments.* (1) The grantee shall submit an amendment describing any material change in the plan of his program or project proposed to be made during the budget period. Proposed program or project plan amendments shall be submitted in writing for review and consideration by the Office;

(2) Proposed project plan amendments may be initiated by the Office if, on the basis of reports, it appears that Federal funds are being used for approvable purposes beyond the scope of the approved project application.

(d) *Project notification and review system.* The provisions of chapter 1–140, Project Notification and Review System, of the GAM shall apply to all grants under this part.

§ 1351.33 Cost sharing, matching, and payments.

(a) Matching requirements. Federal financial participation under the Act and this part in the costs of operation of a runaway house pursuant to its approved application and budget, shall be 90 percent. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services;

(b) Payments. Payments under this Act may be made in installments, in advance, or by way of reimbursement,

with necessary adjustments on account of overpayments or underpayments.

(c) The provisions of chapter 1–400, Matching and Cost Sharing, of the GAM shall apply to all grants under this part.

§ 1351.34 Confidentiality and other public policy requirements.

(a) *Confidential information.* All information, including lists of names, addresses, photographs, and records of evaluation, obtained as to personal facts about individuals served by any runaway house assisted under the Act shall be held to be confidential and may not be disclosed without written consent of the youth and parent or legal guardian except as provided in § 1351.14(v).

(b) *Protection of rights of recipients.* (1) No youth shall be the subject of any research or experimentation under this part, other than routine testing and normal program evaluation, unless the youth and parent or legal guardian is informed and given an opportunity as of right to exempt such youth therefrom;

(2) No youth shall be subject to medical, psychiatric or psychological treatment under this part without the consent of the youth and parent or legal guardian unless otherwise permitted under State law.

(3) The foregoing provisions shall not apply if the Secretary finds that there is in State law a provision which is more protetcive of the rights of runaway youth.

(c) *Conflict of interest.* Employees or individuals participating in a program or project under the Act shall not use their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves, or others, particularly those with whom they have family, business or other ties.

(d) The provisions of Part 80, Nondiscrimination Under Programs Receiving Federal Assistance, and of Part 81, Practices and Procedures for Hearing under Part 80, of this title are applicable to this part.

(e) The provisions of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) are applicable to all grants awarded under this part.

§ 1351.35 Financial and administrative requirements.

The provisions of chapter 1–45, Use of Consultants, of the GAM shall apply to all grants under this part.

§ 1351.36 Reporting requirements.

The grantee shall submit reports in such form and containing such information as prescribed by the Secretary, and shall keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

§ 1351.37 Grantee procurements.

The provisions of chapter 1–46, Use of Small Business and Minority-Owned Businesses, of the GAM shall apply to all grants under this part.

§ 1351.38 Property requirements.

Publications and copyrights.

(a) The results of any activity supported under this part may be published without prior review by the Department: Provided, that such publication's preface shall acknowledge the Federal assistance received and state that interpretations of data do not necessarily represent interpretations of the Department and provided, further, that three copies of such publication are furnished to the Department.

(b) Where a project activity leads to the publication of a book or other copyrighted material, the author is free to copyright the work, but the Department reserves royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity. Any such publication shall contain a notice of such license.

(c) The provisions of Part 6, Inventions and Patents (General), and of Part 8, Inventions Resulting from Research Grants, Fellowship Awards and Contracts for Research, of this title, are applicable to all grants awarded under this part.

§ 1351.39 Allowability of costs.

(a) The provisions of Part 16, Department Grant Appeals Process, and the provisions of Part 75, Informal Grant Appeals Procedures (indirect costs), of this title, are applicable to all grants awarded under this part.

(b) The following chapters of the GAM shall apply to all grants under this part:

(1) Chapter 6–60, Charges for Facilities Purchased or Constructed by State and Local Governments;

(2) Chapter 6–100, Establishment of Indirect Cost Rates;

(3) Chapter 6–110, Use of Special Indirect Cost Rates;

(4) Chapter 6–120, Treatment of Costs of Services Provided by Affiliated Organizations; and

(5) Chapter 6–150, Reimbursement of Indirect Costs.

§ 1351.40 Grant closeout, suspension, and termination. [Reserved]

Effective date: These regulations for the Runaway Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93–415, shall be effective December 13, 1976.

(Catalogue of Federal Domestic Assistance No. 13.623.)

Dated: September 13, 1976.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Approved: December 1, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.76–36134 Filed 12–10–76;8:45 am]

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MONDAY, DECEMBER 13, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

DEBARMENT, SUSPENSION AND INELIGIBILITY OF CONTRACTORS AND GRANTEES

Proposed Administrative Sanctions

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 24]

[Docket No. R-76-427]

DEBARMENT, SUSPENSION AND INELIGIBILITY OF CONTRACTORS AND GRANTEES

Administrative Sanctions

The Department of Housing and Urban Development is considering amending Part 24 to improve procedures by which contractors and grantees are excluded from participating in HUD programs because of irresponsible conduct or for other good reason. Part 24 has not been amended since it was published on April 30, 1971, and the Departments experience has illustrated a need for certain changes to assure that these procedures will accomplish their intended result and will serve the best interests of the government while at the same time affording fairness to affected persons. Part 24 would be amended in the following major respects.

Section 24.10(b) (3) presently provides that the appropriate Assistant Secretary shall review the hearing officer's initial determination. Generally, the Assistant Secretary will also have initiated the proceeding. The order that the reviewer and the initiator not be the same, this provision would be deleted and Section 24.10(c) (9) would provide that the hearing officer's determination is final unless the Secretary, at her discretion, reviews the record and issues an opinion.

Section 24.4(f) presently defines the "Adverse Information Report" which is maintained in accordance with § 24.6. This report assists various Department offices in identifying persons whose performance has been unsatisfactory and thereby enables those offices to follow the auxiliary enforcement procedures they are permitted to adopt under § 24.0(b). These auxiliary procedures and authority to establish them would be recinded by proposed § 24.16. For example, Unsatisfactory Risk Determinations provided under § 200.200 would no longer exist. Instead new procedures under § 24.17 would enable Area Office Directors and Regional Administrators to invoke sanctions applicable within their respective Areas or Regions. It is felt that this change would afford a more consistent approach to the Department's enforcement program as a whole, and still allow enough flexibility to meet local situations. One procedure, however, would not be terminated by Section 24.16: it specifically retains the Mortgagee Review Board's authority to withdraw mortgagee approval. The establishment of that Board and the procedures for withdrawing approval are set forth in Part 25 of this Title, and their continuation is determined advisable in light of the technical nature of the actions taken under that Part.

New definitions—"Temporary Denial of Participation" and "Continual Participation"—would be added to § 24.4 as Subsections (h) and (i). Temporary Denial of Participation is imposed for a specified time by an Area Director or Regional Administrator while an investigation is pending or in light of an indictment. Continual Participation is invoked by Area or Regional office heads pending corrective action to be taken by the contractor or grantee involved. Both types of action would be limited to the Area or Region involved.

In the typical enforcement process, suspension is imposed during investigation, which, if it discloses probably violation, is followed by a Notice of Intention to Debar. In certain instances, suspension is invoked and debarment proposed in a single notice to the party who is entitled to request simultaneous hearing on both actions. When a debarment hearing is requested before the suspension hearing has been held, HUD may move to consolidate the two proceedings. It is desirable, therefore, to standardize the debarment and suspension procedures as much as practicable, and to this end, proposed § 24.17, setting forth temporary sanctions, has been made consistent with both debarment and suspension actions wherever possible.

As proposed, §§ 24.12(a) (2) and 24.9 (a) (4) would no longer require determination that an action is in the best interest of the Department or public. Section 24.5 makes clear that the purpose of Part 24 is not punative but rather strictly protective of the public and governmental interests. Hence, the wording in question is unnecessary, for it adds no protections not already provided by the regulations, the separate hearing procedures, and the underlying guarantees of due process.

Proposed § 24.4(a) redefines debarment to encompass an indefinite period of time rather than, as now, a period to be stated in the hearing officers' determination, not exceeding three years. This change renders the debarment process more responsive to the public protection since it enables the debarment period to be tailored to the restitution and corrective process and to be measured in light of the contractor's degree of irresponsibility.

"Administrative Sanctions" would be defined for the first time in § 24.4(j). It means broadly any Department action which limits the right of participation in HUD programs.

Section 24.4(f) has been amended to include architects, engineers, and attorneys within the definition of contractors and grantees.

Section 24.5(c) (1) would limit the right to hearing in the following respects: If administrative sanctions and hearings are provided by statute or Executive order, Part 24 does not apply; if the action is based on indictment of a party or if a party is named as an unindicted coconspirator, participation by that party is limited to the submission of briefs.

Section 24.10(a) (3) has been expanded to clarify that any official of HUD having jurisdiction may initiate an administrative sanction notwithstanding the concurrent jurisdiction of another office.

Section 24.10(c) (1) would provide that, except under specified conditions, hearings may be open to the public at the discretion of the hearing officer.

Recision and reinstatement, now set forth under § 24.10(b) (4) would be redesignated subsection (f), and would provide that when two requests for reinstatement have been denied, the applicant is entitled to a hearing. Subsection (f) would also establish a procedure for consultation between Assistant Secretaries and other primary office heads when reinstatement is being considered.

Section 24.10 would include a new subsection (i) providing for intervention and for setting forth the rights and obligations of intervenors. A new subsection (j) would require the General Counsel to maintain and make available to the public a current schedule of all matters set for hearing.

Sections 24.7 and 24.8 would no longer cite adverse determinations by the Secretary of Labor under the Walsh-Healey Act (41 U.S.C. 35 et seq.) as a basis for automatic ineligibility. The contracting officer must now make individual preaward reviews of a prospective contractor's eligibility with respect to the Walsh-Healey Act, and these citations are out of date.

Section 24.9(a) (10) would add conviction under the Organized Crime Control Act of 1970 as a basis for debarment, and § 24.10(a) has been amended correspondingly.

Section 24.11 would be revised to conform to Federal Procurement Regulations under 24 CFR 1-1.605(b) from which the HUD requirement is drawn.

In order to clarify that suspension periods are not dependent on Justice Department action and subsequent legal proceedings, Sections 24.13(a) and 24.15 (a) (2) would apply not only to the period of investigation, but also to any administrative and judicial proceeding. The objective is to dispel any doubt that partment action even when no judicial proceedings are forthcoming.

References to the "Office of Investigation" would be changed to "Office of the Inspector General" to reflect organizational change within the Department.

The language in § 24.6(d) imposing a "for official use only" classification on eligibility lists would be deleted consistent with recent Department rulings under the Freedom of Information Act, 5 U.S.C. 552.

Section 24.3 would be amended to specifically include former HUD employees among those subject to administrative sanctions under this Part. This amendment embodies a recent Department Decision, Stephen Namath, Docket No. 76-423-DB.

Section 24.10 would be expanded to provide that notice of Department Action under this Part would be furnished to interested HUD offices, viz, Office of Inspector General and field offices.

Interested persons are invited to participate in this rulemaking by submitting written comments, data and views to the Rules Docket Clerk, Office of the Secre-

tary, Room 10141, 451 7th St. SW., Washington, D.C. 20410. Comments received on or before December 27, 1976 will be considered before final action is taken in this proceeding. The proposal may be changed in light of the comments received. The Department recognizes that this comment period is less than the 30 days usually provided for public participation; however, extensive comment has been furnished over the last eight months from various HUD offices, much of which reflects imput from members of the public concerned with these regulations. In addition, comments received after this 15 day period would be evaluated to the fullest practical extent in considering subsequent amendment of this rule. Copies of all written comments will be available for examination by interested persons in the Office of the Rules Docket Clerk at the address listed above.

The Department has determined that an Environmental Impact Statement is not required with respect to this proposed rule. A copy of the Environmental Finding of Inapplicability is available for inspection at the above address. The Department has also determined in accordance with OMB Circular A-107 that this proposal does not have an economic impact. A copy of the Economic Finding of Inapplicability is also available for inspection at the above address.

Accordingly, it is proposed to amend 24 CFR Part 24 to read as follows:

PART 24—DEBARMENT, SUSPENSION, AND INELIGIBILITY OF CONTRACTORS AND GRANTEES; ADMINISTRATIVE SANCTIONS

Sec.

24.0 Policy.
24.1 Scope.
24.2 Authority.
24.3 Applicability.
24.4 Definitions.
24.5 General.
24.6 Establishment and maintenance of lists of contractors and grantees subject to administrative sanctions.
24.7 Bases for entry.
24.8 Treatment to be accorded contractors or grantees subject to administrative sanctions.
24.9 Causes and conditions applicable to determination of debarment.
24.10 Procedural requirements relating to the imposition of debarment.
24.11 Suspension.
24.12 Causes and conditions under which contractors or grantees may be suspended.
24.13 Period and scope of suspension.
24.14 Restrictions during period of suspension.
24.15 Notice of suspension.
24.16 Other sanctions.
24.17 Temporary denial of participation; conditional participation.

AUTHORITY: (Sec. 7(d), of the Department of HUD Act, 79 Stat. 670; (42 U.S.C. 3535 (d)).)

§ 24.0 Policy.

In order that this Department may realize the goal of a decent home and a suitable living environment for every American family, it is necessary that grants and contracts awarded by the Department and by those entities with whom it does business be made only to those contractors and grantees which can demonstrate that Government funds will be properly utilized. Department policy requires, therefore, that awards may be made only to responsible contractors and grantees. In evaluating past performance of participants in programs administered by the Department, as well as other relevant aspects of the record and status of the participants, the criteria for debarment and suspension shall be uniform.

§ 24.1 Scope.

This part prescribes procedures relating to:

(a) The debarment of contractors and grantees for cause, temporary denial of participation and conditional participation;

(b) The suspension of contractors and grantees for cause under prescribed conditions;

(c) The placement of contractors and grantees in ineligibility status when they are included in lists which make their participation in federally assisted programs illegal;

(d) Reconsideration of debarment, suspension, and ineligibility.

§ 24.2 Authority.

This part is issued under section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

§ 24.3 Applicability.

(a) This part applies to (1) contracts in accordance with 41 CFR, Chapter I, for procurement of property, nonpersonal services (including construction), and personal services (41 CFR § 1-3.204); (2) HUD assisted contracts; (3) public and private organizations and individuals who are contractors with or grantees of the Department and to all who receive HUD funds directly or indirectly from such contractors or grantees; (4) participants, or contractors with participants, in programs where HUD is or will be the guarantor or insurer; and (5) former HUD employees.

(b) This part does not apply to (1) contracts with, or grants made to, owners or occupants of real property in connection with the acquisition of such real property, or any interest therein, by a public entity for a HUD assisted program or project where such entity possesses the power of eminent domain; or (2) relocation payments.

§ 24.4 Definitions.

(a) "Debarment" means, in general, exclusion from participation in HUD programs for an indefinite period of time. Debarment also means exclusion from participation by reason of ineligibility under regulations of the Secretary of Labor pursuant to Executive Order 11246, which exclusion continues pending elimination of the circumstances for which it was imposed.

(b) "Suspension" means a disqualification from participation in HUD programs for a temporary period of time because a contractor or grantee is suspected upon adequate evidence of engaging in criminal, fraudulent, or seriously improper conduct.

(c) "Placement in ineligibility status" means a disqualification from participation in HUD programs pending the elimination of the circumstances which constitute the basis for imposition of the disqualification.

(d) "Affiliates." Business concerns are affiliates of each other when either directly or indirectly one concern or individual formulates, directs, or controls the other concern; or has the power to formulate, direct, or control the other concern; or has the responsibility and authority either to prevent in the first instance, or promptly to correct, the offensive conduct of the other concern. Business concerns are also affiliates of each other when a third party is similarly situated with respect to both concerns.

(e) "Consolidated list." A monthly publication which includes the names of contractors and grantees who may not participate in Department programs because of their debarred, suspended or ineligible status.

(f) "Contractors or grantees." Individuals and public or private organizations that are direct recipient of HUD funds or that receive HUD funds indirectly through non-Federal sources including, but not limited to, borrowers, builders, mortgagees, real estate agents and brokers, area management brokers, or those in a business relationship with such recipients including, but not limited to, architects, engineers and attorneys; all participants, or contractors with participants, in programs where HUD is the guarantor or insurer; and Federally assisted construction contractors.

(g) "Financial assistance." Assistance through grant or contractual arrangements; assistance in the form of loans, loan guarantees or insurance; and in addition, award of procurement contracts, notwithstanding any quid pro quo given or whether the Department gives anything of value in return.

(h) "Temporary denial of participation." Unless taken as a result of a pending investigation or an indictment which gives rise to suspension of the contractor or grantee, a temporary denial is an exclusion from HUD programs by an Area Office Director, Insuring Office Director or a Regional Administrator for a specified period. The denial is limited in effect to the jurisdiction of the office initiating the action.

(i) "Conditional participation." An exclusion of a contractor or grantee by an Area Director or a Regional Administrator from participation in one HUD program, generally pending corrective actions by the contractor or grantee. The exclusion is limited in effect to the jurisdiction of the office imposing the condition.

(j) "Administrative sanction." Any action by the Department under this part which is a limitation upon the right of a contractor or grantee to participate in Department programs.

§ 24.4 General.

(a) Debarment, suspension, placement in ineligible status, temporary denial of

participation and conditional participation are measures which may be invoked by offices of the Department either to exclude or to disqualify contractors and grantees from participation in Department programs. These measures shall be used for the purpose of protecting the public and are not for punitive purposes.

(b) Department action to exclude or to disqualify contractors and grantees from participation in its programs, or to reconsider such measures, shall be based upon all available relevant facts. Department investigation required to elicit such facts and related evidence shall be conducted by the Office of the Inspector General or by such other office as has been assigned investigative authority.

(c) Where Department action results in an applicant's being denied financial assistance on the basis of his previous conduct with the Department, the applicant is entitled to a hearing in accordance with this part, except that (1) in those Departmental programs where administrative sanctions and hearings are provided by Statute, this Part 24 shall not apply, (2) where the action is based on an indictment of the party, or an unindicted coconspirator, an appeal of the action is limited to submission of written briefs to the hearing officer.

(d) Where a party has been adversely affected by Department action on the grounds that he is an "affiliate" the hearing on this issue shall be consolidated with the hearing of any of the principals.

§ 24.6 Establishment and maintenance of lists of contractors and grantees subject to administrative sanctions.

(a) The Inspector General, shall be responsible for maintenance and consolidation of Department lists relating to administrative sanctions. He shall further maintain debarment lists of other Government agencies which this Department is required by law and Executive Order to observe.

(b) Each Assistant Secretary, Area Director, Insuring Office Director and Regional Administrator shall advise the Inspector General of additions or deletions to be made in the lists maintained by the Office of the Inspector General. Such lists shall be periodically reviewed by the General Counsel to assure that the criteria, procedures, and standards included in these regulations are observed.

(c) The Office of Inspector General shall in cooperation with the offices of the Department and the Office of ADP Systems Development, establish automated procedures for assuring the timely receipt of information relative to updating the Consolidated List.

(d) The General Counsel shall determine the necessity for and degree of restriction imposed on circulation to non-Federal entities of the lists maintained by the Office of the Inspector General and correspondence relating to such lists. If the General Counsel determines a list shall be so restricted, the Inspector General shall distribute such lists as determined by the General Counsel.

(e) All lists shall be kept current. Procedures for issuance of notices of additions and deletions shall be established by the Inspector General. Each Assistant Secretary, Area Director, Insuring Office Director and Regional Administrator shall appoint a liaison officer responsible for providing the Office of the Inspector General with current information.

(f) The Consolidated List shall show as a minimum the following information where applicable: (1) the names of those contractors and grantees against whom HUD has invoked administrative sanctions (in alphabetical order) with appropriate cross reference where more than one name is involved in a single transaction; (2) the basis of authority for each action; (3) the extent of restrictions imposed; and (4) the name of the office imposing the action, where appropriate.

(g) The Inspector General shall arrange for reproduction and distribution of the Consolidated List. Publication shall be in accordance with entries made under § 24.7. Distribution of such list among Department employees shall be made to those whose duties require access to the list as authorized by the Assistant Secretaries, Area Directors, Insuring Office Directors and Regional Administrators having respective jurisdiction of such employees. Names of entities named in the Consolidated List will be available upon request.

(h) Procedures for submitting requests for information contained in the Consolidated List and distribution of such information shall be established by the Office of the Inspector General in cooperation with the Office of ADP Systems Management and Operations.

§ 24.7 Bases for entry.

Entry shall be made on the Consolidated List of contractors and grantees on the following bases:

(a) Those listed by the Comptroller General in accordance with the provisions of section 3 of the Walsh-Healey Public Contracts Act (41 U.S.C. 37), which have been found by the Secretary of Labor to have violated any of the agreement or representations required by that Act.

(b) Those listed by the Comptroller General in accordance with the provisions of section 3 of the Davis-Bacon Act (40 U.S.C. 276a–2(a)), as found by the Comptroller General to have violated said Act.

(c) Those listed by the Comptroller General in accordance with the provisions of Part 5, § 5.6(b) of the regulations of the Secretary of Labor issued pursuant to authority granted under Reorganization Plan 14 of 1950, as found by the Secretary of Labor to be in aggravated or willful violation of the prevailing wage or overtime pay provision of any statutes including the following:

(1) Davis-Bacon Act (40 U.S.C. 276a).

(2) Anti-Kickback Act (18 U.S.C. 874, 40 U.S.C. 276 b, c).

(3) The Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330).

(4) National Housing Act (12 U.S.C. 1703).

(5) Hospital Survey and Construction Act (42 U.S.C. 291).

(6) Airport and Airway Development Act of 1970 (49 U.S.C. 1701).

(7) Housing Act of 1949 (42 U.S.C. 1401).

(8) School Survey and Construction Act of 1950 (20 U.S.C. 251).

(9) Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1501, 1591).

(10) Federal Civil Defense Act of 1950 (50 App. U.S.C. 2281(i)).

(11) Area Redevelopment Act of 1961 (42 U.S.C. 2518).

(12) Delaware River Basin Compact (sec. 15.1, 75 Stat. 714).

(13) Health Profession Educational Assistance Act of 1963 (sec. 721, 77 Stat. 167).

(14) Mental Retardation Facilities Construction Act (secs. 10, 122, 13, 77 Stat. 282, 284, 288).

(15) Community Mental Health Centers Act (secs. 205, 77 Stat. 292).

(d) Those listed by the Director of the Office of Federal Contract Compliance on the Contract Ineligibility List which gives the names of contractors and grantees who have been declared ineligible to participate in Government contracting or subcontracting by reason of noncompliance with the Equal Opportunity clause.

(e) Those whom the Department has determined to debar or suspend in accordance with this part.

(f) Those determined by an executive agency in accordance with section 3(b) of the Buy American Act (41 U.S.C. 10b (b)) to have failed to comply with the provisions of section 3(a) of that Act under any contract containing the specific provisions required by said section 3(a) and made by the agency for construction, alteration, or repair of any public building or public work.

§ 24.8 Treatment to be accorded contractors or grantees subject to administrative sanctions.

(a) Total restrictions. Department funds shall not be expended for financial assistance to a contractor or grantee that is listed on the basis of § 24.7 or to any concern, corporation, partnership, or association in which the former contractor or grantee has a substantial interest, nor shall bids or proposals be solicited therefrom.

(b) Partial restrictions. Where an Area Director, Insuring Office Director or a Regional Administrator has authority to initiate actions for temporary denial of participation or conditional participation, restrictions concerning use of Department funds for financial assistance to a contractor or grantee shall apply only within the territory of authority for the respective regional, insuring, or area office.

(c) Restrictions on subcontracting.

Where a contractor or grantee listed on the Consolidated List is proposed as a subcontractor, the contracting officer or program officer should prohibit or decline to approve subcontracting with that contractor or grantee unless it is determined by the Department to be clearly in the best interest of the Government to do so.

§ 24.9 Causes and conditions applicable to determination of debarment.

Subject to the following conditions, the Department may debar a contractor or grantee in the public interest for any of the following causes:

(a) *Causes.* (1) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract.

(2) Conviction under the Federal Antitrust Statutes arising out of the submission of bids or proposals.

(3) Violation of contract provisions, as set forth below, of a character which is regarded by the Department to be so serious as to justify debarment action:

(i) Willful failure to perform in accordance with the specifications or within the time limit provided in the contract;

(ii) A record of failure to perform, or of unsatisfactory performance, in accordance with the terms of one or more contracts: Provided, that such failure or unsatisfactory performance has occurred within a reasonable period of time preceding the determination to debar. Failure to perform or unsatisfactory performance as a contractor caused by events beyond the control of the firm or individual which were not reasonably foreseeable shall not be considered to be a basis for debarment;

(iii) Violation of the contractual provision against contingent fees;

(iv) Payment or acceptance of a contingent fee, which is paid in violation of a contractual or statutory provision against contingent fees; and

(v) Violation of the contractual provision requiring affirmative action to provide equal opportunity in the participant's own employment practices.

(4) Any other cause of such serious compelling nature, affecting responsibility, as may be determined by the appropriate Assistant Secretary, to warrant debarment.

(5) Violation of any law, regulation, or procedure relating to the application for financial assistance, insurance, or guarantee or to the performance of obligations incurred pursuant to a grant of financial assistance, or conditional or final commitment to insure or guarantee.

(6) Making or procuring to be made any false statement for the purpose of influencing in any way the action of the Department.

(7) Debarment by some other executive agency.

(8) Those found by the Secretary, after hearing and in accordance with procedural requirements of implementing regulations, to have violated Title VI of the Civil Rights Act of 1964. (Title VI and implementing regulations limit a withholding of financial assistance to the particular program, or part thereof, where the noncompliance occurred.)

(9) Those found by the Secretary to have violated any rule, regulation or procedure issued or adopted pursuant to Executive Order 11063, or any nondiscrimination provision included in any agreement or contract pursuant to any such rule, regulation, or procedure.

(10) Conviction under the Organized Crime Control Act of 1970, 18 U.S.C. 1961 et seq. or conviction for the commission of the offense of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or honesty, which seriously and directly affects the question of present responsibility.

(11) Those who have failed to pay their debts to the Department within a reasonable period of time after a written demand for payment has been made in accordance with 4 CFR Part 102, Standards for the Administrative Collection of Claims and implementing HUD regulations in Part 17 of this Title.

(b) *Conditions.* (1) The existence of any of the causes set forth in paragraph (a) of this section does not necessarily require that a contractor or grantee be excluded from departmental programs. In each instance, whether the offense or failure, or inadequacy of performance, be of a criminal, fraudulent, or other serious nature, the decision to debar shall be made within the discretion of the Department and shall be rendered in the best interest of the Government. Likewise, all mitigating factors may be considered in determining the seriousness of the offense, failure or inadequacy of performance, and in deciding whether the Administrative Sanction is warranted.

(2) The existence of a cause set forth in paragraph (a) (1) and (2) of this section shall be established by criminal conviction by a court of competent jurisdiction. In the event that an appeal taken from such conviction results in a reversal of the conviction, the Administrative Sanction may be removed upon the party's request for reinstatement unless other cause for an administrative sanction exists.

(3) The existence of a cause set forth in paragraph (a) (3), (4), (6), (7), and (8) of this § 24.9 shall be established upon the evidence presented as determined by the Department and consistent with pertinent statutes and regulations.

(c) *Period and scope of debarment.* (1) Debarment may include all known affiliates of a contractor or grantee.

(2) Debarment of a contractor or grantee shall be for any identified term.

(3) Debarment of an organization or individual for failure to comply with the provisions of Executive Order 11246 on Equal Employment Opportunity or Title VI of the Civil Rights Act of 1964, shall continue until removed in accordance with those authorities and applicable regulations.

§ 24.10 Procedural requirements relating to the imposition of debarment.

(a) Initiation of action. When the Department seeks to debar a contractor or grantee (or any affiliate thereof), that party shall be served with written notice by registered or certified mail, return receipt requested, from the Assistant Secretary, proposing the action: (1) stating that the action is being considered, (2) setting forth the reasons for the proposed action, and (3) indicating that such party will be accorded an opportunity for a hearing if he so requests within 10 days from his receipt of notice, and that he may be represented by counsel. For the purposes of compliance with this section, notice shall be considered to have been received by the addressee if the notice is properly mailed to the last known address of such addressee. Any official having jurisdiction may initiate a debarment action, notwithstanding the concurrent jurisdiction of another office.

(b) *Hearing.* (1) Request for hearing. Any contractor or grantee that has been notified of a proposed action is entitled to request an opportunity to be heard and to be represented by counsel. A hearing request shall be made in writing addressed to the official proposing the action. If at the end of such 10 day period no request has been received, it may be assumed that an opportunity to be heard is not desired, and such official may proceed to make a final determination and so notify the interested party.

(2) *Notice of Hearing.* Upon receipt of a request for an opportunity to be heard, the Hearing Officer shall arrange a prompt and timely hearing. Notice of the time and place of such hearing shall be in writing, transmitted by registered mail, return receipt requested, and shall include a statement indicating the nature of the proceedings and their purpose. It shall be within the discretion of the Hearing Officer to determine the hearing place. In determining the hearing place, the Hearing Officer shall consider the convenience of the parties and the public interest.

(c) *Hearing Procedures.* (1) At the discretion of the Hearing Officer, hearings may be open to the public upon request except where issues of National security, trade secrets and personal privacy are present.

(2) Hearings shall be conducted by a Hearing Officer of the Department who shall be responsible for the fair and expeditious conduct of proceedings.

(3) The Department shall be represented by the General Counsel or his designee.

(4) A transcribed record shall be made of the proceeding and shall be made available to the parties upon request.

(5) Counsel for the Department shall proceed first with an opening statement to be followed by Appellant's opening statement. Either party may waive this right.

(6) All witnesses shall testify under oath or affirmation. Department witnesses, if any, shall be first called and

may be cross-examined by Appellant. Appellant's witnesses may also be cross-examined.

(7) Counsel for the Department shall make the first closing statement. Appellant shall have the right of last closing statement and final rebuttal.

(8) After the contractor or grantee has been afforded an opportunity to be heard, the Hearing Officer shall make a written determination on the evidence presented. If it is proposed that the sanction include an affiliate, the Hearing Officer shall rule specifically on the proposal issuing and including the grounds upon which this decision rests.

(9) The Hearing Officer's determination shall be final unless within 30 days the Secretary decides, as a matter of discretion, to review the findings of the Hearing Officer or to have the findings reviewed by a designee of the Secretary. Any party may request such a review in writing within 10 days of receipt of the Hearing Officer's determination.

(10) Where a review is granted, the determination by the Secretary, or the Secretary's designee shall be based on the record of the initial hearing and shall fully recite the evidentiary grounds upon which the Secretary's determination is made.

(11) Each determination shall become a part of the record.

(12) Notice of the determination by the Secretary, or the Secretary's designee, shall be given in writing, signed by the Secretary or the Secretary's designee and transmitted by registered mail, return receipt requested.

(13) Formal rules of evidence and procedure applicable to a proceeding in a Court of Law will not be applied. Parties may object to clearly irrelevant material, but technical objections to testimony as used in a court of law will not be sustained.

(14) The hearing officer, in the conduct of the hearing, has the power among others, to:

(i) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his own motion;

(ii) Require parties to state their position with respect to the various issues in the proceeding;

(iii) Require parties to produce for examination those relevant witnesses and documents under their control;

(iv) Rule on motions, and other procedural items on matters pending before him;

(v) Regulate the course of the hearing and conduct of participants therein;

(vi) Examine and cross-examine witnesses, and introduce into the record documentary or other evidence;

(vii) Receive, rule on, exclude, or limit evidence, and limit lines of questioning or testimony which are irrelevant, immaterial or unduly repetitious;

(viii) Fix time limits for submission of written documents in matters before him;

(ix) Impose appropriate sanctions against any party or person failing to obey an order under these procedures which sanctions may include:

(A) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(B) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(C) Expelling any party or person from further participation in the hearing.

(x) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice.

(xi) Administer oaths of affirmation.

(xii) Rule on requests by the public to attend the hearing.

(d) Notice to Inspector General. Immediately upon issuance of a Final Determination by the Hearing Officer which imposes an Administrative Sanction on an appellant, the Inspector General shall be so notified on forms provided by his office. Notice of a Secretarial Determination issuing from an appeal of the determination of the Hearing Officer shall be sent upon issuance to the Office of Inspector General.

(e) Notice of Field Offices. Where a sanction has been invoked by an Assistane Secretary, each field office shall be notified in writing of such Determinations. Such notice shall include:

(1) The name of the party and affiliates, if any, against whom the sanction is invoked.

(2) The address of the party, and affiliates where appropriate.

(3) The effect of the sanction.

(4) The ducation of the sanction.

(f) *Rescission and reinstatement.* (1) Request for reinstatement. Any contractor or grantee against whom an administrative sanction has been invoked may in writing request reinstatement by the official who invoked the administrative sanction any time after six months from the date of such determination. No subsequent request for reinstatement will be considered less than six months after the previous request is denied. When two requests for reinstatement have been denied, the applicant is entitled to a hearing of the denial in accordance with this section.

(2) Consultation by Field offices and Assistant Secretaries. Upon receipt of a request for reinstatement, the appropriate Field Officer and Assistant Secretary shall confer with regard to the merits of the request. The official who imposed the sanction shall promptly submit a recommendation concerning the reinstatement. If there is disagreement between the Assistant Secretary and the Field Officer, the issue shall be referred to the Secretary for final resolution of the request for reinstatement.

(3) Reinstatement procedures. The procedures for reinstatement are substantially similar to those invoked in the initial proceedings. Conduct of the reinstatement proceedings shall be the responsibility of the official who imposed the sanction. In reaching his determination regarding reinstatement the official must be satisfied that it is in the best interest of the Government to reinstate and also be persuaded from the assurances of the party concerned that he understands the requirements of the statutes and the administrative rules and regulations and that he will comply with them in the future.

(4) Grounds. Except as otherwise provided by statute, a party may be reinstated subject to this paragraph (f) upon the submission of an application, supported by documentary evidence, setting forth appropriate grounds for the granting of relief such as newly discovered material evidence, reversal of a conviction, bona fide change of ownership or management, or the elimination of the causes for which the debarment was imposed.

(5) Notice. When an Administrative Sanction has been rescinded a report thereof shall be forwarded to the Inspector General. Notice of reinstatement shall be forwarded to the party so reinstated by the office taking the reinstatement action.

(g) Hearing Officers. A Hearing Officer Panel shall be established and shall consist of not less than six attorneys appointed by the General Counsel.

(h) Precedence of statutes and Executive Orders. Where an office of the Department is required by statute or Executive Order to follow administrative sanction procedures that may differ from the requirements of this part, the statutory or Executive order procedures shall take precedence. The appropriate liaison officer shall provide the Inspector General with such statutes or Executive orders and all implementing materials.

(i) Intervention. At hearings conducted pursuant to this section, any member of the public having an interest in the matter may request participation in the hearing. Participation will be limited to (1) reviewing case files, (2) receiving advance notice of hearings, (3) attending hearings, (4) filing written briefs on the issues presented, and (5) testifying when summoned in writing by the Department or the Appellant.

(j) Scheduling information. The General Counsel shall maintain a current schedule of all matters that have been set for hearing. This information shall be available to the public upon request.

§ 24.11 Suspension.

Suspension is a drastic action and, as such, shall not be based upon an unsupported accusation. In assessing whether adequate evidence exists for invoking a suspension, consideration shall be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, as well as to the inferences which may properly be drawn from the existence or absence of affirmative facts. This assessment shall include an examination of basic documents, such as contracts, inspection reports and correspondence. A suspension may be modified by the office

invoking the sanction whenever it is determined to be in the interest of the Government to do so.

§ 24.12 Causes and conditions under which contractors or grantees may be suspended.

(a) The Assistant Secretaries may, in the interest of the Government, suspend a contractor or grantee:

(1) Suspected, upon adequate evidence, of—

(i) Commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain a public contract, or in the performance of Government business or contractual dealings.

(ii) Violation of the Federal antitrust statutes arising out of the submission of bids and proposals; or

(iii) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the Organized Crime Control Act of 1970 or any other offense indicating a lack of business integrity or business honesty, which seriously and directly affects the question of present responsibility; or

(2) For other causes of such serious and compelling nature, affecting responsibility as may be determined in writing by the appropriate Assistant Secretary to warrant suspension. Among such causes are cases where the contractor or grantee is suspected, upon adequate evidence of—

(i) Violation of any law, regulation, or procedure relating to the application for financial assistance, insurance or guarantee or to the performance of obligations incurred pursuant to a grant of financial assistance or conditional or final commitment to insure or guarantee.

(ii) Making or procuring to be made any false statement for the purpose of influencing in any way the action of the Department.

(b) A suspension invoked by another agency for any of the causes set forth in paragraph (a) (1) and (2) of this section may be the basis for the imposition of a concurrent suspension by the Department.

(c) An outstanding indictment of a contractor or grantee, or the naming of a contractor or grantee as an unindicted co-conspirator is adequate evidence of suspected criminal conduct and may be the basis for imposition of a suspension.

§ 24.13 Period and scope of suspension.

(a) Period of suspension. All suspensions shall be for a temporary period pending the completion of an investigation and such administrative or legal proceedings as may ensue. In cases involving suspected violations of Federal law where prosecutive action has not been initiated by the Department of Justice within 12 months from the date of the notice of suspension, the suspension shall be terminated unless an Assistant Attorney General or a United States Attorney requests continuance for an additional six months. Notice of the proposed removal of the suspension shall be given to the Department of Justice 30 days prior to the expiration of the 12-month period. In no event shall a suspension continue beyond 18 months unless prosecutive action has been initiated within that period. Whenever prosecutive action has been initiated, the suspension may continue until the administrative or legal proceedings are completed. Consideration may be given to debarment in accordance with § 24.10 in conjunction with the suspension procedure.

(b) Scope of suspension. (1) Suspension may include all known affiliates of a contractor or grantee.

(2) A decision to include known affiliates in a proposed suspension is an individual determination and, as such, must be made on a case-by-case basis. Among the factors to be considered in making this determination are (i) likelihood of the affiliate's knowledge of or participation in the suspected improper conduct, and (ii) the impact of its suspension on Department programs.

(3) The criminal, fraudulent, or other seriously improper conduct of an individual may be imputed to the organization with which he is connected when the impropriety involved was performed within the course of his official duty, or with knowledge or approval of the organization.

§ 24.14 Restrictions during period of suspension.

During a period of suspension of a contractor or grantee the following policies and procedures shall be applicable:

(a) Bids and proposals for financial assistance shall not be solicited from suspended contractors or grantees. If received, bids and proposals shall not be considered and awards for contracts shall not be made to suspended contractors or grantees unless it is determined by the Department to be clearly in the best interest of the Government. A determination to consider such bids and make such awards shall include consideration of unique value of the bidder's services and the degree to which the suspected improper conduct reflects upon the bidder's capacity to serve the Department.

(b) Suspended contractors will be subject to the provisions of § 24.8 regarding restrictions on subcontractors.

§ 24.15 Notice of suspension.

(a) The contractor or grantee concerned shall be furnished by registered or certified mail, return receipt requested, a written notice of the suspension by the appropriate Assistant Secretary within 10 days after the effective date of the suspension. The notice shall state as follows:

(1) Basis of the action. The suspension is based (i) on the information that the contractor or grantee has committed irregularities of a serious nature in business dealings with the Government, or (ii) on irregularities which seriously reflect on the propriety of further dealings of the contractor or grantee with the Government. The irregularities should be described in general terms without disclosing the Government's evidence.

(2) The suspension is for a temporary period pending the completion of an investigation by the Department and/or any other Federal Agency and such administrative or legal proceedings as may ensue.

(3) Bids and proposals for participation in any Department programs will not be solicited from the contractor or grantee and, if received, will not be considered for award unless determined by the Department to be in the best interest of the Government.

(4) The suspended party is entitled to request an opportunity to be heard and represented by counsel in accordance with § 24.10 of this part.

(b) Where a matter has been referred to the Department of Justice, the Department shall not give further information to the contractors or grantees concerning the reasons for suspension beyond that stated in the notice of suspension set forth in this section until the Department of Justice has been advised of the inquiry and acquiesces in any such disclosure.

(c) For the purposes of compliance with this section, notice shall be considered to have been received by the addressee if the notice is properly mailed to the last known address of such addressee.

§ 24.16 Other sanctions.

(a) Except for provisions for withdrawal of mortgagee approval by the Mortgagee Review Board (24 CFR Part 25), all sanctions not authorized by this Part 24 are hereby repealed. This includes but is not limited to:

(1) Unsatisfactory risk determination (24 CFR 200.200).

(2) Precautionary measures (24 CFR 200.205–200.208).

(3) Restrictions pending correction of construction deficiences (HUD Handbook 4080.1, par. 2–3).

(4) Refusal of participation under section 512 (24 CFR 200.190–200–195).

(5) Warning letters (HUD Handbook 4080.1, par. 2–2).

(6) Dealer approval (24 CFR 201.615–201.620).

(b) Limitations on participation of a contractor or grantee imposed prior to the effective date of these regulations under an ancillary procedure shall not be modified unless a final determination under § 24.10(c) (10) so requires.

(c) Procedures under § 24.17 may be utilized to effect the sanctions repealed under this section.

§ 24.17 Temporary denial of participation; conditional participation.

(a) Causes and conditions under which a temporary denial of participation may be invoked.

(1) An Area Director, Insuring Officer Director or Regional Administrator may issue an order which denies the participation in Department programs of a contractor or grantee,

(2) Causes for denial of participation shall include:

(i) Adequate evidence that approval of

an applicant for insurance would be an unsatisfactory risk,

(ii) Adequate evidence of irregularities in contractor's or grantee's past performance in a Department program,

(iii) Failure of a contractor or grantee to maintain prerequisites of eligibility to participate in a Department program.

(iv) Causes under § 24.12(a) of this part.

(3) Period and scope of temporary denial of participation.

(i) A denial of participation is limited to the program under which the offense occurred.

(ii) Denial of participation shall be for a temporary period pending correction or dismissal of the grounds for the denial, demonstration by the contractor or grantee that it is in the best interest of the Government to resume business with such contractor or grantee, or completion of an investigation and such legal proceedings as may ensue.

(iii) Denial of participation to affiliates shall be in accordance with § 24.13(b) of this part.

(iv) Restrictions imposed by a denial of participation shall not extend beyond the jurisdiction of the official invoking the denial.

(4) Notice of temporary denial of participation.

(i) A contractor or grantee shall be furnished by registered or certified mail, return receipt requested, a written notice of the action by the Area Director, Insuring Office Director or Regional Administrator. The denial shall be effective as of the date of the notice.

(ii) The notice shall clearly state the grounds upon which the action is based and shall explain the temporary nature of the action in accordance with paragraph (a)(3) of this section.

(iii) The notice shall explain the impact of the action on the contractor's or grantee's participation in Department programs specifying the program involved and the geographical area affected by the action.

(iv) The notice shall advise the contractor or grantee that a request may be made in writing to the official invoking the action for an opportunity to request reconsideration of the decision.

(5) Conference for reconsideration.

(i) Upon receipt of a request for reconsideration the official imposing the action shall promptly arrange a conference with the contractor or grantee to reconsider the order.

(ii) The contractor or grantee may be represented by counsel and may present all relevant materials to the official.

(iii) After consideration of the materials presented, the official shall in writing advise the contractor or grantee of his decision to withdraw, modify or affirm his order.

(iv) Where the decision is to affirm the order, the contractor or grantee may appeal in accordance with provisions of § 24.10(b) of this part, except that the request shall be addressed to the Assistant Secretary having jurisdiction of the program concerned.

(b) Causes and conditions under which conditional participation may be invoked.

(1) An Area Director, Insuring Office Director or Regional Administrator may issue an order of conditional participation to a contractor or grantee.

(2) Causes for an order of conditional participation shall include:

(i) Failure to proceed in accordance with Department specifications,

(ii) Adequate evidence that requirements of a grant or contract will not be satisfied upon completion,

(iii) Adequate evidence that there may be construction deficiencies in ongoing projects.

(3) Period and scope of an order of conditional participation.

(i) An order of conditional participation is limited to the program under which the offense occurred.

(ii) An order of conditional participation shall apply to affiliates in accordance with § 24.13(b) of this part.

(iii) Conditional participation shall be for a temporary period pending satisfaction of the conditions leading to issuance of the order.

(iv) Restrictions imposed by conditional participation shall not extend beyond the jurisdiction of the official issuing the order.

(4) Notice of conditional participation. Issuance of an order of conditional participation shall be in accordance with § 24.17(a)(4) of this section.

(5) *Conference for reconsideration.* Procedures for a request for reconsideration of an order of conditional participation shall be in accordance with § 24.17(a)(5) of this section.

Issued December 6, 1976.

JOHN B. RHINELANDER,
Under Secretary of Housing and Urban Development.

[FR Doc.76-36347 Filed 12-10-76;8:45 am]

federal register

MONDAY, DECEMBER 13, 1976

PART IV:

FEDERAL COMMUNICATIONS COMMISSION

■

INTERNATIONAL TELECOMMUNICATION UNION, GENERAL WORLD ADMINISTRATIVE RADIO CONFERENCE PREPARATION

Revision of International Radio Regulations

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20271; FCC 76-1099]

INTERNATIONAL TELECOMMUNICATION UNION, GENERAL WORLD ADMINISTRATIVE RADIO CONFERENCE PREPARATION

Revision of International Radio Regulations

Adopted: November 24, 1976.

Released: December 6, 1976.

Third notice of inquiry. In the matter of an inquiry relative to preparation for a General World Administrative Radio Conference of the International Telecommunication Union to consider Revision of the International Radio Regulations.

1. On September 5, 1975, the Commission adopted a Second Notice of Inquiry in the above entitled matter (FCC 75-990, No. 36758). It was released on September 19, 1975, and appeared in the FEDERAL REGISTER on September 29, 1975 (40 FR 44606). The period for comments and reply comments has passed.

2. The purpose of the Second Notice was to solicit comments "* * * regarding the alignment of the international table with the domestic table," above 40 GHz. Further, comments and supporting technical materials were requested on several points "with respect to the use of small earth terminals in any or all of the space radiocommunications services in the near (1975-1985) and long (1985-2000) term time frame." Finally, we pointed out that in "* * * respect to the 100-1215 MHz band the Commission has received a letter from the Office of Telecommunications Policy advising * * * 'that access to a substantial amount of additional spectrum in that range will be required' "; the matter was raised at that time in order to indicate a need to document civil requirements for use of the spectrum.

3. Comments were filed by Aeronautical Radio, Inc.; Air Transport Association of America; American Broadcasting Companies, Inc.; American Petroleum Institute; American Satellite Corporation; Aircraft Owners and Pilots Association; Association of American Railroads; American Telephone and Telegraph Company; Brown Radio Service and Laboratory; Cities Service Company; Council for UHF Broadcasting; et al; Exxon; General Electric Company; General Telephone and Electronics Service Corporation; Home Box Office, Inc.; Joint Council on Educational Telecommunications; Land Mobile Communications Council; National Association of Business and Education Radio, Inc.; National Cable TV Association, Inc.; Association of Maximum Service Telecasters, Inc.; Motorola, Inc.; RCA; Texas Instruments, Inc.; Transcommunications Corporation; Utilities Telecommunication Council; and Western Union Telegraph Company. Comments were filed late by COMSAT and COMSAT General Corporation. Reply comments were received from American Broadcasting Companies, Inc.; American Telephone and Telegraph Company; American Radio Relay League, Inc.; Associated Public-Safety Communications Officers, Inc.; American Satellite Corporation; Collins Radio Group; Association of Maximum Service Telecasters, Inc.; General Telephone and Electronics Service Corporation; Home Box Office, Inc.; National Cable TV Association, Inc.; and Transcommunications Corporation.

4. Although the comments and reply comments have been considered and will continue to receive attention as this preparatory work advances, they are not summarized herein.

5. The Commission is still studying the subject of small Earth terminals.

6. The 31st Session of the International Telecommunication Union (ITU) Administrative Council, meeting in June 1976, as established the following agenda for the 1979 WARC [1]:

To review, and where necessary, revise the provisions of the Radio Regulations relating to terminology, the allocation of frequency bands and the associated regulations (Articles 1 to 7);

To review and, where necessary, revise the provisions applicable to the coordination, notification and recording of frequency assignments (Articles 9 and 9A) except those articles relating to a single service;

To review and, where necessary, revise the other regulations applicable to services in general (Articles 12 to 20);

To review the report on the activity of the IFRB and revise, where necessary, the provisions relating to its methods of work and internal regulations;

To study the technical aspects of the use of radio-communications for marking, identifying, locating and communicating with the means of medical transport protected under the 1949 Geneva Conventions and any additional instruments of these Conventions;

To consider any Recommendation of the 1977 World Administrative Radio Conference for the Aeronautical Mobile (R) Service on the possible rearrangement of the Radio Regulations and Additional Radio Regulations, and to make such consequential changes as may be necessary to harmonize the revisions of the Radio Regulations since 1959; [2]

To propose to the Administrative Council and to the Plenipotentiary Conference a programme for convening future administrative radio conferences to deal with specific services;

To consider the proposals based on the CCITT studies carried out in accordance with Resolutions Mar2-22 and 23;

To consider the resolutions and recommendations adopted by world administrative radio conferences and to adopt such resolutions and recommendations as may be necessary.

7. The primary purpose of this Notice is to present a proposed International Frequency Allocations Table (Article 5) and to solicit comments thereto. In the development of this table, we have considered the comments and reply comments received in response to the past notices, information available to the Commission, and the reports of the following Service Working Groups (SWG's):

Aviation, Private Microwave, Radio Relay, AM Broadcast, Fixed Satellite, Citizens Band, Private Land Mobile, Amateur, Auxiliary Broadcast, Broadcast Satellite, International Broadcast, Common Carrier Domestic Land Mobile, Television Broadcast, Maritime Mobile, Cable Ancillary, HF Fixed, FM Broadcast, and Radio Astronomy.

In addition, we have also considered the requirements of the Federal Government which have been identified to date. The proposed table is attached as Appendix 1 to this Notice; a justification and rationale for it is provided in the following paragraphs.

8. Although each SWG request may not be identified in the following paragraphs, every attempt has been made to satisfy these requests insofar as practicable. The FCC Public Notice No. 62477 of March 22, 1976, listed the non-government spectrum requirements.

SPECTRUM BETWEEN 10 KHZ AND 4000 KHZ

9. We are proposing little change to the Table of Allocations for this portion of the radio spectrum; approximately 70 percent of the allocations remain the same as contained in the present table. This is because many of the systems utilizing these frequencies are conducting long established, continuing operations. In the following paragraphs we will discuss the proposed changes as well as the needs for spectrum expressed by the various concerned services.

AMATEUR SERVICE

10. The Amateur SWG requested exclusive worldwide allocations between 160 and 190 kHz, 1715 and 2000 kHz, and 3500 and 4000 kHz; we can only partially accommodate these requests because of the requirements of other services operating in this long established portion of the spectrum. We are proposing to add the Amateur Service in the band 160-190 kHz on an exclusive basis. Exclusive allocations are also proposed between 1725 and 1900 kHz in Regions 1 and 3 and between 1750 and 1900 kHz in Region 2; we are additionally proposing an exclusive worldwide allocation in the band 3500-3900 kHz along with a continuation of the present allocations between 3900-4000 kHz.

BROADCAST SERVICES

11. The AM Spectrum SWG requested that the band 535-1605 kHz be continued as allocated to the Broadcasting Service on an exclusive basis, and that neighboring frequencies between 525-535 kHz and 1605-1805 kHz be also allocated in certain regions. As the proposed table reflects, we have added Broadcasting on a primary basis to Regions 2 and 3 at 525-535 kHz; we have continued the exclusive allocation at 535-1605 kHz; and we have added Broadcasting at 1605-1615 kHz on a shared primary basis in Region 2. While 1615-1805 kHz has not

[1] The agenda for any ITU WARC may be changed in accordance with Nos. 219-221 of the ITU Convention.

[2] The 1977 Aeronautical WARC has been postponed until 1978; the task of rearranging the Radio Regulations will be treated during the 1977 WARC for the planning of the broadcasting satellite service at 12 GHz.

been included in the table at this time, additional spectrum space in this band for AM Broadcasting will continue to be considered in view of the potential heavy demand for new stations by commercial, non-commercial, and minority group applicants and in view of the direct public interest benefits of this service. The use of reduced channel spacing (e.g. 8 or 9 kHz) has also been addressed by the SWG. While Regions 1 and 3 have adopted plans to reduce channel separation as a means of increasing the number of channels, this scheme affects adjacent channel interference, the development of AM stereo, and poses serious conversion problems for the U.S. which has developed its AM service largely around the use of directional antennas designed for use only on specific frequencies. Comments on this issue and the extension of the broadcast band to 1805 kHz are requested.

12. The International Broadcasting SWG indicated that additional spectrum was required, particularly at 3900–4000 kHz. We have not proposed any change to the band 3900–4000 kHz, which permits broadcasting in certain regions under specified conditions. Although the recent LF/MF conference rejects the use of single side band, we feel this technique should be examined and commented upon.

13. The Auxiliary Broadcast SWG requested that allocations be retained that would permit the use of the frequencies 1606, 1622, and 1646 kHz. We believe that the proposed table is adequate to continue to permit operations on these frequencies, possibly on a secondary basis domestically to regular AM broadcast operation if the AM band is expanded. On this basis the request of the SWG is fulfilled.

FIXED

14. We have suppressed the Fixed Service in several bands below 4000 kHz. This is based on long term projected usage, and on the advent of other techniques used to satisfy the needs once provided by this service. We believe that these suppressions adequately reflect the comments provided by the HF Fixed SWG.

AERONAUTICAL MOBILE

15. The Aeronautical SWG requested that the allocations for the Aeronautical Mobile (R) Service in the bands 2850–3025 and 3400–3500 kHz be maintained. As the table shows, we are proposing such a continuation.

MARITIME MOBILE

16. The Maritime Mobile SWG requested deletion of the Maritime Mobile Service from the bands 70–90, 90–110, 110–130, 130–150, and 150–160 kHz. Because of the needs of Government users, it has not been possible to adopt those proposals.

RADIONAVIGATION

17. The Aeronautical Service Working Group requested that the allocations to Radionavigation at 10–14 kHz and 90–110 kHz be maintained, that RR No. 168 in the band 110–130 kHz be suppressed for all regions, and that allocations to the Aeronautical Radionavigation service be provided between 160 and 490 kHz. It also indicated that there is no longer a need for the allocation to Aeronautical Radionavigation in the band 1605–2000 kHz.

18. As our proposed table shows, we have continued the allocations at 10 kHz and 90 kHz and have suppressed RR No. 168. Unfortunately we cannot accommodate the total request for spectrum between 160 and 490 kHz; however, we are proposing that Aeronautical Radionavigation be added on a secondary basis in all regions in the band 415–490 kHz. The extent to which this service can share with the Maritime Mobile (Primary) Service is unknown; we invite comments on this issue. Between 1605–2000 kHz; Radionavigation has been deleted from several bands as requested. There is an urgent requirement for aeronautical radionavigation in Region 2 in the 190–200 kHz band to accommodate additional non-Government non-directional beacons primarily for off-shore oil drilling operations.

19. The Government users requested that the Aeronautical Radio-navigation Service be allocated as a permitted service in the band 510–525 kHz; the slant(/) bars in the table are an indication of this proposal. The Government also requested that radio beacons be permitted to operate in the bands 275–285 kHz and 325–335 kHz; as the table shows we are proposing allocations to the Radionavigation Service in those bands.

RADIOLOCATION

20. The Maritime Mobile SWG requested that Radiolocation be added as a secondary service in the 1800–2000 kHz band; we have partially satisfied this request by adding Radiolocation between 1900 and 2000 kHz.

SPECTRUM BETWEEN 4000 KHZ AND 27.5 MHZ

21. It is apparent from a review of submitted requirements for frequencies in this range that this severely congested portion of the radio spectrum will continue to be heavily utilized by many services over the coming years. Even with the introduction of more sophisticated technology (e.g., use of satellites) there are ever increasing needs to satisfy long distance communication requirements, particularly for the mobile services, which can best be met through the use of HF spectrum. Thus we are faced with a situation where the demands for additional spectrum are great, and where only a relatively small portion of spectrum can be relinquished by some users to satisfy the needs of others. After analyzing all of these needs, including those of the Federal Government, it has not been possible to fulfill all the submitted requirements for frequency allocations.

22. The proposed frequency allocation table in Annex 1 does not allocate any additional spectrum to the high frequency broadcasting service as requested by the SWG. Our reasons for not including additional spectrum space are contained in the broadcast paragraph below. In the table, some spectrum now allocated to the fixed services has been reallocated to satisfy other requirements. We are advocating this approach because major non-government users of this spectrum have indicated a willingness to relinquish allocations to the Fixed services as they implement systems using higher technology. Problems could occur, however, if government users cannot vacate the occupied spectrum, or, if other nations relying upon lesser technology require additional spectrum to satisfy their own communication needs. Another possible approach is to permit sharing by the Fixed and Broadcasting services. For instance, some International Broadcast high frequencies are heavily occupied during the evening and mid morning hours, but are lightly used during the remainder of the day. They could be candidates for sharing. It is likely that there are also frequencies allocated to the Fixed services which could be time shared by broadcasting. We invite particular comments on the feasibility of sharing HF spectrum by the Fixed and Broadcasting services.

23. In the following paragraphs we will present a service by service anaysis of submitted requirements and our solution as reflected in the proposed frequency allocation table.

AMATEUR

24. The Amateur Service Working Group requested expansion of the Amateur allocations at 7, 14 and 21 MHz. Additionally, the SWG requested new allocations at 10, 18, and 24 MHz for the Amateur services. In both cases, wholesale relocation and reduction of existing Fixed services allocations would be required, with other services being affected to a lesser degree. In the presence of requests from other services whose needs we deem to be more pressing, we have not been able to fulfill the total requests of the Amateur SWG. We are, however, proposing some expansion at 7, 14, and 21 MHz, as set forth in the proposed table.

BROADCAST

25. The Auxiliary Broadcast SWG requested that the band 25870–26470 kHz be continued without change. This is the only band domestically allocated for Auxiliary Broadcast use within the HF spectrum; the FCC Rules presently provide for the operation of Remote Pick-up Broadcast in the band. This band is presently internationally allocated in part to the Broadcasting service (25600–26100 kHz) [3] and in part to the Fixed and Mobile services (26100–27500 kHz). Sufficient national flexibility is expected to exist after the 1979 WARC so that any required adjustments in domestic band limits can be made to provide for the continued operation of Remote Pick-up Broadcast at this megahertz order. On this basis, the request of the Auxiliary Broadcasting SWG is fulfilled.

26. The International Broadcasting (SWG) requested retention of their pres-

[3] 25850–26050 proposed to be reallocated to Radio Astronomy in attached Table.

ent allocations of a total of 2150 kHz and additional world-wide allocations of more than 2000 kHz; this amount would double the current allocation and include approximately 20 percent of the spectrum available between 4 and 27.5 MHz.

27. The Commission currently licenses ten transmitters for operation in the high frequency bands allocated to broadcasting, approximately 5 percent of the total U.S. broadcasting; the other 95 percent of U.S. HF Broadcasting is conducted by the U.S. Government through USIA and the Board for International Broadcasting. Presently, throughout the world, there are approximately 1500 transmitters on the air carrying about 22,000 daily frequency hours. Two or three international shortwave broadcasters operating on one frequency is a common occurrence. The U.S. requirements for additional spectrum in the HF band are under consideration by the cognizant Federal Agencies and have not been considered in this Notice of Inquiry.

28. A report of the Presidential Study Commission on International Radio Broadcasting entitled "The Right to Know" (February, 1973) provided a quantitative analysis of International Broadcasting. Between the years 1970 and 1972 the total U.S. program hours per week decreased; the data for the U.S.S.R. for the same period also showed a decrease. When the data for all major external broadcasters (22 countries) for the same period is considered, there was an increase of program hours per week of approximately 2 percent. From this we conclude that the requirement for channel hours is static.

29. The broadcast service does not presently use the single sideband type of emission. As a result of work performed by a panel of experts established by the ARC 1959, much of the operations of the Maritime Mobile, Aeronautical Mobile, and Fixed services have already converted, or, are in the process of converting to the use of SSB. SSB utilizes approximately half the bandwidth compared to double sideband, which makes SSB attractive in the above services. The same reasoning cannot be automatically assumed for a broadcast service. Its implementation could, possibly mean a halving of the broadcast spectrum requirements, or conversely, a doubling of program hour capacity within the currently allocated spectrum. However, there are technical problems involved which have to be resolved before SSB could be used for broadcast service. This is presently under study by the CCIR, Question 25/10 Compatible S.S.B. Transmission for AM Sound Broadcasting Service. Comments on this issue are requested.

30. The NOI shows only the presently allocated high frequency broadcasting bands since any re-allocation of the spectrum to high frequency broadcasting is still under study by the U.S. Government.

FIXED

31. The report of the HF Fixed SWG indicates that some major licensees are willing to reduce the amount of allocated spectrum by approximately 35 percent after 1982. However, the Government users indicate that they have a continuing requirement for this service in order to satisfy needs of existing systems. To further complicate the situation, the Aviation SWG urges that HF spectrum allocated to the Fixed service and used for their point-to-point operations continue to be available. In addition, the Private Land Mobile SWG requests that those frequencies in the Fixed service bands which are used by that service (for longer distance communications between 4 and 8 MHz) continue to be available.

32. It is our belief that the outcome of the 1979 WARC will not result in a large scale reduction of the amount of spectrum between 4 and 27.5 MHz which is currently allocated to the Fixed service. It is expected that the developing nations, in particular, will have a large and continuing need for Fixed service allocations, primarily to satisfy internal national (domestic) communication requirements. Still, the advent of uses of new techniques (e.g., cable, satellites) by major common carriers indicates that portions of the spectrum now allocated to the Fixed service will not be needed by that service in the future. In view of this, we have reduced the spectrum available in many of the Fixed service bands. The spectrum thus obtained has been used to satisfy the requirements of other services. We believe that the rearrangement of allocations set forth in the proposed table is a practical compromise between reduction of the spectrum allocated to the Fixed service and the needs expressed by other services. Further, we believe that the proposed reduction of the spectrum allocated to the Fixed service will not impose major hardship or loss of needed circuits upon those users who will continue to require frequencies in the HF Fixed service bands.

AERONAUTICAL MOBILE

33. The Aviation SWG requested that the current allocations to the Aeronautical Mobile (R) Service at HF be continued except for a small expansion of the band 21870–22000 kHz to 21850–22000 kHz which would require relocation of the Radio Astronomy Service. The Radio Astronomers have indicated that if their request for spectrum in the vicinity of 26 MHz is fulfilled, then the spectrum at 21850–21870 kHz can be released. As discussed later, that request is being satisfied; and, therefore, the band 21850–21870 kHz can be proposed for international reallocation to the Aeronautical Mobile (R) Service. The Aviation SWG further requested that the Aeronautical Fixed Service be deleted from the band 21870–22000 kHz which is presently allocated on a primary basis to both the Aeronautical Fixed and Aeronautical Mobile (R) Services; as the proposed table indicates, we are adopting this proposal.

MOBILE

34. The Citizens Band SWG requested the allocation of one megahertz of spectrum in the 26–28 MHz range, to include the band 26960–27540 kHz. The SWG furthur requested that this service be redesignated as the "General Radio Service", and that this new service be recognized internationally by the inclusion of it and its associated spectrum in the ITU table of frequency allocations. The utilization of Citizens Band frequencies in the U.S. is extensive by any standard, with the uses extending into nearly every area of personal and business communications. However, we are unable to endorse the principle of advancing an international allocation for a specific service, such as the "General Radio Service", particularly when the need for such a service has not been advanced internationally, on a large scale. Further, an effort to establish CB as the "General Radio Service" could well work against the expansion of spectrum desired by the Citizens Band SWG since future domestic allocation actions may well provide for expanded spectrum. Thus, we are proposing to continue the present international allocation at 26100–27500 kHz for Fixed and Mobile (except Aeronautical Mobile), which is used domestically in part by the Citizens Radio Service. While the actual desires of the SWG have not been fulfilled, we feel that our proposal will prove to be the most beneficial one for the needs of the service in the long range future.

35. The private Land Mobile SWG requested that the frequency 4383.8 kHz be allocated internationally for search and rescue, national disaster, and wildfire operations. It also requested that the allocations containing the bands 25.01–25.33 MHz, 27.23–27.28 MHz, and 27.28–27.54 MHz be continued unchanged; these bands are used domestically for Land Mobile services.

36. Since the frequency 4383.8 kHz falls within the ITU Appendix 25 MAR2 allotment plan for Maritime Mobile Coast Radiotelephone Stations, and there is already severe congestion in that service, we cannot propose that frequency for the requested purpose. Our proposed table contains no changes affecting the allocations containing the aforementioned bands; however, if the Commission implements the proposals in FCC Docket No. 20813 (pertaining to the Maritime Mobile service), then the frequencies 25.08 MHz and 25.10 MHz would not be available for use by the Land Mobile service.

37. The U.S. Government stated a requirement for mobile use of more than 4200 kHz of spectrum which is to be shared with the Fixed service in bands which are now allocated exclusively to that service.

MARITIME MOBILE

38. The Maritime Mobile users requested exclusive world-wide allocations

for an additional 1652 kHz of spectrum in the bands between 4 and 27.5 MHz; that is, an increase from the currently available 3850 kHz to 5502 kHz.

39. Aside from an allocation of 90 kHz band at 25 MHz by the 1959 ARC, the frequency bands allocated to the Maritime Mobile Services have remained unchanged from 1947 to the present date. Statistics for the period 1947 through 1974 show that the number of vessels of size 1000 gross tons and over in the merchant fleets of the world has increased approximately 80%. Two operational characteristics have significantly changed during this period. First, the speed of ocean vessels has substantially increased; second, the turn-around time of vessels in port has substantially decreased. As a result, there is a greater number of voyages per year; the time a vessel spends at sea is greater. Further, the vessels themselves have become more sophisticated, as have the loading and unloading techniques; this greater sophistication creates greater needs for more reliable communications. In order to meet those needs the users of the Maritime Mobile service bands have attempted to opitimize the utilization of the present allocations by applying new technology and new techniques (e.g., reduced bandwidths for Radiotelephony and A1 Morse, Digital Selective Calling Systems) together with improved operating procedures (e.g., updated A1 Morse Calling Procedure).

40. We feel that as world population grows and the merchant fleets become ever larger and more sophisticated, there will be an increasing demand for reliable communications. We could not fulfill the allocations as requested by the Maritime users because we must consider the demands of other services and of Government users; however, we have provided for expansions of the present allocations as shown in the proposed table. The proposed allocation contains expansions at 4 MHz, 8 MHz, 12 MHz, 16/17 MHz, and 22 MHz. We have also proposed new allocations in the 5 MHz and 21 MHz band.

Radio Astronomy

41. The Radio Astronomy SWG requested world wide allocations of 50 kHz of spectrum between 10 and 13 MHz and 500 kHz of spectrum at the 26000 kHz frequency order. As the proposed table shows, we have provided 50 kHz between 13360–13410 kHz and 200 kHz in the band 25850–26050 kHz. In accordance with the views expressed by the SWG, the band 21850–21870 kHz, which is currently allocated to the Radio Astronomy service, has been re-allocated to the other services.

Spectrum Between 27.5 MHz and 1215 MHz

42. Our review of the comments submitted in response to the previous Notices of Inquiry, the rquirements submitted by the Service Working Groups, and the requirements specified by the Federal Government indicate that this portion of the spectrum may be the most contentious portion to be considered in preparation for the 1979 WARC, and perhaps at the conference itself.

43. In Region 2, the FM and TV Broadcasting Services have exclusive international access to about 37 percent of the spectrum services. In the United States, the band 470–890 MHz has provided for UHF–TV channels 14 through 83 (70 channels each 6 MHz wide). Commission decisions in Dockets 18261 and 18262 provided for the use of land mobile services on channels 14 through 20 in specific locations in the United States, and the complete reallocation to land mobile of the top 14 channels (70–83). Also the use of Channel 37 by radio astronomy therby reduces the percentage of exclusive broadcast spectrum from 37 percent to 26.4 percent. The use of channels 14 through 20 by land mobile was authorized to accommodate short term requirements, since equipment was readily available for that frequency range and was not available for the 806–890 MHz range. Future expansion was to take place in the spectrum allocated to Channels 70–83.

44. Several service working groups have submitted requests for additional spectrum space between 470–806 MHz to accommodate predicted future expansion. In addition to the government users have stated requirements in the same band. These requests are listed below.

45. On October 13, 1976, the Commission formed a task force to assist it in the determination of services in the UHF–TV band in view of the demands being made upon that portion of the spectrum by radio services. The Task Force is still being organized and it is not possible at this time to determine the extent to which its study will contribute to the WARC preparations.

46. Nonetheless, for purposes of this Notice and, because of unresolved questions regarding multi-faceted demands by Government and non-Government entities for access to spectrum in the 470–806 MHz band, we are not herein proposing allocation changes affecting that band. However, we have proposed to align the international table with the domestic table for the band 806–890 MHz in Region 2. To assist in formulating our approach to this important region of the spectrum, information is solicited from interested parties on the following areas which seek to focus on: spectrum requirements for any service and related justification in order to provide a basis for selection of that requirement over others; alternatives to the use of spectrum between 470 and 890 MHz; technical and operational characteristics of services; and factors such as saturation of a market which may potentially limit the amount of spectrum required for any service.

47. Specific questions are as follows:

(1) Since it is not possible to satisfy all broadcast and non-broadcast services stated spectrum requirements in the band between 470 and 890 MHz, each service is requested to provide justification which may provide a basis for selection of one service's requirements over others. What quantitative and qualitative benefits are expected to be derived from use of UHF spectrum for one service as compared to another? What opportunity benefits may be lost or future costs incurred due to inaccessability of spectrum as between services?

(2) The planning period for which the WARC is intended to cover extends to the year 2000. What alternatives exist for the various services to the use of spectrum between 470 and 890 MHz during that period? For example, to what extent will satellite delivery of programs to TV cable heads syphon off over-the-air viewers and will that service diminish the requirements for UHF–TV? To what extent will video cassettes and discs compete for attention of-the-air TV viewers? To what extent can the expanded mobile service requirements be satisfied by satellite and terrestrial systems above 1 GHz?

(3) Technical and operational characteristics of services provide some indications as to whether spectrum sharing may be appropriate. For example, the nature of the aeronautical mobile (R), Broadcasting and Radio Astronomy services prevents their successfully sharing spectrum. Safety considerations may also prevent sharing between services. With such constraints in mind what service may be expected to successfully share spectrum and what technical and operational criteria are appropriate to effect such sharing, particularly with respect to international services?

(4) There are factors such as saturation of a market by a service or substitution of one kind of service (e.g., common carrier cellular systems) for another (e.g., private land mobile systems) which may potentially limit the amount of spectrum required for any service. Given the extended planning period, to what extent should such factors be expected to aid in releasing spectrum from one service for use by another?

48. The requests for spectrum in the UHF–TV band far exceed the amount available as can be seen in the following list:

Service	Band of Interest (megahertz)	Requirements
Non-Government users:		
Aeronautical mobile	584–614	30 MHz.
Broadcasting satellite	450–470	6 MHz.
Citizens radio	470–947	10 MHz.
FM broadcast	782–806	24 MHz.
Land mobile	470–890	420 MHz.[1]
Maritime mobile	470–890	18.55 MHz.
Radio astronomy	602–614	8 MHz.
Television broadcast	470–890	420 MHz.
Government users:		
Fixed	470–806	Total of
Mobile	470–806	100 MHz.
Mobile satellite	470–806	
Radioastronomy	608–614	6 MHz.[2]

[1] Includes some overlap between domestic and private land mobile users.
[2] The Federal Government proposes that this allocation to the radioastronomy service be on exclusive worldwide basis.

49. It is obvious that in the event a decision is reached to permit services other than television into the UHF–TV band that the requirements set forth above cannot be accommodated. If a decision is reached that the UHF–TV band will not be shared with any other

service at all this will affect allocations in other frequency ranges. A current analysis of submitted requirements and a solution as reflected in the proposed frequency allocation table, except for the 470–806 MHz band, is presented in the following paragraphs.

AMATEUR

50. The Amateur Radio SWG requested that present allocations between 27.5 and 1215 MHz be maintained, that provision be made for Amateur-Satellite operations in the band 220–223 MHz, and that Amateur operations be permitted in the band 902–928 MHz. At this time, no conflicts appear to the first two allocations requests. As the table shows, we propose to provide a primary allocation for Amateur Satellite at 220–225 MHz. Amateur operations in the band 902–928 MHz for Region 2 are proposed as a secondary service.

BROADCASTING

51. The Auxiliary Broadcast services comprise Remote Pickup Broadcast Stations, Aural Broadcast Studio Transmission Links (STL), Intercity Relay Stations, and Television Auxiliary Broadcast stations. The SWG requested retention of existing allocations in the band 150–174 MHz and 450–460 MHz for Remote Pickup Broadcast stations. In addition, the SWG requested that the service be permited to share additional frequencies in the 150–174 MHz band and an additional 1 MHz betwen 450 and 460 MHz for Remote Pickup Stations. The existing international allocations (and our proposed table) can provide for these requirements; however, the granting of additional spectrum or the creating of sharing arrangements for the use of more spectrum in these bands are issues to be addressed by domestic rule making. The SWG also requested the band 942–947 MHz for Aural Broadcast STL uses; this would require retention of the Fixed service allocation in the existing international table. The domestic allocations table now specifies an exclusive allocation to the Land Mobile service in this band as a result of our decision in Docket 18262; and the Land Mobile SWG has requested that this allocation be extended to the international table. In order to provide flexibility in the international table, we are proposing primary allocations to both Fixed and Mobile services in the band.

52. The FM Broadcasting SWG stated that the present FM band (88–108 MHz) should be preserved and that a new FM service should be created in the UHF band at 782–806[4] MHz to satisfy Broadcast needs through the year 2000. The SWG pointed out that the original 1963 FCC allocation of 2830 channels to 1858 communities is now 84 percent utilized and that it is likely that the remaining unused channels will be occupied in the foreseeable future.

[4] On October 11, 1976 the FM SWG requested the band 806–830 MHz in lieu of 782–806 MHz.

53. The Television Broadcasting SWG requested retention of the full complement of VHF and UHF frequencies now available for television broadcasting, the termination of Land Mobile sharing of UHF TV channels 14 through 20, the continued access of TV translators to channels 70–83, the retention of TV channel bandwith at 6 MHz, and the rejection of proposals to reallocate present VHF and UHF TV spectrum. The SWG believes that the American Public interest relies heavily on the maintenance and growth of the U.S. Television Broadcast Service. The SWG stated that if the above requests are not fulfilled, television service will not continue to provide a locally-based yet nationwide service; service to the public will be degraded or eliminated; and a large investment of the public in receiving and transmitting equipment will be lost. The SWG further stated that the UHF television band has shown steadily increasing utilization. Between 1960 and 1975 the number of UHF stations on the air changed from 85 to 352, an increase of about 300 percent. The 1976 number includes 162 public television stations, and the SWG states that the Public Broadcasting Service projects that more than 420 public television stations will be in operation in the UHF band by the year 2000.

54. The Satellite Broadcasting SWG requested 6 MHz of spectrum between 420–450 MHz. The SWG stated that this spectrum represents the most practical region for early aural broadcast satellite development. As the band 420–450 MHz does not seem viable to sharing of this service, it was placed as a requirement in the 470–806 MHz band.

55. As mentioned in paragraph 45–47, the allocations in the 470–806 MHz band are undergoing intensive review. In submitting its proposals to the International Telecommunication Conference in 1979 the United States must strive to maintain maximum flexibility when including requirements in the 470–806 MHz band as in all bands.

FIXED

56. The Private Microwave SWG requested that existing allocations in the frequency bands 947–952 MHz and 952–960 MHz be maintained for the exclusive use of the Fixed service and that the designator "Operational-Fixed" be introduced into the band 947–952 MHz.

57. We are proposing that the band 947–952 MHz be maintained for the exclusive use of the Fixed service in Region 2; however, introduction of the designator pertains to specialized services recognized in the United States and is more properly addressed in domestic rule making. As to the frequency band 925–960 MHz, we have provided for the introduction of the Mobile service coequal with the Fixed service in order to accommodate projected growth in that service. Domestic rule making would be required to determine specifically which frequencies, if any, should be re-allocated to Mobile services.

MOBILE

58. The Common Carrier Land Mobile SWG requested that existing allocations be maintained at 30 MHz, 150–160 MHz, and 450–470 MHz. It also requested that the Commission decisions reached in FCC Dockets 18261 and 18262 be reflected in the International Table of Allocations, that an offshore telecommunications service be recognized internationally in the 470–512 MHz band. The Aviation SWG requested that two bands each 6 MHz wide be allocated in the band 806–960 MHz for a world-wide public Air-Ground communications service, in order to provide a non-safety public Air-Ground service.

59. The offshore service is intended to provide communication between Mobile stations and between Mobiles and Drilling Platforms; it must operate in accordance with criteria which provide protection from interference to existing UHF-TV stations. The worldwide public Air-Ground service would provide voice and record communications between aircraft and the telephone and record network. At present, twelve frequency pairs between 450–460 MHz provide for Domestic Public Air-Ground communications. The Aviation SWG stated that the business aircraft fleet in the U.S. increased by nearly 20 percent during 1973 and 1974 with 1975 growth continued strong; we can expect the demand for public radiotelephone service to grow at a rate commensurate with the fleet itself

60. The proposed table retains the allocations to the mobile services at 30, 150, and 450 MHz. In addition we have provided for mobile, which could include the public Air-Ground Radiotelephone Service, in the bands 896–902 MHz and 941–947 MHz. (The Government has noted that this service may have problems sharing with the radiolocation service in other regions.) Depending upon the results of the intensive review of requirements for the UHF–TV spectrum, an international allocation proposal may or may not be appropriate.

CITIZENS RADIO

61. The Citizens Radio SWG requested an additional allocation of 1 MHz in the 26–28 MHz band, a 5 MHz allocation in the band 216–300 MHz with 220–225 MHz preferred, and a 10 MHz allocation between 470 and 947 MHz, preferably between 890 and 947 MHz. These are needed to meet the explosive growth of CB and to provide additional services such as channels for repeater operations, municipal service tie-ins, and weather information.

62. There is already a provision for the Mobile service between 27.5 and 28 MHz in the International Table, so no change is required, recognizing, however, that in the U.S. the band 27.54–28 MHz is subject to exclusive government use. We are proposing that the band 220–225 MHz be allocated for shared use by the Mobile Service with the Amateur, Amateur-Satellite and Radiolocation Services. Part of this band could be allocated domestically to the Citizens Radio Service,

if it is eventually decided that this allocation would be in the public interest. As our table shows, we also propose to meet the requirements of the Mobile services by providing access to the band 890–947 MHz; use of these frequencies by the Citizens Radio Service could result from domestic rulemaking.

PRIVATE LAND MOBILE

63. The Private Land Mobile SWG requested that a new service for Land Mobile be introduced into the international table of allocations to delineate existing Land Mobile operations below 470 MHz. It is also requested that the band 470–806 MHz be allocated in Region 2 to Land Mobile on a co-equal basis with Broadcasting and that the band 806–960 MHz be allocated in Region 2 to Land Mobile on a primary basis.

64. Based upon several projections of Commission License Records of the Base stations authorized during the period 1950 through 1975 in the Private Land Mobile services, it may be expected that the number of Base station transmitters in the year 2000 will be at least 5.5 times that in 1975. This growth prediction is based only on current uses and does not take into account growth due to new types of uses (e.g., Medical systems, Highway Safety systems), less expensive equipments, increased use of hand carried units, or increased mobility of the population. However, the growth in frequency requirements may be controlled by increasing the efficiency of spectrum utilization. While the SWG saw little promise in the foreseeable future for decreasing channel bandwidths through channel splitting or the use of single sideband modulation, there exists a potential for spectrum conservation through the use of more efficient assignment methods, the use of cellular systems (space division multiplexing), and the use of trunking techniques which allow multiple channels to be accessed by a large number of users.

65. The specific spectrum requirements for the Private Land Mobile Radio Services in the long term future, as with other domestic radio services, are more properly addressed in future domestic rulemakings. In this regard, there are no compelling reasons to introduce land mobile as a new service with its own specific frequency allocations; flexibility is the most important goal.

66. Once again, the disposition of the UHF–TV spectrum will affect the allocations to be made finally to this service. The proposed table shows that the allocations to the Mobile Service below 470 MHz have been maintained. It also shows new primary allocations to the Mobile Service in the bands 806–902, 928–947, and 952–960 MHz and a new secondary allocation in the band 902–928 MHz. The latter was made secondary in order to protect Government operations in the Radiolocation Service in Region 2; we invite comments on the difficulties which may arise with sharing in this band and on the impact of the ISM (Industrial, Scientific, Medical) operation which also occurs in this band.

AERONAUTICAL MOBILE

67. The Aviation SWG requested that existing allocations to the Aeronautical Mobile (R) Service be maintained with slight modifications to provide for full satellite and terrestrial applications in exclusive Aeronautical-Mobile (R) bands. In addition, it requested new spectrum allocations consisting of the bands 140–144 MHz, 146–150 MHz, and 584–614 MHz. The additional spectrum is needed to satisfy expanded growth needs of the service and to accommodate planned development of an integrated communications-navigation system which is expected to provide for additional functions associated with operational control and not presently provided. These will include functions such as crew physiological and performance monitoring, engine parameters monitoring, and logistics-servcies functions which are needed as a result of current and future high performance, high capacity aircraft during the period from now until the year 2000.

68. We have satisfied the proposals for existing allocations, but were unable to satisfy any of the requests for new spectrum. In attempts to satisfy the requests, the bands 136–138, 140–144 and 148–149.9 MHz were investigated. However, the Government users advised that, due to current and projected applications, they are unable to relinquish any frequencies in these bands to satisfy this requirement. Comments are solicited on this issue, and further, other possible frequency bands which might be suitable for aeronautical mobile (R) use.

MARITIME MOBILE

69. The Maritime Mobile SWG requested that the existing allocations in the band 27.5–1215 MHz be maintained, and that either the RR No. 287 which restricts the use of internationally allocated frequencies in the band 156–174 MHz be removed, or, in the event it is not practicable to do so, the band 582–606 MHz be reallocated to the Maritime Mobile Service.

70. The SWG stated that full use of the existing allocations as specified in Appendix 18 to the ITU Radio Regulations is prevented by RR No. 287 which gives each administration the discretion to determine the licensing policies to be followed domestically. Although Appendix 18 provides 90 frequencies (each 25 kHz wide) for international Maritime use, in the United States 59 of the frequencies are allocated to Maritime services, while the remainder are allocated to Land Mobile services.

71. As a result of domestic rules, only 9 full duplex channels (2 frequencies per channel) of 28 allocated internationally are available to provide public correspondence service to the U.S. Maritime markets. The SWG reported a review of Bell System VHF station statistics which shows a growth in public correspondence traffic average 20% per year for the years 1971 through 1974. This traffic is due to smaller boats as well as domestic and international commercial shipping; in fact, there has been an increase of 40,000 small boat licensees in each of the years 1974 and 1975. Further, the Department of Commerce is sponsoring efforts to develop systems which will permit unattended direct dialing between vessels and standard landline telephones, and this should increase the incentive for calls between vessels and shore. The SWG estimates that 250 full-duplex channels (i.e., 2 bands each 6.25 MHz wide) will be required to meet the demands for public correspondence service and private operational systems by the year 2000.

72. Within the U.S. there are no full duplex channels available for the ship movement service, a safety service which provides control of ship movement in confined waters; however, the Department of Transportation has sponsored the development of a domestic simplex vessel traffic service (VTS) and operates such a system in several major maritime ports. If VTS will continue to be used only by larger vessels and will continue to operate in the simplex mode, then the future frequency requirement will be for eight simplex channels each 25 kHz wide.

73. Beyond the requirements for public correspondence and ship movement, the SWG identified a need for radiotelephony service between coast and ship, a radiotelegraphy full duplex service, and a full duplex service for on-board communications which are used to support operations conducted while in port. These uses would require an additional 2.85 MHz beyond existing allocations. Finally, need exists for an allocation of 3 MHz to be shared between Aeronautical and Maritime Services in support of high priority, short range coordinated communication efforts such as search and rescue and antipollution operations.

74. Little hope is held of satisfying existing requirements on Appendix 18 frequencies and inadequate spectrum is available for growth between 150 and 174 MHz, and it appears that the future requirements will have to be satisfied at UHF frequencies. We were unable to satisfy the needs for new spectrum at this time; the satisfaction of these needs awaits the results of the intensive review of the UHF spectrum.

RADIO ASTRONOMY

75. The Radio Astronomy SWG requested that existing allocations in the band 27.5–1215 MHz be maintained or expanded and that new worldwide allocations be provided in the bands 150.05–153 MHz and 608–614 MHz (preferably, 602–614 MHz). The SWG sought coequal status with Fixed and Mobile services in the band 37.5–38.25 MHz, for observations of phenomena such as solar bursts, and in the band 406.1–414 MHz for observations of pulsars. In addition, the SWG desired modifications to ITU footnotes in the band 73.00–74.60 MHz in order to provide for exclusive use of the band by Radio Astronomy.

76. While existing and planned use of the frequencies at 37.5 MHz prevent a primary allocation, our proposed table provides for radio astronomy to be included as a secondary service within the band 30.01–37.75 MHz. The footnotes to

the band 73.00–74.60 MHz have been modified to obtain the discontinuance of Fixed, Mobile, and Broadcast operations before January 1986.

77. We cannot accommodate the request by the SWG for a new allocation in the band 150.05–153 MHz because there is heavy existing and planned use of these frequencies by the Land Mobile Service. The requests for spectrum in the 602–614 MHz band must await the outcome of the intensive review of the UHF band. The Federal Government has advised, however, that it supports a proposal to provide a worldwide exclusive allocation to radio astronomy in the 608–614 MHz band.

SPECTRUM BETWEEN 1215 MHZ AND 10.7 GHZ

78. A considerable portion of this part of the spectrum remains without change in the proposed frequency allocations table. The needs of most services occupying segments of the band are growing along with expanding technology, so that justification for retention of spectrum is obvious. In most cases where the needs require allocation of additional spectrum they were accommodated by expansion in, or near to, the bands already occupied; this necessitates sharing by services, but in this portion of the spectrum techniques for sharing are well-defined.

79. The U.S. Government requirements have been considered in the development of the proposed table; however there are instances where the Government proposals have not been definitely established. These occur mostly in bands which are domestically reserved for Government use, and forthcoming proposals will be reflected in future notices.

80. Two major problem areas arose in the development of the allocations table. The first concerns the accommodation of the needs of the commercial fixed satellite service. The use of this service is increasing at a rapid rate, and there will be a need for an additional 1500 MHz by the early 1990's.[5] At this time, we have not accommodated the total need; we are continuing to seek a solution to the problem. The second problem area concerns the accommodation of the needs of passive services such as earth exploration satellites and radio astronomy which are performing basic and applied research. The measurements made by these services are frequency dependent and must be interference free. Although the operations are now considered experimental, it should be noted that the benefits derived may result in commonly used systems (such as happened with meteorological and communications satellites).

81. In the following paragraphs we will discuss the needs of the services using this portion of the spectrum and the proposed table of frequency allocations.

AMATEUR/AMATEUR SATELLITE

82. The Amateur Radio SWG requested that the present allocation at 1215–1300, 2300–2450, 3300–3500, 5650–5925 and 10000–10500 be maintained. They stated that the relatively wide, but shared, allocations are necessary to permit experiments with wide-band emissions and to prevent interference to/from users in adjacent bands. They also requested that a small segment in each of these bands be allocated to the Amateur Satellite Service in order to permit experimentation with space communication techniques. They pointed out that a 2304.1 MHz beacon was built into the OSCAR 7 satellite but could not be utilized for lack of an international allocation.

83. As the proposed table shows, we have maintained the present allocations and have provided for the amateur satellite service as a secondary service in the bands 1290–1300, 2310–2320, 3400–3410, and 5650–5670 MHz. Thus the request is basically fulfilled; however, government users have not yet agreed to sharing the band 3400–3410 MHz with the amateur satellite service.

AERONAUTICAL/AERONAUTICAL-MOBILE

84. The Aviation SWG requested allocations at 1710–1770 MHz for Aeronautical Mobile (R) service communications requirements, similar to the needs expressed for the bands 140–150 and 584–614 MHz. This request was not satisfied because of extensive use by government in this band.

85. The SWG also requested that present domestic use of the band 1435–1535 MHz for flight test telemetry be incorporated into the international table. Additionally, they requested a new allocation at 2300–2450 MHz for the same purpose. The first request was satisfied through incorporation of proposed RR No. 349C. Due to other requirements at 2300–2310 MHz, the second request was satisfied in part, also by the insertion of proposed RR No. 349C, for the 2310–2450 MHz band. The government has under consideration some modification to RR No. 383B.

86. Finally, the Aviation SWG proposed changes which would reflect the philosophy that space applications in the areonautical services as adopted at the 1971 of the aeronautical terrestrial services. The SWG pointed out that new aeronautical services as adopted at the 1971 WARC-Space Telecommunications Conference as neither necessary nor desirable. Further, it was their feeling that such an approach unduly complicates administration of the aeronautical services, and reduces flexibility while benefits from the establishment of them are not readily identifiable. Although these concepts were not included in the proposed table, comments on this issue are invited.

BROADCASTING/BROADCASTING-SATELLITE

87. The Broadcasting-Satellite Service working group has requested that the presently allocated band at 2500–2690 MHz be continued and expanded to include 2300–2500 MHz. They also requested that the band 3400–3700 MHz be allocated for use by the service. They state that the band 2500–2690 MHz has very favorable propagation characteristics and technology for its use is highly developed. Health and education communication experiments have been conducted in this band with the ATS-6 satellite, and it is well suited for community reception use in the near term. The requested expansion would double the orbit capacity for the band, while the requested new allocation would open a band almost as desirable as that at 2500 MHz. The request for additional spectrum by the Broadcasting-Satellite SWG will be discussed at length in the section dealing with frequency bands above 10.7 GHz. The Commision believes that the current frequency allocations to the broadcasting-Satellite Service are adequate to meet the foreseeable needs of this service. Consequently, the request of the Broadcasting-Satellite SWG to allocate additional frequencies of 2300–2500 MHz and 3400–3700 MHz has been denied.

88. The radio astronomers have indicated a need for expansion into the band 2670–2690 MHz to permit more efficient, interference free continuum measurements. Transmissions from the ATS-6 in the upper edge of the 2500–2690 GHz band have caused interference to the Radio Astronomy Service. This aspect of sharing has been discussed in the CCIR.[6] The Commission has, however, been persuaded for the time being by the arguments of the radio astronomy group and has proposed allocation of the 2670–2690 MHz band to the Radio Astronomy Service. This matter is still under consideration and the Commission invites comments on this allocation.

89. The broadcast auxiliary service group has requested the fixed allocation at 2110–2113 MHz for studio transmitter links and intercity relays and the fixed allocations at 1990–2110, 2450–2500, and 6875–7125 MHz for TV electronic news gathering. They have requested expansion into 1850–1990, 2113–2200, and 6425–6525 MHz. Since these are allocated Fixed currently, there is no need to change the international table; any expansion would be the subject of domestic rulemaking.

METEOROLOGICAL SATELLITE

90. This service provides weather information world-wide to users who receive it from satellites with relatively low cost earth terminals; the service is socially and economically valuable. In order to continue and improve the service the U.S. Government requested that all present allocations to the service be maintained and that additional spectrum be made available.

91. As the table shows, the present allocations are maintained and in addition, the band 1700–1710 MHz is proposed for exclusive world-wide allocation to the meteorological satellite service.

RADIONAVIGATION

92. The aviation SWG stated that the bands 1558.5–1636.5, 4200–4400, and 5000–5250 MHz are authorized for the devel-

[5] Fixed-Satellite Service Working Group Report.

[6] See Docs. 2/131 (11/212) from 1976 Interim CCIR Meetings, Draft New Report: Emission Measurements of the ATS-6 Satellite In The 2690–2700 MHz Radio Astronomy Band.

opment and use of earth satellite navigation systems, and it requested that the band 1710–1770 MHz also be authorized for such use in addition to providing for mobile communication needs. It requested that the band 1300–1350 MHz be expanded to 1215–1350 MHz to provide for expanded use of dual diversity long range radionavigation radars and that the band 2700–2900 MHz be continued to provide for dual diversity short range radionavigation radars. The SWG requested a new allocation in the band 3500–3700 MHz to permit operation by low cost short range radionavigation terminal radars at satellite airports. It also requested that allocations in the bands 4200–4400 MHz, which is used by radio altimeter, and the band 5000–5250 MHz which is used by Microwave Landing Systems be retained to permit continued and expanded use.

93. The Maritime SWG requested that the band 1575–1636.5 MHz be re-allocated to radionavigation in order to provide for aeronautical, maritime, and land use of the Global Positioning System now in advanced development. It also requested modification of the table or of the footnotes for the bands 2900–3100 MHz and 9300–9500 MHz in order to more directly specify the portions to be used by radar beacons, shipboard transponders, and shipboard radars; and it requested that the allocation of the band 5470–5650 MHz be retained for the maritime radionavigation service.

94. We could not accommodate the Aviation request at 1710–1770 MHz because this spectrum is more needed for the maritime-mobile satellite service and for fulfillment of Government requirements to track and control satellites (Space Operations). The bands 1240–1300 MHz and 1350–1370 MHz have been allocated to the Aeronautical Radionavigation service by means of a footnote and the allocation at 2700 MHz is retained. A new allocation to the Aeronautical Radionavigation service is proposed for Region 2 in the band 3500–3700 MHz and the allocations at 4200 MHz and 5000 MHz are retained. In order to fulfill Government requirements, we are proposing to include the Radionavigation Satellite service in the band 1215–1240 MHz and to split the band 1558.5–1636.5 MHz and specify allocations for satellite services. No changes are proposed for the allocations at 2900, 9300 and 5470 MHz.

Fixed

95. The Common Carrier users operate at 2, 4, and 6 GHz in this portion of the spectrum. The Radio Relay SWG stated that the spectrum at 2 GHz, which is used for narrowband microwave, would be better utilized if the permissible bandwidth were increased beyond the present 3.5 MHz and standard frequency plans were adopted. The spectrum at 4 and 6 GHz is used for long-haul communications. The areas around major metropolitan areas are already congested, and a steady growth in demand for service is anticipated as there are now approximately 3100 applications made per year for additional stations, additional communication path, and/or additional frequencies. In addition, the growth in the number of earth stations in the satellite service will lead to increasing coordination difficulties. Additional spectrum is required; and since the SWG felt that the density of use in the bands domestically allocated to the U.S. Government is 1/5 to 1/20 of that in the commercial bands, the SWG suggested that those bands be made available for sharing. The SWG requested additional spectrum in the bands 5650–5925, and 7300–7750 MHz and some portion of the band 3100–3700 MHz.

96. The Private Microwave service provides point to point service tailored to the specific needs of users such as governmental bodies, utility companies and transportation companies. The average growth rate was 12 percent over the period 1960–1970 and there is now well over one billion dollars invested in equipment. The users operate at 2 and 6 GHz; the spectrum at 6 GHz is already congested in urban areas and a three or four fold increase in demand is expected by the year 2000. The Private Microwave SWG also suggested that bands domestically allocated to the government be made available for sharing. The SWG requested additional spectrum of 270 MHz at 2 GHz and 1625 MHz at 6 GHz. It justified the large request by stating that only a small percentage of the spectrum may be available because it would be shared with other users.

97. We have not been successful to this time in accomodating these needs. The proposed allocation table does show a new allocation to the Fixed service in the band 3300–3400 MHz; however it is allocated as a secondary service due to government operations in the Radiolocation service.

Land Mobile Satellite

98. The Private Land Mobile SWG requested that the present allocations to the mobile services be retained to accommodate anticipated growth and the introduction of new services such as highway safety systems and medical systems. It also requested that the Land Mobile Satellite service be allocated spectrum in the bands 1427–1435, 2450–2500, and 8400–8500 MHz. This spectrum would be used in the future for long distance communications in operations such as cross-country trucking, railroading, and remote direction of emergency operations.

99. As the proposed table shows, this service has been included in the bands 2450–2500 and 8400–8500 MHz; this should provide sufficient spectrum for operations in the time frame considered by the 1979 WARC.

Space Research/Earth Exploration Satellite

100. The U.S. Government proposed several allocations for the Space Research and Earth Exploration Satellite services to permit remote operations by passive sensors. The operation of these sensors is discussed in more detail in the portion of this Notice treating the spectrum above 10.7 GHz because that is where most of the use occurs. The requirements for such operation in this portion of the spectrum are summarized in the following list.

Frequency band (GHz)	*Measurement/use*
1.3–1.427	Soil moisture—crop irrigation, water reservoir, and hydroelectric power management; crop yield and flood forecasting.
2.64–2.70	Sea and estuary salinity—climate forecasting, aquatic-life habitat monitoring and salt water intrusions or fresh water supplies and habitats.
4.95–5.0	Estuary surface temperature—habitat monitoring, fishery resource management, "red tide" warnings and thermal pollution monitoring.
6.425–7.125	Sea surface temperature—habitat monitoring, fishery resource management, and Gulf stream heat movements for long-term climate forecasting.

101. The request for an allocation at 6425 MHz will be satisfied by the addition of a footnote; however this allocation may in the future be given table status in some adjacent band. The passive services are shown in the proposed table at 4950 MHz; however the practicality of sharing these services with active services in this band, as well as the others requested, is still being studied. Comments on this issue are invited.

102. Another problem which remains to be solved concerning these services is a need to provide space to space communications in the Earth Exploration Satellite and space research services. This was requested in the band 2025–2120 MHz, but was not accommodated, and the feasibility of sharing is being studied.

Fixed Satellite

103. In this portion of the spectrum the commercial Fixed Satellite service presently operates in the 3700–4200 MHz downlink and 5925–6425 MHz uplink bands on a shared basis with Fixed and Mobile services. The Fixed Satellite SWG stated that in the ten year period 1965–1975 the growth in traffic as measured in channels handled by the INTELSAT system was approximately one hundred fold and the increase in numbers of earth station antennae was greater than tenfold. The INTELSAT system is now carrying the major part of the world's trans-oceanic telephone traffic and all of its TV; this is being done on a system which represents hundreds of millions of dollars invested. The spectrum at 4/6 GHz has been heavily utilized because the technology for its use is highly developed; it is likely that the demand on this spectrum will continue to grow for that reason—the economics and difficulties associated with the implementation of new technology will cause many users to seek operation in these bands. The SWG projected the present growth into the future and determined that 2800 MHz additional (for both uplinks and downlinks) would be required by the early 1990's.

104. In our discussions with the government users, we attempted to obtain allocations which would permit the commercial Fixed Satellite service to operate a downlink in the band 4400–4900 MHz paired with an uplink in the band 6425–6925 MHz and a downlink in the band 3400–3700 MHz paired with an uplink in the band 5625–5925 MHz. At this time, the government users have agreed to the proposal at 6425 MHz and are exploring means to provide the paired link.

RADIO ASTRONOMY

105. The radio astronomers expressed a number of desires for new or expanded allocations in this portion of the spectrum. They requested that: the band 1350–1400 be expanded to 1330 MHz by footnote to permit observation of neutral hydrogen gas from external galaxies; the band 1400–1427 MHz be expanded to 1370 MHz to permit observation of the hydrogen line and continuum measurements; the bands 1611.5–1612 and 1720–1721 MHz have strengthened footnotes or worldwide allocations to protect observation of the hydroxyl lines; the band 1660–1670 be given an exclusive allocation to permit obsservation of hydroxyl lines (the hydroxyl lines are important because they provide information vital to understanding the formation of stars, planets, and life); the band 2690–2700 be expanded to 2670 to permit more efficient continuum observations and cleared of the Broadcasting-Satellite[1] Service to permit interference free observations; the allocation for the band 4825–4835 MHz be upgraded to table status to protect very important observations of the formaldehyde line; and that the band 4990–5000 MHz be expanded to 4950 MHz to permit more efficient continuum measurements in this greatly observed band.

106. As the proposed table shows, we have gone far toward accommodating these requests. The requested expansions have been implemented where possible; however, we have not upgraded allocated spectrum at 1611.5 MHz and 1720 MHz from footnote to band status because we do not feel that to be necessary. The bands 1370–1400 MHz and 4950–4990 MHz are not yet agreed and remain under study because of possible sharing problems between passive and active operations (the radio astronomy service is shown in the table at 4950 MHz but not at 1370 MHz): comments on such problems in these bands are invited.

MARITIME MOBILE/MARITIME MOBILE-SATELLITE

107. The Maritime service working group requested expansion of the maritime mobile-satellite bands at 1535–1543.5 MHz and 1636.5–1645 MHz. A projected demand based upon international studies of existing communications applications and domestic studies of new medium and high data rate application (e.g., mobile drilling rigs, seismic exploration ships) indicates a need by the year 2000 of an increase of 8.5 MHz for communication from satellite to ships and an increase of 16.5 MHz from ships to satellite.

108. Unfortunately, we were not able to accommodate the request. The band 1710–1720 MHz is proposed as a downlink for the service, subject to power flux density limitations to be determined, but we have not been able to allocate spectrum to satisfy the up-link need. The band 1670–1690 MHz was investigated for this purpose; however, the government contends that it would not be possible to share that band with the meteorological services.

Comments are solicited as to where requirements should be satisfied; what conditions, if any may permit sharing in the band 1670–1690 MHz; and the extent to which technical innovations, e.g. multibeam techniques, use of linear TWT's (eliminating Babcock sparing) may reduce the need for frequencies.

SPECTRUM ABOVE 10.7 GHz

109. This portion of the radio spectrum should witness utilization by technologically novel telecommunications systems during the time period to be considered by the 1979 WARC. Our problem is to provide the frequency allocations which will permit the development and implementation of such systems. The keys to a solution of the problem are flexibility and order—the allocations must be flexible enough to permit experimentation, development, and implementation in the most appropriate portions of the spectrum, yet they must also be ordered enough to permit rational international and domestic planning for use of the spectrum.

110. In our previous notice in this proceeding we invited comments on a suggestion to accord the International Table of Allocations above 40 GHz with the domestic allocations as adopted in FCC Docket No. 19973. The received comments were divided as to the desirability of doing that. Those arguing against the suggestion repeated the concern expressed in Docket 19973 with respect to the sharing of space and terrestrial services; those arguing for the suggestion stated that experience in the lower frequency bands indicates that sharing is feasible within carefully selected criteria. We believe that suitable sharing criteria can be developed, and our proposed table includes the terrestrial services with corresponding space services where appropriate.

111. While the proposed table largely reflects the actions taken in Docket 19973, the issue of the manner in which allocations above 100 GHz should be proposed is still open. Some users feel that this spectrum should be left unallocated in order to insure maximum flexibility for the future; others feel that broad bands of spectrum should be allocated in a general manner—dividing the spectrum into 5 or 10 GHz bandwidths as the table reflects. Comments are invited on this aspect of the allocations problem.

112. Another issue of sharing has arisen in Commission discussions with the Office of Telecommunications Policy (OTP). The Government is planning to implement systems which use both Mobile-Satelite and Fixed-Satellite techniques; therefore, it is proposing simultaneous primary allocations to the Fixed-Satellite and Mobile-Satellite services in a number of frequency bands. The original Government proposals called for over 95 GHz of such allocations; they have since been reduced to eall for about 40 GHz. We are concerned about problems which might arise with such shared allocations; the issue is fully addressed in the paragraph devoted to the Mobile-Satellite service.

113. The nonGovernment users of frequencies allocated to the Aeronautical services have requested exclusive allocations in the spectrum above 40 GHz, but we feel that the proposed allocations (shared with Maritime services) are more in keeping with our policy of maintaining flexibility. We have maintained the "(R)" designator in the table; however, we are not convinced that some, or all, of these bands cannot be shared with "(OR)" operations. The Government anticipates requirements in this portion of the spectrum. We invite technical analyses of the feasibility of such sharing and comments on the advantages, or disadvantages, to be obtained by a more general allocation. In this regard, we also desire comments on the relative merits associated with allocating the Maritime and Aeronautical services to the same band or to separate bands of spectrum.

114. Another problem area which has been defined in discussions with the OTP concerns the use of sensors in Space Research and Earth Exploration. Active sensors are essentially radar equipment and can operate in the Radiolocation bands without compatibility problems. Our proposed table identifies these operations by showing allocations for Space Research and Earth Exploration Satellite services with an "(ACTIVE)" designator. Perhaps a more convenient way to permit such operations in Radiolocation bands would be to define a "Space Radiolocation Station"; comments on the merits of each approach are invited. A more serious situation concerns the allocation of spectrum for use by passive sensors. These sensors measure surface characteristics and atmospheric distributions of such things as water vapor, air temperature, and pollutant gases; the data can then be used for monitoring and/or forecasting purposes which have a great pay-off in social and economic benefits. The problem arises because many of these measurements are frequency dependent; and simultaneous measurements at multiple frequencies are required. This problem is discussed in detail in the paragraph devoted to the Space Research and Earth Exploration Satellite services.

115. In the following paragraphs, we will discuss our proposed table on a service-by-service basis. Since utilization of this portion of the spectrum is largely developmental and there are few hard requirements defined at this time, the analysis cannot be as comprehensive as those given previously. Our chief concern has been to provide the flexibility neces-

[1] See section on Broadcasting-Satellite Service for further discussion.

sary to permit efficient development of the spectrum.

AMATEUR/AMATEUR SATELLITE

116. The Amateur SWG requested that the present allocations at 24–24.05 GHz and 24.05–24.25 GHz be retained and that the domestic allocations specified in Docket 19973 at 48–50, 71–76, 165–170, 240–250 and above 300 GHz be implemented internationally, because of the intensive interchange of ideas which takes place between amateurs in different countries. As our table shows, we are proposing no change to the existing allocations and also proposing additional allocations at 71–76, 165–170, and 240–250 GHz as in the Domestic Table. However, we are reserving the band at 48–50 GHz for Aeronautical and Maritime services.

BROADCASTING

117. The television broadcast SWG has requested that the present terrestrial allocation at 11.7–12.5 GHz be retained to permit development of new transmission systems. Although allocated internationally, terrestrial broadcasting in the 11.7–12.5 GHz band has not been introduced into the domestic U.S. table. In its preparation for the 1977 WARC on Broadcasting Satellite planning, the Commission has committed itself to the eventual removal of the TV remote pick up stations from the 11.7–12.2 GHz band, which is the only terrestrial service allocated (secondary) within the United States to this band. In the preparation for the Broadcasting Satellite WARC, it has become apparent that the U.S. approach for an evolutionary development of the 11.7–12.2 GHz band by the space services could be more easily achieved if the terrestrial services were suppressed in this band in ITU Region 2. The Commission's draft allocations table shows the suppression of the Fixed and Broadcasting Services in Region 2, and the relegation of the Mobile Service to secondary status, consistent with the current domestic table. The Commission invites comments regarding these actions, as well as the advisability of perhaps suppressing the Mobile Service as well. The Commission would propose retention of the Broadcasting service in the 12.2–12.5 GHz band in the international table in order to meet the requirement indicated by the Broadcast Service Working Group.

BROADCASTING-SATELLITE

118. The Broadcasting-Satellite SWG has requested the use of the band 12.2–12.5 GHz to be co-equally shared with the terrestrial broadcasting and fixed services. The sharing of frequencies between the Fixed- and the Broadcasting-Satellite Services is extremely difficult in the absence of artificial or man-made shielding or in the absence of earth station antennas with extremely low sidelobe levels. The 1977 broadcasting satellite WARC may allocate frequencies and orbital locations, so that development of the terrestrial service could be undertaken in the 11.7–12.5 GHz band shared in Region 1 between these services. The advisory Broadcasting-Satellite Service working group has estimated a broadcasting satellite market through the year 2,000 of about 1,250 TV channels for the United States and 1,200 TV channels for the rest (excluding the United States) of the Region 2 countries. Leaving aside the theoretical question of how many TV channels might be possible, the Commission would like to focus on the number of TV channels that would be used. The Commission believes that the actual requirements of Region 2 are far smaller than the market estimates submitted by the Broadcasting-Satellite Service working group. The relative demand between the Fixed- and the Broadcasting-Satellite Services in the 11.7–12.2 GHz band is not known. Considering 75 percent broadcasting satellite case, the 1977 JI/GC Working Group B report estimated that 55 satellite locations could be allocated to the fixed-satellite service and 44 satellite (945 TV channels equally divided between the community and the individual services) locations could be allocated to the Broadcasting-Satellite Service. There are approximately 50 countries in Region 2. On an average, each Region 2 country could be allocated 19 TV channels of Broadcasting-Satellite Service. In Europe, the current plan calls for the allocation of five broadcasting satellite TV channels to each country. The Stockholm plan had allocated four terrestrial TV broadcasting channels to each European country. With the current state-of-the-art for generating primary power, at least three, or possibly more, satellites would be required at each orbital location to cover the entire 11.7–12.2 GHz band. The total number of broadcasting satellites is thus, at least, 132. With present day estimates, the space segment, including the launch vehicles, would cost about $6.6 billion. If one percent of the present total 550 million population of Region 2 participate in this service and if the cost of each earth station antenna and the converter is $500 each, then an amount of $2.75 billion would be required to be invested terrestrially. In addition to the 11.7–12.2 GHz band, the 2.50–2.69 GHz band can also be used for the Broadcasting-Satellite Service. The orbital capacity of the latter band is $\frac{19}{50}$th of the capacity of 11.7–12.2 GHz band or about 360 TV channels. Taking into account all the factors, the Commission considers that 1300 broadcasting satellite channels, equally divided between the individual and community receptions, are adequate to satisfy the foreseeable requirements of Region 2 through the year 2000 and that no further frequency allocation to this service is necessary at this time. Therefore, the Commission is denying the request of the Broadcasting-Satellite Service working group for access to the 12.2–12.5 GHz and the 19.7–21.2 GHz bands. We are, however, proposing retention of the current allocations at 41–43 GHz and 84–86 GHz for future long-range developments in the Broadcasting-Satellite Service.

FIXED

119. Both the Common Carrier and Private Microwave users requested retention of present allocations and the alignment of the International Table with the Domestic Table adopted in Docket 19973. The Common Carriers are now making heavy use of the 11 GHz band for short routes in congested urban areas; they are planning to begin implementation of systems in the vicinity of 18, 22, 29, and 31 GHz in the very near future. They are also now planning to use the spectrum above 39 GHz for very local uses such as connection of apartment houses and office buildings. The Private Microwave users operate more than 700 stations for intra-city communications in the band 12.2–12.7 GHz and are projecting continued growth at an annual rate of 10 to 12 percent. Both types of users are already experiencing congestion difficulties in major urban areas. In addition, the Auxiliary Broadcast and Cable Ancillary working groups have expressed needs for small amounts of spectrum in the vicinity of 12, 17, 21, and 40 GHz.

120. As our table shows, we are proposing to maintain the present allocations below 40 GHz except for the band 36–37 GHz; and we are proposing to align the International Table as closely as possible with the Domestic Table for the spectrum above 40 GHz. The deviations from the present International and Domestic (40 GHz) Tables are in order to accommodate needs of the U.S. Government.

We are proposing to set aside frequencies at 55.5 GHz and 120 GHz for Industrial, Scientific, and Medical (ISM) operations.

MARITIME MOBILE/MARITIME MOBILE-SATELLITE

121. The users of the Maritime services requested that all of the allocations above 40 GHz be retained for future development and that sharing with the terrestrial services not be permitted.

As our table shows, we propose a flexible allocation, which provides terrestrial and space services above 40 GHz with the exception that the band 43–45 GHz is being re-allocated to satisfy U.S. Government requirements. We wish to receive information concerning the anticipated voice and data requirements and the estimated orbital capacity for each of the frequency bands, as well as information on the feasibility of terrestrial Maritime service operations above 40 GHz.

AERONAUTICAL MOBILE/AERONAUTICAL MOBILE-SATELLITE

122. The users in the Aeronautical Mobile (R) service raised the question of dividing the frequency bands now jointly allocated to the Aeronautical and Maritime services; they prefer exclusive allocations to the service. User Comments for Aviation in the range 1215 MHz–10.7 GHz also apply at this frequency range.

123. In this notice we invite comments on the merits of separate allocations to

Aeronautical and Maritime Mobile services; at present we believe that combined allocations provide more flexibility for the development of new communications systems. We are proposing worldwide adoption of the Domestic Table which includes combined allocations to both aeronautical and maritime space and terrestrial services with the exceptions of the band 190–200 GHz and of the band 43–45 GHz which is being reallocated to satisfy U.S. Government requirements. As in the previous service, information is desired concerning the anticipated voice and data channel requirements and the estimated orbital capacity for each of the frequency bands.

FIXED-SATELLITE SERVICE

124. The demand for Fixed Satellite services has grown dramatically over the past few years, and all signs point to a continuing growth in requirements. Within the United States, domestic satellites have demonstrated the economic and operational advantages of satellite communications for all types of communications services, and in particular for program distribution applications. The anticipated introduction of demand assignment techniques in the near future can also be expected to stimulate demand for service. Other countries have firm plans or are seriously considering the use of domestic satellite networks to upgrade their own internal telecommunications services. In addition, the unique operational requirements of the INTELSAT system and the high rate of growth of international satellite communications in general are imposing heavy demands on existing allocations. Additional demands on Fixed-Satellite spectrum are also being imposed by the introduction of specialized satellite networks, such as broadcasting-satellite systems, which require links in the Fixed-Satellite Service to support the overall telecommunications services provided through the system. Finally, while radio links in the Inter-Satellite Service to interconnect in-orbit satellite networks have not yet been implemented in practice, serious studies have been undertaken with the view toward future utilization in operational systems.

125. In view of the limited number of satellites that can be placed into the geostationary orbit by all countries which share access to this worldwide resource, it becomes apparent that the demands by the United States and other countries on the spectrum available are increasing more rapidly than is the state-of-the-art in satellite technology necessary to utilize higher frequency bands effectively and economically. Thus, even with the use of satellite design techniques that make the most efficient use of spectrum by all countries placing satellite systems into operation, additional allocations of spectrum to the Fixed-Satellite Service appear to be necessary. Otherwise, the growth of benefits from satellite communications may be prematurely foreclosed.

126. The Fixed Satellite SWG requested retention of the present allocations to the service. It also requested approximately 500 MHz additional in the spectrum between 10 and 15 GHz for each of the up and down bands, these additions being contiguous with existing allocations where feasible or being contained within the same frequency octave. A companion pair of 4 GHz total bandwidths each in the 20 GHz and 30 GHz regions of spectrum; and a narrow band allocation below 40 GHz in order to satisfy intersatellite links. Above 40 GHz, the SWG felt that requirements were not sufficiently firm to make allocations proposals; it stated that unallocated spectrum should be retained to allow for the accommodation of future developments. It also stated that existing allocations to the Fixed Satellite Service should be consistent with a percentage bandwidth concept for economic reasons.

127. The first request made by the SWG was accommodated through the proposal to have a continuous fixed-satellite down band from 10.7–11.7 GHz and a continuous up link from 12.75–13.25 GHz. It should be noted that these bands are for non-government fixed-satellite use limited to international operations. The bands of 11.7–12.2 GHz and 14–14.5 GHz have remained unchanged. The band 11.7–12.2 GHz is also shared with the Broadcasting-Satellite Service in Region 2 and the 12.75–13.25 GHz band is available for domestic as well as international operations. A closer scrutiny of these bands reveals a 250 MHz imbalance between the up and down links in these bands; this imbalance existed even prior to this proposed table, and may lie in part to the nature of the sharing in the bands involved. Comments are requested concerning the ability of these bands to satisfy the anticipated requirements under the constraints stated, and whether the imbalance of up and down bands in this area of the spectrum is likely to create any serious utilization problems.

128. The second request of the fixed-satellite advisory committee was for an expansion of the existing 20 and 30 GHz Fixed-Satellite bands to a pair of 4 GHz bands. In its negotiations with the government users, and in consideration of the requirements of other affected services, the Commission was unable to accommodate this request. Therefore, the existing bands of 17.7–21.2 GHz and 27.5–31 GHz remain unchanged, with the upper 1 GHz of each of these bands being reserved for exclusive government use. The remainder of each band is for exclusive non-government use.

129. The Commission has received a request for two frequency bands, 17.4–17.7 GHz and 22.7–23 GHz, to be allocated to the Intersatellite Service "to provide a medium capacity link for intersatellite link serving fixed satellites". This was the only request from non-government users indicating a requirement for an allocation in the Intersatellite Service. In making this request, there was no indication as to how these intersatellite bands would be used in conjunction with foreseeable systems, nor was there any discussion as to the reason for the preference for these two bands. Recognizing that the water vapor line (rest frequency 22.235 GHz) is expected to give more attenuation in the atmosphere at 23 GHz than at 17 GHz, the Commission is proposing to provide for an Intersatellite Service band from 22.7–23 GHz, even though the requirement for this allocation is less compelling than would have been desired. This band will also be shared terrestrially with the Fixed and Mobile Services.

130. COMSAT and COMSAT General in their comments to the Second Notice of Inquiry in this Docket and the advisory fixed-satellite service working group have requested the frequency bands 40–43 GHz, 48–51 GHz, 92–95 GHz, 102–106 GHz, 140–142 GHz and 150–156 GHz be allocated to the fixed-satellite service on an exclusive basis. COMSAT has additionally requested 95–96 GHz and 142–144 GHz bands on an exclusive basis. COMSAT and COMSAT General in their comments to the Second Notice of Inquiry in this Docket, have requested the frequency bands 138–140 GHz, 220–230 GHz and 265–275 GHz on an exclusive basis. In their comments to the Second Notice of Inquiry in this Docket, AT&T, AAR, Motorola, ARINC (except the allocations for the mobile services) agreed that generally the international table of frequency allocations should be aligned with the United States domestic allocations. GTESC, in the comments to the Second Notice of Inquiry in this Docket, doubts the consistency of domestic allocations with the letter and spirit of the allocation developed at Geneva in 1971 WARC–ST. GTESC urges the Commission to re-examine allocations at 40–41 GHz, 50–51 GHz, 92–95 GHz, 102–105 GHz, 140–142 GHz, 150–152 GHz, 220–230 GHz and 265–275 GHz bands. The advisory fixed-satellite service working group requested revisions of the 40–51 GHz band "to provide a pair of bands of about 6 percent," revisions of the 92–106 GHz band "to provide a pair of bands of about 4 percent" and revisions of 140–170 GHz band "to provide a pair of bands of about 4 percent."

131. COMSAT and COMSAT General have repeatedly raised the question of feasibility of sharing above 40 GHz band between the fixed-satellite and the terrestrial (fixed, mobile) services. The question can best be answered by unbiased technical studies. It has been shown both theoretically and experimentally that sharing is possible at the lower frequencies such at 6/4 GHz. The rational approach would be to conduct theoretical studies on the subject. Although this subject has been in the forefront of the minds of technical people since 1972, no one in the United States has yet started, to the Commission's knowledge, studies[8] on the subject. The Commission believes that the fixed and

[8] CCIR Question 53/1: Systems for telecommunication, determination and other purposes, operating in the electromagnetic spectrum above 40 GHz, particularly the highest frequency region of radio waves, as well as in the infrared and visible light regions.

the fixed-satellite services can share frequency bands above 40 GHz and that allocation of different services to a shared frequency band would encourage studies on different aspects of sharing. Such studies would show the sharing criteria necessary.

132. COMSAT has given a long dissertation on the percentage of spectrum allocated to each service. If there is a reasonable channel requirement for the fixed-satellite service, every attempt has to be made to fulfill that requirement. Percentage spectrum is the end result of the allocation and is not a criteria for the frequency allocation. One basic criteria is the equivalent voice channel requirement of the fixed-satellite service. Sound forecasting of channel requirements is needed to determine the frequency requirements for the fixed-satellite service. The Commission has noted that forecasts of international frequency requirements, over the past years, have been greatly in excess of actual channel usage. The second criteria is the orbital capacity in each frequency band. The advisory JI/GC working group B of the 1977 broadcasting satellite WARC has stated (Docket 20468) that an orbital separation of less than 1° is possible in the 11.7–12.2 GHz band when using some general principles. Assuming the orbital capacity to be equally divided between the broadcasting-satellite and the fixed-satellite services in the 11.7–12.2 GHz band, altogether 180 fixed-satellites could be accommodated in the geostationary orbit. The principles enunciated by the JI/GC Group B are broad. If they are good for the fixed- and the broadcasting-satellites in the 11.7–12.2 GHz band, the Commission believes that these principles should then be applicable to all other frequency bands of the fixed- and the broadcasting-satellite services to improve the efficiency of the orbit-spectrum use.

133. The Commission has domestically allocated 11.9 percent of the frequency between 40 and 275 GHz to the fixed-satellite service as compared to 10 percent requested by the advisory fixed-satellite service working group. Above 40 GHz, two 1 GHz wide, one 2 GHz wide and one 10 GHz wide band have been allocated to the fixed-satellite service excluding the allocation of 92–93 GHz, 102–103 GHz, 140–141 GHz, 150–151 GHz bands agreed to earlier in 1972 for the exclusive use of Government agencies. Using the JI/GC working group approach, the total orbital capacity of the domestic fixed-satellite service, above 40 GHz, is $14\times360\times2=10080$ satellites each having a 0.5 GHz bandwidth. The total cost of the satellites and the launch vehicles, at present estimates, would be approximately $504 billion. The Commission has considerable difficulty in believing that the foreseeable requirements of the fixed-satellite service could be such as to need 10080 satellites or that mankind could invest such a staggering amount of money on this service alone. There are a number of unused transponders in the 6/4 GHz United States domestic satellite service. The launch of the third AT&T satellite has been delayed. It appears that the actual demand of the domestic satellite service is considerably lower than was forecast by the industry. Some satellite development work is underway between 40 and 80 GHz. The Commission cannot predict the pace of the technological advances, but the Commission would be surprised if a significant portion of the spectrum above 40 GHz would be used for the fixed-satellite service in this century.

134. The question of providing "larger contiguous" bandwidth has been raised. The Commission has domestically allocated (Docket 19973) 1, 2 and 10 GHz contiguous bandwidths for the fixed-satellite service above 40 GHz band. In general, the satellite transmitter power increases with increasing frequency. It has been estimated [9] that at 42 GHz and 85 GHz bands, satellite transmitter powers of 1700 W and 43 kW, respectively, are needed for a bandwidth of 40 and 44 MHz. The fixed-satellite service working group has, for example, requested a frequency band of 92–96 GHz. The required satellite power, then, appears to be about $43\text{x}4000=3900$ kW for a 4 GHz wide band. The Commission would need rational technical discussion on the optimum and feasible satellite bandwidth, the required amount of satellite transmitter power, the capability of the satellite to provide the required power before making changes on the allocated contiguous bandwidth.

135. There are many uncertainties and unknowns in the frequency bands above 40 GHz. The fixed-satellite service working group stated that "Above 40 GHz, the committee felt that requirements were not sufficiently firm to make allocation proposals." The Commission recently issued a Report and Order (Docket No. 19973) on the domestic allocations above 40 GHz after a lengthy proceeding. The Commission is of the opinion that, in general, the international tables shall be aligned, for the present, with the domestic table of allocations to give protection to the domestic table. The Commission, for the sake of expediency in developing the allocations table, as well as recognizing the uncertainties surrounding the use of the bands above 40 GHz, has proposed the deletion of all direction indicators for the Mobile-Satellite and Fixed-Satellite Services above 40 GHz. The Commission invites comments on the need for direction indicators in these bands and the need, if any, for the pairing of frequency bands for these services.

MOBILE-SATELLITE

136. The Mobile-Satellite Service is defined in the International Radio Regulations as a radiocommunication service:

> Between mobile earth stations and one or more space stations; or between space stations used by this service;
>
> Or between mobile earth stations by means of one or more space stations;
>
> And if the system so requires, for connection between these space stations and one or more earth stations at specified fixed points.

137. Operation in the Mobile-Satellite Service will invariably involve the use of mobile earth stations with, or through, space stations. Inherent with this type of service are difficult and complex questions of coordination with terrestrial services as well as with stations in the Fixed-Satellite Service if these services share the band with the Mobile-Satellite Service.

138. In the Commission's seeking out of non-government requirements in preparation for the 1979 General WARC, no requirements surfaced for the use of this service. All proposed allocations, therefore, which appear in the table attached to this Notice of Inquiry are the result of requirements submitted by possible government users. These uses include the utilization of land, sea and air mobile earth stations, with antenna sizes as small as would be required for back-packed field use. It has been proposed in all cases above 10.7 GHz that the Mobile-Satellite Service share co-equally with the Fixed-Satellite Service. In addition, above 40 GHz, additional sharing with terrestrial Fixed and Mobile is proposed in virtually all of the Mobile-Satellite allocations. Is sharing of Mobile and Fixed-Satellite Services frequency dependent? If not, could commercial fixed-satellite frequencies, such as 6/4 and 14/12 GHz bands, be shared with mobile satellites?

139. The nature of the Mobile-Satellite Service requires the use of relatively small mobile earth stations, with the inherently high satellite e.i.r.p.'s associated with small earth terminals. Bearing in mind the generally high sensitivity of Fixed-Satellite earth stations and terrestrial Fixed Service receivers, the Commission solicits comments as to the feasibility of sharing between the Mobile-Satellite Service and these other services, and, if sharing is deemed feasible, the best approach by which such sharing could be accomplished (e.g., satellite PFD limits, coordination procedures, etc.). The Commission is also extremely interested in obtaining comments as to the impact of the Mobile-Satellite Service on orbit/spectrum utilization. Such information is vital to the determination of actual spectrum requirements in light of stated system requirements, and also for the evaluation of impact on other services sharing the geostationary orbit.

140. Below is a listing of the spectrum requirements initially put forth by the various government users for the Mobile-Satellite Service above 10.7 GHz. After extensive examination the proposed allocations table resulted. Recognizing the difficulty for the public sector to evaluate the requirements of the government users, the Commission nonetheless requests comments as to how such a large request (37.5 GHz total bandwidth) for Mobile-Satellite allocations is likely to affect the non-government use of the spectrum above 10.7 GHz.

141. Following is a listing of the initial government requests for allocations to

[9] CCIR USSG 10/11B BC/839 "Broadcasting Satellite Service, preferred system characteristics", 19 January 1976.

the Mobile-Satellite Service above 10.7 GHz.

GHz		
14.0–14.5	92	– 95
17.9–19.7	102	–105
19.9–21.2	140	–142
27.5–31	151	–170
36 –41	201.5–225	
43 –45	240	–250
50.4–51.4	266	–275
72 –84		

Total—96.6 GHz, which does not include special allocations to the Maritime Mobile-Satellite or the Aeronautical Mobile-Satellite Services. The table as it appears in this Notice of Inquiry includes a total bandwidth of 37.5 GHz allocated to the Mobile-Satellite Service.

142. As an adjunct to the table of allocations which the United States would put forth at the WARC, it is proposed that there would also be a memorandum of national understanding between the Commission and the Government users that the two Mobile-Satellite bands 40–41 GHz and 43–45 GHz would be for exclusive government use.

SPACE RESEARCH/EARTH EXPLORATION SATELLITE

143. The U.S. Government proposed a number of allocations for the Space Research and Earth Exploration Satellite Services [10] in order to permit remote sensor operations. Active sensors are essentially radars and are compatible with operations in radiolocation bands; accordingly, their requirements for spectrum can be easily accommodated. Passive sensors are used to: Measure soil moisture content; detect snow and measure extent, depth, and water content; measure salinity of estuarine and sea water; measure sea state from which wind speed and direction can be inferred; detect and measure oil slicks; measure ocean surface temperature; detect clouds and measure water content; measure rain rates; measure atmospheric water vapor; measure temperature profiles of the atmosphere; and detect and measure pollutant gasses in the atmosphere. Important applications which need data from these meaurements include improved agricultural production and distribution, water resources management, flood forecast and control, improved ship routing, oil and mineral exploration, and monitoring of environmental pollution. A NASA economic analyses forecast multibillion dollar benefits from these applications; social benefits include conservation of resources and protection of life and property. The measurements are frequently dependent, critically so for those which depend on molecular resonance frequencies of water vapor, oxygen, and pollutant gasses; and simultaneous measurements at multiple frequencies are required in order to eliminate competing effects and to provide suitable measurement dynamic ranges.

144. The requirements for such passive sensor operations in this portion of the spectrum are summarized in the following list.

Frequency Band GHz	*Measurement/Use*
10.6–10.95	Sea state, wind and ice mapping; snow mapping (low Earth-orbiting satellite)—weather forecasting, ocean transportation routing and severe storm tracking; snow runoff monitoring for hydroelectric power, irrigation, and reservoir and flood management.
15.35–15.4	Same as previous band, but added accuracy and sensitivity. Also, water vapor in the lower atmosphere for weather forecasting and pollutant movement.
17.7–17.9	Same as previous band, except water vapor in the mid-atmosphere.
19.7–19.9	Same as previous band, except water vapor in the higher atmosphere. Also, rain mapping (low rain rates) for weather forecasting, irrigation, reservoir, flood and hydroelectric power management.
22.1–22.5	High altitude water vapor global mapping—weather forecasting and climatology.
23.6–24	Mid-altitude water vapor mapping—weather forecasting and pollutant movement monitoring.
31.3–31.8	Snow/ice mapping—more sensitive to ice mapping for climatology and arctic ship routing.
36–37	Rain mapping (high rain rates) irrigation, reservoir, flood and hydroelectric power management.
50–50.4, 51.4–59, and 64–66.	Atmospheric temperature profiling—weather forecasting, long-term climatology, drought and other hazardous short-term climatology warnings.
86–89	Snow/ice mapping (high resolution) — ocean transportation routing, climatology; snow runoff for irrigation, reservoir, flood and hydroelectric power management.
101–102, 105–116, 150–151, 174.5–176.5, 200–201.5, 250–252, 275–277.	Pollution monitoring—nitric oxides and other pollutants for environmental monitoring.
225–230	Pollution monitoring—carbon monoxide and ozone depletion (aerosols, SST, etc.) measurements for environmental monitoring.

145. As our table shows, these services are included in the bands required which are otherwise proposed for passive services or are domestically allocated for government use. The table also shows these services included in the bands 22.21–22.5, 54.25–58.2, and 174.5–176.5 GHz where non-government proposals would require that they share with active services. In addition, there are requirements for these services in the bands 10.6–10.95, 17.7–17.9, 19.7–19.9, 50.0–50.4, 100–101, 116–130, 150–151, 200–201.5, 225–230, 250–252 and 275–277 GHz; sharing with active services would also be necessary in these bands. The bands 10.6–10.95, 15.35–15.4, 17.7–17.9, 19.7–19.9, 31.3–31.8, 36–37, and 86–92 GHz would be used for multifrequency measurements about the water vapor line at 22.235 GHz. Since there is a large potential pay-off in both economic and social benefits, we wish to accommodate the spectrum requirements for remote sensing operations; comments on the desirability and feasibility of doing so through sharing arrangement or through exclusive allocations are desired.

146. Another problem arises in the bands 12.75–13.25, 14.0–14.3, and 14.4–14.5 GHz where we are considering shared allocations between the Fixed Satellite service and the Space Research service and in the band 17.9–18.7 GHz where we are considering shared allocations between the Fixed Satellite service and the Earth Exploration Satellite service; the Government desires that the Space Research and Earth Exploration Satellite services be primary in the respective bands. We invite comments on the feasibility of such arrangements, particularly with regard to providing protection to the Fixed Satellite links. In addition, a Footnote is proposed for the band 17.90 and 17.95 GHz which would provide readout to small earth terminals with no power flux density limitation subject to administration agreements; comments are requested on this proposal.

RADIO ASTRONOMY SERVICE

147. This service is devoted primarily to the research, study, and investigation of celestial bodies and interstellar gasses and plasmas, and of their magnitudes, motions and constitution. Each such body, in accordance with its chemical composition, radiates electromagnetic energy at various frequencies throughout the radio spectrum. A study of these frequencies, or line spectra, can lead to an intelligent deduction concerning the physical make-up of these extra-terrestrial radio sources. If interference exceeds a certain level, then radio-astronomical observations are rendered untrustworthy. With this in mind, it is not feasible for this service to share an allocated band with an active service within line of sight. Moreover, it is not recommended that this service be located in bands adjacent to any service that could transmit air- or space-to-ground communications directly or indirectly into radio astronomy antennas at harmful interference levels. In the past twenty-five years many scientific discoveries have been made through radio astronomy observations. The recent discovery of pulsars, celestial bodies consisting of densely packed neutrons, lends support and contributes to a further understanding of the nuclear theory, the relativistic theory of gravitation, and the theory of stellar evolution.

148. In addition to advancing our knowledge about the Universe the science

[10] See for example, Final Technical Report Frequency Allocation Requirements for Earth Observation Sensors; Contract No. NASA 5–22032, June 1975; National Scientific Laboratories.

of radio astronomy is making important contributions to mankind on a practical level. Some areas in which major advances are taking place at present using radioastronomical techniques and methods are:

a. The study of thermography of the body;
b. The detection of breast cancer;
c. The detection of forest fires by their microwave radiation;
d. The development of radio sextants for marine navigation; and
e. The forecasting of earthquakes.

149. The radio astronomers have requested retention of the allocations to that service in the bands 15.35–15.40, 23.6–24.0, 31.3–31.5, and 86.0–92.0. They have also requested the following new allocations: 22.21–22.26 GHz for observation of the water molecular line; 31.5–31.8 GHz in order to broaden the allocation at 31.3–31.5 GHz and thereby permit faster observations; 105–116 GHz for observation of several carbon monoxide molecular lines which are now considered to provide the most beneficial information in the radio spectrum; 182–185 GHz for observation of an important transition of H_2O; 217–221 GHz in order to protect observations of the carbon monoxide lines at 219.5 and 220.4 GHz; 229–231 GHz in order to protect observations of the carbon monoxide line at 230.5 GHz and 261–272.5 GHz in order to observe a number of important spectral lines. The astronomers stated that they could relinquish the spectrum in the 130–140 GHz band in exchange for 105–116 GHz because it contains no important spectral lines and was previously selected for continuum observations which are no longer required. Allocations requests for the bands 15.3–15.35 GHz and 15.4–15.44 GHz could not be accommodated due to pressing requirements of other services and sharing incompatibilities.

150. The important requirement at 105–116 GHz was accommodated at the expense of deleting spectrum allocated to the intersatellite service. The requirements at 31.5–31.8 GHz and 182–185 GHz were easily accommodated because these bands were already allocated for use by passive sensors. However, the bands 22.21–22.6, 217–221, and 229–230 GHz are proposed for use by active sensors. The proposed table shows the radio astronomy service included in these bands, and we desire specific comments on this allocation arrangement. We are proposing to protect the observations at the spectral lines above 261 GHz by means of a Footnote.

151. It must be emphasized that the proposed Table is subject to modifications based upon additional requirements, government and nongovernment, which may be identified, upon comments received from the public, and upon the results of any spectrum studies to be performed. Those modifications will be reflected in further Notices of Inquiry to be issued as conference preparatory activity continues.

152. Although the primary focus of the 1979 WARC will be upon the Frequency Allocations Table (Article 5 of the International Radio Regulations) it will consider other aspects of the Radio Regulations as well. In the time since the previous notices, the items discussed in the following paragraphs have come to our attention; we also desire to receive public comment on these.

153. The Diplomatic Conference on Humanitarian Law, Geneva 1976, considered the use of radiocommunications for announcing and identifying medical transports protected under the Geneva Convention of 1949. It recognized that the designation and use of radio frequencies (including distress frequencies), the operating procedures in the Mobile Service, the distress, alarm, urgency and safety signals, and the order of priority of communications in the Mobile Service are governed by the International Radio Regulations. In order to provide for the vital communications of protected medical transports, that Conference requested that the 1979 WARC establish the procedures for notifying common radio frequencies and for international recognition of an appropriate priority signal. In Appendix 2 we have attached the text proposed by the Diplomatic Conference for inclusion into the Annex to Additional Protocol I of the Geneva Convention. This proposal will affect Articles 36, 37, 37A, and 44 of the Radio Regulations.

154. Increasingly intensive use is being made of radio-relay systems for the transmission of telephony, television, and digital systems. According to the present regulations (Article 12, Appendix 3), the frequency tolerance for radio transmitters is expressed in terms of a percentage of carrier frequency. The total frequency variation permitted increases in direct proportion to the emitted frequency and could eventually exceed the information bandwith being conveyed by the system. Although there is no general consensus as to the most appropriate method for dealing with this problem, we submit the following options for public consideration:

(a) Continue with a general tolerance (as a percentage of carrier frequency) as in the present Radio Regulations;
(b) Apply an absolute tolerance to each frequency band in the Radio Regulations; and
(c) Apply a percentage tolerance related to the authorized or necessary bandwidth.

Conclusion

155. As we have previously indicated in this proceeding, all participants should keep in mind the importance of the 1979 WARC results. Based upon past experience, decisions reached at this conference can be expected to provide the basis for international radio regulation policy for most of the remainder of this century. It is of the utmost importance to develop U.S. proposals which effectively promote that combination of telecommunication uses which offers the maximum social and economic contribution to the national welfare and which also contain the flexibility necessary to accommodate important new applications of this dynamic technology as well as the unique requirements of our international partners in the ITU. It must be recognized that the proposal in Appendix 1 is for the international Table of Frequency Allocations, and that the national implementation of such a table will require extensive U.S. national consideration.

156. Comments bearing on the proposed allocations table, the proposed draft protocol concerning medical transports, frequency tolerances for radio-relay equipment, and any other matters relevant to preparation for the 1979 WARC are hereby sought from all interested United States individuals, parties, or groups of parties which may exist.

157. Pursuant to applicable procedures set forth in section 1.415 of the Commission's Rules, interested persons may file comments on or before January 31, 1977, and reply comments on or before February 21, 1977. All relevant and timely comments and reply comments, along with any pertinent information which the Commission may have available, will be considered. When commenting, it should be borne in mind that this effort is directed toward international allocations and not domestic issues. The U.S. wants to achieve maximum flexibility in international allocations proposals.

158. Although section 1.419 of the Commission's Rules required that an original and fourteen copies of all statements, briefs or comments be filed in response to a notice, the Commission's conference preparatory organization necessitates the filing of an original and nineteen copies. All responses received will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

159. This notice is issued pursuant to the authority set forth in section 4(i) of the Communications Act of 1934, as amended 47 U.S.C. 154(i).

Federal Communications Commission,[1]
Vincent J. Mullins,
Secretary.

Appendix 1

Proposed International Table of Frequency Allocations

Method of Presentation

1. Numbers shown are the international Radio Regulation numbers;
2. Underlining indicates new text;
3. If a service is in all Capitals, it is a primary service (e.g. MOBILE);
4. If a service has a Capital as the first letter, and the remainder in lower case, it is a secondary service (e.g. Mobile);
5. Slant bars before and after service indicate a permitted service (e.g. /Mobile/);
6. ADD means an addition to the current provisions;
7. Dashes through the text (e.g., Space) indicate existing text which is being deleted;
8. MOD means a modification of the current provisions;
9. SUP means to suppress the current provisions;
10. NOC means we are proposing that the current provisions not be changed;
11. In view of the action taken by the Final Acts of the 1971 Space Conference all frequencies should be expressed in hertz instead of cycles per second;
12. The absence of MOD, SUP OR NOC against a given Radio Regulation means that no proposal is being made in respect to that provision.

[1] Concurring statement of Commissioner Robert E. Lee filed as part of the original.

1.

TABLE OF ALLOCATIONS

kHz

Region 1 *	Region 2 *	Region 3
Below 10	(Not allocated) 157	
REASON: No allocations to services proposed. NOC 157 REASON: There is a continuing need for this condition in the event that frequencies below 10 kHz are used for special national purposes.		
10-14	RADIONAVIGATION ~~Radiolocation~~	
Reason: There is continuing and expanded use of this frequency band for worldwide radio navigational systems (Omega) for maritime and aeronautical aids. Radiolocation is being deleted to protect radfonavigation ~~systems,~~ and to preclude the entry of incompatible systems in the future.		
14-19.95	FIXED MARITIME MOBILE 158 159	
19.95-20.05	STANDARD FREQUENCY 160 159	
20.05-70	FIXED MARITIME MOBILE 158 159 161	

2.

kHz

Region 1	* *	Region 2	* *	Region 3
70-72 RADIONAVIGATION 162 161		70-90 FIXED MARITIME MOBILE 158 MARITIME RADIONAVIGATION 162 Radiolocation		70-90 FIXED MARITIME MOBILE 158 RADIONAVIGATION 162
72-84 FIXED MARITIME MOBILE 158 RADIONAVIGATION 162 161 163				
84-86 RADIONAVIGATION 162 163				
86-90 FIXED RADIONAVIGATION 162 MARITIME MOBILE 158 163		164		165

Reason: Operational requirements remain constant.

3.

kHz

Region 1	*	Region 2	*	Region 3
90-110 Fixed ~~FIXED~~ ~~MARITIME MOBILE 158~~ RADIONAVIGATION Maritime Mobile 158 163 166 167	*	90-110 RADIONAVIGATION Fixed Maritime Mobile 158 166 167	*	90-110 ~~FIXED~~ ~~MARITIME MOBILE 158~~ RADIONAVIGATION Fixed Maritime Mobile 158 166 167

REASON: Domestically, this band is presently available to the radionavigation service only. Internationally, it is contemplated that this band will become primarily allocated to the radionavigation service for worldwide long distance radionavigation systems.

NOC 166

REASON: Applicable to the contemplated use of this band for worldwide radionavigation systems. Affords additional protection.

4.

kHz

Region 1	Region 2	Region 3
110-112	110-130	110-130
FIXED MARITIME MOBILE RADIONAVIGATION 162 163 167 ~~168~~	FIXED MARITIME MOBILE MARITIME RADIONAVIGATION 162 Radiolocation	FIXED MARITIME MOBILE RADIONAVIGATION 162
112-115		
RADIONAVIGATION 162 163		
115-126		
FIXED MARITIME MOBILE RADIONAVIGATION 162 163 167 ~~168~~ 169		
126-129		
RADIONAVIGATION 162 163		
129-130		
FIXED MARITIME MOBILE RADIONAVIGATION 162 163 167 168	164 167 ~~168~~	167 ~~168~~ 170

SUP 168
Reason: No longer any requirement.

5.

REASON: Domestically, this band is presently allocated to the fixed service in Alaska, the international public fixed, maritime mobile and radiolocation services. No specific requirements or recommendations to retain these allocations, other than for the radiolocation service, have been received. There is a need for the radiolocation allocation on a primary basis for geophysical, maritime, and surveying radiolocation functions.

SUP 168

REASON: Service has been deleted.

6.

kHz

Region 1	Region 2	Region 3
130-150	130-150	
MARITIME MOBILE 172 Fixed	FIXED MARITIME MOBILE	
163 167 173	167	
150-160	150-160	
MARITIME MOBILE 167 174 BROADCASTING	FIXED MARITIME MOBILE	
175	167	
160-~~255~~ 190	160-200 190	160-190
~~BROADCASTING~~ AMATEUR 176	~~FIXED~~ AMATEUR 179	~~FIXED~~ ~~Aeronautical radionavigation~~ AMATEUR
190-200 BROADCASTING 176	190-200 FIXED 179	190-200 FIXED Aeronautical Radionavigatic
200-255	200-285 275	
BROADCASTING 176	AERONAUTICAL RADIONAVIGATION Aeronautical mobile	
255-285 275		
MARITIME MOBILE 174 BROADCASTING AERONAUTICAL RADIONAVIGATION		
176 177 178		

REASON: 160-190 kHz--allocated domestically to the fixed (in Alaska) and international fixed public services. No specific Non-Gov't requirements or recommendations for the continuation of this allocation were submitted. Reallocation to the amateur radio service primarily for low frequency experimentation purposes.

(CONTINUED)

7.

200-285 275 kHz--There is a continuing need for services in this band for aeronautical radionavigation and aeronautical mobile purposes.

kHz

Region 1	* *	Region 2	* *	Region 3
275-285		275-285		
MARITIME MOBILE 174 BROADCASTING AERONAUTICAL RADIONAVIGATION Maritime radionavigation (radiobeacons) 176 177 178		AERONAUTICAL RADIONAVIGATION Aeronautical mobile Maritime radionavigation (radiobeacons)		

Reason: To support requirements for maritime radiobeacons.

8.

kHz

Region 1	* *	Region 2	* *	Region 3
285-315		MARITIME RADIONAVIGATION (radiobeacons) Aeronautical radionavigation		

REASON: There is a continuing need to utilize this band for radionavigation (radiobeacons).

315-325 AERONAUTICAL RADIONAVIGATION 180	* * * * * * *	315-325 MARITIME RADIONAVIGATION (radiobeacons) Aeronautical radionavigation		

Reason: There is a continuing need to utilize this band for radionavigation (radiobeacons).

325-405 335		Maritime radionavigation (radiobeacons) AERONAUTICAL RADIONAVIGATION Aeronautical mobile 181		

Reason: There is a continuing need to utilize this band for aeronautical radionavigation and aeronautical mobile, and to support requirements for maritime radionavigation beacons.

335-405		AERONAUTICAL RADIONAVIGATION Aeronautical mobile 181		

Reason: There is a continuing need to utilize this band for aeronautical radionavigation and aeronautical mobile services.

9.

kHz

Region 1	Region 2	Region 3
405-415	405-415	405-415
MOBILE except aeronautical mobile AERONAUTICAL RADIONAVIGATION MARITIME RADIONAVIGATION (radio direction-finding)	MARITIME RADIONAVIGATION (radio direction finding) Aeronautical radionavigation Aeronautical mobile	RADIONAVIGATION Aeronautical mobile
182 183 184	182	182

REASON: There is a continuing need for the services specified above in this band.

NOC 182

REASON: There is a continuing need to provide the maritime radionavigation (radio direction-finding) service with protection from interference from other services utilizing this band.

10.

kHz

Region 1	* *	Region 2	* *	Region 3
415-490		MARITIME MOBILE 186 / Aeronautical radionavigation /		
		MOD 185 ~~186~~		

REASON: There is a continuing need by the maritime mobile service to utilize this band for telegraph communications over short and medium distances. There is a future need for an allocation in this band to the aeronautical radionavigation service on a worldwide sharing basis.

MOD 185 In the European Maritime Area, subject to the conditions specified in the Final Acts of the European Maritime Conference (Copenhagen 1948), and any subsequent revision of that agreement, the administrations concerned may keep in the band 415-485 ~~ke/s~~ kHz and 515-525 ~~ke/s~~ kHz such of the following broadcasting stations as will not cause harmful interference to the maritime mobile or aeronautical radionavigation services: Hamar, Innsbruck, Oestersund, Oulu.

REASON: To conform to the new entry in this band.

490-510		MOBILE (distress and calling)		
		187		

REASON: There is a continuing need to maintain this band for international distress traffic and calling purposes.

NOC 187

REASON: Same as indicated above.

11.

kHz

Region 1	Region 2	Region 3
510-525 MARITIME MOBILE 186 188A ~~Aeronautical radionavigation~~ 188 /Aeronautical radionavigation/188 185	510-525 MOBILE /Aeronautical radionavigation/ 188 MARITIME MOBILE 186 188A	510-525 MARITIME MOBILE 186 188A Aeronautical mobile Land mobile /Aeronautical radionavigation/188 189

REASON: This band is not normally available for non-Government use except that the frequency 512 kHz is available under certain circumstances. However, there is a future need to utilize this band for worldwide aeronautical radionavigation purposes subject to no interference being caused to maritime mobile services which also have a future need to utilize this band for telegraph communications over short and medium distances. Mobile allocation deleted and maritime mobile allocation (and appropriate footnote) inserted to conform to allocation in other regions.

NOC 188

REASON: To retain priority for the maritime mobile service in this band on a worldwide basis.

ADD 188A The frequency 512 kHz is used as prescribed by Nos. 1123 and 1125 through 1129.

Reason: To indicate 512 kHz is used in accordance with provisions of Article 32.

12.

kHz

Region 1	*	Region 2	*	Region 3
525-535	*	525-535	*	525-535
BROADCASTING	*	MOBILE	*	MOBILE
	*	~~Broadcasting-191~~	*	~~Broadcasting~~
	*	~~Aeronautical radionavigation-188~~	*	BROADCASTING
	*	BROADCASTING	*	
190	*		*	

REASON: Population growth, shifts in population, new communities and other factors are sufficient to warrant some expansion of the medium frequency broadcasting band to meet future requirements.

SUP 191

REASON: No longer required.

535-1605

BROADCASTING

REASON: There is a continuing need to provide existing and expanded broadcasting services to the general public.

13.

kHz

Region 1	Region 2	Region 3
1605-~~2000~~ 1725 FIXED MOBILE except aeronautical mobile 192 193 194 195 195A	1605-~~1800~~ 1615 ~~FIXED~~ MOBILE AERONAUTICAL RADIONAVIGATION ~~Radiolocation~~ BROADCASTING	1605-~~1800~~ 1725 FIXED MOBILE 197
	1615-1750 MOBILE AERONAUTICAL RADIONAVIGATION Radiolocation LAND MOBILE FIXED	
1725-1800 FIXED MOBILE except aeronautical mobile AMATEUR 192 193 194 ~~195~~ 195A	1750-1800 FIXED MOBILE AERONAUTICAL RADIONAVIGATION Radiolocation AMATEUR	1725-1800 FIXED MOBILE AMATEUR 197
1800-1900 ~~FIXED~~ ~~MOBILE except aeronautical mobile~~ AMATEUR 192 193 194 ~~195~~ 195A		

14.

kHz

Region 1	*	Region 2	*	Region 3
1900-2000	*	1800-~~2000~~ 1900		
FIXED MOBILE except aeronautical mobile Radiolocation	*			AMATEUR ~~FIXED~~ ~~MOBILE except aeronautical mobile~~ ~~RADIONAVIGATION~~
	*			~~198~~
	*	1900-2000		
	*			~~AMATEUR~~ FIXED MOBILE except aeronautical mobile ~~RADIONAVIGATION~~ Radiolocation
192 193 194 195 195A	*			MOD 198

REASON: Domestically, this band is presently allocated to a number of services including aeronautical fixed, aeronautical radionavigation, fixed (in Alaska), industrial, international fixed, public, maritime mobile, public safety, radiolocation, broadcast remote pickup (base and mobile), radionavigation land, disaster and amateur. Radionavigation (Loran-A) systems may be phased out by 1980. Therefore, the allocation to radionavigation has been deleted. In view of the future requirements for the use of this band involving a number of services and the resulting incompatibilities, the band has been allocated as indicated above for the following purposes:

1605-1615: Population growth, shifts in population, new communities and other factors are sufficient to warrant some expansion of the medium frequency broadcasting band to meet future requirements on an exclusive basis. This reallocation in addition to the reallocation of the band 525-535 kHz will provide two new medium frequency channels contiguous to the existing medium frequency brodcasting band which is being retained for that use.

1615-1725: There is a continuing and future need for accommodations in this band for land mobile and fixed services, which include industrial, public safety, broadcast remote pickup (base and mobile), disaster, and other services. Radiolocation services are also included on a secondary basis to provide for geophysical, maritime, and surveying radiolocation functions.

1725-1800*: Short to medium range communications can be accomplished by the amateur service in this and the following band with less sharing and resulting incompatibilities presently experienced by this service in the existing band. Radiolocation is included on a secondary basis to provide for radiolocation functions as indicated above.

1800-1900*: Same as the preceding paragraph except the allocation to the amateur service is on an exclusive basis.

*It can not be readily determined whether or not worldwide allocation of these bands to the amateur service is practicable due to the lack of knowledge regarding spectrum requirements in other regions.

1900-2000: A variety of mobile (except aeronautical mobile) and fixed services can share this band on a co-equal primary basis with the radiolocation service utilizing this band on a secondary basis to accommodate contemplated future requirements of that service.

MOD 198

~~In Region 2 the Loran system has priority. Other services to which the band is allocated may use any frequency in this band provided that they do not cause harmful interference to the Loran system.~~

In Region 3 the Loran system in any particular area operates either on 1850 or 1950 kHz, the bands occupied being 1825-1875 kHz and 1925-1975 kHz respectively. Other services to which the band 1800-2000 kHz is allocated may use any frequency therein on condition that no harmful interference is caused to the Loran system operating on 1850 or 1950 kHz.

REASON: No longer required for Region 2, but should be retained for Region 3. Loran radionavigation system in this band to be phased out by 1980 in the United States.

16.

kHz

2000-2045 FIXED MOBILE except aeronautical mobile 193 195A	*	2000-2065 FIXED MOBILE
2045-2065 METEOROLICAL AIDS FIXED MOBILE except aeronautical mobile 193 195A	*	

REASON: Domestically, this band is presently allocated to the maritime mobile service with limited use permitted by certain fixed stations. Retention of this band as presently allocated internationally for the purpose of retaining flexibility domestically in future sharing arrangements with other fixed and mobile services.

2065-2170 FIXED MOBILE except aeronautical mobile (R) 193 195A	*	2065-2107 MARITIME MOBILE 200
	*	2107-2170 FIXED MOBILE

17.

REASON: 2065-2107: Allocation retained to accommodate continuing need to provide services in this band in the maritime mobile service, and to meet future requirements.

2107-2170: Domestically, this band is presently allocated to a variety of fixed and mobile services.

Retention of this band as presently allocated internationally is for the purpose of retaining flexibility domestically in future sharing arrangements between fixed and mobile services as deemed necessary nationally.

NOC 200

REASON: There is a continuing need for this footnote.

kHz
2170-2194
MOBILE (distress and calling)
201 201A

REASON: There is a continuing need to maintain this band for international distress traffic and calling purposes.

NOC 201 & 201A

REASON: Same as indicated above.

2194-2300	*	2194-2300
	*	
FIXED	*	FIXED
MOBILE except	*	MOBILE
aeronautical	*	
mobile (R)	*	
	*	
193 195A	*	
	*	

REASON: Domestically, this band is presently allocated to a variety of fixed and mobile services. Retention of this band as presently allocated internationally is for the purpose of retaining flexibility domestically in future sharing arrangements between fixed and mobile services as deemed necessary nationally.

18.

kHz

Region 1	Region 2	Region 3
2300-2498 FIXED MOBILE except aeronautical mobile (R) BROADCASTING 202 193 195A	2300-2495 FIXED MOBILE BROADCASTING 202	
	2495-2505	
2498-2502 STANDARD FREQUENCY 203 203A	STANDARD FREQUENCY	
2502-2625 FIXED MOBILE except aeronautical mobile (R) 193 195A	203 203A	
	2505-2625 FIXED MOBILE	

REASON: 2300-2495: Same as reason stated for the band 2194-2300 kHz above. The allocation for broadcasting is being retained because of its use in tropical zones in other countries within Region 2.

2505-2625: Same as reason stated for the bands 2194-2495 kHz.

19.

kHz

Region 1	Region 2	Region 3
2625-2650 MARITIME MOBILE MARITIME RADIONAVIGATION 175 195A	2625-2850 FIXED MOBILE	
2650-2850 FIXED MOBILE except aeronautical mobile (R) 205 195A		

REASON: Same as stated for the bands 2194-2495 and 2505-2625 kHz.

2850-3025

AERONAUTICAL MOBILE (R)
201A 205A

REASON: Continued use through, and beyond, the year 2000 by the aeronautical mobile (R) service.

NOC 201A 205A

REASON: Continued need for search and rescue purposes.

20.

kHz

Region 1	* *	Region 2	* *	Region 3
3025-3155		AERONAUTICAL MOBILE (OR)		

REASON: Continued use through, and beyond, the year 2000 by the aeronautical mobile (OR) service.

3155-3200		FIXED MOBILE except aeronautical mobile (R)		

REASON: Domestically, this band is presently allocated to a variety of fixed and mobile services. Retention of this band as presently allocated internationally is for the purpose of retaining flexibility domestically in future sharing arrangements between fixed and mobile services as deemed necessary nationally.

3200-3230		FIXED MOBILE except aeronautical mobile (R) BROADCASTING 202		

REASON: Same as stated for the band 3155-3200 above. The allocation for the broadcasting service is being retained because of its use in the tropical zones in other countries within Region 2.

21.

kHz

Region 1	*	Region 2	*	Region 3
3230-3400				
		FIXED MOBILE except aeronautical mobile BROADCASTING 202 202A		

REASON: Same as stated for the band 3200-3230 kHz above.

3400-3500				
		AERONAUTICAL MOBILE (R)		

REASON: Continued use through, and beyond, the year 2000 by the aeronautical mobile (R) service.

3500-3800 AMATEUR ~~FIXED~~ ~~MOBILE except aeronautical mobile~~	*	3500-~~4000~~ 3900 AMATEUR ~~FIXED~~ ~~MOBILE except aeronautical mobile (R)~~	*	3500-3900 AMATEUR ~~FIXED~~ ~~MOBILE~~
3800-3900 AMATEUR ~~FIXED~~ ~~AERONAUTICAL MOBILE (OR)~~ ~~LAND MOBILE~~	*		*	206 207

ADD 202A The band 3230-3400 kHz is also allocated to the radiolocation service.

Reason: To accommocate radiolocation services for geophysical maritime and surveying functions.

22.

kHz

Region 1	Region 2	Region 3
3900-3950 AERONAUTICAL MOBILE (OR)	3900-4000 AMATEUR FIXED MOBILE except aeronautical mobile (R)	3900-3950 AERONAUTICAL MOBILE BROADCASTING
3950-4000 FIXED BROADCASTING		3950-4000 FIXED BROADCASTING

REASON: To provide exclusive world wide amateur allocation in the band 3500-3900 kHz. Domestically, the band 3500-4000 kHz is allocated exclusively to the amateur service. This allocation is not totally consistent with allocations in other parts of the world and has resulted in incompatible shares between services.

24.

SUP 209 Reason: No longer required.

MOD 209A For the use of carrier frequency ~~4136.3 kHz (as from 1 January 1978 to be replaced by carrier frequency~~ 4125 kHz~~)~~ in the zone of Regions 1 and 2 south of latitude 15°N, including Mexico, and in the zone of Region 3 south of latitude 25°N, see no. 1351E.

Reason: To delete an obsolete date.

23.

kHz

Region 1	*	Region 2	*	Region 3
4000-4063		FIXED Mobile except aeronautical mobile (R)		
4063-4438		MARITIME MOBILE 208 ~~209~~ MOD 209A		
4438-~~4650~~ 4500	*	~~FIXED~~ ~~MOBILE except aeronautical mobile (R)~~ MARITIME MOBILE	*	4438-~~4650~~ 4500 ~~FIXED~~ ~~MOBILE except aeronautical mobile~~ MARITIME MOBILE
4500-4650	*	FIXED MOBILE except aeronautical mobile (R)	*	4500-4650 FIXED MOBILE except aeronautical mobile

REASON: Band reduced to expand spectrum available to the maritime mobile service in the adjacent lower band.

4650-4700		AERONAUTICAL MOBILE (R)		
4700-4750		AERONAUTICAL MOBILE (OR)		
4750-4850	*	4750-4850		
FIXED AERONAUTICAL MOBILE (OR) LAND MOBILE BROADCASTING 202	*	FIXED BROADCASTING 202 MOBILE except aeronautical mobile (R)		

25.

kHz

Region 1	* *	Region 2	* *	Region 3
4850-4995		FIXED LAND MOBILE BROADCASTING 202		
Reason: Continuing need for existing allocations.				
4995-5005		STANDARD FREQUENCY 203A 210		
5005-5060		FIXED BROADCASTING 202		
5060-~~5250~~ 5200		MOBILE except aeronautical mobile (R) FIXED		
Reason: Band reduced to expand spectrum available to the maritime mobile service in the adjacent upper band.				
5200-5250		~~FIXED~~ MARITIME MOBILE		
Reason: To provide additional spectrum for use by the maritime mobile service.				
Reason: Mobile except aeronautical mobile (R) added to specific bands to accommodate U.S. Government requirements.				

26.

kHz

Region 1	Region 2	Region 3
5250-~~5430~~ 5300 ~~FIXED~~ ~~LAND MOBILE~~ MARITIME MOBILE	5250-~~5450~~ 5300 ~~FIXED~~ ~~LAND MOBILE~~ MARITIME MOBILE	5250-~~5430~~ 5300 ~~FIXED~~ ~~LAND MOBILE~~ MARITIME MOBILE

REASON: To provide additional spectrum for use by the maritime mobile service.

5300-5430 FIXED LAND MOBILE	5300-5450 FIXED LAND MOBILE	5300-5430 FIXED LAND MOBILE

REASON: Band reduced to expand spectrum available to the maritime mobile service in the adjacent lower band.

5430-5480 FIXED AERONAUTICAL MOBILE (OR) LAND MOBILE	5450-5480 AERONAUTICAL MOBILE (R)	5430-5480 FIXED AERONAUTICAL MOBILE (OR) LAND MOBILE

27.

kHz

Region 1	* *	Region 2	* *	Region 3
5480-5680		AERONAUTICAL MOBILE (R) 201A 205A		
5680-5730		AERONAUTICAL MOBILE (OR) 201A 205A		
5730- 5950		MOBILE except aeronautical mobile (R) FIXED		
5950-6200		BROADCASTING		
6200-6525		MARITIME MOBILE ~~211~~ MOD 211A		
6525-6685		AERONAUTICAL MOBILE (R)		
6685-6765		AERONAUTICAL MOBILE (OR)		

28

NOC 201A NOC 205A

SUP 211 Reason: No longer required.

MOD 211A For the use of carrier frequency ~~6204 kHz (as from 1 January 1978 to be replaced by carrier frequency~~ 6215.5 kHz~~)~~ in the zone of Region 3 south of latitude 25°N, see no. 1351F.

Reason: To delete an obsolete date.

29.

kHz

Region 1	* *	Region 2	* *	Region 3

6765-6950

FIXED
MOBILE except aeronautical mobile (R)

Reason: The service mobile except aeronautical mobile (R) is being added to provide for government requirements.

6950-7000

~~FIXED~~
AMATEUR
AMATEUR-SATELLITE

Reason: To provide additional spectrum for use by the amateur and amateur-satellite services.

7000-7100

AMATEUR
AMATEUR-SATELLITE

7100-7300 BROADCASTING 212	7100-7300 AMATEUR	7100-7300 BROADCASTING

7300-~~8195~~ 7900

FIXED

Reason: Band reduced to expand spectrum available to the maritime mobile service in the adjacent higher band.

30.

kHz

Region 1	* *	Region 2	* *	Region 3
7900-8000		FIXED MOBILE except aeronautical mobile (R)		
8000-8195		FIXED MARITIME MOBILE		
8195-8815		MARITIME MOBILE 201A 213		

31.

kHz

Region 1	* *	Region 2	* *	Region 3
8815-8965		AERONAUTICAL MOBILE (R)		
8965-9040		AERONAUTICAL MOBILE (OR)		

32.

kHz				
Region 1	* *	Region 2	* *	Region 3
9040-9500		MOBILE except aeronautical mobile (R) FIXED		
9500-9775		BROADCASTING		
9775-9995		FIXED		
9995-10005		STANDARD FREQUENCY 201A 203A 214		
10005-10100		AERONAUTICAL MOBILE (R) 201A		
10100-10700		FIXED		
10700-11175		FIXED MOBILE except aeronautical mobile (R)		
11175-11275		AERONAUTICAL MOBILE (OR)		
11275-11400		AERONAUTICAL MOBILE (R)		
11400-11700		FIXED 216		

Reason: Mobile except aeronautical mobile (R) added to specific bands to accommodate U.S. Government requirements.

33.

kHz

Region 1	* *	Region 2	* *	Region 3
11700-11975		BROADCASTING		
11975-~~12330~~ 12130		MOBILE except aeronautical mobile (R) FIXED		

Reason: Band reduced to expand spectrum available to the maritime mobile service.

12130-12330		~~FIXED~~ ~~MARITIME~~ MOBILE		

Reason: To provide additonal spectrum for use by the maritime mobile service.

12330-13200		MARITIME MOBILE 213		

34.

kHz

Region 1	* *	Region 2	* *	Region 3
13200-13260		AERONAUTICAL MOBILE (OR)		
13260-13360		AERONAUTICAL MOBILE (R)		

35.

kHz

Region 1	* *	Region 2	* *	Region 3
13360-~~14000~~ 13410		~~FIXED~~ RADIO ASTRONOMY ~~217~~		
Reason: To meet the needs of Radio Astronomy by providing 50 KHz for use in the 10-13 MHz band.				
13410-13700		MOBILE except aeronautical mobile (R) FIXED 217		
Reason: Band reduced to provide spectrum for use by Radio Astronomy in the adjacent lower band, and for use by Amateurs in the adjacent higher band.				
13700-13950		FIXED.		
13950-14000		~~FIXED~~ AMATEUR ~~217~~		
Reason: To provide additional spectrum for use by the amateur service.				
14000-14250		AMATEUR AMATEUR-SATELLITE.		
14250-14350		AMATEUR 218		
14350-~~14990~~ 14400		~~FIXED~~ AMATEUR		

36.

kHz

Region 1	* *	Region 2	* *	Region 3
14400-14600		FIXED		
14600-14990		MOBILE except aeronautical mobile (R) FIXED		

Reason: The service MOBILE except aeronautical mobile (R) in the preceding bands is being added where indicated to provide for government requirements.

NOC 217 Reason: Continuing need for ISM frequency.

37.

kHz

Region 1	* *	Region 2	* *	Region 3
14990-15010		STANDARD FREQUENCY 201A 203A 219		
15010-15100		AERONAUTICAL MOBILE (OR)		
15100-15450		BROADCASTING		
15450-~~16460~~ 15950		FIXED		

Reason: Band reduced to expand spectrum available to the maritime mobile service.

15950-16310		FIXED MOBILE except aeronautical mobile (R)		
16310-16460		FIXED MARITIME MOBILE		

Reason: To provide additional spectrum for use by the maritime mobile service.

16460-17360		MARITIME MOBILE 213		
17360-~~17700~~ 17410		FIXED MARITIME MOBILE		
17410-17700		FIXED		

Reason: Band reduced to provide additional spectrum for use by the maritime mobile service in the adjacent lower band.

38.

kHz

Region 1	* *	Region 2	* *	Region 3
17700–17900		BROADCASTING		
17900–17970		AERONAUTICAL MOBILE (R)		
17970–18030		AERONAUTICAL MOBILE (OR)		
18030–18052		FIXED		
18052–18068		FIXED Space Research		
18068–~~19990~~ 19000		~~FIXED~~		
19000–19500		FIXED MOBILE except aeronautical mobile (R)		

38 A.

kHz

Region 1	* *	Region 2	* *	Region 3
19500-19990		FIXED		
19990-20010		STANDARD FREQUENCY 201A 203A 220		
20010-~~21000~~ 20400		FIXED		
20400-20700		FIXED MOBILE except aeronautical mobile (R)		
20700-21000		~~FIXED~~ AMATEUR AMATEUR-SATELLITE		
21000-~~21450~~ 21200		AMATEUR AMATEUR-SATELLITE		

Reason: Band expanded to provide additional spectrum for use by the amateur and amateur-satellite services.

21200-21420		~~AMATEUR~~ ~~AMATEUR-SATELLITE~~ MARITIME MOBILE		

Reason: Band reduced to provide additional spectrum for use by the maritime mobile service.

39.

kHz

Region 1	* *	Region 2	* *	Region 3
21420-21450		AMATEUR AMATEUR-SATELLITE FIXED		

Reason: Bands modified to provide additional spectrum for use by the maritime mobile service.

40.

kHz

Region 1	* *	Region 2	* *	Region 3
21450-21750		BROADCASTING		
21750-21850		FIXED MOBILE except aeronautical mobile (R)		
21850-21870		~~RADIO ASTRONOMY~~ AERONAUTICAL MOBILE (R) 221 B		

Reason: Band for radio astronomy moved to higher in the spectrum. (See 25850-26050 kHz)

21870-22000		~~AERONAUTICAL FIXED~~ AERONAUTICAL MOBILE (R)		

Reason: To provide additional spectrum for the aeronautical mobile (R) service.

41.

kHz

Region 1	* *	Region 2	* *	Region 3
22000-22720		MARITIME MOBILE		
22720-~~23200~~ 22855		~~FIXED~~ MARITIME MOBILE		
Reason: To provide addtional spectrum for use by the maritime mobile service.				
22855-~~23200~~ 23000		FIXED		
Reason: Band reduced to provide additional spectrum for the maritime mobile service in the adjacent lower band.				
23000-23200		FIXED MOBILE except aeronautical mobile (R)		
23200-23350		AERONAUTICAL FIXED ~~AERONAUTICAL~~ MOBILE (OR)		
23350-24990		MOBILE except aeronautical mobile (R) FIXED ~~LAND MOBILE~~ ~~222~~ 222A		
24990-25010		STANDARD FREQUENCY ~~203A~~ 223		
25010-25070		FIXED MOBILE except aeronautical mobile		
25070-25110		MARITIME MOBILE 224		

42.

kHz

Region 1	* *	Region 2	* *	Region 3
25110- 25600-25400		FIXED MOBILE except aeronautical mobile		

Reason: Band reduced to provide spectrum for the radio astronomy service.

43.

kHz

Region 1	* *	Region 2	* *	Region 3
25400-25600		~~FIXED~~ ~~MOBILE except aeronautical mobile~~ BROADCASTING		
25600-~~26100~~ 25850		BROADCASTING		
Reason: Band reduced to provide spectrum for the radio astronomy service in the adjacent upper band.				
25850-26050		RADIO ASTRONOMY ~~BROADCASTING~~		
Reason: To provide spectrum for use by the radio astronomy service.				
26050-26100		BROADCASTING		
26100-27500		FIXED MOBILE except aeronautical mobile 255 MOD 226		
NOC 225 Reason: Continued need for ISM frequency.				
MOD 226 In ~~Region~~ 2, Australia and New Zealand, the amateur service may operate between the frequencies 26960 and 27230 kHz.				

44.

MHz

Region 1 * *	Region 2 * *	Region 3
27.5-28 METEOROLOGICAL AIDS MOBILE except aeronautical mobile (R) 227	27.5-28 METEOROLOGICAL AIDS FIXED MOBILE except aeronautical mobile (R)	
28-29.7	AMATEUR AMATEUR-SATELLITE	
29.7-30.005	FIXED 228 229 231 232 MOBILE except aeronautical mobile (R)	
30.005-30.01	SPACE OPERATION (Satellite identification) FIXED 228 229 231 MOBILE except aeronautical mobile (R) SPACE RESEARCH	

Reason: Operational requirements remain constant and the need exists to confine operations to specific services and avoid interference from non-allocated services.

30.01-37.75	FIXED 228 229 230 231 MOBILE except aeronautical mobile (R) Radio Astronomy 233A MOD 233B		

MOD 233B In making assignments to stations of other services to which the bands 37.75 37.5 - 38.25 38.0 MHz, 150.05 - 153 MHz, 406.1 - 410 MHz, 2690 2670 - 2700 MHz and 4700-4950 5000-MHz are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

Reason: To make provision for radio astronomy in the band 37.5 - 37.75 MHz, and 2670-2700 MHz bands.

45.

MHz

Region 1 * *	Region 2 * *	Region 3
37.75-38.25 38.00	FIXED 228 229 231 MOBILE Radio Astronomy MOD 233B	
38.00-38.25	FIXED 228 229 231 MOBILE Radio Astronomy RADIO ASTRONOMY 233B	

Reason: To provide for exclusive allocation to radio astronomy.

38.25-41	FIXED 228 229 230 231 MOBILE except aeronautical mobile (R) 235 236 236A	
41-47 BROADCASTING Fixed 228 237 Mobile except aeronautical mobile (R) 236A 238 239 240 241	41-50 FIXED 228 231 237 MOBILE except aeronautical mobile (R) 233A 236A	41-44 FIXED 228 237 MOBILE except aeronautical mobile (R) 236A 44-50 FIXED 228 231237 BROADCASTING MOBILE except aeronautical mobile (R)

Reason: Delete 237 in Regions 2 and 3 since not applicable.

Reason: Operational Requirements remain constant. The term except aeronautical mobile (R) is a requirement of the U.S. Government.

NOC 236 Reason: Continuing need for ISM frequency.

1376

46.

MHz

Region 1	Region 2	Region 3
47-68		
	50-54	
		AMATEUR 244 245 246 247
BROADCASTING	54-68	54-68
	FIXED 228 237 MOBILE BROADCASTING	FIXED 228 231 237 MOBILE BROADCASTING 246
238 239 241 242 243		

Reason: Operational requirements remain constant.

47.

MHz

Region 1	Region 2	Region 3
68-~~74.8~~ 73.0 FIXED MOBILE except aeronautical mobile 248 249 250 251 252	68-73 FIXED MOBILE BROADCASTING	68-70 FIXED MOBILE AERONAUTICAL RADIONAVIGATION 254 255 256
		70-~~74.6~~ 73.0 FIXED MOBILE 256 257 258
73.00-74.60 FIXED MOBILE except aeronautical mobile RADIO ASTRONOMY ~~248~~ 249 250 251 252	73-74.6 RADIO ASTRONOMY MOD 253A 253B	73.0-74.6 FIXED MOBILE RADIO ASTRONOMY 256 257 258

MOD 253A In region 2, fixed, mobile and broadcasting service operations previously authorized in the band 73-74.6 MHz may continue to operate on a non-interference basis to the radio astronomy service until 12/31/85.

Reason: - To make provisions for the use of the band 73.00-74.6 MHz by radio astronomy.

48.

MHz

Region 1	Region 2	Region 3
74.6-74.8 ~~FIXED~~ ~~MOBILE except aeronautical mobile~~ AERONAUTICAL RADIONAVIGATION ~~248 249 250~~ 251 252	74.6-75.4	AERONAUTICAL RADIONAVIGATION
74.8-75.2 AERONAUTICAL RADIONAVIGATION MOD 259		
75.2-~~87.5~~ 75.4 AERONAUTICAL RADIONAVIGATION ~~FIXED~~ ION ~~MOBILE except aeronautical mobile~~ ~~248 250~~ 252 ~~260 261 262 263~~ MOD 259		MOD 259

Reason: To align region 1 with regions 2 and 3 in providing common worldwide band for aeronautical marker beacons.

MOD 259 The frequency 75 MHz is assigned to aeronautical marker beacons. Administrations shall refrain from assigning frequencies close to the limits of the guardband to stations of other services which, because of their power or geographical position, might cause harmful interference or otherwise place a constraint on ~~to~~ marker beacons.

Reason: To further protect the marker beacon frequency.

49.

MHz

Region 1	Region 2	Region 3
75.4-87.5 FIXED MOBILE except aeronautical mobile 248 250 252 260 261 262 263	75.4-88 FIXED MOBILE BROADCASTING	75.4-78 FIXED MOBILE 255 256 257 266
		78-80 FIXED MOBILE AERONAUTICAL RADIONAVIGATION 255 256 257 261 266
		80-87 FIXED MOBILE 254 255 256 257 261 266
87.5-100 BROADCASTING 264 265	88-100 BROADCASTING	87-100 FIXED MOBILE BROADCASTING 254 267 268

Reason: Requirements remain unchanged.

50.

MHz

Region 1	* *	Region 2	* *	Region 3
100-108		100-108		
MOBILE except aeronautical mobile (R)				BROADCASTING
269 270 271				255 256 258 267 272

Reason: Requirement remains same.

108-117.975

AERONAUTICAL RADIONAVIGATION

117.975 - 132

AERONAUTICAL MOBILE (R)
201A 273 MOD 273A 273B

132-136

AERONAUTICAL MOBILE (R)
MOD 273A 273B 274 ~~274A~~ 274B 275

MOD 273A In the band 117.975-~~132~~ MHz-and-in-the-band-132-136 MHz, where the ~~aeronautical-mobile-(R)-service-is-authorized,-the-use-and-development for this service of~~ space communications techniques may be authorized for the aeronautical mobile (R) service ~~but-limited-initially-to-satellit relay-stations of the aeronautical mobile (R) service~~. Such use and development shall be subject to coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

Reason: To provide for full satellite application in the band 117.975-136 MHz as a logical extension of the existing terrestrial service.

ADD 273B In the band 117.975-136 MHz, the use of airborne electronic aids to air navigation and any directly associated ground based or satellite borne facilities also may be authorized. Such use shall be subject to coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

Reason: To provide flexibility required for position determination through the use of satellites.

SUP 274A

Reason: The date of applicability has passed.

51.

Region 1	Region 2	Region 3
136-137	SPACE RESEARCH (Space-to-Earth) 281A 281AA	
137-138	SPACE OPERATION (Telemetering and tracking) METEOROLOGICAL-SATELLITE SPACE RESEARCH (Space-to-Earth) 275A 279A 281C 281E	

52.

MHz

Region 1	Region 2	Region 3
138- 143.6	138-143.6	138-143.6
AERONAUTICAL MOBILE (OR)	FIXED MOBILE Radiolocation Space Research (Space-to-Earth)	FIXED MOBILE Space Research (Space-to-Earth)
275 281G 282A 283	283A	278 279A 284

53.

MHz

Region 1	Region 2	Region 3
143.6–143.65 AERONAUTICAL MOBILE (OR) SPACE RESEARCH (Space-to-earth) 275 283	143.6–143.65 FIXED MOBILE Radiolocation Space Research (Space-to-Earth) 283A	143.6–143.65 FIXED Space Research (Space-to-Earth) MOBILE 278 279A 284
143.65–144 AERONAUTICAL MOBILE (OR) 275 283 282A	143.65–144 FIXED MOBILE Radiolocation Space Research (Space-to-Earth)	143.65–144 FIXED MOBILE Space Research (Space-to-Earth) 278 279A 284
144–146 AMATEUR AMATEUR-SATELLITE		
146–149.9 FIXED MOBILE except aeronautical mobile (R) 285 285A	146–148	AMATEUR 289

54.

MHz

Region 1	* *	Region 2	* *	Region 3
		148–149.9 FIXED MOBILE 285A 290		

55.

MHz

Region 1	Region 2	Region 3
149.9–150.05	RADIONAVIGATION-SATELLITE 285B 285C	
150.05–151 FIXED MOBILE except aeronautical mobile (R) RADIO ASTRONOMY MOD 233B 285 286A	150.05–174 FIXED MOBILE	150.05–170 FIXED MOBILE
151–153 FIXED MOBILE except aeronautical mobile (R) RADIO ASTRONOMY Meteorological Aids MOD 233B 285 286A		
153–154 FIXED MOBILE except aeronautical mobile (R) Meteorological Aids 285		
154–156 FIXED MOBILE except aeronautical mobile (R) 285		

56.

MHz

Region 1	*	Region 2	*	Region 3
	*		*	
	*		*	
156-174	*		*	201A 287 290
	*		*	
	*		*	170-174
	*		*	
FIXED MOBILE except aeronautical mobile	*		*	FIXED MOBILE BROADCASTING
	*		*	
	*		*	
	*		*	
201A 285 287 288	*	201A 233A 287	*	
	*		*	

Reason: Services required as existing now.

NOC 287 Reason: Existing provisions must be continued.

57.

MHz

Region 1	Region 2	Region 3
174-216	174-216	
BROADCASTING		FIXED MOBILE BROADCASTING
291 292 293 ~~294~~		~~294~~ 295 296
216-~~223~~ 220	216-220	216-~~225~~ 220
AERONAUTICAL RADIONAVIGATION BROADCASTING	FIXED MOBILE RADIOLOCATION	AERONAUTICAL RADIONAVIGATION Radiolocation
297 298 299 300 ~~301~~		306 307 308
220-223	220-225	220-225
~~AERONAUTICAL RADIONAVIGATION~~ ~~BROADCASTING~~ AMATEUR AMATEUR-SATELLITE RADIOLOCATION MOBILE	AMATEUR AMATEUR-SATELLITE RADIOLOCATION MOBILE	~~AERONAUTICAL RADIONAVIGATION~~ ~~Radiolocation~~ AMATEUR AMATEUR-SATELLITE RADIOLOCATION MOBILE
297 298 299 300 301		
223-~~235~~ 225		
~~AERONAUTICAL RADIONAVIGATION~~ ~~Fixed~~ ~~Mobile~~ AMATEUR AMATEUR-SATELLITE RADIOLOCATION MOBILE		
299 300 301 302 303 304 305		306 307 308

58.

Reason: To provide for extensive development and application of Amateur-Satellite techniques; to provide for the expanded land mobile need.

SUP 294 Reason: To enhance sharing.

59.

MHz

Region 1	Region 2	Region 3
225-235 AERONAUTICAL RADIONAVIGATION Fixed Mobile ~~299~~ ~~300~~ ~~301~~ 302 303 304 305	225-235 FIXED MOBILE	225-235 FIXED MOBILE AERONAUTICAL RADIONAVIGATION

Reason: Requirements remain unchanged.

60.

MHz

Region 1	* *	Region 2	* *	Region 3
235-267				
		FIXED MOBILE		
		201A 305 305A 308A 309		

Reason: Requirements remain unchanged

267-272		267-272		267-272
FIXED MOBILE Space Operations 309A 309B (telemetering)		FIXED MOBILE Space Operations 309A 309B (telemetering)		FIXED MOBILE Space Operations 309A 309B (telemetering)
308A		308A		308A

Reason: Delete 309A and 309B in Region 2 as not being required

61.

MHz

Region 1	* *	Region 2	* *	Region 3
272-273 FIXED MOBILE SPACE OPERATIONS 309A (telemetering) 308A		272-273 FIXED MOBILE SPACE OPERATIONS 309A (telemetering) 308A		272-273 FIXED MOBILE SPACE OPERATIONS 309A (telemetering) 308A

Reason: Delete 309A in Region 2 as not being required.

273-328.6	FIXED MOBILE 308A 310 310A

Reason: Requirements remain unchanged.

62.

MHz

Region 1	* *	Region 2	* *	Region 3

328.6-335.4

AERONAUTICAL RADIONAVIGATION

311

Reason: Necessary for continuing and expanding needs of service.

335.4-399.9

FIXED
MOBILE

308A

Reason: Requirements remain unchanged.

63.

MHz

Region 1	* *	Region 2	* *	Region 3
399.9-400.05		RADIONAVIGATION-SATELLITE 285C 311A		
400.05-400.15		STANDARD FREQUENCY-SATELLITE 312B 313 314		

64.

MHz

Region 1	* *	Region 2	* *	Region 3
400.15–401		METEOROLOGICAL AIDS METEOROLOGICAL-SATELLITE (Maintenance telemetering) SPACE RESEARCH (Telemetering and tracking) 313 314		
401–402		METEOROLOGICAL AIDS SPACE OPERATION (Telemetering) 315A Fixed Meteorological-Satellite (Earth-to-Space) Mobile except aeronautical mobile 314 315 315B 315C 316		
402–403		METEOROLOGICAL AIDS Fixed Meteorological-Satellite (Earth-to-space) Mobile except aeronautical mobile 314 315 315C 316		
403–406		METEOROLOGICAL AIDS Fixed Mobile except aeronautical mobile 314 315 316		
406–406.1		MOBILE-SATELLITE (Earth-to-space) 314 317A 317B		

Reason: Services required as existing now.

65.

MHz

Region 1	Region 2	Region 3
406.1-410	FIXED MOBILE except aeronautical mobile RADIO ASTRONOMY MOD 233B 314	
410-~~420~~	FIXED MOBILE except aeronautical mobile 314	

Reason: Requirements remain unchanged.

Region 1	Region 2
420-430 FIXED MOBILE except aeronautical mobile Radiolocation 318 319	420-~~450~~ 435 RADIOLOCATION Amateur 318 ~~319A~~ 319B ~~320A~~ 323 324
430-~~440~~ 435 AMATEUR RADIOLOCATION 318 319 319B 320 ~~320A~~ 321 322	

66.

MHz

Region 1	*	Region 2	*	Region 3
435-438	*	435-438		
	*			
	*			
AMATEUR RADIOLOCATION	*	Amateur RADIOLOCATION		
	*			
Amateur-Satellite	*	Amateur Satellite		
	*			
318 319 ~~319B~~ 320 ~~320A~~ ~~321~~ ~~322~~	*	318 ~~319A~~ ~~319B~~ ~~320A~~ 323 324		
	*			

NOC 318 Reason. Requirement remains unchanged.

SUP 320A Reason: Consequential to allocation proposal.

67.

MHz

Region 1	*	Region 2	*	Region 3
438-440	*	438-450		
RADIOLOCATION AMATEUR	*			RADIOLOCATION Amateur
318 319 ~~319B~~ 320 ~~320A~~ ~~321~~ 322	*			
440-450	*			
FIXED MOBILE except aeronautical mobile Radiolocation	*			
318 319 319A	*			318 319A 319B 320A 323 324

Reason: The allocation change in the band 435 MHz-438 MHz is required to accommodate greater flexibility in amateur satellite experimentation. Footnote suppression and other reallocations are consequential to this allocation.

450-460		FIXED MOBILE 318B 318C 318 319A	
460-470		FIXED MOBILE 318B 318 C Meteorological-Satellite (Space-to-Earth) 318A 324B	

NOC 318B, 318C
Reason: Continuing requirement

470-806 MHz

Specific allocations are not being proposed at this time. However, the following services have requested spectrum space in this band (See page 13 of the narrative portion of this NOI):

Non-Government

Broadcasting, Television
Broadcasting, Frequency Modulation
Land Mobile
Aeronautical Mobile
Maritime Mobile
Radio Astronomy
Broadcasting Satellite

Government

Fixed
Mobile
Mobile-Satellite

Also the Federal Government proposes that the band 608-614 MHz be allocated on an exclusive world-wide basis to the Radio Astronomy Service.

69.

MHz

Region 1	Region 2	Region 3
806-890	806-890	806-890
FIXED BROADCASTING	BROADCASTING MOBILE	FIXED MOBILE BROADCASTING
329 331 333 334	329A 332 332A ADD 329B	330B 332 332A 338 339

Reason: This allocation is needed to provide for expanded needs of the Land Mobile Service. Footnote changes are consequential to this allocation.

Add 329B In Region 2, the band 806-890 MHz is also allocated for the use and development of systems using space radiocommunications techniques. Such use and development is subject to agreement and coordination between the administrations concerned and those having services, operating in accordance with the table, which may be affected.

Reason: To provide spectrum allocation for possible development and use of a mobile satellite system for public services.

70.

MHz

Region 1 *	Region 2 *	Region 3
890-942 896 FIXED BROADCASTING Radiolocation 329 331 333 339A	890-942 896 ~~FIXED~~ ~~RADIOLOCATION~~ MOBILE 339A 340	890-942 896 MOBILE FIXED BROADCASTING Radiolocation 339 339A

Reason: This allocation is required to meet the expanded needs of the Land Mobile Service.

896-902 ~~FIXED~~ ~~BROADCASTING~~ ~~Radiolocation~~ RADIOLOCATION MOBILE 329 331 333 339A	896-902 ~~FIXED~~ ~~RADIOLOCATION~~ MOBILE 339A 340	896-902 ~~FIXED~~ MOBILE ~~BROADCASTING~~ RADIOLOCATION ~~Radiolocation~~ 339 339A
902-928 FIXED Radiolocation BROADCASTING 329 331 333 339A MOD 340	902-928 FIXED RADIOLOCATION Amateur Mobile 339A MOD 340	902-928 FIXED MOBILE BROADCASTING Radiolocation 339 339A MOD 340

Reason: This allocation is required to meet the expanding needs of the Land Mobile Service and to provide for experimentation by the Amateur Radio Service.

928-941 FIXED Radiolocation BROADCASTING 329 331 333 339A	928-941 FIXED RADIOLOCATION MOBILE 339A	928-941 MOBILE FIXED Radiolocation BROADCASTING 339 339A

Reason: This allocation is required to meet the expanding needs of the Land Mobile Radio Service. Footnote suppression and addition are consequential to this change.

MOD 340 In Region 2, The frequency 915 MHZ is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±13 MHz of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

Reason: To provide for ISM frequency worldwide.

71

MHz

Region 1	*	Region 2	*	Region 3
941-942 ~~FIXED~~ ~~BROADCASTING~~ ~~Radiolocation~~ RADIOLOCATION MOBILE 329 331 333 339A		941-942 ~~FIXED~~ ~~RADIOLOCATION~~ MOBILE 339A 340		941-942 ~~FIXED~~ ~~BROADCASTING~~ ~~Radiolocation~~ RADIOLOCATION MOBILE 339 339A

72.

MHz

Region 1	Region 2	Region 3
942-947 FIXED ~~BROADCASTING~~ MOBILE 329 331 333 339A	942-947 FIXED MOBILE 339A 329B	942-947 MOBILE FIXED ~~BROADCASTING~~ 338 339 339A

Reason: This allocation is required to meet the expanding needs of the Mobile Radio Services. The bands 896-902 MHz and 941-947 MHz may be used for an air-ground Common Carrier service.

947-952 FIXED BROADCASTING 329 331 333 339A	947-952 FIXED 339A	947-952 FIXED BROADCASTING MOBILE 338 339 339A

Reason: This allocation is required to provide exclusive allocation to the Fixed Service.

73.

MHz

Region 1	Region 2	Region 3
952-960	952-960	952-960
FIXED BROADCASTING	FIXED MOBILE	FIXED MOBILE BROADCASTING
329 331 333 339A	339A	338 339 339A

Reason: This allocation is required to provide for expanding needs of the Mobile Radio Service.

960-1215		
	AERONAUTICAL RADIONAVIGATION 341	

Reason: Continuing requirement.

74.

MHz

Region 1	Region 2	Region 3
1215-~~1300~~ 1240	RADIONAVIGATION SATELLITE RADIOLOCATION Amateur 342 343 344 345 346A	
1240-~~1300~~ 1290	RADIOLOCATION Amateur 342 343 344 345 346A	
1290-1300	RADIOLOCATION Amateur Amateur Satellite 342 343 344 345 346A	
1300-1350	AERONAUTICAL RADIONAVIGATION MOD 346 Radiolocation 346A 347 348 MOD 349A 349B	

Reason: Spectrum in the 1290-1300 band can be shared on a secondary basis for amateur satellite research. Band 1215-1350 needed for continued and expanding use of radiolocation and aeronautical radionavigation services.

1350-~~1400~~ 1370 FIXED MOBILE RADIOLOCATION 346A 349 MOD 349A 349B	1350-~~1400~~ 1370 RADIOLOCATION 346A 349 MOD 349A 349B

75.

ADD 346A In the bands 1215-1400 MHz, 3100-3300 MHz, 5250-5350 MHz, and 9500-9800 MHz radiolocation operations using space techniques may be conducted in support of Space Research and Earth Exploration Satellite services provided that harmful interference is not caused to terrestrial Radiolocation and Aeronautical Navigation services or the Radionavigation Satellite service in the band 1215-1240 MHz.

Reason: This is the low-band required for multifrequency radars required for the measurement of rain, drop size, rain-cloud echo and melting-layer height mapping. Also required for imaging radars of a future mission. The proposal is considered compatible with existing usage.

MOD 346 The use of the bands 1300-1350 MHz, 2700-2900 MHz and 9000-9200 MHz by the aeronautical radionavigation service is restricted to ground-based radars and, in the future, to associated transponders which transmit only on frequencies in these bands and only when actuated by radars operating in the same band.

ADD 349B In the band 1300-1370 MHz, Earth Exploration Satellite (EES) passive sensors may be used. Administrations are urged to take all practicable steps to minimize interference to the EES Service in this band. (This footnote status with the assurance that 349B will be adopted nationally subsequent to the Conference).

Reason: Preceeding notes reflect the requirements of the U.S. Government.

76.

MHz

Region 1	Region 2	Region 3
1370-1400 FIXED MOBILE RADIOLOCATION 349 349A	1370-1400 RADIOLOCATION 349 349A	

MOD 349A: Radio astronomy observations on the Hydrogen line displaced towards lower frequencies are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the band ~~1350~~ 1330-~~1400~~ 1370 MHz.

Reason: Use of the 1330-1370 MHz band for radio astronomy will permit observation of the hydrogen line considered to be of major astronomical significance. The bands above otherwise are needed for the continued use and expansion of fixed mobile and radiolocation services.

1400-1427	EARTH EXPLORATION SATELLITE (Passive) SPACE RESEARCH (Passive) RADIO ASTRONOMY

Reason: This is an important band for the hydrogen line and for continum observations.

1427-1429	SPACE OPERATION (Telecommand) FIXED MOBILE except aeronautical mobile

77.

MHz

Region 1	Region 2	Region 3
1429-1525 FIXED MOBILE except aeronautical mobile	1429-1435 FIXED MOBILE	1429-1525 FIXED MOBILE
	1435-1525 MOBILE 349C Fixed	

ADD 349C: In Region 2 where the mobile service is authorized in the bands 1435-1535 MHz and 2310-2450 MHz the primary allocation is to the aeronautical mobile service for telemetering purposes.

Reason: The change is required to provide for aeronautical telemetering. The bands are otherwise required for continued use and expansion of the fixed and mobile services.

78.

MHz

Region 1	Region 2	Region 3
1525-1535 SPACE OPERATION (Telemetering) 350A FIXED 350B Earth Exploration- Satellite Mobile except aeronautical mobile 350C	1525-1535 SPACE OPERATION (Telemetering) 350A Earth Exploration- Satellite Mobile 350D 349C Fixed	1525-1535 SPACE OPERATION (Telemetering) 350A FIXED 350B Earth Exploration- Satellite Mobile
1535-1542.5 MARITIME MOBILE-SATELLITE 352 352D 352E		

Reason: Band is required for continuing need of maritime mobile satellite service.

79.

MHz

Region 1	Region 2	Region 3
1542.5-1543.5	AERONAUTICAL MOBILE SATELLITE (R) MARITIME MOBILE SATELLITE 352 352D 352F	
1543.5- 1558.5	AERONAUTICAL MOBILE SATELLITE (R) 352 352D 352G	
1558.5~~-1636.5~~ 1595	RADIONAVIGATION SATELLITE AERONAUTICAL RADIONAVIGATION 352 352A 352B 352D	
1595-1636.5	AERONAUTICAL RADIONAVIGATION AERONAUTICAL RADIONAVIGATION SATELLITE 352 352A 352B 352D MOD352K	

MOD 352K Radio astronomy observations on important spectral lines due to the hydroxyl radicle OH at ~~frequencies~~ 1612.231 MHz and 1720.530 MHz are carried out in a number of countries under national arrangements; the bands observed being ~~1611.5-1612.5~~ 1610.5-1614 MHz and 1720-1721 MHz respectively. ~~Administrations should bear in mind the needs of radio astronomy service in their future planning of the bands 1558.5-1636.5 MHz and 1710-1770 MHz.~~

In making assignments in the band 1595 -1636.5 MHz and 1720-1721 administrations are urged to prevent harmful interference to radio astronomy observations, particularly from airborne or spaceborne transmitters.

Reason: Protection of observation of important spectral line.

80.

MOD 352A The bands ~~1558.5-1636.5 MHz, 4200-4400 MHz~~, 5000-5250 MHz and 15.4-15.7 GHz are reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

81.

MHz

Region 1	Region 2	Region 3
1636.5-1644	MARITIME MOBILE-SATELLITE 352 352D 352H	
1644-1645	AERONAUTICAL MOBILE SATELLITE (R) MARITIME MOBILE-SATELLITE 352 352D 352I	
1645-1660	AERONAUTICAL MOBILE-SATELLITE (R) 352 352D 352J	

82.

MHz

Region 1	Region 2	Region 3
1660-1670	RADIO ASTRONOMY METEOROLOGICAL AIDS MOD 353A 354 354A 354B	

MOD 353A In view of the successful detection by astronomers of two hydroxl spectral lines in the regions of 1665 MHz and 1667 MHz administrations are urged, to give all practicable protection in the band 1660-1670 MHz for future research in radio astronomy particularly by eliminate air-to-ground transmissions in the meteorological aids service in the band 1664.4-1668.4 MHz as soon as practicable. Until such operations are phased out, radiosonde operations will, where possible, be notified to the radio astronomers.

1670-1690	METEOROLOGICAL AIDS FIXED METEOROLOGICAL-SATELLITE (Space-to-Earth) 324A MOBILE except aeronautical mobile 354	

83.

MHz

Region 1	Region 2	Region 3
1690 - 1700 METEOROLOGICAL AIDS METEOROLOGICAL-SATELLITE (Space-to-Earth) Fixed Mobile except aeronautical mobile 324B 354A	1690 - 1700 METEOROLOGICAL AIDS METEOROLOGICAL-SATELLITE (Space-to-Earth) 324B 354A 354C	
1700 - 1710 ~~FIXED~~ SPACE RESEARCH (~~Space-to-Earth~~) ~~Mobile~~ METEOROLOGICAL SATELLITE (Space-to-Earth) ~~354D~~	1700 - 1710 ~~FIXED~~ ~~MOBILE~~ METEOROLOGICAL SATELLITE (Space-to-Earth) SPACE RESEARCH (~~Space-to-Earth~~) ~~354D~~	

REASON: Required worldwide for meteorological satellites.

1710 - ~~1770~~ 1720 FIXED Mobile MARITIME MOBILE-SATELLITE 356B ~~352K~~ 356	1710 - ~~1770~~ 1720 FIXED MOBILE MARITIME MOBILE-SATELLITE 356B ~~352K~~ ~~356A~~	

REASON: To provide for anticipated heavy demand for maritime satellite services. PFD limit to be established.

84.

MHz

Region 1	Region 2	Region 3
MOD 356A: In Region 2, in Australia and Japan the band ~~1750~~ 1770 - 1850 MHz may also be used for earth-to-space transmissions and in Regions 2 and 3, the band 2200 - 2290 MHz may also be used for space-to-earth transmissions in the space research service, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.		
REASON: Consequential to allocation change.		
ADD 356B The use of the band 1710-1720 MHz in the Maritime Mobile service is limited to transmissions from space stations to ship earth stations for communications and/or radio determination purposes.		
REASON: To provide for a directional indicator for transmission path and multiservice functions.		
1720 - 1721 FIXED Mobile 352K 356 MOD 352K		1720 - 1721 FIXED MOBILE 352K 356A MOD 352K
1721 - 1770 FIXED SPACE OPERATIONS (Earth-to-Space) Mobile 352K 356		1721 - 1770 FIXED SPACE OPERATIONS (Earth-to-Space) MOBILE 352K 356A

85.

MHz

Region 1	Region 2	Region 3 –
1770 - 1790 FIXED SPACE OPERATIONS (Earth-to-Space) Meteorological-Satellite 356AA Mobile 356	1770 - 1790 FIXED SPACE OPERATIONS (Earth-to-Space) MOBILE Meteorological-Satellite 356AA MOD 356A	
1790 - ~~2290~~ 1850 FIXED SPACE OPERATION (Earth-to-Space) Mobile 356 ~~356AB~~ ~~356ABA~~ ~~356AC~~	1790 - ~~2290~~ 1850 FIXED SPACE OPERATION (Earth-to-Space) MOBILE MOD 356A ~~356AB~~ ~~356ABA~~	
1850-2025 FIXED Mobile 356 356AB 356ABA 356AC	1850-2025 FIXED MOBILE 356A 356AB 356ABA	

Reason: To support U.S. Government requirements for telemetry, tracking and control of satellites.

86.

MHz

Region 1	* *	Region 2	* *	Region 3
2025-2110 FIXED EARTH EXPLORATION SATELLITE (Earth-to-space) SPACE RESEARCH (Earth-to-space) Mobile 356 ~~356AB~~ ~~356AC~~ ~~356ABA~~		2025-2110 IX FIXED MOBILE EARTH EXPLORATION SATELLITE (Earth-to-space) SPACE RESEARCH (Earth-to-space) 356A 356AB 356ABA		
2110-2120 FIXED Mobile SPACE RESEARCH (Earth-to-space)(Deep space only) 356 MOD 356AB 356ABA 356AC		2110-2120 FIXED MOBILE SPACE RESEARCH (Earth-to-space) (Deep space only) 356ABA 356A MOD 356AB		

MOD 356AB In Regions 2 and 3 and in Spain, in the band 2025 2110-2120 MHz Earth-to-space transmissions in the earth exploration-satellite service may be authorized with ~~equality~~ of right to operate with stations of other space radiocommunication services in this band and subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

2120-2200 FIXED Mobile 356 356AB 356ABA 356AC		2120-2200 FIXED MOBILE 356A 356AB 356ABA		
2200-2290 FIXED Mobile + SPACE RESEARCH (Space-to-Earth) (Space-to-Space) SPACE OPERATIONS (Space-to-Earth) (Space-to-Space) 356 356AB- 356ABA		2200-2290 FIXED MOBILE SPACE RESEARCH (Space-to-Earth) (Space-to-Space) SPACE OPERATIONS (Space-to-Earth) (Space-to-Space) MOD 356A 356AB- 356ABA		

Reason: Previous band changes are requirements of the U.S. Government

87.

MHz

Region 1	* *	Region 2	* *	Region 3
2290-2300 FIXED SPACE RESEARCH (Space-to-Earth) (Deep space only) Mobile except aeronautical mobile 356C		2290-2300 FIXED MOBILE except aeronautical mobile SPACE RESEARCH (Space-to-Earth) (Deep space only)		

Reason: Continued use of the band for fixed and mobile services and requirements for meteorological satellites and space research.

88.

MHz

Region 1	Region 2	Region 3
2300 - 2450 2310 FIXED Amateur Mobile Radiolocation 357 358 359	2300 - 2450 2310 RADIOLOCATION Amateur Fixed Mobile 357 360	
2310 - 2320 Amateur-Satellite FIXED Amateur Mobile Radiolocation 357 358 359	2310 - 2320 Amateur-Satellite RADIOLOCATION Amateur Fixed Mobile 357 360 349C	
2320-2450 FIXED Amateur Mobile Radiolocation 357 358 359 357A	2320-2450 RADIOLOCATION Amateur Fixed Mobile 357 360 357A 349C	

Add 357A The frequencies 2450 MHz and 5800 MHz are designated for the wireless transmission of power. Emissions must be confined within ± 50 MHz of the frequencies designated. This electrical energy transfer may be effected from space-to-earth, space-to-space, or point-to-point on the earth.

NOC 357

Reason: Bands are needed for continued use of fixed, mobile, amateur and radiolocation services. Amateur satellite operation on a world wide basis is feasible in the 2310-2320 band on a secondary basis.

89.

MHz

Region 1	* *	Region 2	* *	Region 3
2450-2500 FIXED MOBILE Radiolocation Land Mobile-Satellite 357 361 357A		2450-2500 FIXED MOBILE Land Mobile-Satellite RADIOLOCATION 357 357A		

Reason: Expanding needs for land mobile satellite service requires spectrum space. In addition there is continuing demand for fixed and mobile services and radiolocation requirements.

90.

MHz

Region 1	Region 2	Region 3
2500 - 2550 FIXED 364C MOBILE except aeronautical mobile BROADCASTING-SATELLITE MOD 361B 361A 362 364F	2500 - 2535 FIXED 364C FIXED-SATELLITE (Space-to-Earth) MOBILE except aeronautical mobile BROADCASTING-SATELLITE MOD 361B 361A 364E 364F 2535 - 2550 FIXED 364C MOBILE except aeronautical mobile BROADCASTING-SATELLITE MOD 361B 361A 364F	
2550 - 2655 FIXED 364C MOBILE except aeronautical mobile BROADCASTING-SATELLITE MOD 361B 362 363 364 364F		

REASON: Continued and expanding use of fixed service systems, radiolocation facilities, mobile operations and satellite systems, with heavy demands on available spectrum.

91.

MHz

Region 1	Region 2	Region 3
2655 - ~~2690~~ 2670 FIXED 364C 364D MOBILE except aeronautical mobile BROADCASTING-SATELLITE MOD 361B MOD 364H 363 364 364F ~~364G~~	2655 - ~~2690~~ 2670 FIXED 364C 364D FIXED-SATELLITE (Earth-to-Space) MOBILE except aeronautical mobile BROADCASTING-SATELLITE MOD 361B MOD 364H 364E 364F ~~364G~~	

MOD 361B: The use of the band 2500 - ~~2690~~ 2670 MHz by the broadcasting satellite service is limited to domestic and regional systems for community reception and such use is subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected (see Resolutions Nos. Spa2-2 and Spa2-3). The power flux density at the earth's surface shall not exceed the values given in Nos. 470NH - 470NK.

MOD 364H: In the design of systems in the broadcasting satellite service, administrations are urged to take all necessary steps to protect the radio astronomy service in the band 2670 ~~2690~~ - 2700 MHz.

REASONS: To allow radio astronomy to share the 2670 - 2700 MHz band with other services without harmful interference. Bands are otherwise required for the continued use and expansion of the fixed and satellite services (Earth-to-Space).

2670 - 2690 MOBILE except aeronautical mobile FIXED 364C 364D ~~BROADCASTING-SATELLITE 361B 364H~~ RADIO ASTRONOMY 363, 364, 364F, 364G MOD 233B	2670 - 2690 RADIO ASTRONOMY MOBILE except aeronautical mobile FIXED 364C 364D ~~BROADCASTING-SATELLITE 361B 364H~~ FIXED SATELLITE (Earth-to-Space) 364E 364F 364G MOD 233B

92.

MHz		
Region 1	Region 2	Region 3
	SPACE RESEARCH (Passive)	
2690 - 2700	RADIO ASTRONOMY	
	EARTH EXPLORATION SATELLITE (Passive)	
	MOD 233B 363 364A 364B	

REASONS: Changes are necessary to permit radio astronomers the use of a wider band for continuum measurements for galactic studies of ionized hydrogen and non-thermal radio services and afford protection from adjacent band interference. Bands are also required for the continued use and expansion of fixed and mobile services and satellite systems.

2700 - 2900	AERONAUTICAL RADIONAVIGATION	MOD 346
	Radiolocation	
	366	
2900 - 3100	RADIONAVIGATION 367 367A 367B	
	Radiolocation	
3100 - 3300	RADIOLOCATION	
	346A 354 368 369	

REASON: Continued and expanding use of aeronautical radionavigation and radiolocation facilities.

93.

MHz

Region 1	Region 2	Region 3
3300 - 3400 RADIOLOCATION 370 371	3300 - 3400 Fixed RADIOLOCATION Amateur 376	3300-3400 RADIOLOCATION Amateur 376

REASON: Continued use of band by amateur and radiolocation operations. Fixed service spectrum space is urgently needed.

3400 - ~~3600~~ 3410 FIXED FIXED-SATELLITE (Space-to-Earth) MOBILE Radiolocation Amateur-Satellite Amateur 372 373 374 375	3400 - ~~3500~~ 3410 FIXED-SATELLITE (Space-to-Earth) RADIOLOCATION Amateur Amateur-Satellite 376

REASON: The band 3400 - 3410 can be shared on a secondary basis with the amateur satellite service which needs this spectrum for continued research in this field.

3410 - 3500 FIXED FIXED-SATELLITE (Space-to-Earth) MOBILE Radiolocation 372 373 374 375	3410 - 3500 FIXED-SATELLITE (Space-to-Earth) RADIOLOCATION Amateur 376

94.

MHz

Region 1	Region 2	Region 3
3500 - 3600 FIXED FIXED-SATELLITE (Space-to-Earth) MOBILE Radiolocation 372 373 374 375	3500 - 3700 FIXED FIXED-SATELLITE (Space-to-Earth) MOBILE RADIOLOCATION AERONAUTICAL RADIONAVIGATION	3500 - 3700 FIXED-SATELLITE (Space-to-Earth) RADIOLOCATION Fixed Mobile 377 378
~~3600 - 4200~~ 3700 FIXED FIXED-SATELLITE (Space-to-Earth) MOBILE 374		
3700 - 4200 FIXED FIXED-SATELLITE (Space-to-Earth) Mobile 374	3700 - 4200 FIXED FIXED-SATELLITE (Space-to-Earth) MOBILE 379	

REASON: Continued and expanding use of fixed and mobile services and satellite Space-to-Earth links. Required for planned use for low-cost short-range radionavigation terminal radars (ASR) (satellite airports).

95.

MHz

Region 1	Region 2	Region 3
4200 - 4400	AERONAUTICAL RADIONAVIGATION ~~352A~~ 379A 379B 381 382 383	
ADD 379B: The use of the band 4200 - 4400 MHz by the aeronautical radionavigation service is limited to airborne radio altimeters on an exclusive basis.		
REASON: To limit the band 4200 - 4400 MHz to use by airborne radio altimeters		
4400 - 4700	FIXED FIXED-SATELLITE (Earth-to-Space) MOBILE	
4700 - ~~4990~~ 4950	FIXED MOBILE MOD 233B 354 ~~382A~~ 382B	
4950 - 4990	EARTH EXPLORATION SATELLITE (Passive) FIXED MOBILE RADIO ASTRONOMY SPACE RESEARCH (Passive) MOD 233B 354 ~~382A~~ 382B 382C	
4990 - 5000 ~~FIXED~~ ~~MOBILE~~ RADIO ASTRONOMY SPACE RESEARCH (Passive) EARTH EXPLORATION SATELLITE (Passive) MOD233B	4990 - 5000 RADIO ASTRONOMY SPACE RESEARCH (Passive) EARTH EXPLORATION SATELLITE (Passive) 383A	4990 - 5000 ~~FIXED~~ ~~MOBILE~~ RADIO ASTRONOMY SPACE RESEARCH (Passive) EARTH EXPLORATION SATELLITE (Passive) MOD233B

96.

ADD 382C Sharing criteria among those services operating in the band 4950-4990 MHz shall be up to the discretion of the administrations concerned.

Reason: Expansion of the band 4990-5000 MHz also provides access to 4950-4990 MHz which is necessary to support Radio Astronomy continuum observatio If given status in the Table RRs 233B and 382B are no longer required.

97.

MHz		
5000 - 5250	AERONAUTICAL RADIONAVIGATION MOD 352A 352B, 383B.	

REASON: Continued use for microwave landing system and distance measuring equipment.

Region 1	Region 2	Region 3
5250 - 5255	RADIOLOCATION Space Research 384 346A	
5255 - 5350	RADIOLOCATION 384 384A 346A	
5350 - 5460	AERONAUTICAL RADIONAVIGATION 385 Radiolocation	
5460 - 5470	RADIONAVIGATION 385 Radiolocation	

REASON: This part of spectrum is required for continued use of radiolocation, space research, radionavigation and aeronautical radionavigation services.

98.

MHz

Region 1	Region 2	Region 3
5470 - 5650	MARITIME RADIONAVIGATION Radiolocation 386 387	
5650 - 5670	RADIOLOCATION Amateur-Satellite Amateur 388 389	
5670 - 5725	Amateur Space Research (Deep Space) RADIOLOCATION 388 389 389A	
5725 - 5850 FIXED SATELLITE (Earth-to-Space) RADIOLOCATION Amateur 354 388 390 391 391A 357A	5725 - 5850 Amateur RADIOLOCATION 389 391 391A 357A	

NOC 391

REASON: Continuing need for ISM.

99.

MHz

Region 1	Region 2	Region 3
5850 - 5925 FIXED FIXED SATELLITE (Earth-to-Space) MOBILE 391	5850 - 5925 Amateur RADIOLOCATION 391	5850 - 5925 FIXED FIXED SATELLITE (Earth-to-Space) MOBILE Radiolocation 391

5925 - 6425	FIXED FIXED-SATELLITE (Earth-to-Space) MOBILE

REASON: Continued use of fixed, mobile and fixed satellite services.

6425 - ~~7250~~ 6925	FIXED MOBILE FIXED SATELLITE (Earth-to-Space) 379A 392AA 392B 393

100.

MHz

Region 1	* *	Region 2	* *	Region 3
6925-7250		FIXED MOBILE		
		379A	392B 393	MOD 392AA

MOD 392AA In Brazil, Canada and the United States of America, the band 6625 6925 - 7125 MHz is also allocated on a secondary basis, to the fixed-satellite service for space-to-Earth transmissions. In Region 2, the power flux density produced by space stations in this band shall be in accordance with the provisions of No. 470NM. In Regions 1 and 3, it shall be at least 6 dB lower. Receiving earth stations in this band may not impose restrictions on the locations or technical parameters of existing or future terrestrial stations of other countries.

Reason: Consequential to allocation change.

7250-7300		FIXED-SATELLITE (Space-to-Earth)		
		392D 392G		
7300-7450		FIXED FIXED-SATELLITE (Space-to-Earth) MOBILE		
		392D		
7450-7550		FIXED FIXED-SATELLITE (Space-to-Earth) METEOROLOGICAL-SATELLITE (Space-to-Earth) MOBILE		
		392D		
7550-7750		FIXED FIXED-SATELLITE (Space-to-Earth) MOBILE		
		392D		

101.

MHz

Region 1	* *	Region 2	* *	Region 3
7750-7900				
		FIXED MOBILE		

102.

MHz

Region 1	Region 2	Region 3
7900 - 7975	FIXED FIXED-SATELLITE (Earth-to-Space) MOBILE	
7975 - 8025	FIXED-SATELLITE (Earth-to-Space) 392H	
8025 - 8175 FIXED FIXED-SATELLITE (Earth-to-Space) MOBILE Earth Exploration-Satellite (Space-to-Earth) 394B	8025 - 8175 EARTH EXPLORATION-SATELLITE (Space-to-Earth) FIXED FIXED-SATELLITE (Earth-to-Space) MOBILE	8025 - 8175 FIXED FIXED-SATELLITE (Earth-to-Space) MOBILE Earth Exploration-Satellite (Space-to-Earth)
8175 - 8215 FIXED FIXED-SATELLITE (Earth-to-Space) METEOROLOGICAL-SATELLITE (Earth-to-Space) MOBILE Earth Exploration-Satellite (Space-to-Earth) 394B	8175 - 8215 EARTH EXPLORATION-SATELLITE (Space-to-Earth) FIXED FIXED-SATELLITE (Earth-to-Space) METEOROLOGICAL-SATELLITE (Earth-to-Space) MOBILE	8175 - 8215 FIXED FIXED-SATELLITE (Earth-to-Space) METEOROLOGICAL-SATELLITE (Earth-to-Space) MOBILE Earth Exploration-Satellite (Space-to-Earth)

103.

MHz

Region 1	Region 2	Region 3
8215 - 8400 FIXED FIXED-SATELLITE (Earth-to-Space) MOBILE Earth Exploration-Satellite (Space-to-Earth) 394 394B	8215 - 8400 EARTH EXPLORATION-SATELLITE (Space-to-Earth) FIXED FIXED-SATELLITE (Earth-to-Space) MOBILE	8215 - 8400 FIXED FIXED-SATELLITE (Earth-to-Space) MOBILE Earth Exploration Satellite (Space-to-Earth) 394

REASON: Continued need for existing service.

8400 - 8500	FIXED MOBILE except aeronautical mobile (R) SPACE RESEARCH (Space-to-Earth) (deep space only) Land Mobile Satellite (Earth-to-Space) 394A 394D
8500 - 8750	RADIOLOCATION 354 395
8750 - 8850	RADIOLOCATION AERONAUTICAL RADIONAVIGATION 396 397

REASON: Continuing need for existing service.

8850 - 9000	RADIOLOCCATION 397 398
9000 - 9200	AERONAUTICAL RADIONAVIGATION MOD 346 Radiolocation 397

104.

MHz

Region 1	Region 2	Region 3
9200 - 9300	RADIOLOCATION 397 398	
REASON: Continuing need for existing services.		
9300 - 9500	RADIONAVIGATION 367A 367B Radiolocation 399	
9500 - 9800	RADIOLOCATION 398 346A	
9800 - 10000	RADIOLOCATION Fixed 400 401 401A	
10000 - 10500	RADIOLOCATION Amateur 401A 402 403	

105.

GHz

Region 1	Region 2	Region 3
10.5 - 10.55 FIXED MOBILE Radiolocation	10.5 - 10.55 RADIOLOCATION 404	

REASON: Continued need for existing services.

NOC 404

REASON: Preserve system compatibility.

10.55 - 10.6	FIXED MOBILE Radiolocation
10.6 - 10.68	FIXED MOBILE except aeronautical mobile RADIO ASTRONOMY Radiolocation 404A 404B
10.68 - 10.7	FIXED MOBILE except aeronautical mobile RADIO ASTRONOMY 405B 404B

ADD 404B All airborne emissions are excluded.

REASON: Radio astronomy can share the 10.6 - 10.7 continuum band as long as airborne transmissions are excluded from the mobile and radiolocation services. The bands above are otherwise needed for continued and expanding use of the fixed, mobile and radiolocation services.

10.7 - 10.95	~~MOBILE~~ FIXED FIXED SATELLITE (Space-to-Earth)

REASON: This frequency band is currently in considerable use in the radio-relay service in the United States. The fixed-satellite allocation is needed on a world-wide basis.

106.

GHz

Region 1	Region 2	Region 3
10.95 - 11.2 FIXED MOBILE FIXED-SATELLITE (Space-to-Earth) ~~(Earth-to-Space)~~	10.95 - 11.2 FIXED MOBILE FIXED-SATELLITE (Space-to-Earth)	

REASON: Unidirectionality needed for compatibility.

11.2 - 11.45	FIXED ~~MOBILE~~ FIXED-SATELLITE (Space-to-Earth)

REASON: This frequency band is currently in considerable use in the radio-relay service in the United States. The fixed-satellite allocation is needed on a world-wide basis.

11.45 - 11.7	FIXED ~~MOBILE~~ FIXED-SATELLITE (Space-to-Earth)

REASON: Mobile allocation not needed.

Region 1	Region 2	Region 3
11.7 - 12.5 FIXED MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE 405BA	11.7 - 12.2 ~~FIXED~~ Mobile ~~MOBILE~~ except aeronautical mobile ~~BROADCASTING~~ BROADCASTING-SATELLITE FIXED-SATELLITE (Space-to-Earth) ~~405BB~~ 405BC	11.7 - 12.2 FIXED MOBILE except aeronautical mobile BROADCASTING BROADCASTING-SATELLITE 405BA

107.

GHz

Region 1	Region 2	Region 3

REASON: Satellite communications are envisaged to large numbers of inexpensive earth stations widely dispersed throughout the United States. TV mobile pick-up service is currently provided in this band on a secondary basis.

SUP 405BB

REASON: To enhance versatility in use of this band.

	12.2 - 12.5 FIXED MOBILE except aeronautical mobile BROADCASTING	
12.5 - 12.75 FIXED-SATELLITE ~~(Space-to-Earth)~~ (Earth-to-Space) 405BD 405BE	12.5 - 12.75 FIXED FIXED-SATELLITE (Earth-to-Space) MOBILE except aeronautical mobile	12.5 - 12.75 FIXED FIXED-SATELLITE ~~(Space-to-Earth)~~ (Earth-to-Space) MOBILE except aeronautical mobile

REASON: Unidirectionality needed for compatibility.

12.75 - 13.25	FIXED-SATELLITE (Earth-to-Space) FIXED MOBILE SPACE RESEARCH (deep space only) (Space-to-Earth)

REASON: Continuing need for existing services. The Fixed-Satellite Service is needed on a worldwide basis. Space research for reception at selective sites.

13.25 - 13.4	AERONAUTICAL RADIONAVIGATION 406 407 MOD407A

REASON: Required for airborne doppler radar.

108.

GHz

Region 1	Region 2	Region 3
13.4 - 14	EARTH EXPLORATION SATELLITE (ACTIVE SENSORS) RADIOLOCATION 407 MOD 407A 408 409	
14 - 14.3	Space Research (Earth-to-Space) FIXED SATELLITE (Earth-to-Space) RADIONAVIGATION 408A 407 ~~407A~~ [illegible]	
14.3 - 14.4	FIXED-SATELLITE (Earth-to-Space) ~~RADIONAVIGATION-SATELLITE~~ ~~408~~ 408A	
14.4 - 14.5	Space Research (Earth-to-Space) MOBILE FIXED FIXED-SATELLITE (Earth-to-Space) 408B, MOD 408C	

REASON: This frequency band is currently used for marine radar. This frequency band will be used for long-haul and international voice and data channel communications. The band 13.4-14 is required for radiolocation type active sensors.

MOD 407A The band 13.25-14.0 ~~14.2~~ GHz may also be used, on a secondary basis, for Earth-to-Space transmission in the space research service, subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected.

Reason: Consequential to allocation change.

Reason: These bands will be used for the domestic and international voice and data channel communications. The bands 14-14.3 and 14.4-14.5 will be used for space research.

MOD 408C Radio astronomy observations on the formadlehyde line (rest frequency 14489 GHz) are being carried out in a number of countries under national arrangements. In making assignments to stations in the fixed and mobile other services, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference, particularly from airborne or spaceborne transmitters, in the band ~~14.485-14.515~~ 14.473-14.503 GHz.

109.

MOD 408B The band ~~14.4~~ 14.5-15.35 GHz may also be used, on a secondary basis, for space-to-Earth transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

Reason: Consequential to allocation change.

110.

GHz

Region 1	Region 2	Region 3
14.5 - 15.35	FIXED MOBILE MOD 408B MOD 408C	
15.35 - 15.4	EARTH EXPLORATION SATELLITE (PASSIVE) SPACE RESEARCH (PASSIVE) RADIO ASTRONOMY 409C	
15.4 - 15.7	AERONAUTICAL RADIONAVIGATION MOD 352A MOD 352B 407	

REASON: Other passive services can share the band 15.35- 15.40 GHz. The band 15.4-15.7 GHz is required for continued and expanded use for microwave landing system (MLS) and airborne weather radar.

15.7 - 16.6	RADIOLOCATION 407 408 409CA	

REASON: The frequency band is required for radiolocation

16.6 - 17.1	SPACE RESEARCH (DEEP SPACE ONLY) (EARTH-TO-SPACE) RADIOLOCATION 407 408	

ADD 409CA In the radiolocation band 15.7-16.6 GHz, the portion 15.7-16.2 GHz may be used also for Airport Surface Detection Equipment (ASDE).

111.

GHz

Region 1	Region 2	Region 3
17.1 - 17.35	RADIOLOCATION 407 408	
17.35 - 17.7	EARTH EXPLORATION SATELLITE (ACTIVE SENSORS) SPACE RESEARCH (ACTIVE SENSORS) RADIOLOCATION 407 408	

REASON: Space services listed appear to be compatible with existing services

17.7 -17.9	FIXED FIXED-SATELLITE (Space-to-Earth) MOBILE	
17.9-18.7	EARTH EXPLORATION SATELLITE (Space-to-Earth) FIXED-SATELLITE (Space-to-Earth) FIXED MOBILE	
18.7 - 19.7	FIXED FIXED-SATELLITE (Space-to-Earth) MOBILE	

Reason: Required for read out of telemetry from E.E.S.

112.

GHz

Region 1	* *	Region 2	* *	Region 3
19.7 - ~~21.2~~ 20.2		FIXED-SATELLITE (Space-to-Earth)		
		409E		
20.2 - 21.2		FIXED-SATELLITE (Space-to-Earth) MOBILE-SATELLITE (Space-to-Earth)		
		409E		

Reason: Required for Mobile-Satellite sharing.

113.

GHz

Region 1	Region 2	Region 3
21.2 - 22	FIXED MOBILE ~~EARTH-EXPLORATION-SATELLITE (Space-to-Earth)~~	

REASON: This band will be used for terrestrial radio relay and for land mobile experimental, developmental and research uses.

22 - ~~22.5~~ 22.21	FIXED MOBILE ~~410A~~

REASON: This frequency band will be used for terrestrial radio relay and for land mobile experimental, developmental and research uses.

22.21 - 22.5	FIXED MOBILE EARTH EXPLORATION SATELLITE (Passive) SPACE RESEARCH (Passive) RADIO ASTRONOMY 410A

REASON: This frequency band will be used for radio astronomy observations of the water vapor line (rest frequency 22.235 GHz) and for terrestrial radio relay service and for land mobile experimental, developmental and research uses.

SUP 410A

REASON: Consequential to allocation changes.

114.

GHz

Region 1	Region 2	Region 3
22.5 - 23.0 22.7 FIXED MOBILE		22.5 - 23.0 22.7 FIXED MOBILE BROADCASTING-SATELLITE 410 B

REASON: This frequency band will be used for terrestrial radio relay systems and for land mobile experimental, devebpmental and research uses.

115.

GHz

Region 1	Region 2	Region 3
22.7 23		22.7-23
FIXED MOBILE INTERSATELLITE		FIXED MOBILE INTERSATELLITE ~~BROADCASTING SATELLITE~~
ADD 410D		~~410B~~ ADD 410D

Reason: This frequency band will be used for communications between satellites.
SUP 410B Reason: Consequential to allocation change.

ADD 410D The bands 22.81-22.86 GHz, 23.07-23.12 GHz and 24.11 to 24.16 GHz also allocated to the Radio Astronomy service for observations of spectral lines due to Ammonia (rest frequencies 22.834, 23.098 and 24.139 GHz).

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23 - 23.6

FIXED
MOBILE
410D

Reason: This frequency band will be used for terrestrial microwave and operational fixed users.

23.6-24

EARTH EXPLORATION SATELLITE (PASSIVE)
SPACE RESEARCH (PASSIVE)
RADIO ASTRONOMY
MOD 407

Reason: This is a very important continuum band that also covers the important ammonia (NH_3) lines. Passive space services can share.

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24 -24.05

AMATEUR
AMATEUR-SATELLITE
410 C 410 D

Reason: To promote national and international exchange of thoughts and ideas.

116.

GHz

Region 1	Region 2	Region 3
24.05 - 24.25	RADIOLOCATION Amateur 410C 407 410D	
REASON: To promote exchange of thoughts and ideas.		
24.25 - 25.25	RADIONAVIGATION 411 412	
REASON: Required for existing radionavigation.		
25.25 - 27.5	FIXED MOBILE	
27.5 - 29.5	FIXED FIXED-SATELLITE (Earth-to-Space) MOBILE	
REASON: To provide an uplink band to pair with the band around 20 GHz. This frequency band will be used for the terrestrial radio relay system.		
29.5 - 30	FIXED-SATELLITE (Earth-to-Space) 409E	
30 - 31	FIXED-SATELLITE (Earth-to-Space) MOBILE - SATELLITE 409E	

117.

GHz

Region 1	Region 2	Region 3
31 - 31.3	FIXED MOBILE Space Research 412H 412I	
31.3 -31.5	SPACE RESEARCH (PASSIVE SENSOR) EARTH EXPLORATION SATELLITE (PASSIVE SENSOR) RADIO ASTRONOMY 412A	
31.5 - 31.8 SPACE RESEARCH (PASSIVE) Fixed Mobile except aeronautical mobile RADIO ASTRONOMY EARTH EXPLORATION SATELLITE (PASSIVE)	31.5 - 31.8 SPACE RESEARCH (PASSIVE) RADIO ASTRONOMY EARTH EXPLORATION SATELLITE (PASSIVE) 405C	31.5 - 31.8 SPACE RESEARCH (PASSIVE) Fixed Mobile except aeronautical mobile RADIO ASTRONOMY EARTH EXPLORATION SATELLITE (PASSIVE)

REASON: The frequency region 31.3-31.8 GHz is the first atmospheric window in the millimeter radio regions where observations can be made. This spectral region has been very useful in defining the high frequency continuum spectra of galactic and extragalactic objects. Passive services can share with Radio Astronomy.

31.8 - 32.3	RADIONAVIGATION Space Research 412B	
32.3 - 33	RADIONAVIGATION	
33 - 33.4 RADIO ASTRONOMY RADIONAVIGATION	33 - 33.4 RADIONAVIGATION 412F	

REASON: Required for sweep radar for small aircraft.

33.4 - 34.2	RADIOLOCATION 407 408 412 412G	

GHz 118.

Region 1	Region 2	Region 3
34.2 - 35.2	RADIOLOCATION ~~Space-Research~~ SPACE RESEARCH (ACTIVE SENSORS) METEOROLOGICAL AIDS EARTH EXPLORATION SATELLITE (ACTIVE SENSORS) 407 408 412 412C 412D	

REASON: Required for radiolocation type sensors and meteorological aids radar.

35.2 - 36	RADIOLOCATION 407 408 412	
36 - ~~40~~ 37	~~FIXED~~ ~~MOBILE~~ SPACE RESEARCH (PASSIVE) EARTH EXPLORATION SATELLITE (PASSIVE) ~~FIXED~~-SATELLITE MOBILE-SATELLITE 391A 412E	
37 - 40	FIXED MOBILE 391A 412E	

REASON: This band will be shared between the common carrier and the operational fixed for block allocation use, and for land mobile experimental, developmental and research use.

40 - 41	FIXED-SATELLITE ~~(Space-to-earth)~~ FIXED MOBILE MOBILE-SATELLITE	

REASON: This band will be use for terrestrial systems and shared with the mobile- and fixed-satellite services.

41 - 43	BROADCASTING-SATELLITE FIXED MOBILE ADD 412L	

119.

Reason: This frequency band will be used for terrestrial system.

ADD 412L Radio astronomy observations on the silicon monoxide lines are carried on in a number of countries under national arrangements. In making assignments , administrations are urged to protect radio astronomy observations from harmful interference, particularly from airborne or spaceborne transmitters, in the 42.77 - 42.87, 43.07-43.17, and 43.37 - 43.47 GHz bands.

120.

GHz

Region 1	* *	Region 2	* *	Region 3
43- 48 - 45		~~AERONAUTICAL-MOBILE-SATELLITE~~ ~~MARITIME MOBILE SATELLITE~~ ~~AERONAUTICAL RADIONAVIGATION SATELLITE~~ ~~MARITIME-RADIONAVIGATION SATELLITE~~ FIXED-SATELLITE MOBILE-SATELLITE 412L		

Reason: To satisfy requirements of the Federal Government.

45-48		AERONAUTICAL MOBILE (R) AERONAUTICAL MOBILE-SATELLITE (R) MARITIME MOBILE MARITIME MOBILE-SATELLITE AERONAUTICAL RADIONAVIGATION AERONAUTICAL RADIONAVIGATION-SATELLITE MARITIME RADIONAVIGATION MARITIME RADIONAVIGATION-SATELLITE		

Reason: This frequency band will be used for communicating to ships and aircraft for position determination and surveillance.

48-50		AERONAUTICAL MOBILE (R) AERONAUTICAL MOBILE-SATELLITE (R) MARITIME MOBILE MARITIME MOBILE-SATELLITE AERONAUTICAL RADIONAVIGATION AERONAUTICAL RADIONAVIGATION-SATELLITE MARITIME RADIONAVIGATION MARITIME RADIONAVIGATION-SATELLITE		

50-~~51~~ - 50.4		FIXED FIXED-SATELLITE (~~Earth-to~~-Space) MOBILE		

Reason: This frequency band will be used by the terrestrial systems.

121.

GHz

Region 1	* *	Region 2	* *	Region 3
50.4 - 51		FIXED-SATELLITE (Earth-to-Space) FIXED MOBILE MOBILE-SATELLITE		
51 - 52-51.4		~~EARTH-EXPLORATION-SATELLITE~~ ~~SPACE RESEARCH~~ FIXED MOBILE FIXED-SATELLITE MOBILE-SATELLITE		
Reason: Required to satisfy multiple services which may interfere.				
51.4-52		EARTH EXPLORATION-SATELLITE (Passive) SPACE RESEARCH (Passive)		
Reason: This frequency band will continue to be used to explore the resources of the Earth by satellite techniques.				
52-54.25		EARTH EXPLORATION-SATELLITE (Passive) SPACE RESEARCH (Passive) MOD 412J		
Reason: This frequency band will continue to be used in conducting research work in space.				

MOD 412J All emissions in the bands 52-54.25 GHz, 58.2-59 GHz, 64-65 GHz, 86-92 GHz, 101-102 GHz, 105-116 GHz, ~~130-140-GHz~~,182-185 GHz, and 230-240 GHz, are prohibited. The use of passive sensors by other services is also authorized.

122.

GHz

Region 1	Region 2	Region 3
54.25 - 58.2	SPACE RESEARCH (Passive) FIXED MOBILE INTER-SATELLITE EARTH EXPLORATION SATELLITE (Passive) ADD 410E	

REASON: This frequency band will be used for terrestrial systems, and space services as shown.

ADD 410E The frequency 55 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ± 250 MHz of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

REASON: New applications; heating of small fibers and pellets; insect control; host of specific biological applications based on recent evidence of frequency specific effects.

58.2 - 59	EARTH EXPLORATION-SATELLITE (Passive) SPACE RESEARCH (passive) MOD 412J	

REASON: This frequency band will continue to be used for conducting research in space.

59 - 64	FIXED MOBILE INTER-SATELLITE	

REASON: This frequency band will be used for terrestrial service.

64 - 65	SPACE RESEARCH (Passive) EARTH EXPLORATION SATELLITE (Passive) MOD 412J	

123.

GHz

Region 1	Region 2	Region 3

REASON: This frequency band will be used for conducting passive research in space.

65 - 66	EARTH EXPLORATION-SATELLITE SPACE RESEARCH

REASON: This frequency band will be used for exploring the resources of the earth by satellite techniques.

66 - 71	AERONAUTICAL MOBILE (R) AERONAUTICAL MOBILE-SATELLITE (R) MARITIME MOBILE MARITIME MOBILE-SATELLITE AERONAUTICAL RADIONAVIGATION AERONAUTICAL RADIONAVIGATION-SATELLITE MARITIME RADIONAVIGATION MARITIME RADIONAVIGATION-SATELLITE

REASON: This frequency band will be used for maritime and aeronautical mobile services.

71- 84 - 72	EARTH EXPLORATION SATELLITE (Active Sensors) SPACE RESEARCH (Active Sensors) RADIOLOCATION Amateur Amateur-Satellite

Reason: Band required for services specified.

72-76	RADIOLOCATION Amateur Amateur-Satellite ADD 412M

Reason: This frequency band will be used for amateur services to promote national and international exchange of thoughts and ideas.

124.

ADD 412M Radio-astronomy observations on the H_2CO lines are being carried out by a number of countries under national arrangements. In making assignments administrations are urged to protect radio-astronomy observations from harmful interference at 72.409 GHz, 145.603 GHz and 150.498 GHz.

125.

GHz

Region 1	* *	Region 2	* *	Region 3
76-80		FIXED-SATELLITE MOBILE-SATELLITE FIXED MOBILE		

Reason: This frequency band will be used for terrestrial and space systems.

80 - 84		FIXED MOBILE FIXED-SATELLITE		

Reason: This band will be used for terrestrial and Space services.

84-86		BROADCASTING-SATELLITE FIXED MOBILE		

Reason: This frequency band will be used for terrestrial services and for providing service to multi-destination low cost users.

86-92		EARTH EXPLORATION-SATELLITE (Passive) RADIO ASTRONOMY SPACE RESEARCH (Passive) MOD 412J		

Reason: This frequency band will be used for radio astronomy observations and for conducting passive research in space.

92-95		RADIOLOCATION FIXED-SATELLITE (Earth-to-Space) FIXED MOBILE ADD 412N		

Reason: The frequency band will be used for terrestrial services and transmission of voice, data, television signals by satellites. Also required for Radiolocation.

126.

ADD 412N Radio astronomy observations on the Dinitrogen Hydronium line are being carried out on a number of countries under national arrangements. In making assignments administrations are urged to protect radio astronomy observations in the band 93.12 to 93.22 GHz from harmful interference.

127.

GHz

Region 1	Region 2	Region 3
95 - 101	AERONAUTICAL MOBILE (R) AERONAUTICAL MOBILE-SATELLITE (R) MARITIME MOBILE MARITIME MOBILE-SATELLITE AERONAUTICAL RADIONAVIGATION AERONAUTICAL RADIONAVIGATION-SATELLITE MARITIME RADIONAVIGATION MARITIME RADIONAVIGATION-SATELLITE	

REASON: This frequency band will be used for ship and aircraft communications, position determination and air traffic control.

101 - 102	SPACE RESEARCH (Passive) MOD 412J	

REASON: This frequency band will be used for conducting passive research in space.

102 - 105	FIXED-SATELLITE ~~(Space-to-Earth)~~ FIXED MOBILE MOBILE-SATELLITE	

REASON: This frequency band will be used for terrestrial services and for transmission of voice, data, television signals by satellite. Also to be shared with Mobile Satellite.

105 - ~~130~~ 116	EARTH EXPLORATION-SATELLITE (Passive) ~~INTERSATELLITE~~ RADIO ASTRONOMY SPACE RESEARCH (Passive) MOD 412J ~~412K~~	

REASON: This frequency band will be used for radio astronomy observations of the carbon monoxide lines and for conducting passive research in space.

128.

GHz

Region 1	Region 2	Region 3
116 - 130	INTER-SATELLITE FIXED MOBILE ~~412K~~ 410F	

REASON: This frequency band will be used for communications between satellites and for terrestrial radio relay service.

SUP ~~412K~~

REASON: Consequential to reallocation.

ADD 410F The frequency 120 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ± 500 MHz of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

REASON: New applications; heating of small fibers and pellets; insect control; host of specific biological applications based on recent evidence of frequency specific effects.

130 - 140	INTER-SATELLITE FIXED MOBILE ~~RADIO-ASTRONOMY~~ ~~SPACE-RESEARCH (passive)~~ ~~412J~~	

REASON: This frequency band will be used for communications between satellites and for terrestrial services.

140 - 142	~~FIXED-SATELLITE (Earth-to-Space)~~ FIXED MOBILE ADD 412M	

REASON: This frequency band will be used for terrestrial services and for transmission of voice, data and television signals by satellite.

129.

GHz

Region 1	Region 2	Region 3
142 - 150	Radiolocation AERONAUTICAL MOBILE (R) AERONAUTICAL MOBILE-SATELLITE (R) MARITIME MOBILE MARITIME MOBILE-SATELLITE AERONAUTICAL RADIONAVIGATION AERONAUTICAL RADIONAVIGATION-SATELLITE MARITIME RADIONAVIGATION MARITIME RADIONAVIGATION-SATELLITE ADD 4120 ADD 412M	

REASON: This frequency band will be used for ship, aircraft communications, position determination and for air traffic control.

ADD 4120 Radio astronomy observations on the denterated cyanide line is being carried out on a number of countries under national arrangements. In making assignments to stations in the mobile services, administrations are urged to protect radio astronomy observations from harmful interference between 144.68 and 144.98 GHz band.

150 - 151	FIXED-SATELLITE (Space-to-Earth) FIXED MOBILE ADD 412M	

REASON: This frequency band will be used for terrestrial services and for communication of voice, data, television signals by satellites.

151-152	FIXED-SATELLITE (Space-to-Earth) MOBILE-SATELLITE FIXED MOBILE	
152-170 159	FIXED-SATELLITE MOBILE-SATELLITE FIXED MOBILE	

130.

GHz

Region 1	* *	Region 2	* *	Region 3
159-165		FIXED MOBILE FIXED-SATELLITE		
Reason: This frequency band will be used for terrestrial and space services.				
165-170		RADIOLOCATION Amateur Amateur-Satellite		
Reason: This frequency band will be used for determining position of objects and for amateurs to promote national and international exchange of thoughts and ideas.				

131.

GHz

Region 1	* *	Region 2	* *	Region 3
170-~~182~~ 174.5		FIXED MOBILE except aeronautical mobile INTER-SATELLITE		

Reason: This frequency band will be used for terrestrial services.

174.5 - 176.5		~~INTERSATELLITE~~ EARTH EXPLORATION SATELLITE (Passive) SPACE RESEARCH (Passive) FIXED MOBILE (except Aeronautical Mobile) ADD 412P		

Reason: This band required for both terrestrial and space services as shown.

ADD 412P Radio astronomy observations on the C_2H line, HCN line, the HCO+ line, the HNC line and N_2H+ line are being carried out on a number of countries under national arrangements. In making assignments administrations are urged to protect radio astronomy observations from harmful interference at 174.6-174.85 GHz, 177.2 GHz, 178.4 GHz, 181.2 GHz and 186.4 GHz.

176.5 - 182		FIXED MOBILE except aeronautical mobile INTER-SATELLITE ADD 412P		

Reason: This frequency band will be used for terrestrial services and for communications between satellites.

132.

GHz

Region 1	* *	Region 2	* *	Region 3
182 - 185		EARTH EXPLORATION SATELLITE (Passive) SPACE RESEARCH (Passive) RADIO ASTRONOMY MOD 412J		

Reason: This frequency band will be used for radio astronomy observations of water vapor line and for conducting passive research in space.

185- 190		FIXED INTER-SATELLITE MOBILE ADD 412P		

Reason: This frequency band will be used for terrestrial services and for communications between satellites.

133.

GHz

Region 1	Region 2	Region 3
190 - 200 195	AERONAUTICAL MOBILE (R) AERONAUTICAL MOBILE-SATELLITE (R) ~~MARITIME MOBILE-SATELLITE~~ AERONAUTICAL RADIONAVIGATION AERONAUTICAL RADIONAVIGATION-SATELLITE ~~MARITIME RADIONAVIGATION-SATELLITE~~	

REASON: This frequency band will be used for ..... aircraft communications and position determination and for air traffic control.

195-200	~~AERONAUTICAL MOBILE-SATELLITE~~ MARITIME MOBILE-SATELLITE ~~AERONAUTICAL-RADIONAVIGATION-SATELLITE~~ MARITIME RADIONAVIGATION-SATELLITE MARITIME MOBILE MARITIME RADIONAVIGATION	

Reason: This frequency band will be used for ship communications and position determination and for air traffic control.

200- 220 201.5	FIXED MOBILE	

Reason: This frequency will be used for terrestrial services.

134.

GHz

Region 1	* *	Region 2	* *	Region 3
201.5-213		FIXED-SATELLITE MOBILE-SATELLITE FIXED MOBILE		
213-217		FIXED-SATELLITE FIXED MOBILE		
217-220		FIXED MOBILE RADIO ASTRONOMY MOD 412J		

Reason: This frequency band will be used for terrestrial services and for radio astronomy observations.

220-230 221		~~FIXED-SATELLITE~~ FIXED MOBILE RADIO ASTRONOMY MOD 412J		

Reason: This frequency band will be used for communications of voice, data and television signals by satellite and for terrestrial systems and for radio astronomy observations.

135.

GHz

Region 1	Region 2	Region 3
221 - 229	FIXED-SATELLITE FIXED MOBILE	

REASON: This frequency band will be used for communications of voice, data and television signals by satellite and for terrestrial systems.

229 - 230	~~FIXED-SATELLITE~~ FIXED MOBILE RADIO ASTRONOMY	

REASON: This frequency band will be used for communications of voice, data, and television signals by satellite, for terrestrial systems and for radio astronomy observations.

230 - 240	EARTH EXPLORATION SATELLITE (Passive) RADIO ASTRONOMY SPACE RESEARCH (Passive) MOD 412J	

REASON: This frequency band will be used for radio astronomy observations and for conducting passive research in space.

240-250	RADIOLOCATION FIXED MOBILE Amateur Amateur-Satellite ADD 410G	

136.

GHz

Region 1	Region 2	Region 3

REASON: This frequency will be used to determine the location of objects and for the amateur service to promote national and international exchange of thoughts and ideas.

ADD 410G The frequency 248 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ± 500 MHz of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

REASON: New applications; heating of small fibers and pellets; insect control; host of specific biological applications based on recent evidence of frequency specific effects.

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250 - 265

AERONAUTICAL MOBILE (R)
AERONAUTICAL MOBILE-SATELLITE (R)
MARITIME MOBILE
MARITIME MOBILE-SATELLITE
AERONAUTICAL RADIONAVIGATION
AERONAUTICAL RADIONAVIGATION-SATELLITE
MARITIME RADIONAVIGATION
MARITIME RADIONAVIGATION-SATELLITE
ADD 412Q

REASON: This frequency band will be used by ships and aircraft for communications, and for position determination and for air traffic control.

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265 - ~~275~~ 271

FIXED-SATELLITE
FIXED
MOBILE

ADD 412Q

REASON: This frequency band will be used by the terrestrial services and for communications of voice, data and television signals by satellites.

271-275

FIXED-SATELLITE
MOBILE-SATELLITE
FIXED
MOBILE

ADD 412Q

137.

GHz		
Region 1	Region 2	Region 3
275 - 300 FIXED MOBILE ADD 412Q		

REASON: This frequency band will be used by terrestrial services.

ADD 412Q Radio astronomy observations on the C_2H, HCN, HCO+, HNC, and N_2H^+ lines are being carried out in a number of countries under national arrangements. In making assignments administrations are urged to protect radio astronomy observations from harmful interference, particularly from airborne or spaceborne transmitters, in the frequencies 262.5 GHz, 265.9 GHz, 267.6 GHz, 272.0 GHz, and 279.5 GHz.

Above 300 GHZ not allocated.

APPENDIX 2

PROPOSED DRAFT PROTOCOL CONCERNING MEDICAL TRANSPORTS

DRAFT PROTOCOL I ANNEX

Regulations Concerning the Identification and Marking of Medical Personnel, Units and Means of Transport, and Civil Defence Personnel, Equipment and Means of Transport

Article 7—Radio signal

1. The radio signal shall consist of a radiotelephonic or radiotelegraphic message preceded by a distinctive priority signal to be designated and approved by a World Administrative Radio Conference of the International Telecommunication Union. It shall be transmitted three times before the call sign of the medical transport involved. This message shall be transmitted in English at appropriate intervals on a frequency or frequencies specified pursuant to paragraph 3. The use of the priority signal shall be restricted exclusively to medical units and transports.

2. The radio message preceded by the distinctive priority signal mentioned in paragraph 1 shall convey the following data:

(a) The call sign of the medical transport
(b) Position of the transport
(c) Number and type of medical transports
(d) Intended route
(e) Estimated time en route and of departure and arrival, as appropriate
(f) Any other information such as flight altitude, radio frequencies guarded, languages and secondary surveillance radar modes and codes.

3. In order to facilitate the communications referred to in paragraphs 1 and 2, as well as the communications referred to in articles (23 * * * 32 inclusive) of the Protocol, the High Contracting Parties, the Parties to a conflict, or one of the Parties to a conflict, acting in agreement or alone, may designate, in accordance with the Table of Frequency Allocations in the Radio Regulations annexed to the International Telecommunication Convention, and publish selected national frequencies to be used by them for such communications. These frequencies shall be notified to the International Telecommunication Union in accordance with procedures to be approved by a general World Administrative Radio Conference.

Article 8—Electronic identification

1. The secondary surveillance radar (SSR) system as specified in Annex 10 to the Chicago Convention on International Civil Aviation of 7 December 1944, as amended from time to time, may be used to identify and to follow the course of medical aircraft. The SSR mode and code to be reserved for the exclusive use of medical aircraft shall be established by the High Contracting Parties, the Parties to a conflict, or one of the Parties to a conflict, acting in agreement or alone, in accordance with procedures to be recommended by the International Civil Aviation Organization.

2. Parties to a conflict may, by special agreement between them, establish for their use a similar electronic system for the identification of medical vehicles, and medical ships and craft.

Article 9—Radio communications

In application of the procedures referred to in articles (23 * * * 32 inclusive) of the Protocol, appropriate radio communications by medical units and transports may be preceded by the priority signal referred to in article 7 of the present annex.

[FR Doc.76-36221 Filed 12-10-76;8:45 am]

federal register

MONDAY, DECEMBER 13, 1976

PART V:

PRIVACY ACT OF 1974

Systems of Records

■

MISCELLANEOUS AGENCIES

FEDERAL LABOR RELATIONS COUNCIL AND FEDERAL SERVICE IMPASSES PANEL

PRIVACY ACT OF 1974

Systems of Records

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 41 FR 1403 and 14822 continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by section 3 of the Privacy Act of 1974.

Dated: November 29, 1976.

By the Federal Labor Relations Council.

Henry B. Frazier III,
Executive Director.

By the Federal Service Impasses Panel.

Howard W. Solomon,
Executive Secretary.

FLRC/FSIP—1

System name: Personnel files on current, past, and prospective employees—FLRC/FSIP.

System location: Council offices, 1900 E St., NW., Washington, DC 20415.

Categories of individuals covered by the system: Present and past employees and individuals who have submitted solicited or unsolicited applications for employment.

Categories of records in the system: Information regarding name; address; telephone number; marital status; birth date; Social Security Number, veteran preference; tenure; handicap; past and present salaries, grades, and position titles; letters of commendation, reprimand, charges, and decision on charges; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training files; records relating to life insurance, health benefits, and designation of beneficiary; performance ratings; awards; performance appraisals; letters of recommendation; emergency information; educational background; and special employment qualifications.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained the system is used by the Council and Panel officials for purposes of review in connection with appointments, transfers, promotions, and determination of qualifications of an individual; to provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; to provide information to a prospective employer of a Council or Panel employee or former Council or Panel employee or to an organization at the request of the employee or former employee; and to provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders.

Retrievability: Manual-indexed by name.

Safeguards: The system is primarily maintained in a locked, metal filing cabinet, the access combination to which is known only to authorized persons. Certain information in the system, such as home address, emergency information, grade, and date of last promotion or within-grade step increase is maintained in limited-access files available only to authorized persons.

Retention and disposal: Records on current employees are retained in an active file during the course of an employee's employment with the Council or Panel. Files on past employees are retained in an inactive file. Other records in the system, such as applications for employment, are periodically reviewed and disposed of in accordance with established procedures.

System manager(s) and address:

Executive Director
Federal Labor Relations Council
1900 E St., NW.
Washington, DC 20415
Executive Secretary
Federal Service Impasses Panel
1900 E St., NW.
Washington, DC 20415

Notification procedure: An individual may obtain notification as to whether the system of records contains a record pertaining to the individual by forwarding an inquiry to the Administrative Officer, Federal labor Relations Council, Room 7P56, 1900 E St., NW., Washington, DC 20415, or by appearing in person at the above address. See Council and Panel regulations in 5 CFR 2402.4.

Record access procedures: See Council and Panel access regulations in 5 CFR 2402.5. Assistance in obtaining access the contents of records can be obtained from the Administrative Officer at the above address.

Contesting record procedures: The Council's and Panel's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 5 CFR 2402.10 and 2402.13.

Record source categories: Subject individuals; former and/or present employers of subject individuals; and other persons familiar with the individual.

FLRC/FSIP—2

System name: Travel records—FLRC/FSIP

System location: Council offices, 1900 E St., NW., Washington, DC 20415.

Categories of individuals covered by the system: Names of persons who use Council funds for travel.

Categories of records in the system: Contains the various records required to administer the travel requirements of the Council and Panel, including all places to which travel was accomplished and the costs. Included on various travel forms is the home address of the traveling individual.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system of records is used for budgetary purposes and for reporting to Members of Congress and other agencies when appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders.

Retrievability: Manual-indexed by name.

Safeguards: Access to and use of such records are limited to those persons whose official duties require such access.

Retention and disposal: The records are maintained and disposed of in accordance with established procedures.

System manager(s) and address:

Executive Director
Federal Labor Relations Council
1900 E St., NW.
Washington, DC 20415
Executive Secretary
Federal Service Impasses Panel
1900 E St., NW.
Washington, DC 20415

Notification procedure: An individual may obtain notification as to whether the system of records contains a record pertaining to the individual by forwarding an inquiry to the Administrative Officer, Federal Labor Relations Council, Room 7P56, 1900 E St., NW., Washington, DC 20415, or by appearing in person at the above address. See Council and Panel regulations in 5 CFR 2402.4.

Record access procedures: See Council and Panel access regulations in 5 CFR 2402.5. Assistance in obtaining access to the contents of records can be obtained from the Administrative Officer at the above address.

Contesting record procedures: The Council's and Panel's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 5 CFR 2402.10 and 13.

Record source categories: Information in this system of records comes from the individual to whom it applies.

[FR Doc.76-35451 Filed 11-29-76;3:16 pm]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

PRIVACY ACT OF 1974

Systems of Records Notice

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 40 FR 39227 and 41 FR 27786 continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by Section 3 of the Privacy Act of 1974.

November 29, 1976.

Rowland E. Cross,
Chairman, Joint Board for the Enrollment of Actuaries.

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JBEA—1

System name: Application Files—JBEA

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, N. W., Suite 1537, Washington, D. C.

Categories of individuals covered by the system: Individuals who have applied for enrollment to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies.

Categories of records in the system: 1) Completed application form. 2) Information relating to determination by the Joint Board as to whether individuals satisfy standards and qualifications established pursuant to Title 29 U. S. Code, Section 1242.

Authority for maintenance of the system: 29 U.S.C. 1242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1) Determinations as to whether to enroll individuals to perform actuarial services with respect to plans to which the ERISA applies. 2) Apparent violations of civil or criminal laws will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil, court action or regulatory order. 3) References to Departments of Labor and/or Treasury for purposes of administering ERISA. 4) Reference to Department of Justice for advice or action when appropriate. 5) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Records contained in this system will be retained for five years from the date of receipt of the application.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, driver's licenses and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D. C. 20220, (202) 634 5071

Contesting record procedures: Same as above.

Systems exempted from certain provisions of the act: Exemption from 5 U. S. Code, Section 552a(e)(4)(I), and from other provisions of the Privacy Act, is sought pursuant to 5 U. S. Code, Section 552a(k)(2).

JBEA—2

System name: Charge Case Inventory Files—JBEA

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW., Suite 1537, Washington, D.C.

Categories of individuals covered by the system: Individuals enrolled to perform actuarial services under Employee Retirement Income Security Act (ERISA) with respect to whom derogatory information has been received.

Categories of records in the system: 1) Completed application form, 2) Additional information received pursuant to request of the Joint Board. 3) Derogatory information regarding individuals' eligibility to perform and performance of actuarial services with respect to plans to which ERISA applies.

Authority for maintenance of the system: Title 29, U. S. Code, Section 1242

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1) Determinations as to whether individuals' enrollment to perform actuarial services with respect to plans to which ERISA applies should be suspended or terminated. 2) Apparent violations of civil or criminal law will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action or regulatory order. 3) Reference to Department of Justice for advice or action when appropriate. 4) Reference to investigative offices of other agencies for fuller development of facts. 5) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Records contained in this system will be retained until the matters which justified their inclusion in the Inventory have been resolved. At that time, such records will be transferred to other appropriate systems.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury Washington, D. C. 20220

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, drivers licenses and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals, and procedures for contesting information contained in such records, should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D. C. 20220 (202) 634-5071

Contesting record procedures: Same as above

Systems exempted from certain provisions of the act: Exemption from 5 U. S. Code, Section 552a(e)(4)(I), and from other provisions of the Privacy Act, is sought pursuant to 5 U. S. Code, Section 552a(k)(2).

JBEA—3

System name: Denied Applications—JBEA

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, N. W., Suite 1537, Washington, D. C.

Categories of individuals covered by the system: Individuals whose applications for enrollment to perform actuarial services, with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies, have been denied.

Categories of records in the system: 1) Completed application form 2) Information relating to determination by the Joint Board as to whether individuals satisfy standards and qualifications established pursuant to Title 29 U. S. Code, Section 1242.

Authority for maintenance of the system: Title 29 U. S. Code, Section 1242

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1) In event of reapplication, determinations as to whether to enroll individuals to perform actuarial services. 2) Apparent violations of civil or criminal laws will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action or regulatory order. 3) Reference to Departments of Labor and/or Treasury for purposes of administering ERISA. 4) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unncessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Records contained in this system will be retained for 25 years from the date of receipt of an application.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries c/o Department of the Treasury Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director Joint Board for the Enrollment of Actuaries c/o Department of the Treasury Washington, D.C. 20220

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, driver's license and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director Joint Board for the Enrollment of Actuaries c/o Department of the Treasury Washington, D.C. 20220 (202) 634-5071

Contesting record procedures: Same as above

Record source categories: Application files.

JBEA—4

System name: Enrollment Files—JBEA

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director 2401 E Street, NW. Suite 1537 Washington, D.C.

Categories of individuals covered by the system: Individuals enrolled to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies.

Categories of records in the system: 1) Completed application for enrollment form. 2) Information relating to determination by the Joint Board that individuals satisfy standards and qualifications established pursuant to Title 29 U.S. Code, Section 1242. 3) Investigatory materials which have been used to determine whether to suspend or terminate individuals' enrollments.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1) Use in connection with disciplinary actions pursuant to Title 29 U.S. Code, Section 1242. 2) Apparent violations of civil or criminal laws will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action or regulatory order. 3) Verification of enrollment status. 4) Reference to Department of Justice for advice or action when appropriate. 5) Reference to Departments of Labor and/or Treasury for purposes of administering ERISA. 6) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Individuals' files are retained for ten years subsequent to the termination of their enrollments.

System manager(s) and address: Executive Director Joint Board for the Enrollment of Actuaries c/o Department of the Treasury Washington, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director Joint Board forthe Enrollment of Actuaries c/o Department of the Treasury Washington, D.C. 20220

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, driver's license and credit cards will be accepted absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director Joint Board for the Enrollment of Actuaries c/o Deparment of the Treasury Washington, D.C. 20220 (202) 634-5071

Contesting record procedures: Same as above

Systems exempted from certain provisions of the act: Exemption from 5 U.S. Code, Section 552a(e)(4)(I), and from other provisions of the Privacy Act, is sought pursuant to 5 U.S. Code, Section 552a(k)(2).

JBEA—5

System name: Enrollment Roster—JBEA

System location: Joint Board for the Enrollment of Actuaries Office of the Executive Director 2401 E Street, NW. Suite 1537 Washington, D.C.

Categories of individuals covered by the system: Individuals enrolled to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies.

Categories of records in the system: List of enrolled individuals.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1) Copies of roster may be furnished to representatives of Departments of Labor and Treasury who have occasion to meet and/or correspond with enrolled actuaries. 2) Disclosure to public pursuant to 5 U.S.C., Section 552. 3) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Three by five cards and/or computerized printout.

Retrievability: This system is indexed by name of individual.

Safeguards: This system is public information.

Retention and disposal: This system is permanently maintained and periodically updated.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220, (202) 634-5071

Contesting record procedures: Same as above

Record source categories: Enrollment files.

JBEA—6

System name: General Correspondence File—JBEA

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW., Suite 1537, Washington, D.C.

Categories of individuals covered by the system: General Public.

Categories of records in the system: Generally inquiries and comments from the general public.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1) Provide answers to inquiries or other information regarding the operation of the Joint Board. 2) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: Correspondence received is indexed alphabetically by last name of writer.

Safeguards: The Office of the Executive Director keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations will be conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Correspondence contained in this file is disposed of after five years from the date of receipt.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, driver's license and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220 (202) 634-5071

Contesting record procedures: Same as above

Record source categories: General public.

JBEA—7

System name: General Information—JBEA

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW., Suite 1537, Washington, D.C.

Categories of individuals covered by the system: Individuals who have not applied for enrollment to perform actuarial services but with respect to whom information relevant to any future application has been received.

Categories of records in the system: 1) Information relating to determinations by the Joint Board as to whether individuals satisfy standards and qualifications established pursuant to Title 29 U.S. Code, Section 1242. 2) See Appendix to this notice.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1) Determinations, as to whether to enroll individuals to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies, to be made at such times as applications are received from such individuals. 2) Apparent violations of civil or criminal laws will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action or regulatory order. 3) Reference to Department of Justice for advice or action when appropriate. 4) Reference to investigative offices of other agencies for fuller development of facts. 5) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Executive Director personnel.

Retention and disposal: General information is retained for 20 years after receipt thereof.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, driver's license and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220 (202) 634-5071

Contesting record procedures: Same as above

Systems exempted from certain provisions of the act: Exemption from 5 U. S. Code, Section 552a (c)(4)(I), and from other provisions of the Privacy Act, is sought pursuant to 5 U.S. Code, Section 552a(k)(2).

JBEA—8

System name: Suspension and Termination Files—JBEA

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW., Suite 1537, Washington, D.C.

Categories of individuals covered by the system: Individuals whose enrollments to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies have been suspended or terminated.

Categories of records in the system: 1) Completed application for enrollment form. 2) Information relating to determination by the Joint Board as to whether individuals satisfy standards and qualifications established pursuant to Title 29 U.S. Code, Section 1242. 3) Additional information received pursuant to request of the Joint Board made under authority of 20 CFR, Section 901.10(b). 4) Derogatory information regarding individuals' eligibility to perform actuarial services with respect to plans to which ERISA applies or evidence of disreputable conduct within meaning of Title 20, CFR. 5) Record of administrative proceeding for suspension or termination.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1) Maintain record of those whose enrollment to perform actuarial services has been suspended or terminated. 2) Apparent violation of civil or criminal law will be referred to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action or regulatory order. 3) Reference to Department of Justice for advice or action when appropriate. 4) Reference to Departments of Labor and/or Treasury for purpose of administering ERISA. 5) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: This system is indexed by name of individual.

Safeguards: This Office keeps all access doors locked when Office personnel are not present. Office personnel are cautioned against unnecessary exposure of information contained in Office files. Security investigations are conducted with respect to all Office of Executive Director personnel.

Retention and disposal: Retain until 25 years after case closed.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Individuals inquiring about records regarding them will be requested to provide reasonable identification. Items such as employment identification cards, driver's license and credit cards will be accepted as sufficient absent any indications to the contrary.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220 (202) 634-5071

Contesting record procedures: Same as above

Systems exempted from certain provisions of the act: Exemption from 5 U.S. Code, Section 552a (e)(4)(I), and from other provisions of the Privacy Act, is sought pursuant to 5 U.S. Code, Section 552a(k)(2).

JBEA—9

System name: Suspension and Termination Roster—JBEA

System location: Joint Board for the Enrollment of Actuaries, Office of the Executive Director, 2401 E Street, NW., Suite 1537, Washington, D.C.

Categories of individuals covered by the system: Individuals whose enrollments to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies have been suspended or terminated.

Categories of records in the system: List of actuaries whose enrollment has been suspended or terminated.

Authority for maintenance of the system: Title 29 U.S. Code, Section 1242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1) Copies of roster may be furnished to representatives of Departments of Labor and Treasury who have occasion to meet and/or correspond with enrolled actuaries. 2) Disclosure to public pursuant to 5 U.S. Code, Section 552. 3) See Appendix to this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Three by five cards and/or computerized printout

Retrievability: This system is indexed by name of individual.

Safeguards: This system is public information.

Retention and disposal: This system is permanently maintained and periodically updated.

System manager(s) and address: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220

Notification procedure: Inquiries should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220.

Record access procedures: Inquiries concerning access to records regarding identifiable individuals and procedures for contesting information contained in such records should be addressed to: Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220, (202) 634-5071

Contesting record procedures: Same as above

Record source categories: 1) Suspension and Termination files.

APPENDIX: ADDITIONAL ROUTINE USES

A record maintained by the Joint Board for the Enrollment of Actuaries (the Joint Board) to carry out its functions may be disclosed as a "routine use" to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter, provided that disclosure is compatible with the purpose for which such record was collected.

A record maintained by the Joint Board to carry out its functions may be disclosed in response to a court subpoena, to appropriate parties engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony when necessary to courts, magistrates or administrative tribunals, to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal or regulatory proceedings.

Disclosure from the record of an individual may be made to a congressional office, in response to an inquiry which such congressional office presents as being made on behalf of, and at the request of, that individual.

[FR Doc.76-35718 Filed 11-30-76;4:49 pm]

PENSION BENEFIT GUARANTY CORPORATION

PRIVACY ACT OF 1974

Systems of Records

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 40 FR 40498 and 49288, continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by section 3 of the Privacy Act of 1974.

Issued in Washington, D.C., this 30th day of November, 1976.

W. J. Usery, Jr.,
Chairman, Board of Directors Pension Benefit Guaranty Corporation.

Alphabetical List of System Names Maintained by the Pension Benefit Guaranty Corporation ("PBGC")

1. Correspondence between PBGC and persons outside PBGC—PBGC.
2. Disbursements—PBGC.
3. Employee payroll and leave and attendance records—PBGC.
4. Employee travel records—PBGC.
5. Personnel records—PBGC.
6. Plan participant and beneficiary data—PBGC.

Prefatory Statement of General Routine Uses

The following routine uses, except for number 3, apply to and are incorporated by reference into each system of records set forth below. Routine use number 3 applies to and is incorporated by reference into systems 1-5 set forth below.

1. Routine Use—Law Enforcement.

In the event that a system of records maintained by the PBGC to carry out its functions indicates a violation or potential violation of law, whether criminal, civil or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Routine Use—Disclosure When Requesting Information.

A record from this system of records may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the letting of a contract.

3. Routine Use—Disclosure of Requested Information.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. Routine Use—Disclosure During Litigation.

A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. Routine Use—Disclosure to OMB.

A record contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

PBGC—1

System name: Correspondence between PBGC and persons outside PBGC—PBGC.

Security classification:

System location: Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Categories of individuals covered by the system: Individuals receiving replies in response to their correspondence with the PBGC.

Categories of records in the system: Correspondence containing the name, address and other information relevant to an individual's eligibility for coverage under Title IV of the Employee Retirement Income Security Act of 1974.

Authority for maintenance of the system: 29 U.S.C. 1302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for regulatory purposes including use in evidence in proceedings before the PBGC and the courts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained manually in file folders.

Retrievability: Indexed by name.

Safeguards: Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

Retention and disposal: Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

System manager(s) and address: Office Directors, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Notification procedure: Procedures are detailed in PBGC regulations: 29 CFR Part 2607, 40 FR 46054, October 3, 1975.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals writing to the PBGC and the PBGC responses.

PBGC—2

System name: Disbursements—PBGC

System location: Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Categories of individuals covered by the system: Consultants and vendors to PBGC.

Categories of records in the system: Payment vouchers, including SF 1081.

Authority for maintenance of the system: 29 U.S.C. 1302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal of data to United States Department of Treasury to effect payments to consultants and vendors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained manually in file folders.

Retrievability: Indexed by name.

Safeguards: Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

Retention and disposal: Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

System manager(s) and address: Chief, Division of Accounting, Office of Finance and Administration, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Notification procedure: Procedures are detailed in PBGC regulations: 29 CFR Part 2607, 40 FR 46054, October 3, 1975.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Subject consultant or vendor.

PBGC—3

System name: Employee payroll and leave and attendance records—PBGC.

System location: Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Categories of individuals covered by the system: Employees of PBGC.

Categories of records in the system: Name; address; social security number and employee number; earnings records; leave status

and data; jury duty data; military leave data; time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

Authority for maintenance of the system: 29 U.S.C. 1302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal of data to United States Department of Labor to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes and to effect tax withholdings and other authorized deductions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Indexed by name and/or employee or social security number.

Safeguards: Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

Retention and disposal: Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

System manager(s) and address: Chief, Division of Accounting, Office of Finance and Administration, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Notification procedure: Procedures are detailed in PBGC regulations: 29 CFR Part 2607, 40 FR 46054, October 3, 1975.

Record access procedures: Same as above.

Contesting record procedures: Same as above

Record source categories: Subject individual and Civil Service Commission.

PBGC—4

System name: Employee travel records—PBGC.

System location: Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Categories of individuals covered by the system: Employees of PBGC who have filed travel vouchers and related documents.

Categories of records in the system: Travel vouchers and related documents filed by employees of PBGC.

Authority for maintenance of the system: 29 U.S.C. 1302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal of data to United States Department of Treasury to effect reimbursement to employees for travel expenses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained manually in file folders.

Retrievability: Indexed by name.

Safeguards: Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

Retention and disposal: Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

System manager(s) and address: Chief, Division of Accounting, Office of Finance and Administration, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Notification procedure: Procedures are detailed in PBGC regulations: 29 CFR Part 2607, 40 FR 46054, October 3, 1975.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: PBGC employees executing vouchers.

PBGC—5

System name: Personnel records—PBGC.

System location: Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Categories of individuals covered by the system: Employees and Applicants for employment with PBGC.

Categories of records in the system: Personnel records that the PBGC maintains.

Authority for maintenance of the system: 29 U.S.C. 1302.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used to carry out authorized personnel programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained manually in file folders.

Retrievability: Indexed by name.

Safeguards: Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

Retention and disposal: Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

System manager(s) and address: Director, Office of Finance and Administration, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Notification procedure: Procedures are detailed in PBGC regulations: 29 CFR Part 2607, 40 FR 46054, October 3, 1975.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Subject individuals; present and prior employers; references given by subject individuals; and responses to security investigations.

PBGC—6

System name: Plan participant and beneficiary data—PBGC.

System location: Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Categories of individuals covered by the system: Participants and beneficiaries in terminated pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974.

Categories of records in the system: Name; address; sex; social security number and other social security data; date of birth; date of hire; salary; marital status; time of plan participation; participant status; pay status; benefit data; health data; insurance information where plan benefits are guaranteed by private insurers. The individual records listed herein are included only as pertinent or applicable to the individual plan or participant.

Authority for maintenance of the system: 29 U.S.C. 1302, 1322 and 1341.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosed to third parties, such as banks, insurance companies or trustees, for the purpose of paying benefits to plan participants and beneficiaries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained manually in file folders.

Retrievability: Indexed by plan and participant name.

Safeguards: Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

Retention and disposal: Records will be retained for such periods of time and disposed of in the manner to be prescribed by the PBGC's program of management authorized by the General Services Administration.

System manager(s) and address: Director, Office of Program Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Notification procedure: Procedures are detailed in PBGC regulations: 29 CFR Part 2607, 40 FR 46054, October 3, 1975.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Plan administrators and Social Security Administration.

[FR Doc.76-35721 Filed 11-30-76;4:56 pm]

UNITED STATES RAILWAY ASSOCIATION

PRIVACY ACT OF 1974

Systems of Records

Pursuant to 5 USC 552a(e)(4), the U.S. Railway Association hereby publishes Systems of Records as currently maintained by the Association.

The Systems of Records were originally published at 40 FR 47993, October 10, 1975. Since that time, the following Systems of Records were retired and are no longer active, maintained or used in any way:

Congressional Reference System USRA 75.1

Railroads in Reorganization Employee Information System USRA 75.7

There are no other changes to the Systems of Records as previously published.

November 30, 1976.

Alan L. Dean,
Vice President for Administration.

USRA 75.2

System name: Employment and Financial Interest Records 75.2-USRA

System location:

General Counsel
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Categories of individuals covered by the system: Employees of the U.S. Railway Association and ConRail

Categories of records in the system: Contains name, SSAN, position title, statement as to other employment and financial interests, creditors, interest in real property, and names and addresses of others having such information.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Determination of conflict of interest

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in secure metal file cabinets

Retrievability: By name of individual

Safeguards: Accessable only to personnel designated by the General Counsel. No statement may be disclosed to any person outside the Association except as the General Counsel may determine for good cause shown, and then only after notice to the effected employee.

Retention and disposal: Records are retained indefinitely. File will be transferred to the appropriate records depository at termination of USRA organization.

System manager(s) and address:

General Counsel
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association
Vice President for Administration
2100 Second Street, S.W.
Washington, D.C. 20595

Contesting record procedures: Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register or elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provision of such additional information.

Record source categories: The individuals themselves and the persons to contact whose names they provided.

USRA 75.3

System name: Employment Application File 75.3-USRA

System location:

Personnel Office of the U.S. Railway Association
2100 Second Street, S.W.,
Washington, D.C. 20595

Categories of individuals covered by the system: Applicants for employment with USRA or the Consolidated Rail Corporation

Categories of records in the system: Contains name, address, phone number, position and salary interest, salary and job history for those individuals who have applied for employment. Contains correspondence and resume from applicants.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 310, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Review by USRA or ConRail offices having manpower requirements for possible employment consideration.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders

Retrievability: Files are in order by type of position applied for and therin in alphabetical order by last name.

Safeguards: Files are located in lockable metal file cabinets in secure rooms with access limited to those whose official duties require access.

Retention and disposal: Files are retained indefinitely. Files will be returned to the applicants or destroyed at termination of USRA organization.

System manager(s) and address:

Chief, Personnel Operations
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association
Vice President for Administration
2100 Second Street, S.W.
Washington, D.C. 20595

Contesting record procedures: Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register or elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provision of such additional information.

Record source categories: Contains only information submitted by the applicants.

USRA 75.4

System name: Library Records System 75.4-USRA

System location:

Document Center of the U.S. Railway Association
2100 Second Street, S.W.,
Washington, D.C. 20595

Categories of individuals covered by the system: Employees and consultants of USRA who have borrowed a document

Categories of records in the system: Contains name, office, extension, document title, accession number, and date document was charged out

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Review by USRA Document Center personnel for document location and control

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 x 8 cards in steel filing cabinets

Retrievability: By name of borrower

Safeguards: Files are accessable by Document Center personnel only

Retention and disposal: Records are retained until the document is returned

System manager(s) and address:

Chief, Document Center
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating to:

United States Railway Association
Vice President for Administration
2100 Second Street, S.W.
Washington, D.C. 20595

Contesting record procedures: Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register or elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provision of such additional information.

Record source categories: Contains only information submitted by the individuals themselves.

USRA 75.5

System name: Payroll 75.5-USRA

System location:

Accounting Office
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Categories of individuals covered by the system: USRA Employees

Categories of records in the system: Contains name, address, phone, employee number, salary information, payroll deductions, name and address of emergency contact, birth date, leave hours, SSAN.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payroll, deductions, statistical reports, audit, tax computations

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In computer data files and listings thereof and in hard copy form in lockable metal file cabinets.

Retrievability: Normally by name within USRA Cost Center, but possibly by any data element

Safeguards: Records are accessable only by persons authorized by the Assistant Comptroller

Retention and disposal: Hard copy records will be retained indefinitely. Files will be transfered to the appropriate records depository at termination of USRA Organization. Computer records are retained for the life of the data processing contract and destroyed thereafter.

System manager(s) and address:

Assistant Comptroller
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association
Vice President for Administration
2100 Second Street, S.W.
Washington, D.C. 20595

Contesting record procedures: Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register or elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provision of such additional information.

Record source categories: The individuals, personnel files.

USRA 75.6

System name: Personnel Records 75.6-USRA

System location:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Categories of individuals covered by the system: USRA and Consolidated Rail Corporation employees

Categories of records in the system: Contains employment applicant records, personnel actions, salary information, fringe benefits records, resumes, background and credit reference contacts. Records include name, address, SSN, education, professional activities, military services, employment record, references and miscellaneous information.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Process personnel actions, statistical reports, special reports to Congress and General Accounting office, prepare name and organizational lists for phone book, professional staff directory.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cardex, file folders in lockable metal cabinets in secure room.

Retrievability: By name

Safeguards: Files accessable only to Office of Personnel staff who have a need-to-know.

Retention and disposal: Files are retained indefinitely. Files will be transferred to the appropriate records depository at termination of USRA organization.

System manager(s) and address:

Chief, Personnel Operations
Office of Personnel
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request dis-

closure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association
Vice President for Administration
2100 Second Street, S.W.
Washington, D.C. 20595

Contesting record procedures: Each request must contain the name and address of the individual and the name of the system of records, as published in the Federal Register of elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provision of such additional information.

Record source categories: Employee, employee provided contacts.

[FR Doc.76-35816 Filed 11-30-76;2:02 pm]