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PAGES
57351–57432

federal register

TUESDAY, DECEMBER 9, 1975

highlights

PART I:

PART II:

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

Interior/FWS—Hunting: Great Swamp National Wildlife Refuge, N.J..... 44154; 9–25–75

List of Public Laws

The following bill was vetoed by the President:

H.R. 12, Executive Protective Service, protection of foreign diplomatic missions, increase size. Message dated November 29, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 49.

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contents

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR
213 57351

7 CFR
984 57351
PROPOSED RULES:
999 57368

13 CFR
117 57351

14 CFR
39 (3 documents) 57352, 57353
71 (4 documents) 57353, 57354
PROPOSED RULES:
71 (2 documents) 57368, 57369

17 CFR
240 (2 documents) 57355, 57357

23 CFR
230 57358

26 CFR
PROPOSED RULES:
1 57364

33 CFR
207 57358

37 CFR
1 57358
2 57358

40 CFR
52 57359

43 CFR
PROPOSED RULES:
2600 57364

45 CFR
233 57359

47 CFR
0 57359
73 57360
76 57361
PROPOSED RULES:
89 57369
91 57369

49 CFR
10 57361
PROPOSED RULES:
393 57369

50 CFR
33 (3 documents) 57363

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR
Chapter I 55633
425 56651

3 CFR
EXECUTIVE ORDERS:
8278 (Revoked in part by PLO 5550) 56667

5 CFR
213 ..... 56651, 57202, 57351
890 55829
736 56651

7 CFR
2 ..... 56421, 56669
16 55829
25 57205
25A 57205
52 57206
245 57206
271 55646
722 55656
725 55656
726 56421
729 55658
907 56670
959 57209
982 55829
984 57351
1421 56423
1464 57209
PROPOSED RULES:
622 56457
916 57221
928 57221
932 56457
999 57368
1060 56674
1063 56674

9 CFR
PROPOSED RULES:
91 56675

10 CFR
RULINGS:
1975-18 55860

12 CFR
7 56883
225 55634
226 55634
265 55635
327 57209

13 CFR
117 57351
PROPOSED RULES:
121 ..... 55860, 55868

14 CFR
39 ..... 55635–55637, 56652, 56883, 57352, 57353
71 ..... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354
75 ..... 55830, 56884
97 57204
288 56652

14 CFR—Continued
PROPOSED RULES:
37 57222
63 57342
71 ..... 55664, 55665, 55866, 56919, 57368, 57369
91 57342
105 57342
121 57342
123 57342
129 57342
135 57342
137 57342
145 57342
147 57342
253 55665
399 55665

15 CFR
379 56424
950 56653

16 CFR
13 ..... 56655–56658, 57195–57201
302 56659
1602 56885

17 CFR
210 ..... 55830, 55835
239 55836
240 ..... 55837, 57355, 57357
249 55837
PROPOSED RULES:
12 55666

18 CFR
2 56886
35 56424

19 CFR
4 55837
159 ..... 55638, 55639
201 55838
PROPOSED RULES:
141 56674
142 56674
143 56674
159 56674
201 56936

20 CFR
405 56659
410 56886
PROPOSED RULES:
405 56458
625 56931

21 CFR
4 55838
7 55838
121 ..... 56907, 57209
123 56425
540 55849
561 56425
606 55849
640 55849
1316 57210

21 CFR—Continued
PROPOSED RULES:
310 ..... 55869, 56675
330 56675
338 57292
339 57292
340 57292

22 CFR
602 56661

23 CFR
230 57358
630 55639
712 55643

24 CFR
1710 56907
1912 57210
1914 56670
1915 ..... 56672, 56910
1916 56426
1917 56426
1920 56427–56429
PROPOSED RULES:
1710 56919
1917 56459

26 CFR
1 55849
301 55849
PROPOSED RULES:
1 ..... 56448, 57364

27 CFR
6 55856
194 56887

28 CFR
PROPOSED RULES:
19 56453
42 56454

29 CFR
1902 55857
PROPOSED RULES:
40 57332
1910 ..... 55866, 55867

32 CFR
650 55962

33 CFR
117 56429
128 56430
207 57358
PROPOSED RULES:
117 57222

34 CFR
PROPOSED RULES:
Ch. I 56459

36 CFR
7 56888

37 CFR
1 37358
2 37358

38 CFR
1 56433
3 56434

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	*Date*
55633–55828	1
55829–56420	2
56421–56649	3
56651–56882	4
56883–57193	5
57195–57349	8
57351–57432	9

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Labor Relations Board

Section 213.3341 is amended to show that one position of Confidential Assistant to a Board Member is reestablished under Schedule C.

Effective on December 9, 1975, § 213.3341(b) is amended as set forth below:

§ 213.3341 National Labor Relations Board.

* * * * *

(b) One Confidential Assistant to the Chairman and one Confidential Assistant to each of four Board Members.

* * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-33246 Filed 12-8-75;8:45 am]

Title 7—Agriculture

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

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Marketing Percentages for 1975–76 Marketing Year

Notice was published in the November 6, 1975, issue of the FEDERAL REGISTER (40 FR 51646), regarding a proposal to establish free and surplus percentages and withholding factors for merchantable walnuts for the 1975–76 marketing year as follows: California—66⅔ percent, 33⅓ percent, and 50 percent, respectively; and Oregon-Washington—83⅓ percent, 16⅔ percent, and 20 percent, respectively. The 1975–76 marketing year began August 1, 1975. The proposal was pursuant to the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), hereinafter referred to collectively as the "order". The order regulates the handling of walnuts grown in California, Oregon, and Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to the "act".

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

The proposed percentages were recommended by the Walnut Marketing Board pursuant to § 984.48 of the order. The Board's recommendation was based on estimates for the current marketing year of supply and inshell and shelled trade demands adjusted for handler carryover. In recognition of marketing and production differences, the order specifies that the surplus percentage for Oregon-Washington be one-half that for California.

The total 1975–76 supply subject to regulation is estimated at 168.7 million pounds kernelweight. Inshell and shelled demands adjusted for handler carryover are estimated at 34.1 and 79 million pounds kernelweight, respectively, or a total adjusted demand of 113.1 million pounds kernel-weight.

The regulation would meet the adjusted total trade demand by establishing the supply of merchantable walnuts available to meet the domestic inshell and shelled demands at maximum quantities that can be expected to be used, while also providing for an ample carryover into the 1976–77 marketing year. The surplus is primarily for export.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Board, and other available information, it is found that establishment of free and surplus percentages and withholding factors under § 984.49 of the order, as hereinafter set forth, 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 said marketing agreement and this part require that the free and surplus percentages and withholding factors established for a particular marketing year shall be applicable to all walnuts handled during such year; and (2) the current 1975–76 marketing year began August 1, 1975, and the percentages and withholding factors hereinafter established will automatically apply to all such walnuts beginning with that date.

Therefore, the free and surplus percentages and withholding factors for walnuts during the 1975–76 marketing year are established as follows:

§ 984.222 Free and surplus percentages and withholding factors for walnuts during the 1975–76 marketing year.

The free and surplus percentages and withholding factors during the marketing year beginning August 1, 1975, shall be as follows:

	California	Oregon-Washington
Free percentages	66⅔	83⅓
Surplus percentages	33⅓	16⅔
Withholding factors	50	20

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

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular–A–107)

Dated: December 4, 1975.

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

[FR Doc.75-33108 Filed 12-8-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 117—SPECIAL CONSIDERATION FOR VETERANS

Regulations for Implementation

A proposal was issued on June 12, 1975, (40 FR 25032) for a new regulation, Part 117, to give special consideration to veterans. All comments submitted with respect to the proposed regulation were given due consideration. After such consideration, and a full assessment of the Agency's mission, the proposed regulation is hereby adopted, without change, to read as follows:

Sec.
117.1 Introduction.
117.2 Definitions.
117.3 Special Consideration Criteria.

AUTHORITY: 87 Stat. 1023

§ 117.1 Introduction.

This part is established by the SBA to set forth the Agency's policies and criteria relating to giving special consideration to Veterans of the Armed Forces and their survivors or dependents in the administration of SBA programs of assistance.

§ 117.2 Definitions.

As used in this part—

(a) The term "veteran" means a person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(b) The term "Armed Forces" includes the Army, Navy (with the Marine Corps), and Air Force; the Coast Guard; a unit of the National Guard when called into the service of the United States; and Environmental Science Services Administration, Public Health Service, and other organizations when assigned to and serving with the armed forces.

(c) The term "survivor" means a widow or widower who has not remarried, child, or dependent parent of a deceased veteran.

(d) The term "dependent" means the spouse, child, or dependent parent of a veteran, as defined further in Sections 152–153 of the Internal Revenue Code.

(e) The term "child" for SBA purposes shall include dependent children, whether a legitimate child, a legally-adopted child, a stepchild who is a member of the veteran's household, or an illegitimate child if so acknowledged in writing by the veteran or determined to be such by a court of competent jurisdiction.

§ 117.3 Special Consideration Criteria.

(a) Special consideration criteria, as defined below, are eligible only to the veteran himself, or to one dependent or survivor. That is, these criteria apply first to the veteran himself if not permanently disabled, and secondly to a dependent if the veteran does not choose to seek SBA assistance. In the case of a deceased or totally and permanently disabled veteran, the benefit would apply to either the unremarried or supporting spouse, or child, or dependent parent. This policy does not preclude the veteran or other dependents or survivors from later applying for SBA assistance under normal criteria outside the special consideration criteria.

(b) Special consideration criteria are as follows:

(1) Indepth management assistance counseling on first interviews. Action will be taken to insure that our management assistance people apprise veterans of SBA's programs and the potential benefits to them.

(2) Revitalize SBA personnel designated as Veterans Affairs Offices and emphasize the need for close cooperation with the local VA offices and organizations having direct interest in veterans' affairs.

(3) Revitalize SBA procurement personnel designated as Veterans Procurement Affairs Advisers to emphasize how veterans can obtain procurement contracts from the Government.

(4) Local media campaigns to get the word to the veteran about SBA ability and desire to help.

(5) Special workshops and training.

(6) Prompt processing of loan applications of any type.

(7) Particular attention to giving maximum loan maturity to veterans.

(8) Loans will not be declined solely because of the lack of collateral, providing the veteran, dependent, or survivor will provide any worthwhile collateral.

(9) On all direct loans, place a liberal interpretation on present deferment policy.

(10) In the awarding of 8(a) contracts, veterans status may be a contributing factor in establishing eligibility as "socially or economically disadvantaged."

(11) In all district offices there shall be one or more loan specialists designated as veterans loan officers.

Effective date: In view of the necessity of implementing, without further delay, the statutory mandate requiring special consideration for veterans in all SBA programs, it is considered imperative and in the public interest and, accordingly, the attendant circumstances are found to constitute good cause for the present regulation becoming immediately effective upon publication. Therefore, it shall become effective December 9, 1975.

(All SBA programs listed in the Catalog of Federal Domestic Assistance Programs under Nos. 59.001–59.025.)

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-32995 Filed 12-8-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15197; Amdt. 39-2453]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman Ltd. Model BN-2A Airplanes

There have been cracks found on the top, center, and bottom hinge brackets of the rudder on certain Britten Norman BN-2A airplanes that could result in failure of the brackets and possible loss of the rudder control surface. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection and alteration of top, bottom, and center rudder hinge structures on Britten Norman BN-2A airplanes.

Since this situation requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITTEN NORMAN, LTD. Applies to BN-2A airplanes, all series, certificated in all categories.

Compliance is required as indicated.

To prevent possible failure of the rudder top, center, and bottom hinge brackets with consequent loss of rudder control, accomplish the following:

(a) This paragraph applies to BN-2A airplanes that have not been altered in accordance with both Britten Norman Modifications NB/M/705 and NB/M/777.

(1) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, inspect the rudder top, center, and bottom hinge structures for cracks in accordance with Part A and Part B of the section entitled "Inspection" of Britten Norman Service Bulletin No. BN-2/SB. 76, Issue 4, dated February 4, 1975, or an FAA-approved equivalent.

(2) Repeat the inspection required by sub-paragraph (a)(1) of this AD at intervals not to exceed 100 hours' time in service from the last inspection until the action required by sub-paragraph (a)(4) of this AD is accomplished, at which time the inspection interval may be increased to 500 hours.

(3) If cracks are found in any of the bearing mounting plates as a result of the initial inspection required by sub-paragraph (a)(1) of this AD or any of the 100 hour repetitive inspections required by sub-paragraph (a)(2) of this AD, before further flight, either—

(i) Replace the cracked mounting plates with new or serviceable plates of the same part number, or FAA-approved equivalent parts, and continue to inspect in accordance with the provisions of sub-paragraph (a)(2) of this AD; or

(ii) Alter the rudder hinge areas in accordance with Part A and Part B of the section entitled "Rectification" of Britten Norman Service Bulletin No. BN-2/SB.76, Issue 4, dated February 4, 1975, or an FAA-approved equivalent, following which inspect the hinge structure at intervals not to exceed 500 hours' time in service from the last inspection.

(4) Within 500 hours' time in service after the accomplishment of the inspection required by sub-paragraph (a)(1) of this AD, alter the rudder hinge areas in accordance with Part A and Part B of the Section entitled "Rectification" of Britten Norman Service Bulletin No. BN-2/SB.76, Issue 4, dated February 4, 1975, or an FAA-approved equivalent.

(b) This paragraph applies to BN-2A airplanes that have been altered in accordance with both Britten Norman Modifications NB/M/705 and NB/M/777.

(1) Within 500 hours' time in service after the accomplishment of both modifications NB/M/705 and NB/M/777, or within 25 hours' time in service after the effective date of this AD, whichever occurs later, inspect the rudder top, center, and bottom hinge structures for cracks in accordance with Part A and Part B of the section entitled "Inspection" of Britten Norman Service Bulletin No. BN-2/SB.76, Issue 4, dated February 4, 1975, or an FAA-approved equivalent.

(2) Repeat the inspection required by sub-paragraph (b)(1) of this AD at intervals not to exceed 500 hours' time in service from the last inspection.

(3) If cracks are found in any of the bearing mounting plates as a result of the inspections required by sub-paragraphs (b)(1) or (b)(2) of this AD, before further flight, replace the cracked mounting plates with new or serviceable plates of the same part number or FAA-approved equivalent parts and continue to inspect the rudder hinge structures at intervals not to exceed 500 hours' time in service from the last inspection.

This amendment becomes effective December 23, 1975.

Issued in Washington, D.C. on December 1, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-32997 Filed 12-8-75;8:45 am]

[Docket No. 15198; Amdt. 39-2454]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale (formerly Sud Aviation) Alouette III Helicopters

It has been determined that hydraulic drag damper eccentrics of certain main

rotor heads on Aerospatiale Alouette III helicopters have been improperly adjusted causing cracks which could jeopardize safe operation. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require disassembly, inspection for cracks, replacement, as necessary, and proper reassembly of the main rotor head hydraulic drag dampers on certain Aerospatiale Alouette III helicopters.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. (S.N.I.A.S., formerly Sud Aviation.) Applies to Aerospatiale Alouette III Helicopter Models SA-315B, SE-3160, SA-316B, SA-316C, and SA-319B, certificated in all categories, incorporating main rotor heads P/N's 3160S. 12.10.000 .11 through .14, P/N's 3160S. 12.20.000 .4 through .7, P/N's 3160S. 12.10.000 .1 through .10 modified in accordance with Modification No. S296-AM 1108 or Alouette Service Bulletin No. 65-52, or P/N's 3160S. 12.20.000 .1 through .3 modified in accordance with Modification No. S296-AM 1108 or Alouette Service Bulletin No. 65-52.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the fixed levers of the main rotor head hydraulic drag dampers, accomplish the following:

(a) Upon the effective date of this AD, and thereafter once on each day of operation, until accomplishment of paragraph (c) of this AD, visually inspect each of the three hydraulic damper fixed levers for cracks in the area of the eccentric attachment hole.

(b) If cracks are found in any hydraulic damper fixed levers, before further flight, replace the cracked hydraulic damper fixed lever with a serviceable unit of the same Part number.

(c) Within the next 100 hours' time in service after the effective date of this AD, remove the three hydraulic drag dampers from the main rotor head, inspect, rectify as necessary, and reinstall in accordance with subparagraph 1C of Lama Service Bulletin No. 65.15, dated September 23, 1974, for Model SA-315B, or subparagraph 1C of Alouette Service Bulletin No. 65.101, dated September 23, 1974, for the other designated models, or an FAA-approved equivalent of the applicable Service Bulletin.

This amendment becomes effective December 23, 1975.

Issued in Washington, D.C. on December 1, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-32998 Filed 12-8-75;8:45 am]

[Docket No. 75-NE-37; Amdt. 39-2450]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61 Series Helicopters

Amendment 39-657 (33 FR 14402), AD 68-19-7 established a replacement time for S-61 main rotor blade spindles and required that certain serial number spindles be removed from service. Subsequent to the issuance of Amendment 39-657, the manufacturer substantiated and obtained approval for an increased replacement time for the spindles. Therefore, AD 68-19-7 is being revised to increase the replacement service time for these components.

Since this amendment extends the replacement time, thereby relieving a requirement of AD 68-19-7, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-657 (33 FR 14402), AD 68-19-7 is amended as follows:

(1) By deleting the number 2400 wherever it occurs in Paragraphs (a) and (b) and inserting in its place: 3000

This amendment becomes effective December 23, 1975.

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

Issued in Burlington, Massachusetts on December 1, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-32999 Filed 12-8-75;8:45 am]

[Airspace Docket No. 75-WA-18]

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

Alteration of Federal Airway and Controlled Airspace

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe the control area asociated with Jet Route No. 133 outside the continental control area and to realign a portion of V-453 S one degree to overlie V-321, west of King Salmon, Alaska.

Jet routes are described in § 75.100. The controlled airspace associated with those jet routes that lie outside the continental control area are described in § 71.161. Airspace Docket No. 75-AL-5 renumbered both of the end segments of J-133 in § 75.100. These end segments are within the continental control area and their inclusion in § 71.161 is not required. It is necessary, however, to redescribe the remaining section of J-133 in § 71.161 to reflect that change without alteration of its present position. This action accomplishes that purpose. For approximately 24 miles northwest of King Salmon, Alaska, V-453 S is aligned 15° south of the main airway but diverges from V-321 by one degree. Action is therefore taken herein to realign V-453 S to coincide with V-321 for that distance. Since this action does not involve substantive airspace redesignation, it is a minor matter or which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

§ 71.125 (40 FR 339) is amended as follows:

In V-453 "including a south alternate;" is deleted and 'including a south alternate via INT King Salmon 272° and Dilingham 120° radials;" is substituted therefor.

In § 71.161 (40 FR 345) Jet Route No. 133 is amended to read as follows:

"From Biorka Island, Alaska, to Johnston Point, Alaska."

(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 2, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-33003 Filed 12-8-75;8:45 am]

[Airspace Docket No. 75-SW-77]

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

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe the Abilene, Tex. (Dyess AFB), and San Antonio, Tex. (Kelly AFB), control zones without reference to the outer marker beacons which have been decommissioned.

Since these changes are editorial in nature and do not alter the control zones as described in Part 71 of the Federal Aviation Regulations, public comment is not considered necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective December 9, 1975, as hereinafter set forth.

1. In § 71.171 (40 FR 354), the Abilene, Tex. (Dyess AFB), control zone is amended to read:

ABILENE, TEX. (DYESS AFB)

That airspace within a 5-mile radius of Dyess AFB (latitude 32°25'10" N., longitude 99°51'15" W.); within 2 miles each side of the Dyess ILS localizer S course; extending from the 5-mile-radius zone to 8.5 miles S of the 5-mile-radius zone; within 2 miles each side of the Tuscola VOR 350° radial, extending from the 5-mile-radius zone to 2 miles N of the VOR; and within 2 miles each side of the Abilene VORTAC 353° radial, extending from the 5-mile-radius zone to 8 miles northeast of the VORTAC.

2. In § 71.171 (40 FR 354), the San Antonio, Tex. (Kelly AFB), control zone is amended to read:

SAN ANTONIO, TEX. (KELLY AFB)

That airspace within a 5-mile radius of Kelly AFB (latitude 29°22'57" N., longitude 98°34'25" W.); within 2 miles each side of the Kelly AFB ILS localizer N course extending from the 5-mile-radius zone to 2 miles north of the 5-mile-radius zone; and within 2 miles each side of the Kelly AFB TACAN 341° radial extending from the 5-mile-radius zone to the TACAN.

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

Issued in Fort Worth, Tex., on November 28, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-33004 Filed 12-8-75;8:45 am]

[Airspace Docket No. 75-WE-23]

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

Designation of Transition Area

On October 24, 1975 a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 49794) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Page Airport, Page, Arizona.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., February 12, 1976.

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

Issued in Los Angeles, California on November 28, 1975.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.181 (40 FR 441) the following transition area is added:

PAGE, ARIZONA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Page Airport (latitude 36°55'35" N., longitude 111°26'53" W.); within 2 miles each side of the Page VOR 340° radial, extending from the 6 mile radius area to 11 miles NW of the VOR; that airspace extending upward from 1200 feet above the surface within 6 miles NE and 9 miles SW of the Page VOR 340° radial extending from the VOR to 18 miles NW of the VOR; and within 6 miles E and 9 miles west of the Page VOR 175° radial extending from the VOR to 11.5 miles S of the VOR.

[FR Doc.75-33005 Filed 12-8-75;8:45 am]

[Airspace Docket No. 75-WE-20]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On September 11, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 42210) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas in the vicinity of Nellis AFB, Nev., and Edwards AFB/NAS China Lake, Calif., to contain a joint military training exercise, BOLD EAGLE 76 scheduled from 0800 PST, February 4, 1976, through 1800 PST, February 17, 1976. The restricted areas would also be included in the continental control area for the duration of their time of designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments were received. One favored the proposal, but the other objected on the basis that the proposed restricted areas would adversely affect Scenic Airlines, Inc. scheduled air service between Las Vegas, Ely and Elko.

In response to the objection, arrangements have been made for Scenic Airlines aircraft to transit the exercise areas at flight level 190 four times daily in accordance with a schedule and routing requested by the airline. The FAA has therefore concluded that the issue has been satisfactorily resolved.

Subsequent to publication of the NPRM, it was decided that the description of Temporary Restricted Area R-2514 D-1 should be altered to exclude airspace from 200 feet AGL to 800 feet AGL within a 3 nautical mile radius of the Lincoln County and Pioche Airports. Since this change is minor in nature and also reduces the burden on the public, it has been determined that it can be effected by publication in this rule without recourse to additional public notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.151 (40 FR 343) the following restricted areas are included for the duration of their time of designation from 0800 PST, February 4, 1976, through 1800 PST, February 17, 1976:

a. R-2514A—Bold Eagle 76.
b. R-2514B—Bold Eagle 76.
c. R-2514C-1—Bold Eagle 76.
d. R-2514C-2—Bold Eagle 76.
e. R-2514D-1—Bold Eagle 76.
f. R-2514D-2—Bold Eagle 76.
g. R-2514E-1—Bold Eagle 76.
h. R-2514E-2—Bold Eagle 76.

In § 73.25 (40 FR 660) the following restricted areas are added:

A. R-2514A BOLD EAGLE 76

Boundaries. Beginning at Lat. 36°30'00" N., Long. 116°47'00" W.; to Lat. 36°06'00" N., Long. 116°18'00" W.; to Lat. 35°39'00" N., Long. 115°53'00" W.; to Lat. 35°18'45" N., Long. 116°18'45" W.; thence along the eastern and northern boundaries of R-2502E, R-2502N and R-2524 to Lat. 35°36'00" N., Long. 117°26'00" W.; to Lat. 35°40'30" N., Long. 117°25'00" W.; thence along the eastern and northern boundaries of R-2505 to Lat. 36° 14'00" N., Long 117°53'00" W.; to Lat. 36° 30'00" N., to Long. 117°36'00" W.; to point of beginning.

Designated altitudes. 2500 feet AGL to FL 200.

Time of designation. 0800 PST to 1700 PST daily February 11 and 12, 1976; 0001 PST February 13, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

B. R-2514B BOLD EAGLE 76

Boundaries. Beginning at Lat. 34°56'00" N., Long. 117°09'00" W.; to Lat. 35°01'30" N., Long. 116°41'00" W.; to Lat. 35°07'00" N., Long. 116°34'00" W.; thence along the southern boundary of R-2502E and R-2515 to point of beginning.

Designated altitudes. 500 feet AGL to FL 200.

Time of designation. 0800 PST to 1700 PST daily February 11 and 12, 1976; 0001 PST February 13, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

C. R-2514C-1 BOLD EAGLE 76

Boundaries. Beginning at Lat 38°00'00" N., Long. 116°26'00" W.; to Lat. 38°01'00" N., Long. 116°00'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 115°18'00" W.; thence along the north and east boundaries of R-4806, R-4808 and R-4807, to Lat. 37°53'00" N., Long. 116°-26'00" W.; to point of beginning.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

D. R-2514C-2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 38°00'00" N., Long 116°26'00" W.; to Lat. 38°01'00" N., Long. 116°00'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 115°18'00" W.; thence along the north/eastern boundaries of R-4806, R-4808 and R-4807 to Lat. 37°53'00" N., Long 116°26'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

E. R-2514D-* BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 38°04'30" N., Long 115°18'00" W.; to Lat. 38°08'00" N.,

Long. 114°25'00" W.; to Lat. 37°53'00" N., Long 113°39'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to point of beginning, excluding the airspace from 200 feet AGL to 800 feet AGL within a 3 nautical mile radius of the Lincoln County (Lat. 37°47'15" N., Long. 114°25'15" W.) and Pioche (Lat. 38°21'58" N., Long. 114°33'04" W.) airports.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

F. R–2514D–2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 38°04'30" N., Long. 115°18'00" W.; to Lat. 38°08'00" N., Long. 114°25'00" W.; to Lat. 37°53'00" N., Long 113°39'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

G. R–2514E–1 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long 115°18'00" W.; to Lat. 37°17'00" N., Long 114°07'00" W.; to Lat. 36°53'00" N., Long. 114°26'00" W.; to Lat. 36°53'00" N., Long 115°18'00" W.; to point of beginning.

Designated altitudes. 200 feet AGL to FL 180.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency, US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED) Langley Air Force Base, Virginia 23665.

H. R–2514E–2 BOLD EAGLE 76

Boundaries. Beginning at Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 37°17'00" N., Long. 114°07'00" W.; to Lat. 36°53'00" N., Long. 114°26'00" W.; to Lat. 36°53'00" N., Long. 115°18'00" W.; to point of beginning.

Designated altitudes. FL 180 to FL 350.

Time of designation. 0800 PST to 1700 PST daily, February 4 and 5, 1976; 0001 PST February 6, 1976, to 1800 PST February 17, 1976.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. US Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Virginia 23665.

As stated in the original Notice, the users of the temporary restricted areas designated herein understand that they are obligated to observe the minimum safe altitudes prescribed in § 91.79 of the Federal Aviation Regulations that are applicable for the protection of persons and property on the surface.

(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 2, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 75-33002 Filed 12-8-75; 8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-11881]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Registration of Separately Identifiable Departments or Divisions of a Person as Broker-Dealer

The Securities and Exchange Commission announced today that it has adopted Rule 15b2B-1,[1] effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. 551 et seq.), and pursuant to the Commission's authority under the Securities Exchange Act of 1934 (the "Act"),[2] particularly sections 2, 3, 15, 17 and 23 thereof.[3]

Rule 15b2B-1 provides that separately identifiable departments or divisions or persons referred to in section 15(b)(2)(B) of the Act (hereinafter referred to as "Broker-Dealer Departments or Divisions"), as defined, may be registered as brokers or dealers under section 15 of the Act (15 U.S.C. 78o) upon complying with a specified registration procedure in the rule, thus providing an alternative to registration by persons having Broker-Dealer Departments or Divisions.

Section 15(a) of the Act[4] makes it unlawful for any broker or dealer (with certain exceptions) to use the jurisdictional means to effect any transaction in, or to induce or attempt to induce the purchase or sale of, certain securities (including municipal securities) unless such broker or dealer is registered with the Commission. Section 15(b)(2)(B) of the Act (15 U.S.C. 78o(b)(2)(B)), as amended by the Securities Acts Amendments of 1975 (the "1975 Amendments"), provides that a person who, on the date of enactment of the 1975 Amendments (June 4, 1975), was a broker or dealer "solely by reason of acting as a municipal securities dealer or municipal securities broker" through a "separately identifiable department or division," may register that department or division (instead of being required to register itself) with the Commission in accordance with such rules as the Commission may prescribe.[5]

The wording in section 15(b)(2)(B), to the effect that registration of Broker-Dealer Departments or Divisions is to be allowed "in accordance with such terms and conditions as the Commission, by rule, prescribes as necessary and appropriate in the public interest and for the protection of investors," clearly contemplated rulemaking action by the Commission in order to make the section available to those for whom it was intended. In considering appropriate terms and conditions to be included in a rule implementing the provisions of section 15(b)(2)(B), the Commission has considered Rule G-1 of the Municipal Securities Rulemaking Board (the "MSRB") establishing, pursuant to the MSRB's authority under section 15B(b)(2)(H) of the Act (15 U.S.C. 78o-4(b)(2)(H)), a definition of a "separately identifiable department or division" of a bank which acts as a municipal securities dealer.[6] While the Commission has not yet taken final action with respect to MSRB Rule G-1, the Commission has concluded preliminarily that the definition of "separately identifiable department or division" contained therein, and the standards set forth therein for application of that definition, may be applied appropriately in the case of Broker-Dealer Departments or Divisions and will ensure that the purposes of the Act with respect to registration of brokers and dealers which are persons having Broker-Dealer Departments or Divisions are fulfilled.

[1] 17 CFR 240.15b2B-1.

[2] 15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975).

[3] 15 U.S.C. 78b, 78c, 78o, 78q and 78w.

[4] 15 U.S.C. 78o(a). Section 15(a) provides:

(1) It shall be unlawful for any broker or dealer which is either a person other than a natural person or a natural person not associated with a broker or which is a person other than a natural person (other than such a broker or dealer whose business is exclusively intrastate and who does not make use of any facility of a national securities exchange) to make use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless such broker or dealer is registered in accordance with subsection (b) of this section.

(2) The Commission, by rule or order, as it deems consistent with the public interest and the protection of investors, may conditionally or unconditionally exempt from paragraph (1) of this subsection any broker or dealer or class of brokers or dealers specified in such rule or order.

[5] Section 15(b)(2)(B) provides:

(B) Any person who is a broker or dealer solely by reason of acting as a municipal securities dealer or municipal securities broker, who so acts through a separately identifiable department or division, and who so acted in such a manner on the date of enactment of the Securities Acts Amendments of 1975, may, in accordance with such terms and conditions as the Commission, by rule, prescribes as necessary and appropriate in the public interest and for the protection of investors, register such separately identifiable department or division in accordance with this subsection. If any such department or division is so registered, the department or division and not such person himself shall be the broker or dealer for purposes of this title.

[6] Rule G-1 of the MSRB (formerly Rule 4) was put into effect summarily in accordance with Section 19(b)(3)(B) of the Act, as announced in Securities Exchange Act Release No. 11741 (October 15, 1975), 40 FR 49420 (1975).

filled. For that reason, the Commission has formulated Rule 15b2B–1 under the Act providing for the registration of Broker-Dealer Departments or Divisions, based in large part on the MSRB's Rule G–1, which includes a requirement that persons having Broker-Dealer Departments or Divisions who utilize the rule supply certain supplemental information to the Commission upon applying for registration in addition to that required by Form BD (§ 249.501).

The Commission hereby adopts Rule 15b2B–1 pursuant to its authority under the Act, and particularly sections 2, 3, 15, 17 and 23 thereof.[1] The Commission finds, in accordance with the Administrative Procedure Act (the "APA") (5 U.S.C. 553(b)(3)(B)), that Rule 15b2B–1 will permit registration of Broker-Dealer Departments or Divisions in a manner contemplated by the Act and will relieve persons having such Broker-Dealer Departments or Divisions from regulatory burdens which were not intended under the Act. Therefore, the Commission finds that notice and public procedure are unnecessary as a prerequisite to adoption of the rule, and that the rule should be adopted, effective immediately, in accordance with the APA (5 U.S.C. 553(d)(3)) in order to provide a process for the registration of Broker-Dealer Departments of Divisions, either prior to December 1, 1975 or thereafter (upon withdrawal of applications for registration under section 15(a) of the Act filed by persons who have Broker-Dealer Departments or Divisions and who wish, instead, to utilize Rule 15b2B–1. The Commission further finds that Rule 15b2B–1 will not impose any burden on competition.

Although the Commission has declared Rule 15b2B–1 effective immediately, the Commission wishes to solicit comment thereon with a view to modifying the rule if such modifications appear necessary or appropriate in the public interest or for the protection of investors. Interested persons are invited, therefore, to submit comments on Rule 15b2B–1 in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, by January 2, 1976. All such comments should refer to File No. S7–606.

(Secs. 2, 3, 15, 17, 23, 48 Stat. 881, 882, 895, 897, 901, as amended by secs. 2, 3, 11, 14, 18, 89 Stat. 97, 97–104, 121–127, 137–141, 155–156 (15 U.S.C. 78b, 78c, 78o, 78q, 78w, as amended by Pub. L. 94–29))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 28, 1975.

The text of Rule 15b2B–1, as hereby adopted, is as follows:

§ 240.15b2B–1 Application for registration of separately identifiable department or division of a person.

(a) An application for registration pursuant to section 15(b) of the Act of a separately identifiable department or division of a person referred to in section 15(b)(2)(B) of the Act shall be filed with the Commission on Form BD (§ 249.501) in accordance with the instructions contained therein together with the supplemental information required by this section.

(b) Each applicant for registration who is subject to the requirements of paragraph (a) of this section shall file with the application for registration prescribed in such paragraph the statements required in paragraphs (a) through (d) of § 240.15b1–2. The statement of financial condition required in paragraph (a) of § 240.15b1–2 shall be deemed a part of the application for registration.

(c) If the information contained in any application for registration pursuant to paragraph (a) of this section, or in any amendment to such application, is or becomes inaccurate for any reason, applicant shall promptly file an amendment on Form BD correcting such information.

(d) An application for registration of a "separately identifiable department or division of a person referred to in section 15(b)(2)(B) of the Act," as defined in paragraph (e) of this section, filed in accordance with paragraph (a) of this section, shall include, as an attachment, the following supplemental information:

(1) In item 2(a) of Form BD set forth the name and place of business of both the division or department and the person, specifying which is the division or department and which the person.

(2) For the purposes of items 4 and 8(c) of Form BD applicant departments or divisions shall be considered to be other than sole proprietors, partnerships and corporations.

(3) Supply complete information on Schedule E of Form BD to the items which follow. Such information shall be provided in addition to any other information required to be included in such Schedule by the standard instructions to Form BD. If such information, or any amendment thereto, is or becomes inaccurate for any reason, applicant shall promptly file an amendment to Form BD correcting such information.

(i) Identify on Schedule E each geographic, organizational and operational unit of the person of which applicant is a part in which applicant's municipal securities dealer activities are conducted, specifying the name and location of each such unit and the nature of the municipal securities activities conducted in each such unit. Indicate on Schedule E whether any business activities other than municipal securities activities are conducted in any such unit, and describe the nature of such other activities.

(ii) A statement whether the person of which applicant is a part engaged in the business of (A) effecting transactions in any securities other than municipal securities for the account of others, or (B) buying and selling securities other than municipal securities for his own account through a broker or otherwise.

(iii) A statement whether all records relating to applicant's municipal securities activities are maintained separately and apart from all other records of the applicant or of the person of which applicant is a part.

(iv) A statement whether all records relating to applicant's municipal securities activities are separately extractable from applicant's facilities or from the facilities of the person of which applicant is a part. Describe on Schedule E the manner in which all records relating to applicant's municipal securities activities are maintained, including their location, how such records are collected and retrieved, the period of time required to collect or retrieve any such record, the category of employees having authority to collect or retrieve such records, and the name of each person who supervises the maintenance of such records.

(v) A statement whether separate financial records are maintained with respect to applicant's municipal securities activities.

If so, explain on Schedule E the nature of such separate financial records.

(vi) A statement whether the person of which applicant is a part maintains a municipal securities inevstment portfolio.

(vii) Whether any person controlling, controlled by or under common control with the applicant, including any employee, engages in any activities of the person of which the applicant is a part with respect to municipal securities other than "municipal securities activities" as defined in paragraph (f) of this section. If so, explain fully on Schedule E, setting forth the name of each such person and the nature of each such person's activities with respect to municipal securities other than "municipal securities activities" as defined in paragraph (f) of this section. If any of such other activities with respect to municipal securities are performed by applicant, so specify on Schedule E.

(viii) How many employees of the person of which applicant is a part are engaged in its municipal securities activities, indicating the number of supervisory and managerial personnel separately.

(ix) Whether the person of which applicant is a part acted as a municipal securities dealer or a municipal securities broker by means of a separately identifiable department or division of a person as referred to in section 15(b)(2)(B) of the Act, as such term is defined in paragraph (e) of this section, prior to June 5, 1975.

(e) The term "separately identifiable department or division of a person referred to in section 15(b)(2)(B) of the Act" shall mean, for purposes of this section, that unit of any person who would be a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, who so acts through a unit which conducts all of the activities of such person relating to the conduct of business as a municipal securities broker or a municipal securities dealer ("municipal securities activities"), as such activities are hereinafter defined, and who so

[1] 15 U.S.C. 78b, 78c, 78o, 78q and 78w.

acted in such manner prior to June 5, 1975: *Provided*, That:

(1) Such unit is under the direct supervision of an officer designated by the board of directors of such person as responsible for the day-to-day conduct of such person's municipal securities activities, including the supervision of all such person's employees engaged in the performance of such activities; and

(2) There are separately maintained in or separately extractable from such unit's own facilities, or the facilities of such person, all of the records relating to such person's municipal securities activities, and further provided that such records are so maintained or otherwise accessible as to permit independent examination thereof and enforcement of applicable provisions of the Act, the rules and regulations thereunder and the rules of the Municipal Securities Rulemaking Board.

(f) For purposes of this section, the activities of a person referred to in section 15(b)(2)(B) of the Act which constitute municipal securities activities shall include:

(1) Underwriting, trading and sales of municipal securities (as principal or agent);

(2) Processing and clearance activities with respect to municipal securities;

(3) Research, analysis and the preparation of literature for use in connection with the activities described in paragraph (f)(1) of this section; and

(4) Maintenance of records pertaining to the activities described in paragraphs (f) (1) through (3) of this section.

(g) The fact that directors and senior officers of a person referred to in section 15(b)(2)(B) of the Act may from time to time set broad policy guidelines affecting such person as a whole which are not directly related to the day-to-day conduct of such person's municipal securities activities shall not disqualify the unit hereinbefore described as a separately identifiable department or division of such person or require that such directors or officers be considered as part of such unit.

(h) The fact that the municipal securities activities of a person referred to in section 15(b)(2)(B) of the Act are conducted in more than one geographic, organizational or operational unit of such person shall not preclude a finding that such person has a separately identifiable department or division for purposes of this section: *Provided, however*, That all such units are identifiable and that the requirements of paragraphs (e)(1) and (2) of this section are met with respect to each such unit. All such geographic, organizational or operational units of such person shall be considered in the aggregate as the separately identifiable department or division of such person for purposes of this section.

[FR Doc.75-33010 Filed 12-8-75;8:45 am]

[Release 34-11876]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Temporary Exemption for Certain Municipal Securities Brokers and Dealers

The Securities and Exchange Commission announced today that it has adopted temporary Rule 23a-1(T) [1], effective December 1, 1975, in accordance with the summary rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)), and pursuant to the Commission's authority under the Securities Exchange Act of 1934 (the "Act"),[2] particularly sections 2, 3, 10, 15, 15B, 17 and 23 thereof.[3]

In view of the fact that municipal securities professionals will, absent Commission action, become subject to Commission regulation on December 1, 1975, the Commission has determined to adopt temporary Rule 23a-1(T), effective December 1, 1975, pursuant to the summary rulemaking provisions of the Administrative Procedure Act. (5 U.S.C. 551 et seq.) Rule 23a-1(T) suspends, until March 1, 1976, the operation of certain Commission rules, in whole or in part, in order to prevent the application of those rules to the activities of certain municipal securities professionals pending consideration of the amendments proposed to existing Commission rules.[4]

Rule 23a-1(T) will, with one exception, preserve the status quo with respect to municipal securities regulation until March 1, 1976. By that time, the Commission expects to analyze public comments on the proposed rules and to take final action thereon.

The only area in which the Commission has determined that the current regulatory pattern should not continue unchanged until March 1, 1976 is that of confirmations. In order to prevent possible disruption of the activities of municipal securities brokers required to register with the Commission for the first time on December 1, 1975, and in order to solicit comments from interested persons with respect to the appropriateness of continuing the requirement of disclosing "the other side" in a municipal securities brokerage transaction, the Commission believes that a temporary exemption should be provided for municipal securities brokers from the requirement in Rule 15c1-4 [5] that a broker, when acting as broker for a customer or for a customer and some other person disclose either the name of the person from whom the security was purchased or to whom it was sold or the fact that such information will be furnished upon request. However, upon the expiration of the temporary rule on March 1, 1976, municipal securities brokers will be required to comply with all of the provisions of Rule 15c1-4.

The Securities and Exchange Commission hereby adopts temporary Rule 23a-1(T), effective December 1, 1975, pursuant to its authority under the Securities Exchange Act of 1934,[6] and particularly sections 2, 3, 10, 15, 15B, 17 and 23 thereof.[7] The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)), that temporary Rule 23a-1(T) will relieve municipal securities brokers and dealers from requirements that would otherwise be applied to them in a possibly inappropriate manner, that notice and public procedure are therefore unnecessary as a prerequisite to the adoption of that rule, and that the rule should be adopted, effective on the above date, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), in order to permit municipal securities brokers and dealers to comment on the proposed rules discussed supra in an orderly and timely manner and to afford the Commission adequate time to review such comments and the proposed regulatory pattern carefully and completely, consistent with the public interest and the protection of investors, without risking the imposition of complex rules in an unfair way to persons newly subject to the Act. The Commission further finds that temporary Rule 23a-1(T) will not impose any burden on competition.

(Secs. 2, 3, 15, 17, 23, 48 Stat. 881, 882, 895, 897, 901, as amended by secs. 2, 3, 11, 14, 18, 89 Stat. 97, 97-104, 121-127, 137-141, 155-156; sec. 10, 48 Stat. 891; sec. 13, 89 Stat. 131-137 (15 U.S.C. 78b, 78c, 78o, 78q, 78w, as amended by Pub. L. 94-29; (15 U.S.C. 78J; 15 U.S.C. 78o-4), as added by Pub. L. 94-29))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 26, 1975.

The text of temporary Rule 23a-1(T), as hereby adopted, is as follows:

[1] 17 CFR 240.23a-1(T).

[2] 15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975).

[3] 15 U.S.C. 78b, 78c, 78J, 78o, 78o-4, 78q and 78w.

[4] In a separate document published in the Rules section of this FEDERAL REGISTER, the Commission has published for comment proposed amendments to §§ 240.10b-3, 240.10b-16, 240.15b1-3, 240.10b8-1, 240.15b8-2, 240.-15b9-1, 240.15b9-2, 240.15c1-1, 240.15c1-3, 240.15c1-4, 240.15c1-5, 240.15c1-6, 240.15c1-7, 240.15c1-8, 240.15c2-4, 240.15c2-5, 240.-15c2-7 and 240.15c2-11; and proposed §§ 240.15b10-12, 240.15Ba2-4, 240.15Ba2-5, 240.15Ba2-6, 240.15Bc3-[illegible] and 240.17a-21. The proposals concern the regulation of municipal securities brokers, municipal securities dealers and transactions in municipal securities, as well as reporting requirements for the Municipal Securities Rulemaking Board.

[5] 17 CFR 240.15c1-4.

[6] 15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975).

[7] 15 U.S.C. 78b, 78c, 78J, 78o, 78o-4, 78q, and 78w.

§ 240.23a–1(T) Temporary exemption for certain municipal securities brokers and municipal securities dealers.

(a) The following sections shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer:

Sec.
240.15b10–1
240.15b10–2
240.15b10–3
240.15b10–4
240.15b10–5
240.15b10–6
240.15b10–7
240.15b10–8
240.15b10–9
240.15b10–10
240.15b10–11

(b) The following sections shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, or to any other broker or dealer insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer:

Sec.
240.15b8–1
240.15b8–2

(c) For purposes of the following sections, the term "security" or "securities" shall not include any "municipal security" as defined in section 2(a)(29) of the Act:

Sec.
240.15c2–4
240.15c2–5
240.15c2–7
240.15c2–11

(d) Section 240.15c1–4 shall not apply to any person acting as a municipal securities broker insofar as it requires that a broker, when acting as a broker for a customer or for a customer and some other person, disclose either the name of the person from whom the security was purchased or to whom it was sold for such customer or the fact that such information will be furnished upon the request of such customer.

(e) This section shall expire on March 1, 1976.

[FR Doc.75–33009 Filed 12–8–75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—CIVIL RIGHTS

PART 230—EXTERNAL PROGRAMS

Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services); Correction

Purpose. The purpose of this document is to correct a citation in the regulations.

In FR Doc. 75–17371 appearing at page 28053 in the FEDERAL REGISTER of July 3, 1975, the words "Title 12, U.S.C." appearing on page 28054 are corrected in the fifth line of § 230.111(e)(2) to read "Title 23, U.S.C."

Issued on: December 1, 1975.

DAVID E. WELLS,
Chief Counsel.

[FR Doc.75–33074 Filed 12–8–75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Calumet-Sag Channel, Illinois

Pursuant to Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.425 governing the use, administration and navigation of the Calumet-Sag Channel, Illinois is hereby amended with respect to paragraph (a) and (b)(1) and the revocation of (b)(2) through (b)(21) effective December 9, 1975.

The Blue Island Lock was removed and replaced with the Thomas J. O'Brien Lock which, with the exception of special water level controls, is subject to the regulation specified in § 207.300. Accordingly, since this amendment only reflects changed conditions on the waterway and will serve to avoid confusion on the part of the navigation interests, notice of proposed rulemaking and public procedures thereto are considered unnecessary. Section 207.425 is hereby amended as follows:

§ 207.425 Calumet River, Illinois: Thomas J. O'Brien Lock and Controlling Works and the use, administration and navigation of the lock.

(a) *Controlling Works.* (1) The controlling works shall be so operated that the water level at the downstream end of the lock will be maintained at a level lower than that of Lake Michigan, except in times of excessive storm run-off into the Illinois Waterway, or when the lake level is below minus 2 feet, Chicago City Datum.

(2) The elevation to be maintained at the downstream end of the lock shall at no time be higher than minus 0.5 feet, Chicago City Datum, and at no time lower than minus 2.0 feet, Chicago City Datum, except as noted in paragraph (a)(1) of this section.

(b) *Lock*—(1) *Operation.* The Thomas J. O'Brien Lock and Dam is part of the Illinois Waterway which is a tributary of the Mississippi River. All rules and regulations defined in § 207.300, Ohio River, Mississippi River above Cairo, Illinois, and their tributaries; use, administration and navigation shall apply.

(2) through (21) [Revoked]

Dated: November 18, 1975.

VICTOR V. VEYSEY,
Assistant Secretary of the Army, Civil Works.

[FR Doc.75–32986 Filed 12–8–75;8:45 am]

Title 37—Patents, Trademarks and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

PART 1—RULES OF PRACTICE IN PATENT CASES

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Revision of Administrative Fees

On August 21, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 36573), regarding the proposal of the Patent and Trademark Office to amend Title 37 of the Code of Federal Regulations by amending §§ 1.21, 1.25, 1.165, and 2.6 dealing with administrative fees. Interested persons were given until October 15, 1975, to submit written comments and suggestions. Full and careful consideration was given to the single written comment received.

Amendment of §§ 1.21 and 2.6 is intended to (1) recover increases in material and labor costs for furnishing assignment information, drafting services and classification information, (2) eliminate established fees for drafting services not currently in demand, and (3) establish a new fee. Drafting services for which established fees are eliminated (§ 1.21 (l) and (m) will be furnished, if requested, at fees based upon actual cost. The new fee is established to recover the cost of servicing deposit accounts. The amendment of §§ 1.25 and 1.165 brings these rules into conformity with the amendment of § 1.21.

In consideration of the comment received, and pursuant to the authority contained in section 6 of the Act of July 1952, as amended (85 Stat. 364, 35 U.S.C. 6), Parts 1 and 2 of Title 37, Code of Federal Regulations, are hereby amended as set forth below.

1. In § 1.21, paragraphs (e), (j), (k), (q) and (u) are revised and paragraphs (l) and (m) are deleted as follows:

§ 1.21 Patent and miscellaneous fees and charges.

* * * * *

(e) For abstracts of title to each patent or application:

For the search, 1 hour or less, and certificate	$5.00
Each additional hour or fraction thereof	2.50
For each brief from the digest of assignments, of 200 words or less	2.00
Each additional 100 words or fraction thereof	.20

* * * * *

(j) For making patent drawings, when facilities are available, the cost for making the same,

Rate per hour	12.00
Minimum charge per sheet	25.00

(k) For correcting patent drawings, the cost of making the correction,

Rate per hour	12.00
Minimum charge	3.00

(l) [Deleted]
(m) [Deleted]

* * * * *

(q) List of U.S Patents:

All patents in a subclass, per sheet (containing 100 patent numbers or less)	1.00
Patents in a subclass, limited by date or patent number, per sheet (containing 50 patent numbers or less)	1.00

* * * * *

(u) Deposit account:

Service charge for each month when the balance at the end of the month is below $40	2.00

* * * * *

2. In § 1.25, paragraph (a) is revised to read as follows:

§ 1.25 **Deposit accounts.**

(a) For the convenience of attorneys, agents, and the general public in ordering services offered by the Office, copies of records, etc., special deposit accounts may be established in the Patent and Trademark Office. A minimum deposit of $50.00 or more, depending on the activity of the individual account, is required. At the close of each month's business, a statement will be rendered. A remittance must be made promptly upon receipt of the statement to cover the value of items or services charged to the account and thus restore the account to its established normal deposit value. An amount sufficient to cover all services, copies, etc., requested must always be on deposit. A service charge will be assessed for each month that the balance at the end of the month is below $40.00.

* * * * *

3. In § 1.165, paragraph (b) is revised to read as follows:

§ 1.165 **Drawings.**

* * * * *

(b) The drawing may be in color and when color is a distinguishing characteristic of the new variety, the drawing must be in color. Two copies of color drawings must be submitted. Color drawings may be made either in permanent water color or oil, or in lieu thereof may be photographs made by color photography or properly colored on sensitized paper. Permanently mounted color photographs are acceptable. The paper in any case must correspond in size, weight and quality to the paper required for other drawings. See § 1.84. Nonpermanently mounted copies will be correctly mounted at applicant's expense, § 1.21(v).

4. In § 2.6, paragraphs (a), (d) and (e) are revised and a new paragraph (f) is added to read as follows:

§ 2.6 **Trademark fees.**

* * * * *

(a) For each printed copy of a registration with data entered of record as of date of mailing, relating to renewal, cancellation, publication under section 12(c), of the 1946 Trademark Act and affidavits or declarations under sections 8 and 15 of such act.

Omitting title	1.70
Showing title	3.70

* * * * *

(d) For making drawings, when facilities are available, the cost of making the same,

Rate per hour	12.00
Minimum charge per sheet	10.00

(e) For correcting drawings, the cost of making the correction:

Rate per hour (including a photoprint of the uncorrected drawing)	12.00
Minimum charge	3.00

(f) For abstracts of title to each registration or application:

For the search, one hour or less, and certificate	5.00
Each additional hour or fraction thereof	2.50
For each brief from the digest of assignments, of 200 words or less	2.00
Each additional 100 words or fraction thereof	.20

Effective date. These revisions shall become effective February 2, 1976.

Dated: December 4, 1975.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

DAVID B. CHANG,
Acting Assistant Secretary for Science and Technology.

[FR Doc.75-33088 Filed 12-8-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 467-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Compliance Schedules; Correction

On March 28, 1975 (40 FR 14069 and 14070) and July 15, 1975 (40 FR 29712 and 29713) certain amendments to 40 CFR 52.220(c) were promulgated by the Environmental Protection Agency. This is to give notice that the amendments were incorrectly promulgated as § 52.220 (c)(8) whereas they should properly have been promulgated as § 52.220(c)(3). Therefore, amendments published in the FEDERAL REGISTER on the above listed dates as § 52.220(c)(8) are hereby corrected to read § 52.220(c)(3).

Dated December 4, 1975.

ROBERT H. BAUM,
Assistant Administrator for Enforcement.

[FR Doc.75-33125 Filed 12-8-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Need and Amount of Assistance; Correction

In FEDERAL REGISTER Documents 75-7148 published at page 12507 in the issue dated Wednesday, March 19, 1975 and 75-19265 at page 30963 in the issue dated Thursday, July 24, 1975, § 233.20(a)(3)(ii), last paragraph, line 13 is corrected to read "State to the basic and special needs it recognizes as".

Approved: December 3, 1975.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.75-33070 Filed 12-8-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1297]

PART 0—COMMISSION ORGANIZATION

Authority Delegations to Chief, Cable Television Bureau

In the matter of amendment of Part O of the Commission's rules and regulations concerning delegations of authority to the Chief, Cable Television Bureau.

1. In the course of processing applications for certificates of compliance the Commission's staff occasionally discovers cable television systems operating in violation of the Cable Television rules. In those instances where the cable operators have been responsive to our requests for further information and where the violation was inadvertent and assurances are received that no further violations will be made, the Commission has been inclined not to issue orders to show cause but instead to work towards a just resolution considering the interests of all affected parties. In those instances where such a resolution has not been possible the Commission has issued sua sponte orders to show cause directed against the subject cable television systems.

2. Because Commission policies concerning the issuance of show cause orders under these circumstances have become established, more efficient processing would result by the delegation of authority to act on such matters to the Chief, Cable Television Bureau. Accordingly, we are amending § 0.288 to delegate authority to the Chief, Cable Television Bureau to issue sua sponte orders to show cause against cable television systems.

3. Since this amendment relates to Commission organization and procedures, the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. For the same reason the amendment will be made effective immediately.

Authority for the rule amendment adopted herein is contained in sections 2, 3, 4 (i) and (j), 5 (b) and (d), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective December 11, 1975, Part O of the Commission's rules and regulations is amended as set forth below.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081,

1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309.)

Adopted: November 25, 1975.

Released: December 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

Chapter I of Title 47 of the Code of Federal Regulation is amended as follows:

1. In Part 0—Commission Action, A new paragraph (v) is added to § 0.288, to read as follows:

§ 0.288 Authority delegated.

* * * * *

(v) To issue orders to show cause *sua sponte*, unless novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines are involved.

[FR Doc.75-33081 Filed 12-8-75;8:45 am]

[Docket No. 20583, RM-2431]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations, Eufaula, Okla.

Report and Order; Table of Assignment

1. The Commission has under consideration its notice of proposed rulemaking, adopted August 20, 1975, 40 FR 39530, inviting comments on a proposal to assign television Channel 3 to Eufaula, Oklahoma, for non-commercial educational use. This proceeding was instituted in response to a petition filed by the Oklahoma Educational Television Authority (OETA), licensee of Stations KETA-TV (Channel *13), Oklahoma City, and KOED-TV (Channel *11), Tulsa.

2. In order to assign Channel *3 to Eufaula, it would be necessary to modify the carrier offsets of four existing stations:

Station	Station location	Assignment and offset designation	
		Existing	Modified
KATC	Lafayette, La.	3	3+
WLBT	Jackson, Miss.	3+	3
KBTX-TV	Bryan, Tex.	3+	3
KFDX	Wichita Falls, Tex.	3	3+

Consequently, the Notice contained an Order to Show Cause requiring the licensees of the above stations to demonstrate why their individual licenses should not be modified if the Commission found it in the public interest to assign the Eufaula channel as requested. Comments received in response to the Notice were filed by Acadian Television Corporation, licensee of Station KATC(TV), Clay Broadcasting Corporation of Texas, licensee of Station KFDX(TV), and OETA.[1]

3. The OETA comments reaffirm its intention to apply for the use of the channel if assigned and to reimburse the affected licensees for the reasonable expenses involved in changing the carrier offsets.

4. The Clay Broadcasting Corporation comments and those of Acadian Television Corporation indicate the willingness of these licensees to cooperate with OETA in making the offset modifications. Each, however, requests the Commission to attach specific conditions to the proposed assignment if it is made or to the construction permit issued for its use. The desire of these parties is to enforce certain reimbursement provisions in this manner to better insure being able to receive the amounts involved.

5. The Commission is persuaded that the assignment of Channel *3 as requested is warranted and is in the public interest. The proposal meets all applicable spacing and other requirements. The assignment of the requested channel at Eufaula will offer an educational television programming service to over a quarter of a million residents, many of whom are presently unable to receive one. As for requests that specific conditions be associated with the assignment or a construction permit issued for its use, this does not appear necessary. Using guidelines furnished in previous reimbursement cases, the licensees of the four affected stations and the Eufaula permittee should reach an agreement in good faith on what constitutes a reasonable cost settlement and the means of repayment. We expect them to do so.

6. In view of the foregoing and pursuant to authority contained 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 ordered*, That effective January 9, 1976, the Television Table of Assignments contained in § 73.606(b) of the Commission's rules and regulations is amended with respect to the following cities to read as follows:

City:	*Channel No.*
Lafayette, La.	3+, 10, 15, *24
Jackson, Miss.	3, 12+, 16, *29+, 40+
Eufaula, Okla.	*3
Bryan, Tex.	3, *15—
Wichita Falls, Tex.	3+, 6—, 18—, *24

7. *It is further ordered*, That effective January 9, 1976, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Acadian Television Corporation, for Station KATC(TV), Lafayette, Louisiana, is modified to specify operation on Channel 3+ in lieu of Channel 3 subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 29, 1976, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 1, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KATC(TV) on Channel 3+ at Lafayette, Louisiana.

(c) The licensee may continue to operate on Channel 3 under its outstanding authorization for one year from the effective date of this order, or until 60 days after the grant of a construction permit on Channel 3 at Eufaula, Oklahoma, whichever is later, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 3+, the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 3+ until the Commission specifically authorizes it to do so.

8. *It is further ordered*, That effective January 9, 1976, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Communications Improvement, Inc., for Station WLBT(TV), Jackson, Mississippi, is modified to specify operation on Channel 3 in lieu of Channel 3+ subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 29, 1976, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 1, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WLBT(TV) on Channel 3 at Jackson, Mississippi.

(c) The licensee may continue to operate on Channel 3+ under its outstanding authorization for one year from the effective date of this order, or until 60 days after the grant of a construction permit on Channel 3 at Eufaula, Oklahoma, whichever is later, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 3, the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 3 until the Commission specifically authorizes it to do so.

9. *It is further ordered*, That effective January 9, 1976, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Brazos Broadcasting Company, for Sta-

[1] Commissioner Washburn absent.

[1] Communications Improvement, Inc., licensee of Station WLBT(TV), and Brazos Broadcasting Company, licensee of Station KBTX-TV failed to comment in response to the Order to Show Cause. The Notice indicated that such failure to respond would be deemed consent by these parties to the modifications proposed in the Notice.

tion KBTX-TV, Bryan, Texas, is modified to specify operation on Channel 3 in lieu of Channel 3+ subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 29, 1976, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 1, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KBTX-TV on Channel 3 at Bryan, Texas.

(c) The licensee may continue to operate on Channel 3+ under its outstanding authorization for one year from the effective date of this order, or until 60 days after the grant of a construction permit on Channel 3 at Eufaula, Oklahoma, whichever is later, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 3, the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 3 until the Commission specifically authorizes it to do so.

10. *It is further ordered*, That effective January 9, 1976, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Clay Broadcasting Corporation of Texas, for Station KFDX(TV), Wichita Falls, Texas, is modified to specify operation on Channel 3+ in lieu of Channel 3 subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 29, 1976, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 1, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KFDX(TV) on Channel 3+ at Wichita Falls, Texas.

(c) The licensee may continue to operate on Channel 3 under its outstanding authorization for one year from the effective date of this order, or until 60 days after the grant of a construction permit on Channel 3 at Eufaula, Oklahoma, whichever is later, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 3+, the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 3+ until the Commission specifically authorizes it to do so.

11. *It is further ordered*, That the Secretary of the Commission is directed to send a copy of this Report and Order by certified mail, return receipt requested, to Acadian Television Corporation, Brazos Broadcasting Co., Communications Improvement, Inc., and Clay Broadcasting Corporation of Texas.

12. *It is further ordered*, That this proceeding is terminated.

Adopted: November 26, 1975.

Released: December 3, 1975.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; (47 U.S.C. 154, 155, 303, 307))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-33082 Filed 12-8-75;8:45 am]

[Docket No. 20423]

PART 76—CABLE TELEVISION SERVICES

Postponement of Divestiture Requirement and Cross-Ownership Rules

In the matter of amendment of Part 76, Subpart J, of the Commission's rules and regulations relative to Cable Television Systems; and Postponement of divestiture requirement of § 76.501 relative to prohibited cross-ownership in existence on or before July 1, 1970, Docket No. 20423.

1. In paragraph 22 of the Second Report and Order in Docket 20423, FCC 75-1066, 55 FCC 2d 540 (1975), released September 29, 1975, the Commission directed that all pending requests for waiver of the cross-ownership rules would be dismissed as moot unless supplemented to demonstrate their continued relevance within 30 days of publication of the Second Report and Order, supra, in the FEDERAL REGISTER. By Errata, released October 22, 1975, the Commission established the deadline for such supplementation as November 28, 1975.[1]

2. On September 22, 1975, a Petition for Review of the said Second Report and Order was filed in the United States Court of Appeals for the District of Columbia Circuit. National Citizens Committee for Broadcasting v. FCC and United States of America, Case No. 75-1933. Additionally, several parties have petitioned the Commission to reconsider its action in Docket 20423.

3. Eastern Oklahoma Television Co., Inc.; North Platte Television, Inc. and KWSO-TV Television, Inc. have petitioned the Commission to extend the time in which to supplement their pending requests for waiver of the newly-revised cross-ownership rules until 60 days after completion of judicial review thereof. Eastern Oklahoma, North Platte and KWSO-TV are among some nine parties which will be required by the revised provisions of § 76.501 of the rules to divest ownership interests in order to comply with the cross-ownership provisions.[2]

4. In view of the potentially substantial impact the divestiture requirement may entail and the pendency of several petitions for reconsideration of the requirement, the Commission believes an extension of time for filing supplements to pending requests for waiver is appropriate for all those parties subject to divestiture under the new rule.[3] We do not believe, however, that the lengthy extension requested by petitioners is necessary.

Accordingly, it is ordered, That the date for filing supplements to pending petitions for waiver of § 76.501 of the rules is extended until sixty (60) days after final Commission action on pending petitions for reconsideration of the Second Report and Order in Docket 20423, FCC 75-1066, 55 FCC 2d 540 (1975), for all such parties who are subject to divestiture of ownership interests pursuant to the newly-adopted cross-ownership rules.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.288(a) of the Commission's rules.

Adopted: November 28, 1975.

Released: December 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JEROLD L. JACOBS,
Acting Chief, Cable Television Bureau.

[FR Doc.75-33085 Filed 12-8-75;8:45 am]

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[1] See 40 FR 50276, October 29, 1975.

[2] At present, the following parties will be required to divest ownership interests by August 10, 1977:
a. KAYS, Inc.
b. Eastern Oklahoma Television Co., Inc.
c. Glendive Broadcasting Co.
d. Capital City TV, Inc.
e. KWSO-TV Television, Inc.
f. Meyer Broadcasting Co.
g. North Platte Television, Inc.
h. California-Oregon Broadcasting, Inc.
i. United Broadcasting Co., Inc.

[3] While the listing in footnote 1 above is presumably complete, the present order encompasses all parties, listed or not, who are in fact subject to divestiture under the new rule. It is contemplated that the petitions for waiver of those parties not subject to divestiture and which have not been supplemented following the adoption of revisions to § 76.501 in this proceeding will be dismissed as moot.

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 39; Amdt. 10-1]

PART 10—MAINTENANCE OF ACCESS TO RECORDS PERTAINING TO INDIVIDUALS

Appendix I—Exemptions

In the October 24, 1975, issue of the FEDERAL REGISTER (40 FR 49887), the Department of Transportation published a notice of proposed rulemaking which identified systems of records that the Department proposed to exempt from certain provisions of the Privacy Act, in accordance with sections 3 (j) and (k) of the Act (Pub. L. 93-579); 5 U.S.C. 522a (j) and (k). The Department's regulations are published at Part 10 of Title 49, Code of Federal Regulations. No com-

ments on the proposal were received. One correction is made in the exemptions as proposed on October 24, 1975. As published, the first system exempted in Subsection D of Section II, Appendix I, read "Investigations Records System." This should have read "Personnel Security Record System." In addition, the exemption for the Personnel Security Record System published in Subsection B of Section II, Appendix I on October 2, 1975, (40 FR 45729) is deleted and subsequent paragraphs are renumbered accordingly.

Accordingly, with these changes, the proposed amendment is adopted as set forth below.

Effective date. This amendment is effective December 9, 1975.

Issued in Washington, D.C., on November 26, 1975.

WILLIAM T. COLEMAN,
Secretary of Transportation.

Paragraph (a) of § 10.61, *General exemptions*, is amended to read as follows:

§ 10.61 General exemptions.

(a) The Assistant Secretary for Administration, with regard to the Investigations Division, the Federal Aviation Administration, with regard to the police functions of the National Capital Airport Police, the U.S. Coast Guard, with regard to the Intelligence and Security Division, and the Federal Railroad Administration, with regard to the Alaska Railroad Special Agents, may exempt from any part of the Act and this part, except subsections (b), (c) (1) and (2), (e) (4) (A) through (f), (e) (6), (7), (9), (10) and (11), and (i) of the Act, and implementing §§ 10.33, 10.23 (a) and (b), 10.21(d) (1) through (6), 10.81, 10.83, and 10.85, any system of records, or portion thereof, which it maintains which consists wholly of:

(1) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status;

(2) Information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or

(3) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

* * * * *

In Appendix I, *Exemptions*, is amended as follows:

(1) Section I, *General Exemptions*, is amended by adding a paragraph (c) and revising the last sentence, to read as follows:

I. *General exemptions.* * * *

c. Intelligence and Security Investigative Case Systems (DOT/CG 611), maintained by the Intelligence and Security Division, U.S. Coast Guard, at headquarters and district offices.

The purpose of these exemptions is to prevent the compromise or impairment of criminal investigations conducted by the Office of Investigations and Security, OST, the Airport Police Branches, and the Investigations and Security Division, USCG.

2. In section II, *Specific exemptions:*

a. Subsection A is amended to read as follows:

II *Specific exemptions.* A. The following systems of records are exempt from subsection (c) (3) (Accounting of Certain Disclosures), (d) (Access to Records), (e) (4) (G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 USC 552a, to the extent that they contain investigatory material compiled for law enforcement purposes, in accordance with 5 USC 552a(k) (2):

1. Investigative Record System maintained by the Federal Aviation Administration at FAA Regional and Center Air Transportation Security Divisions, the Investigations and Security Division, Aeronautical Center; and Office of Investigations and Security, FAA Headquarters, Washington, D.C.

2. FHWA Investigations Case File System, maintained by the Office of Program Review and Investigations, Federal Highway Administration.

3. FHWA Motor Carrier Safety Proposed Civil and Criminal Enforcement Cases, maintained by the Bureau of Motor Carrier Safety, Federal Highway Administration.

4. Recreational Boating and Law Enforcement Cases (DOT/CG 505), maintained by the Office of Boating Safety, U.S. Coast Guard.

5. Port Safety Reporting System—Individual Violation Histories (DOT/CG 561), maintained by the Office of Marine Environment and Systems, U.S. Coast Guard.

6. Marine Pollution Case Files (DOT/CG 533), maintained by the U.S. Coast Guard.

7. Merchant Vessel Casualty Reporting System (DOT/CG 590), maintained by the Office of Merchant Marine Safety, U.S. Coast Guard.

8. U.S. Merchant Seaman's Records (DOT/CG 599), maintained by the Office of Merchant Marine Safety, U.S. Coast Guard.

9. Intelligence and Security Investigative Case Systems (DOT/CG 611), maintained by the Office of Operations, U.S. Coast Guard.

10. Port Security Case System (DOT/CG 612), maintained by the Office of Operations, U.S. Coast Guard.

11. DOT/NHTSA Investigations of Alleged Misconduct or Conflict of Interest, maintained by the Associate Administrator for Administration, National Highway Traffic Safety Administration.

The purpose of these exemptions is to protect investigatory materials compiled for law enforcement purposes. Disclosure of such material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions.

b. Subsection B is amended by deleting paragraph 1, renumbering paragraph 2 as paragraph 1, redesignating paragraphs 3 and 4 as 2 and 3 respectively, and by adding an undesignated paragraph at the end and revising the last sentence, to read as follows:

2. Administrative Action and Legal Enforcement System (DOT/FAA), maintained by the Chief Counsel, Federal Aviation Administration.

3. Investigations Record System, maintained by the Investigations Division, Office of Investigations and Security, Office of the Secretary.

The purpose of these exemptions is to prevent the compromise or impairment of law enforcement investigations by alerting individuals that they are the subject of investigation, and to prevent the disclosure of the identity of sources of information promised confidentiality, in accordance with 5 U.S.C. 552a(k)(2).

c. New subsections D, E, and F are added, to read as follows:

D. Those portions of the following systems of records consisting of investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, or access to classified information or used to determine potential for promotion in the armed services, are exempt from sections (c) (3) (Accounting of Certain Disclosures), (d) (Access to Records), (e) (4) (G), (H) and (I) (Agency Requirements), and (f) (Agency Rules) of 5 USC 552a to the extent that disclosure of such material would reveal the identity of a source who provided information to the Government under an express or, prior to September 27, 1975, an implied promise of confidentiality (5 USC 552a(k) (5) and (7)):

1. Personnel Security Record Systems, maintained by the Investigations Division, Office of Investigations and Security, Office of the Secretary.

2. Intelligence and Security Investigative Case System (DOT/CG 611), maintained by the Office of Operations, U.S. Coast Guard.

3. Officer Selection and Appointment System (DOT/CG 625), maintained by the Office of Personnel, U.S. Coast Guard.

4. Official Officer Service Records (DOT/CG 626), maintained by the Office of Personnel, U.S. Coast Guard.

5. Enlisted Recruiting Selection Record System maintained by the Office of Personnel, U.S. Coast Guard.

6. Officer, Enlisted, and Recruiting Selection Test Files (DOT/CG 628), maintained by the Office of Personnel, U.S. Coast Guard.

7. Enlisted Personel Record System, (DOT/CG 629), maintained by the Office of Personnel, U.S. Coast Guard.

8. Coast Guard Personnel Security Program (DOT/CG 633), maintained by the Office of Personnel, U.S. Coast Guard.

9. Official Coast Guard Reserve Service Record System (DOT/CG 676), maintained by the Office of Reserve, U.S. Coast Guard.

10. Investigative Record System, maintained by the Federal Aviation Administration at FAA Regional and Center Air Transportation Security Divisions; the Investigations and Security Division, Aeronautical Center; and Office of Investigations and Security, Headquarters, Washington, D.C.

The purpose of these exemptions is to prevent disclosure of the identities of sources who provide information to the government concerning the suitability, eligibility or qualifications of individuals for Federal civilian employment, contracts, access to classified information, or appointment or promotion in the armed services, and who are expressly or, prior to September 27, 1975, impliedly promised confidentiality (5 U.S.C. 552a(k) (5) and (7)).

E. Those portions of the following systems of records consisting of testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service are exempt from subsections (c) (3) (Accounting of Certain Disclosures), (d) (Access to Records), (e) (4) (G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a:

1. Officer, Enlisted and Recruiting Selection Test Files (DOT/CG 628), maintained by the Office of Personnel, U.S. Coast Guard.

2. Official Coast Guard Reserve Service Record System (DOT/CG 676), maintained by the Office of Reserve, U.S. Coast Guard.

The purpose of these exemptions is to preserve the value of these records as impartial measurement standards for appointment and promotion within the Federal service.

F. Those portions of the following systems of records which consist of information properly classified in the interest of national defense or foreign policy in accordance with 5 U.S.C. 552(b)(1) are exempt from sections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4) (G), (H) and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552:

1. Investigations Records System maintained by the Investigations Division, Office of Investigations and Security, Office of the Secretary.

2. Personnel Security Records System, maintained by the Office of Investigations and Security, Office of the Secretary.

The purpose of these exemptions is to prevent the disclosure of material authorized to be kept secret in the interest of national defense or foreign policy, in accordance with 5 U.S.C. 552(b)(1) and 552a(k)(1).

[FR Doc.75-33141 Filed 12-5-75;10:53 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Arapaho National Wildlife Refuge, Colorado

The following special regulation is issued and is effective on December 9, 1975.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

COLORADO

ARAPAHO NATIONAL WILDLIFE REFUGE

Sport fishing on the Arapaho National Wildlife Refuge, Colorado, is permitted from January 1 through May 31 and August 1 through December 31, 1976, inclusive, on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters, Walden, Colorado 80480, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 2215, Salt Lake City, Utah 84111. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

Dated: December 2, 1975.

V. CARROL DONNER,
Refuge Manager, Arapaho National Wildlife Refuge, Walden, Colorado.

[FR Doc.75-32984 Filed 12-8-75;8:45 am]

PART 33—SPORT FISHING

Pathfinder National Wildlife Refuge, Wyoming

The following special regulation is issued and is effective on December 9, 1975.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Sport fishing on all areas of the Pathfinder National Wildlife Refuge, Wyoming, is permitted from January 1 through December 31, 1976, inclusive. These areas, comprising 16,807 acres, are delineated on maps available at refuge headquarters, Walden, Colorado 80480, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 2215, Salt Lake City, Utah 84111. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

Dated: December 2, 1975.

V. CARROL DONNER,
Refuge Manager, Pathfinder National Wildlife Refuge, Walden, Colorado.

[FR Doc.75-32983 Filed 12-8-75;8:45 am]

PART 33—SPORT FISHING

Sand Lake National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on December 9, 1975.

§ 3.35 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sand Lake National Wildlife Refuge, South Dakota is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 150 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions;

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1976, inclusive.

(2) The use of boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

WILLIAM C. BAIR,
Refuge Manager, Sand Lake National Wildlife Refuge, Columbia, South Dakota 57433.

DECEMBER 1, 1975.

[FR Doc.75-33079 Filed 12-8-75;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Change in Corporate Tax Rates and Increase in Corporate Surtax Exemption

Correction

In FR Doc. 75-31823 appearing at page 54582 in the issue of Tuesday, November 25, 1975, make the following changes:

1. On page 54582, column two, in the second line of the authority citation in § 1.11, after "(69 Stat. 114);" insert "sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66);" and in the tenth line of the same authority citation change the word "Aate" to "Rate".

2. On page 54583, column one, in the table in § 1.21-1(n) *Example* (7) the heading should read:

1974 TENTATIVE TAX

and the fourth entry should be corrected to read:

Additional tax on $4,167	
6 percent of $4,167	250

3. On page 54583, column two, in the table in § 1.21-1(n) *Example* (7) the tenth line from the top of the page which now reads:

22 percent of $95,000	20,000

should be corrected to read:

22 percent of $95,000	20,900

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2600]

ALASKA NATIVE CLAIMS

Proposed Clarifications of Procedure for Miscellaneous Selections

The Bureau of Land Management is considering amending the miscellaneous selections subpart of the regulations covering Alaska Native selections to clarify the procedures under which miscellaneous selections will be made by Alaska Natives. These amendments have been discussed with the Alaska Native community and other inetrested groups both in Washington and Alaska prior to their publication here as proposed rulemaking. This proposed rulemaking is issued pursuant to the authority granted the Secretary of the Interior to issue and publish such regulations as may be necessary to carry out the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688), as granted in section 25 of that Act.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In accordance with Department's policy of public participation in rulemaking, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Department of the Interior, Washington, D.C., on or before January 9, 1976.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection at the foregoing address during regular working hours (7:45 a.m.—4:15 p.m.).

It is therefore proposed to revise 43 CFR Part 2600 in the manner set forth below.

1. Section 2650.4-7 is amended as follows: A new sentence is added at the end of paragraph (c)(1) and paragraph (d) is amended to read as follows:

§ 2650.4-7 Public easements.

* * * * *

(c)(1) * * * However, the Secretary shall not terminate a public easement reserved along the marine coastline solely because of the absence of public use.

* * * * *

(d) The State and the Federal-State Land Use Planning Commission shall be afforded 30 days after notice by the Secretary to make recommendations with respect to the inclusion of public easements in any conveyance.

2. Section 2650.7 is amended by adding a new paragraph (d) to read as follows:

§ 2650.7 Selection limitations.

* * * * *

(d) For all land selections made under the Act, the decision of the Bureau of Land Management proposing to convey shall be served on all parties of record who claim to have a property interest in land affected by such determination, the appropriate regional corporation, and any Federal agency of record. Notice of the decision shall also be published in the Federal Register once and in one or more newspapers of general circulation once a week for 4 consecutive weeks by the Department.

3. The table of sections for Subpart 2653 is amended by redesignating § 2653.9 as § 2653.11 and adding new §§ 2653.9 and 2653.10 as follows:

Subpart 2653—Miscellaneous Selections

Sec.
2653.9 Regional selections.
2653.10 Excess selections.
2653.11 Conveyance reservations.

4. Section 2653.0-3(c) is amended by deleting the word "and".

5. Section 2653.0-3 is amended by adding new paragraphs (e) and (f) as follows:

§ 2653.0-3 Authority.

* * * * *

(e) Title to the regional corporations for lands selected, if any remain, pursuant to section 14(h)(8) of the Act; and

(f) Title to the subsurface estate to the regional corporations of lands conveyed under paragraphs (b) and (d) of this section and to those lands conveyed under paragraph (c) of this section which are not located in a National Wildlife Refuge.

6. Section 2653.0-5 (b) is amended by adding the following sentences at the end thereof as follows:

§ 2653.0-5 Definitions.

* * * * *

(b) * * * However, subsistence activity will not disqualify a historical place from consideration if qualifying primary historical or cultural values can be shown to be associated with the place. A historical place may consist of the structural remains of past activity or distinctive natural features associated with historical events, persons or sustained activities; it will include, however, only the acreage which is essential for the preservation of primary historic features.

* * * * *

7. Section 2653.3 is revised to read as follows:

§ 2653.3 Lands available for selection.

(a) Selection may be made for existing cemetery sites or historical places, Native groups, corporations formed by the Natives residing in Sitka, Kenai, Juneau, and Kodiak, and for primary places of residence, from any unappropriated and unreserved lands which the Secretary may withdraw for these purposes: *Provided*, That National Wildlife Refugee System lands and National Forest lands may be made available as provided by section 14(h)(7) of the Act and the regulations in this subpart. Selections for these purposes may also be made from any unappropriated and unreserved lands which the Secretary may withdraw from lands formerly withdrawn and not selected under section 16 of the Act and after December 18, 1975, from lands formerly withdrawn under section 11(a)(1) or 11(a)(3) and not selected under sections 12 or 19 of the Act.

(b) After July 1, 1976, selection of the lands allocated pursuant to § 2653.1(b), shall be made from any lands previously withdrawn under sections 11 or 16 of the act which are not otherwise appropriated. If the public lands withdrawn within the region pursuant to sections 11 or 16 of the act, and not otherwise appropriated, are insufficient for the selection of the full entitlement of the regional corporations pursuant to § 2653.1(b), then three times the amount of the entitlement which cannot be satisfied from lands previously withdrawn pursuant to sections 11 or 16 of the act will be withdrawn pursuant to section 14(h) of the act.

(c) A withdrawal made pursuant to section 17(d)(1) of the Act which is not part of the Secretary's recommendation to Congress of December 18, 1973, on the four national systems shall not preclude a withdrawal pursuant to section 14(h) of the Act.

8. Section 2653.4 is revised to read as follows:

§ 2653.4 Termination of selection period.

Except as provided in § 2653.10, applications for selections under this subpart will be rejected after all allocated lands, as provided in § 2653.1, have been exhausted, or if the application is received after the following dates, whichever occurs first:

(a) As to primary place of residence—December 18, 1973.

(b) As to all recipients described in sections 14(h)(1), (2), and (3) of the act—July 1, 1976.

(c) As to all recipients under section 14(h)(8) of the act and § 2653.1(b)—December 18, 1977.

9. Section 2653.5 is revised to read:

§ 2653.5 Cemetery sites and historical places.

(a) The appropriate regional corporation may apply to the Secretary for the conveyance of existing cemetery sites or historical places pursuant to section 14(h) of the act. The Secretary may give favorable consideration to these applications: *Provided*, That the Secretary determines that the criteria in these regulations are met: *And provided further*, That the regional corporation agrees to accept a covenant in the conveyance that these cemetery sites or historical places will be maintained and preserved solely as cemetery sites or historical places by the regional corporation, in accordance with the provisions for conveyance reservations in § 2653.11.

(b) A historical place may be granted in a National Wildlife Refuge or National Forest unless, in the judgment of the Secretary, the events can be commemorated by the conveyance of lands outside the refuge or forest or if the qualities of the site from which it derives its particular value and significance as a historical place can be found in an alternative site outside the refuge or forest, or if the Secretary determines that the conveyance could have a substantial detrimental effect on (1) a fish or wildlife population, (2) its habitat, (3) the management of such population or habitat, or (4) access by a fish or wildlife population to a critical part of its habitat.

(c) Although the existence of a cemetery site or historical place and a proper application for its conveyance create no valid existing right, they operate to segregate the land from all other forms of appropriation under the public land laws. Conveyances of lands reserved for the National Wildlife Refuge System made pursuant to this subpart are subject to the provisions of section 22(g) of the Act and section 2650.4–6 as though they were conveyances to a village corporation.

(d) For purposes of evaluating and determining the eligibility of properties as historical places, the quality of significance in Native history or culture shall be considered to be present in places that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

(1) That are associated with events that have made a significant contribution to the history of Alaskan Indians, Eskimos or Aleuts, or

(2) That are associated with the lives of persons significant in the past of Alaskan Indians, Eskimos or Aleuts, or

(3) That possess outstanding and demonstrably enduring symbolic value in the traditions and cultural beliefs and practices of Alaskan Indians, Eskimos or Aleuts, or

(4) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or

(5) That have yielded, or are demonstrably likely to yield information important in prehistory or history.

(e) Criteria considerations: Ordinarily, cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible as a historical place unless they fall within one of the following categories:

(1) A religious property deriving primary significance from architectural or artistic distinction or historical importance;

(2) A building or structure removed from its original location but which is the surviving structure most importantly associated with a historic person or event;

(3) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life;

(4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;

(5) A reconstructed building when accurately executed in a suitable environment and preserved in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived;

(6) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

(7) A property achieving significance within the past 50 years if it is of exceptional importance.

(f) Applications by a regional corporation under section 14(h)(1) of the Act for conveyance of existing cemetery sites or historical places within its boundaries shall be filed with the proper office of the Bureau of Land Management in accordance with § 2650.2(a) of this chapter. The regional corporation shall include as an attachment to its application for a historical place a statement describing the events that took place and the qualities of the site from which it derives its particular value and significance as a historical place. In making the application, the regional corporation should identify accurately and with sufficient specificity the size and location of the site for which the application is made as an existing cemetery site or historical place to enable the Bureau of Land Management to segregate the proper lands. The land shall be described in accordance with § 2650.2(e) of this chapter.

(g) Upon receipt of an application for an existing cemetery site or historical place, the Bureau of Land Management shall segregate from all other appropriation under the public land laws the land which it determines, in its discretion, adequately encompasses the site described in the application but is not less than three times the site identified in the application if the land is available.

(h) Notice of filing of such application specifying the regional corporation, the size and location of the segregated lands encompassing the site for which application has been made, the date of filing, and the date by which any protest of the application must be filed shall be published once in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska once a week for three consecutive weeks by the Department. The Bureau of Land Management shall then forward the application to the Director, Juneau Area Office, Bureau of Indian Affairs, for investigation and report and supply a copy to the National Park Service. When an application pertains to lands within a National Wildlife Refuge or National Forest, the Bureau of Land Management shall also forward informational copies of the application and the size and location of segregated lands to the agency or agencies involved.

(i) If, during its investigation, the Bureau of Indian Affairs finds that the location of the site as described in the application is in error, it shall notify the applicant of such error. The applicant shall have 30 days from receipt of such notice to file with the Bureau of Land Management an amendment to its

application with respect to the location of the site. Upon acceptance of such amendment the Bureau of Land Management shall reprocess the application, including segregation of lands and publication of notice.

(j) The Bureau of Indian Affairs shall identify on a map and mark on the ground, including individual gravesites or other important items, the location and size of the site or place with sufficient clarity to enable the Bureau of Land Management to locate on the ground said site or place. The Bureau of Indian Affairs, after consultation with the National Park Service and, in the case of refuges and forests, the agency or agencies involved, shall certify as to the existence of the site or place and that it meets the criteria in this subpart.

(1) *Cemetery Sites.* The Bureau of Indian Affairs shall certify specifically that the site is the burial place of one or more Natives. The Bureau of Indian Affairs shall determine whether the cemetery site is in active or inactive use, and if active, it shall estimate the degree of use by Native groups and villages in the area which it shall identify.

(2) *Historical Places.* The Bureau of Indian Affairs shall describe the events that took place and qualities of the site which give it particular value and significance as a historical place.

(k) The Bureau of Indian Affairs shall submit its report and certification along with the written comments and recommendations of the National Park Service and any other Federal agency, to the Bureau of Land Management. If the site meets the requirements set forth in this section and if the land is available, the Bureau of Land Management shall issue a decision to convey. However, in cases of significant differences between the report and certification of the Bureau of Indian Affairs and the comments and recommendations of other Federal agencies, the State Director, Bureau of Land Management shall submit the record, including a land status report, to the Secretary for resolution of any conflicts. If the land is available for that purpose, the Secretary shall make his determination to convey or not to convey the site to the applicant.

(l) The decision of the Bureau of Land Management shall be served on the applicant and all interested parties of record in accordance with the provisions of 43 CFR Part 4, Subpart J. The decison of the Bureau of Land Management shall become final unless appealed to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J. Any agency adversely affected by the certification of BIA or the decision of the Bureau of Land Management may appeal the matter to the Alaska Native Claims Appeals Board. After a decision to convey an existing cemetery site or historical place has become final, the Bureau of Land Management shall adjust the segregation of the lands to conform with said conveyance.

(m) For inactive cemeteries, the boundaries of such cemetery sites shall include an area encompassing all actual gravesites including a reasonable buffer zone of not more than 66 feet. For active cemeteries, the boundaries of such sites shall include an area of actual use and reasonable future expansion of not more than 10 acres, but the BLM in its discretion may include more than 10 acres upon a determination that special circumstances warrant it. For historical places, the boundaries shall include an area encompassing the actual site with a reasonable buffer zone of not more than 330 feet.

(n) The regulations in this subpart shall take precedence over any other regulations, wherever found, with regard to the certification and conveyance of cemetery sites and historical places under this Act.

10. Section 2653.6 is revised to read:

§ 2653.6 Native groups.

(a) *Eligibility.* (1) The head or any authorized representative of a Native group incorporated pursuant to section 14(h)(2) of the Act may file on behalf of the group an application for a determination of its eligibility under said section of the Act. Such application shall be filed in duplicate with the appropriate officer, Bureau of Land Management, prior to February 18, 1976, in accordance with § 2650.2(a) of this chapter. Upon serialization of the application, the Bureau of Land Management office will forward a copy of such application to the Director, Juneau Area Office, Bureau of Indian Affairs, who shall investigate and report the findings of fact required to be made herein to the Bureau of Land Management with a certification thereof. A copy of an application by a group located within a National Wildlife Refuge or a National Forest will be furnished to the appropriate agency administering the area.

(2) Each application must identify the section, township, and range in which the Native group is located, and must be accompanied by a list of the names of the Native members of the group, a listing of permanent improvements and periods of use of the locality by members, a conformed copy of the group's article of incorporation, and the regional corporation's concurrence and recommendation under § 2653.2(b).

(3) Notice of the filing of such application specifying the date of such filing, the identity and location of the Native group, and the date by which any protest of the application must be filed shall be prepared by the Bureau of Land Management and shall be published once in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska once a week for three consecutive weeks by the Department. Any protest to the application shall be filed with the Bureau of Land Management office in which the application has been filed within the time specified in the notice. The Bureau of Land Management will immediately furnish the Bureau of Indian Affairs with a copy of any protest received.

(4) The Bureau of Indian Affairs shall investigate and determine whether each member of a Native group formed pursuant to section 14(h)(2) of the Act is enrolled pursuant to section 5 of the Act. The Bureau of Indian Affairs shall determine whether the members of the Native group actually reside in and are enrolled to the locality specified in its application: *Provided*, That children who are members of the group enrolled thereto and who are temporarily residing elsewhere for purposes of education may be included in such determination. The Bureau of Indian Affairs shall specify the number and names of Natives who actually reside in and are enrolled to the locality and it shall further determine whether the members of the Native group constitute the majority of the residents of the locality where the group resides. The Bureau of Indian Affairs shall determine and identify the exterior boundaries of the Native group's locality and the location of all those permanently affixed structures of the Native group used as dwelling houses.

(5) The Native group shall have had on December 18, 1971, an identifiable physical location. The members of the group must have used the group locality as a place where they actually live in permanently affixed structures used as dwelling houses at least one full season per year and have done so each year since December 18, 1971. The group must be distinguishable from nearby communities and it shall not be considered an eligible Native group if it exists within a larger community context.

(6) The Bureau of Indian Affairs shall issue its decision, containing its findings of fact required to be made herein and its determination of the eligibility of the Native group, except it shall issue a decision of ineligibility when it is notified by the Bureau of Land Management that the land is unavailable for selection by such Native group. It shall send a copy thereof by certified mail to the Bureau of Land Management, the Native group, its regional corporation and any party of record.

(7) Appeals concerning the eligibility of a Native group may be made to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J.

(b) *Selections.* (1) Native group selections shall not exceed the amount recommended by the regional corporation or 320 acres for each Native member of a group, or 7,680 acres for each Native group, whichever is less. Any acreage selected in excess of that number shall be identified as alternate selections and shall be numerically ordered to indicate selection preference. Native groups will not receive land benefits unless the land which is occupied by their permanently affixed structures used as dwelling houses, or in the case where such land is privately owned (not State or Federally owned), the land which is contiguous to and immediately surrounds the land occupied by their permanently affixed structures used as dwelling houses is

available pursuant to section 14(h) of the Act. Public lands which may be available for this purpose are set forth in § 2653.3 (a) and (c). Conveyances of lands reserved for the National Wildlife Refuge System made pursuant to this part are subject to the provisions of section 22(g) of the Act and § 2650.4–6 of this chapter as though they were conveyances to a village corporation.

(2) Upon receipt of the applications of a Native group for a determination of its eligibility under section 14(h)(2) of the Act, the Bureau of Land Management shall segregate the land encompassed within the group locality, up to three times the expected entitlement, from land available for that purpose pursuant to § 2653.6(b)(1). However, segregation of land for Native groups whose dwelling structures are located outside but adjacent to a National Wildlife Refuge or National Forest shall not include such reserved land, unless the Native group's dwelling structures are located on land excepted from the Kodiak National Wildlife Refuge pursuant to Public Land Order No. 1634 (F.R. Doc. 58–3696, filed May 16, 1958).

(3) An examiner for the Bureau of Indian Affairs shall visit the locality of the group to determine its physical location. The examiner shall recommend to the Bureau of Land Management the manner in which the segregation should be modified to encompass the residences of as many members as possible while allowing for inclusion of the land determined by the Bureau of Indian Affairs examiner to be most intensively used by members of the Native group. The recommended segregation must be contiguous and as compact as possible. The Bureau of Land Management may segregate the lands accordingly provided such lands are otherwise available in accordance with §§ 2653.6(b)(1) and 2653.6(b)(2). If the Bureau of Land Management finds the lands are unavailable for selection by a Native group, it shall notify the Bureau of Indian Affairs.

(4) Selections shall be made from lands segregated for that purpose and shall be filed prior to July 1, 1976. Selections shall be contiguous and taking into account the situation and potential uses of the lands involved, the total area selected shall be reasonably compact except where separated by lands which are unavailable for selection. The total area selected will not be considered to be reasonably compact if (i) it excludes other lands available for selection within its exterior boundaries; or (ii) an isolated tract of public land of less than 640 acres remains after selection. The lands selected shall be in whole sections where they are available unless the exhaustion of the acreage which the group may be entitled to select does not permit the selection of a whole section and shall include all available lands in less than whole sections. Lands selected shall conform as nearly as practicable to the United States land survey system.

(5) A Native group whose eligibility has not been finally determined may file its land selections as if it were determined to be eligible. The Bureau of Land Management shall release from segregation the lands not selected and shall continue segregation of the selected lands until the lands are conveyed or the group is finally determined to be ineligible. However, in the case of a group determined to be ineligible by the Alaska Native Claims Appeals Board, the segregation shall be continued for a period of 60 days from the date of such decision.

(6) Where any conflict in land selection occurs between any eligible Native groups, the Bureau of Land Management shall request the appropriate regional corporation to recommend the manner in which such conflict should be resolved.

(7) The Bureau of Land Management shall issue a decision on the selection of a Native group determined to be eligible and shall serve a copy of such decision by certified mail on the Native group, its regional corporation and any party of record.

(8) Appeals from the Bureau of Land Management decision on the selection by a Native group under this section shall be made to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J.

11. Section 2653.7 is amended by adding a new paragraph (c) to read as follows:

§ 2653.7 Sitka-Kenai-Juneau-Kodiak selections.

* * * * *

(c) Appeals may be made under section 14(h)(3) of the Act only with respect to the Bureau of Land Management's decisions with respect to conveyance of land for that purpose. Appeals shall be made to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J.

12. Section 2653.8 is amended by adding a new § 2653.8–3 as follows:

§ 2653.8 Primary place of residence.

* * * * *

§ 2653.8–3 Appeals.

Appeals from decisions made by the Bureau of Land Management on applications filed pursuant to section 14(h)(5) of the Act shall be made to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J.

§ 2653.9 [Redesignated]

13. Section 2653.9 is redesignated as § 2653.11.

14. Section 2653.11(b) is revised to read as follows:

§ 2653.11 Conveyance reservations.

* * * * *

(b) In addition to the reservations provided in paragraph (a) of this section, conveyance for cemetery sites or historical places will contain a covenant running with the land providing that (1) the regional corporation shall not authorize mining or mineral activity of any type; nor shall it authorize any use which is incompatible with or is in derogation of the values of the area as a cemetery site or historical place (standards for determining uses which are incompatible with or in derogation of the values of the area are found in relevant portions of 36 CFR 800.9 (1974)); and (2) that the United States reserves the right to seek enforcement of the covenant in an action in equity. The covenant placed in this subsection may be released by the Secretary, in his discretion, upon application of the regional corporation grantee showing that extraordinary circumstances of a nature to warrant the release, have arisen subsequent to the conveyance.

* * * * *

15. A new § 2653.9 is inserted in lieu of the redesignated § 2653.9 to read as follows:

§ 2653.9 Regional selections.

(a) Applications by a regional corporation for selection of land within its boundaries under section 14(h)(8) of the Act shall be filed with the proper office of the Bureau of Land Management in accordance with § 2650.2(a).

(b) A regional corporation may select a total area in excess of its entitlement to ensure that it will obtain its entitlement in the event of any conflicts. Any acreage in excess of its entitlement shall be identified as alternate selections and shall be numerically ordered on a section by section basis to indicate selection preference.

(c) Selections need not be contiguous but must be made along section lines in reasonably compact tracts of at least 5,760 acres, not including any unavailable land contained therein. The exterior boundaries of such tracts shall be in linear segments of not less than two miles in length, except where adjoining unavailable lands or where shorter segments are necessary to follow section lines where township lines are offset along standard parallels caused by the convergence of the meridians. However, selected tracts may contain less than 5,760 acres where there is good cause shown for such selection, taking into consideration good land management planning and principles for the potentially remaining public lands, and which would not leave unduly fragmented tracts of such public lands. Each tract selected shall not be considered to be reasonably compact if (1) it excludes other lands for selection within its exterior boundaries, or (2) an isolated tract of public land of less than 1,280 acres remains after selection of the total entitlement. Regional corporations shall not be precluded from selecting less than 5,760 acres where the entire tract available for selection constitutes less than 5,760 acres. Selection shall conform as nearly as practicable to the United States land survey system.

(d) Notice of the filing of such selections, including the date by which any protest of the selection should be filed, shall be published once in the FEDERAL

REGISTER and one or more newspapers of general circulation in Alaska once a week for three consecutive weeks by the Department. Any protest to the application should be filed in the Bureau of Land Management office in which such selections were filed within the time specified in the notice.

(e) Appeals from decisions made by the Bureau of Land Management with respect to such selections shall be made to the Alaska Native Claims Appeals Board in accordance with 43 CFR Part 4, Subpart J. A decision of the Bureau of Land Management shall become final 30 days from the date of the decisions in the absence of any appeal therefrom.

A new § 2653.10 is added to read as follows:

§ 2653.10 Excess selections.

Where land selections by a regional corporation, Native group, any of the four named cities, or a Native pursuant to section 14(h)(1), (2), (3), or (5) exceed the land entitlement, the Bureau of Land Management may request such corporation to indicate its preference among lands selected.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

DECEMBER 4, 1975.

[FR Doc.75-33151 Filed 12-8-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 999]

IMPORTED INSHELL WALNUTS

Proposed Quality Requirements

Notice is hereby given that the Department is proposing to amend the regulation governing imports of walnuts (7 CFR 999.100; 40 FR 29262) to revise the quality requirements for imported inshell walnuts, and to make a minor editorial change. This regulation is effective pursuant to section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

Section 8e of the act requires the Secretary of Agriculture to issue, after reasonable notice, quality restrictions on imported walnuts, which are the same as, or comparable to, those imposed upon domestic walnuts under a Federal marketing order (7 CFR Part 984). The quality requirements for imported inshell walnuts under the import regulation are U.S. No. 2. These were the requirements imposed upon the domestic walnuts under the Federal marketing order until they were modified effective November 30, 1975.

U.S. No. 2, as prescribed in the United States Standards for Walnuts (Juglans regia) in the Shell (29 FR 12865; 35 FR 10840), allows a total tolerance of 20 percent, by count, for internal grade defects, but not more than 10 percent of the walnuts may be damaged by mold or insects or seriously damaged by other means, of which not more than 5 percent may be damaged by insects. No part of any tolerance is allowed for walnuts containing live insects. Examples of internal grade defects are mold, shriveling, rancidity, decay, dark discoloration, present or evidence of insects inside the shell, and uncured kernels which are wet and rubbery, not firm and crisp.

The November 30, 1975, modification in the domestic requirements reduced the total tolerance for internal grade defects to a maximum of 15 percent, and the tolerance included within the total tolerance for damage by mold or insects or serious damage by other means to a maximum of 8 percent. The tolerance of 5 percent for damage by insects and the prohibition on live insects were not changed. Therefore, it is proposed to revise the present quality requirements on imported inshell walnuts so that they are the same as the modified requirements imposed upon domestic walnuts under the Federal marketing order.

It is also proposed to add the paragraph heading "Reconditioning prior to importation" at the beginning of paragraph (d). It was omitted in the August 15, 1975, amendment of the regulation (40 FR 29263).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 31, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to revise § 999.100(b)(1) and to insert a heading at the beginning of paragraph (d) of that section. As so revised, paragraphs (b)(1) and (d) read as follows:

§ 999.100 Regulation governing imports of walnuts.

* * * * *

(b) * * *

(1) All inshell walnuts shall be of a quality equal to or better than the requirements for U.S. No. 2 and "baby" size as prescribed in the United States Standards for Walnuts (Juglans regia) in the Shell (§§ 51.2945-51.2966) of this title, except that not more than a total of 15 percent, by count, of the walnuts may be damaged by internal grade defects including not more than 8 percent which are damaged by mold or insects or seriously damaged by other means, of which not more than 5 percent may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects; or

* * * * *

(d) *Reconditioning prior to importation.* Nothing contained in this section shall be deemed to preclude reconditioning walnuts prior to importation, in order that such walnuts may be made eligible to meet the grade and size regulations prescribed in paragraph (b) of this section.

* * * * *

Dated: December 4, 1975.

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

[FR Doc.75-33107 Filed 12-8-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-67]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Phillipsburg, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before January 8, 1976 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 Regional Air Traffic Division Chief. 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.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Myers Airport, Phillipsburg, Ohio.

Controlled airspace is required to protect the procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is added:

PHILLIPSBURG, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Myers Airport (latitude 39°54'-40'' N., longitude 84°24'00'' W.); excluding that portion which overlies the Dayton, Ohio and Troy, Ohio transition areas.

This amendment is proposed under the authority of Section 307(a) of the Fed-

eral Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois, on November 19, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-33000 Filed 12-8-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-WA-22]

FEDERAL AIRWAY SEGMENT

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign the south alternate of V-4 between Seattle, Wash., and Yakima, Wash.

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, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before January 8, 1976 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 Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign the south alternate of V-4 between Seattle, Wash., and Yakima, Wash., via INT Seattle 163°T (141°M) and McChord, Wash., 099°T (077°M) radials and INT McChord 099°T (077°M) and Yakima 305°T (284°M) radials.

The 084°T (062°M) radial of the Olympia, Wash., VORTAC, which is part of the south alternate of V-4 between Seattle and Yakima, has become unusuable.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 2, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-33001 Filed 12-8-75;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-53; Notice No. 75-25]

AUTOMATIC DEVICE FOR REDUCING FRONT-WHEEL BRAKING EFFORT ON ALL COMMERCIAL VEHICLES

Proposed Rulemaking

● **Purpose. The purpose of this document is to allow public comment on a proposed rule change which would permit use of automatic front brake limiting devices on vehicles equipped with brake systems which do not utilize compressed air.** ●

An amendment to § 393.48 of the Federal Motor Carrier Safety Regulations (49 CFR 393.48) is being considered which would allow the operation in interstate or foreign commerce of a motor vehicle having brake systems that do not utilize compressed air to have automatic devices to reduce front-wheel braking effort under certain limitations. Several portions of this section are being rewritten to provide more clarity.

This proposal stems from a petition filed by Wagner Electric Corporation (Wagner), a manufacturer of commercial motor vehicle brake systems. Wagner refers to the most recent revision of § 393.48 (Notice 74-12, 39 FR 26906 July 24, 1974), which permitted the use of automatic devices to reduce front-wheel braking effort under certain circumstances on vehicles with brake systems utilizing compressed air in any manner.

Wagner maintains that metering valves are available for hydraulic brake systems which reduce pressure to the front brakes until certain conditions of loading are met. These valves, according to Wagner, should reduce front-wheel lockup and skid in low decleration stops on low friction surfaces. Also, Wagner contends that wear on the front brakes should be reduced because of the decreased workload during normal stopping.

In correspondence with the Bureau of Motor Carrier Safety, Wagner has asked that we consider revision of 49 CFR 393.48 to clarify the prohibition against front-wheel braking force reduction.

It is concluded that the petition contains adequate justification for rulemaking, and that all interested persons should be given the opportunity to comment on a change in § 393.48 similar to that suggested by the petitioner. Accordingly, it is proposed that § 393.48 (b) (1), (2) and (c) of the Federal Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49, CFR) be revised to read as follows:

§ 393.48 Brakes to be operative.

* * * * *

(b) *Devices to reduce or remove front-wheel braking effort.* * * *

(1) *Manually-operated devices.* A manually operated device to reduce or remove the front-wheel braking effort must not be—

(i) Installed in a bus, truck, or truck tractor manufactured on or after March 1, 1975; or

(ii) Used in the reduced mode except when the vehicle is operating under adverse road conditions such as wet, snowy, or icy roads.

(2) *Automatic devices.* An automatic device to reduce the front-wheel braking effort must not—

(i) Be operable by the driver except upon application of the control that activates the braking system; and

(ii) Reduce the braking force when the pressure that transmits brake control application forces exceeds—

(*a*) The vehicle's air compressor cut-in pressure; or

(*b*) 85 percent of the maximum system pressure in the case of vehicles not utilizing compressed air.

(c) *Towed vehicle.* Paragraph (a) of this section does not apply to—

(1) A disabled vehicle being towed; or

(2) A vehicle being towed in a driveaway-towaway operation which is exempt from the general rule of § 393.42 under paragraph (b) of that section.

Interested persons are invited to submit written data, views, or arguments pertaining to this proposal.

All comments submitted should refer to the docket number and notice number appearing at the top of this document. They should be submitted in three copies to the Bureau of Motor Carrier Safety, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on March 12, 1976, will be considered before further action is taken. Comments will be available for examination in public docket room of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street SW., both before and after the closing date for comments.

This notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administration at 49 CFR 1.48 and 389.4, respectively.

Issued on November 17, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.75-33073 Filed 12-8-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20637; FCC 75-1286]

[47 CFR Parts 89, 91]

INTRA-URBAN PASSENGER MOTOR CARRIERS

Clarification of Frequency Loading Criteria

In the matter of amendment of Parts 89 and 91 of the rules to clarify the fre-

quency loading criteria for intra-urban passenger motor carriers in the 470–512 MHz band, Docket No. 20637.

1. In the Fourth Report and Order in Docket 18261, released November 20, 1973, (43 FCC 2d 949), we, inter alia, increased the loading standard for the intra-urban passenger carriers to 150 mobiles units per frequency pair in the 470–512 MHz band. Our intention was to apply this loading standard to all passenger motor carriers, but we inadvertently amended only the rules which govern the Motor Carrier Radio Service. However, transit systems operated by governmental entities may also be licensed in the Local Government Radio Service, if they are operated by governmental entities, or in the Business Radio Service if they are commercial enterprises.

2. The loading criteria in these other services are much lower (70 and 90 mobiles per frequency pair, respectively). There is obviously no difference in the operation of radio by carriers whether licensed in the Motor Carrier, Local Government or in the Business Radio Services. However, because we have not incorporated the 150 loading requirement into the rules governing the latter two services, uncertainty (because of the obvious conflict) exists.

3. Accordingly, it is necessary that we amend our rules to conform with our original intention, remove uncertainty and establish single uniform frequency loading criteria for intra-urban passenger motor carriers in the 470–512 MHz band. We are, therefore proposing amendments to §§ 89.123 and 91.114 to conform these rules to § 93.114.

4. The proposed rule amendments are issued under sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 11, 1976, and reply comments on or before March 11, 1976. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commisison may also take into account other relevant informtion before it, in addition to the specific comments invited by this notice.

5. In accordance with the provisions of § 1.419 of the Commission's rules, an original and eleven copies of all statements, briefs, or comments filed shall be furnished the Commisison. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: November 25, 1975.

Released: December 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

Parts 89 and 91 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 89.123, Note 2 following paragraph (c) is amended to read as follows:

§ 89.123 Frequencies in the band 470.512 MHz.

* * * * *

(c) * * *

2. The channel loading is 50 units, except that for channels primarily used in connection with the operation of buses, street cars, and other intra-urban masstransit (passenger carrying) vehicles, the channel loading is 150 units. A unit is defined as one vehicular mobile unit or two hand carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles (20 miles for Channel 15, Chicago; Channel 20, Philadelphia and Channel 17, Washington) or more from the location of base stations authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 month period of the number of units in operation.

2. In § 91.114, Note 2 following paragraph (f) is amended to read as follows:

§ 91.114 Frequencies in the band 470–512 MHz.

* * * * *

(f) * * *

2. The channel loading is 90 units, except that for channels primarily used in connection with the operation of buses, street cars, and other intra-urban mass transit (passenger carrying) vehicles, the channel loading is 150 units. A unit is defined as one vehicular mobile unit or three hand carried transmitter-receivers. Loading standards will be applied in terms of the number of units actually in use or to be placed in use within 8 months following authorization. A licensee will be required to show that an assigned frequency pair is at full capacity before it may be assigned a second or additional frequency. Channel capacity may be reached either by the requirements of a single licensee or by several users sharing a channel. Until a channel is loaded to capacity it will be available for assignment to other users in the same area. A frequency pair may be reassigned at distances 40 miles (20 miles for Channel 15, Chicago; Channel 20, Philadelphia and Channel 17, Washington) or more from the location of base stations authorized on that pair without reference to loading at the point of original installation. Following authorization, the licensee shall notify the Commission either during or at the close of the 8 month period of the number of units in operation.

[FR Doc.75-33086 Filed 12-8-75;8:45 am]

[1] Commissioner Washburn absent.

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.

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, December 17, 1975, commencing at 2 p.m. The hearing will be held in Room 1600 of the Municipal Services Bldg., 15th and Kennedy Blvd., Philadelphia. The subjects of the hearing will be as follows:

A. *Current expenses budget.* A proposed current expense budget for fiscal year 1977 in the total amount of $1,647,800 and a capital budget for the same period in the total amount of $27,000. Appropriations to balance the current expense budget are proposed as follows: Delaware, $120,080; New Jersey, $335,830; New York, $295,830; Pennsylvania, $365,830; United States, $198,030. The balance of funds required are anticipated from a federal water quality grant, appropriation from the revenue stabilization fund, sale of publications and other miscellaneous receipts. The capital budget is for the purpose of reimbursing the Federal Government for the costs of water supply storage at the Beltzville and Blue Marsh reservoir projects. Appropriations to balance the capital budget are proposed for Pennsylvania ($25,000) and New Jersey ($2,000).

B. *Annual water resources program.* Section 13.2 of the Delaware River Basin Compact requires the Commission to annually adopt a Water Resources Program showing the facilities and programs scheduled for implementation during the coming six-year period, and the agencies under whose sponsorship they will be carried out. Based upon the Comprehensive Plan, the Water Resources Program estimates the quantity and quality of water needs throughout the basin and the programs required to satisfy these needs during the forecast period.

The 12th annual Water Resources Program is now under consideration by the Commission. Copies of the draft program may be examined at the Commission offices. A limited number of copies are available for distribution upon request.

C. Applications for approval of the projects listed below. The Commission will consider these applications as proposed amendments to the Comprehensive Plan pursuant to Article 11 of the Compact, and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Artesian Water Co. (D–74–195 CP).* A well water supply project to augment public water supplies in the company's service area adjacent to the City of Wilmington, Del. Designated as Hockessin Well No. 4, the new facility is expected to yield about one million gallons per day.

2. *Superior Tube Co. (D–74–199).* A cooling water discharge at the company's manufacturing facilities in Lower Providence Township, Montgomery County, Pa. Cooling water ponds and recirculation are utilized. An overflow of approximately 240,000 gallons per day will discharge to Perkiomen Creek.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

DECEMBER 3, 1975.

[FR Doc.75-33080 Filed 12-8-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 27095]

NEW MEXICO

Application

NOVEMBER 25, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 31 N., R. 12 W.
Sec. 10, NE¼NE¼;
Sec. 15, lots 6 and 7.

This pipeline will convey natural gas across .332 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-32991 Filed 12-8-75;8:45 am]

[Wyoming 53169]

WYOMING

Application

DECEMBER 1, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 113 W.,
Sec. 5;
Sec. 6;
Sec. 7.

The pipeline will convey natural gas from a well in sec. 5 to an existing gathering system in sec. 7, T. 28 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Spring, Wyoming 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-32985 Filed 12-8-75;8:45 am]

QUALIFIED JOINT BIDDERS

Notice to Bidders

1. On November 25, 1975, the FEDERAL REGISTER (Vol. 40, No. 228, at page 54594) published as a convenience to the public a list of companies which had filed Statements of Production, in accordance with 43 CFR 3302.3–2, *Joint Bidding Requirements*, which claimed average daily worldwide production of less than 1.6 million barrels of crude oil, natural gas and liquified petroleum products during the production period of January 1, 1975, through June 30, 1975. These statements qualified those companies to bid jointly at Outer Continental Shelf oil and gas lease sales during the bidding period of November 1, 1975, through April 30, 1975.

2. Since that date of publication, other companies have filed such statements. Because of the short time between the end of the filing period and the next sale, their names will appear in a supplemental list available for examination after December 8, 1975, in the Pacific Outer Continental Shelf Office, 7663 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012, and in the Office of the Director, Bureau of Land Management (722), Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Dated: December 4, 1975.

GEORGE L. TURCOTT,
Associate Director, Bureau of Land Management.

[FR Doc.75-33128 Filed 12-8-75;8:45 am]

Fish and Wildlife Service
GENE W. WOOD
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).

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 [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED
Our research program seeks to identify forest stand characteristics which affect red-cockaded woodpecker (Dendrocopus borealis) productivity. This work is to be carried out by annually examining nest cavities, banding nestlings during the breeding season; mist netting, banding, and patagium flagging adults during the non-breeding season.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Gene W. Wood, Ph.D.
Forest Wildlife Ecologist
Baruch Forest Science Institute
P.O. Box 596, Georgetown, S. C.29440
Phone: 803-546-4402

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS. ☐ MS.	HEIGHT 5'9"	WEIGHT 165
DATE OF BIRTH 10-23-40	COLOR HAIR Blonde	COLOR EYES Blue
PHONE NUMBER WHERE EMPLOYED 803-546-4402	SOCIAL SECURITY NUMBER 227-52-9356	

OCCUPATION
University Professor

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Clemson University
Clemson, South Carolina 29631

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
Hobcaw Barony
Georgetown County
South Carolina 29440

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 & Salvage Permit 20227

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)
(See attached memorandum from South Carolina Wildlife & Marine Resources Department)

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: Oct. 1, 1975

11. DURATION NEEDED: 3 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 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) Gene W. Wood DATE July 26, 1975

Gene W. Wood

JULY 16, 1975.

U.S. FISH AND WILDLIFE SERVICE,
Post Office Box 290,
Nashville, Tenn. 37202.

GENTLEMEN: Enclosed you will find an application for a permit to carry on studies of the red-cockaded woodpecked (*Dendrocopus borealis*). This work would involve nest examination, banding of nestlings and banding and patagium flagging of adult birds. The reasons for wanting to do this research and the procedures to be used can be found in the permit application attachments.

If this application is not complete or there are points which need clarification I will be happy to do whatever is necessary as soon as you inform me of the problem.

Respectfully,

GENE W. WOOD, Ph.D.,
Forest Wildlife Ecologist.

BANDING AND PATAGIUM FLAGGING OF RED-COCKADED WOODPECKERS (DENDROCOPUS BOREALIS)

CURRENT RESEARCH PROGRAM

The attachment entitled: "Prospectus for a study of the habitat requirements of the red-cockaded woodpecker (Dendrocopus borealis)" describes the scope of our current research program on this species and the extent of our present cooperative agreement with the U.S. Forest Service. We expect to expand this cooperative effort in the near future.

JUSTIFICATION

Although the red-cockaded woodpecker is listed as a rare and endangered spices, as well as it should be in some geographical areas, its population level in coastal South Carolina is quite high. The bird and its distinctively marked roost trees are common sites to woods workers in this portion of the species range. It is so abundant that a major conflict between timber and wildlife interests has already arisen and is intensifying. The multiple-use land manager is caught in the middle. On one hand he seeks not to disturb the bird or its habitat in hopes of maximizing its productivity and probability of survival. On the other, he realizes the need of the local, state and even national economy for southern pine timber. He ponders the question of, outside of actually cutting roost trees, what is habitat disturbance? For instance, everyone seems to agree that the colony stand should be left intact with no cutting but colony stands are widely varied in vegetative composition and structure. Are more birds fledged in some colonies than others? If this is true, how is fledgling number related to stand characteristics and clan size? Should the colony stand vegetation be manipulated in some instances to enhance red-cockaded productivity?

Beyond the colony stand consideration are the characteristics of the support stand. This stand is visualized as the area needed in addition to the colony stand for foraging purposes. The most recent guess at what this stand should be like is that it needs to be at least 40 acres in size and adjacent to the colony stand. Almost no information exists on what the bird might perceive as a support stand, or what its important characteristics might be, or if we should be manipulating the vegetation in support standards. It may well be that beyond the minimum need of roost trees the characteristics of the support stand that may affect productivity are more important than those of the colony stand.

The U.S. Forest Service has recently completed its second set of cutting guidelines for red-cockaded woodpecker areas. This guideline is the result of an enthusiastic and sincere attempt to arrive at a method of harvesting timber on the national forests and still protect and propagate the red-cockaded woodpeckers that live there. It is based on what hard data there is in existence and the ideas of researchers who have worked with the red-cockaded. However, it is still open to controversy due to the lack of substantial amounts of information concerning the effects of silvicultural practices on the productivity of this bird. We are in desperate need to accelerate the rate of accumulation of this data. This can only be accomplished through measurements of the population dynamics and movement patterns of the birds in concert with measurements of their habitats. Heretofore, researchers have tended to primarily deal with one or the other. In order to obtain the answers that we need today, the animal-plant relationship must be quantified. With respect to bird measurements this means identifying colonies in widely varying habitats, examining nests, banding nestlings for distribution and survival rate information and banding and color marking adults for home range and specific stand use data.

What is the value of doing this type of work in coastal South Carolina? First, the woodpacker-timber conflict is at least as intense here as anywhere else in the South. Second, due to the abundance of the species in this region, we can capture and handle birds without threatening local populations through accidental mortalities or stress. Third, the forests of the South Carolina Low Country are noted for spatial diversity which presents the opportunity to study the bird under a wide range of habitat conditions. And fourth, the particular area in which we expect to carry out this work has lands in close proximity to one another that are under management schemes ranging from sanctuaries to national forest to industrial forest.

THE STUDY AREA

The general area of study covers the species range of the red-cockaded woodpecker in South Carolina. This would involve the Coastal Plain and Lower Piedmont phys-

iographic regions. I am requesting permission to examine nest cavities and count and band nestlings throughout this region.

All of the bird movement studies, which will entail mist netting, banding and patagium flagging, will take place on Hobcaw Barony. The Barony is a 17,500 acre plantation owned by The Belle W. Baruch Foundation and is located along U.S. Route 17 about two miles east of Georgetown, S.C. About 7500 acres of the plantation are in forest vegetation. The remaining area is composed of freshwater and saltwater marshes. The area is dedicated to education and research in forestry, wildlife science and marine biology. The property is protected by a 1974 act of the South Carolina legislature which declared it a "Wild Bird And Game Refuge." Public access is prohibited except by special tour.

Like most of coastal South Carolina, the Barony has an abundance of red-cockaded woodpeckers. Our present population estimate is between 100 and 150 birds distributed over 25 colony stands. The Barony is being managed to maintain a number of old growth loblolly and longleaf pine stands which will insure the availability of potential cavity trees for the future. We have the opportunity here to study the red-cockaded in a wide range of colony and support stand conditions and to investigate the influence of various silvicultural practices in support stands.

PROCEDURES

NEST CAVITY EXAMINATION

Nest cavity trees will be identified during the breeding season by clan behavior in the colony stand. Once the nest tree is identified it will be climbed using a Swedish ladder and the cavity examined. Examination will be carried out by dropping a flashlight bulb, which is wired to a remote battery down the cavity hole to light the inside. A dental mirror will then be used to examine the inside of the cavity and make egg or nestling counts. Once the nestlings are well feathered and just prior to fledging they will be banded using standard U.S. Fish and Wildlife Service bands. The banding and recapture of these birds over a period of years is crucial to the development of life tables, estimation of time required for development to sexual maturity and general clan dynamics.

BANDING AND PATAGIUM FLAGGING OF ADULTS

Capture and marking of adults will begin in mid-October of each year. By this time, all surviving fledglings will be in fully developed adult plumage and be strong fliers. On two occasions in the past we have accidentally caught red-cockadeds in mist nets set for other birds. While woodpeckers in general tend to severely fight the net this was not true of the behavior of these two birds. At any rate, by netting at a time of the year when the birds are all full grown and not in some stage of molt, I would not anticipate the infliction of serious wounds on the bird due to its struggles in the net.

Netting will involve the placement of hoists with pulley and rope riggings on a cavity tree several days in advance of the actual netting time. During this time the tree will be observed for a period prior to sunset each day to make sure that the bird is not deterred from using the tree for roosting. Once this has been determined, a mist net (1¼ inch mesh) will be raised on the rigging into position in front of the hole entrance about one hour before dawn on the netting day. When the bird leaves the roost he will fly into the net and be captured. The net will then be lowered on the rigging and the bird removed and banded.

Following banding, birds will receive patagium flags. A vinyl flag two inches long and one-quarter inch wide will be attached to the patagium of each wing (Figure 1). The flags will be colored and a given color code will be assigned a specific clan. Birds of one clan will then be distinguishable from those of another on sight but will not be individually recognizable except by band number in the event of recapture. Following this procedure the bird will be released. After marking birds in this manner and making observations of them for several years, we should be able to get good ideas on the size of the home range of a clan as well as how new clans and colonies are formed.

ANTICIPATED RESULTS

Within three to four years we should have excellent estimates of productivity rates, movement patterns, home range, types of preferred habitat, and the influence of various habitat characteristics on productivity. With this type of information in hand we should have a good idea of how the bird perceives his habitat and be able to make recommendations on silvicultural practices in red-cockaded woodpecker habitat accordingly.

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 Suite 600, 1612 K 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/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before January 8, 1976.

Dated: December 2, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-33007 Filed 12-8-75;8:45 am]

WILLIAM P. HAUSER

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).

OMB NO. 43-R1678

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.
Ship four Hawaiian Geese (Nene) (endangered species), in interstate commerce in the course of a commercial activity, for breeding in captivity and propagational purposes.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
William P. Hauser
1509 So. 139th
Tacoma, Washington; 98444
(206) 531-1750
(206) 272-1678

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5', 8" WEIGHT: 165
DATE OF BIRTH: 2/3/19
COLOR HAIR: Brown COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 272-1678
SOCIAL SECURITY NUMBER: 502-05-1775
OCCUPATION: Physician - Bird Breeder
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: No

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
1. interstate shipment from Long Island, N.Y. to Tacoma, Wa.
2. interstate shipment from Salem, Oregon to Tacoma, Wa.
(See attachments)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number) Federal: 1PR 664
State: CP 25-56

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) not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: None

10. DESIRED EFFECTIVE DATE: December 1975

11. DURATION NEEDED: December 1975

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): William P Hauser
DATE: 08 27-75

3-200
16/740

William P. Hauser

12. Attachments:

Four geese, Hawaiian (Nene) Branta-sandvicensis.

Two males and two females, ages six months; born in captivity on Long Island, N.Y. and Oregon.

One pair from Winston Guest; Berry Hill Road; Oyster Bay, N.Y. 11771.

One pair from Ernest Weaver; Salem, Oregon.

I have raised swans for fourteen years and Honkers for ten. This past year, I raised fourteen Canadian Honkers from one pair—Black Necked Swans in incubator—nine Red Breasted Geese from one female, all in incubators. My mortality from time of hatch to adulthood is practically zero. I have never had Nene Geese.

I am willing to participate in cooperative breeding program and to maintain or contribute data to stud book.

At present, I am writing an article on determining cause of death in birds. The article will be published in the Gazette. If one of my birds dies, I have an autopsy performed by a vet who specializes in birds and the tissues examined and cultured at a pathological laboratory. These birds will be shipped air express and picked up day of shipment.

7. Contract Agreement: Winston Guest's birds were purchased at Am Game Bird Breeder's meeting in Reno, Nevada. Verbal agreement with Mr. Weaver to trade Red Breasted Geese for Nene Geese.

8. I am an experienced bird breeder and propagator, interested in propagation of wild life. Propagation will be done with proper sanitation, housing, and feeding.

I do not believe in over crowding. I have no plans to dispose of the birds. The property is surrounded by an eight foot fence with two electric wires.

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 Suite 600, 1612 K 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/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before January 8, 1976, will be considered.

Dated: December 2, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-33006 Filed 12-8-75;8:45 am]

Geological Survey

BALTAZOR, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Baltazor known geothermal resources area, effective February 1, 1974.

(28) NEVADA

BALTAZOR KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian, Nevada

T. 46 N., R. 29 E.
Sec. 11, 12, 13, 14, 23, 24, 25
T. 47 N., R. 29 E.
Sec. 24, 25

The above area aggregates 5537.25 acres (2241.80 hectares), more or less.

Dated: September 10, 1975.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-33075 Filed 12-8-75;8:45 am]

DIXIE VALLEY, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following lands are hereby defined as the Dixie Valley Known Geothermal Resources Area, effective April 1, 1974.

(28) NEVADA

DIXIE VALLEY KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian, Nevada

T. 22 N., R. 34 E.
Secs. 12, 13, 23, 24, 25, 35, 36
T. 22 N., R. 35 E.
Secs. 5, 6, 7
T. 23 N., R. 36 E.
Secs. 5, 6, 7, 17, 18
T. 24 N., R. 36 E.
Secs. 11 through 15, 19 through 23, 25 through 29, 34, 35, 36
T. 24 N., R. 37 E.
Secs. 2, 3, 5, 6, 7, 8, 11, 13
T. 25 N., R. 37 E.
Secs. 13, 24, 32
T. 25 N., R. 38 E.
Secs. 5, 6, 7, 15, 16, 21, 22, 27, 28
T. 26 N., R. 38 E.
Secs. 20, 21, 27, 28, 29, 32, 33

The above area aggregates 38,989.87 acres (15,784.97 hectares), more or less.

Dated: October 22, 1975.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-33076 Filed 12-8-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

UPLAND COTTON

Determination of "Shortfall" for 1975–76 Marketing Year

Pursuant to section 407 of the Agricultural Act of 1949, as amended (79 Stat. 1197, as amended; 7 U.S.C. 1421 et seq.). The Secretary of Agriculture has determined that the "shortfall" for upland cotton in the 1975–76 marketing year is 1,406,000 bales. Section 407 provides, in part, that the Commodity Credit Corporation shall sell or make available for unrestricted use at current market prices in each marketing year a quantity of upland cotton equal to the amount by which the production of upland cotton is less than the estimated requirements for domestic use and for export for such marketing year.

The 1975–76 "shortfall" is the amount by which the domestic use and export requirements for upland cotton in the 1975–76 marketing year will exceed the 1975 production of such cotton. The requirements for domestic use and export during the 1975–76 marketing year are currently estimated to be about 10,400,000 bales (480 pounds net weight). The Crop Production Report issued by the Statistical Reporting Service on October 10, 1975, indicates that 1975 production of upland cotton will total about 8,994,000 bales (480 pounds net weight). On the basis of these estimates, the 1975–76 shortfall for upland cotton is 1,406,000 bales.

CCC-owned stocks of upland cotton as of November 7, 1975 totaled only 107 bales, and only very minor quantities will be acquired from the 1974 crop. Thus, an amount of upland cotton equal to the shortfall cannot be sold or made available by CCC during the 1975–76 marketing year. However, CCC's remaining stocks of upland cotton will be made available for sale against the 1975–76 shortfall.

Signed at Washington, D.C., on December 2, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-33110 Filed 12-8-75;8:45 am]

Packers and Stockyards Administration

[P. & S. Docket No. 5192]

GILES LOWERY STOCKYARDS, INC.

Order Extending Period of Suspension of Modifications of Rates and Charges

On October 31, 1975, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended, (7 U.S.C. 181 et seq.):

In re: Giles Lowery Stockyards, Inc., d/b/a Lufkin Livestock Exchange, Lufkin, Texas.

Such order, among other things, suspended and deferred the operation and use by the respondent of modifications of its current schedule of rates and charges to become effective November 3, 1975, for a period of thirty days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of thirty days beyond the date when such

modifications would have otherwise become effective.

Done at Washington, D.C., December 2, 1975.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.75-33069 Filed 12-8-75;8:45 am]

Rural Electrification Administration

BIG RIVERS ELECTRIC CORP., HENDERSON, KENTUCKY

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $168,000,000 to Big Rivers Electric Corporation, of Henderson, Kentucky. These loan funds will be used to finance a project consisting of a 200,000 kW generating unit and related facilities.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. B. Scott Reed, Acting Manager, Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky 42420.

In order to be considered, proposals must be submitted on or before January 8, 1976, to Mr. Reed. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Big Rivers and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration. Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 3d day of December 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75-33109 Filed 12-8-75;8:45 am]

Soil Conservation Service

BAYOU GROSSE TETE WATERSHED PROJECT, LOUISIANA

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Bayou Grosse Tete Watershed Project, Pointe Coupee Parish, Louisiana, USDA-SCS-EIS-WS-(ADM)-76-2-(D)-LA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvements include conservation land treatment, supplemented by channel work and water control structures. The channel work will involve clearing and debris removal on 10 miles of existing channels, 3 miles of new channel construction, and 102 miles of enlargement by excavation to provide improved water management in a flatland watershed that is 52 percent agricultural cropland and grassland. Of the 115 miles of work proposed on existing streams or channel, 107 miles will involve those with only ephemeral flow, and 4 miles with intermittent flow. The balance of 4 miles involves either existing ponded or flowing water or completely new channels where none existed before.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 3737 Government Street, Alexandria, Louisiana 71301.

Copies of the draft environmental impact statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301.

Comments must be received on or before January 29, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 2, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-32981 Filed 12-8-75;8:45 am]

LONG BRANCH WATERSHED PROJECT, NEBRASKA

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Long Branch Watershed Project, Richardson, Nemaha, Pawnee, and Johnson Counties, Nebraska, USDA-SCS-EIS-WS-(ADM)-75-2-(D)-NE.

The environmental impact statement concerns a plan for watershed protection, flood prevention, including grade stabilization, and recreation. The planned works of improvement include conservation land treatment, twelve floodwater retention structures, twelve grade stabilization structures, and one recreational development. The recreational development will provide 25,200 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 134 South 12th Street, Lincoln, Nebraska 68508.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. J. Parker, State Conservationist, Soil Conservation Service, 134 South 12th Street, Lincoln, Nebraska 68508.

Comments must be received on or before February 1, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 2, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-32982 Filed 12-8-75;8:45 am]

PRAIRIE CREEK (VIGO) WATERSHED PROJECT, INDIANA

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the remaining works on Prairie Creek Watershed Project, Vigo County, Indiana, USDA-SCS-EIS-WS-(ADM)-75-4(F)-IN.

The EIS concerns a plan for watershed protection, flood prevention, and drain-

age. The planned remaining works of improvement include conservation land treatment, supplemented by channel work. The channel work will involve trash and debris block removal on 1.5 miles of existing channel, 0.5 mile of new channel construction, and 3.5 miles of enlargement by excavation to provide improved water management in a watershed that is 89 percent agricultural cropland and grassland. Of the 5.5 miles of work proposed on existing channel, 2.5 miles will involve perennial flow, 2.5 miles intermittent flow, and 0.5 mile of new channel where none existed before.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Atkinson Square-West, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 2, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-32980 Filed 12-8-75;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Administrative Order 218-6]

INFLATIONARY IMPACT OF LEGISLATIVE AND REGULATORY PROPOSALS

Criteria, Procedures and Responsibilities

Correction

In FR Doc. 75-32634, appearing at page 56705 in the issue for Thursday, December 4, 1975, the headings should be changed by adding the information in brackets as set forth above.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

CAREER EDUCATION PROGRAM

Closing Date for Receipt of Applications for Fiscal Year 1976

Notice is hereby given that pursuant to the authority contained in section 402 and section 406(f)(1) of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1851-53 and 1865(f)(1)) applications are being accepted from State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, associations, institutions, and individuals for grants and assistance contracts to support projects to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models (including models in which handicapped children receive appropriate career education either by participation in regular or modified programs with nonhandicapped children or where necessary in specially designed programs for handicapped children whose handicaps are of such severity that they cannot benefit from regular or modified programs). Notice is also hereby given that pursuant to the authority contained in section 402 and section 406(f)(2) of Pub. L. 93-380 (20 U.S.C. 1851-53 and 1865(f)(2)) applications are being accepted from State educational agencies for grants and assistance contracts to support projects for developing State plans for the implementation of career education programs in the local educational agencies of the States.

Applications must be received by the U.S. Office of Education Application Control Center on or before February 23, 1976.

A. *Applications sent my mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grants and Procurement Management Division, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.554. 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 February 18, 1976, 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. *Application routing.* All applicants must furnish an information copy of their proposal to the State educational agency of the State within which the applicant is located. This information copy must be submitted to the State Coordinator of Career Education, as designated by the Chief State School Officer, concurrently with the submission of the application to the U.S. Office of Education. The application submitted to the U.S. Office of Education must contain a statement that this has been accomplished. State educational agencies wishing to submit advice and comment on any application originating within their State may do so by forwarding such advice and comment to the Office of Career Education, U.S. Office of Education, Room 3100, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Program information and forms.* (1) Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the Office of Career Education, U.S. Office of Education, Room 3100, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

(2) It is anticipated that grants and assistance contracts will be awarded in each of the categories specified in 45 CFR 160d.5, with the total awards in each category being approximately as follows: (a) Incremental improvements in K-12 career education programs—$2,985,000, (b) demonstrations in such settings as the senior high school, the community college, adult and community education agencies, and institutions of higher education—$600,000, (c) demonstrations for such special segments of the population as handicapped, gifted and talented, minority and low income youth, and to reduce sex stereotyping in career choices—$800,000, (d) demonstrations of the training and retraining of persons for conducting career education programs—$650,000, and (e) communication of career education philosophy, methods, program activities, and evaluation results to career education practitioners and to the general public—$630,000.

(3) It is anticipated that grants and assistance contracts will be awarded for the State plan projects specified in 45 CFR 160d.13, with the total awards for this category being approximately $2,000,000.

(4) In addition to the grants and assistance contracts awarded pursuant to this notice, it is anticipated that approximately $2,470,000 worth of procurement contracts in career education will be awarded during Fiscal Year 1976. Requests for proposals for these procurement contracts will be published in the Commerce Business Daily at a later date.

E. *Applicable regulations.* The regulations applicable to the Career Education Program are:

(1) The Office of Education's General Provisions Regulations, which were published in the FEDERAL REGISTER on November 6, 1973, as amended (45 CFR Parts 100, 100a and appendices).

(2) The regulations for the Special Projects Act, of which notice of proposed rulemmaking was published in the FEDERAL REGISTER on June 26, 1975 (45 CFR Part 160, especially Part III in the Appendix thereof).

(3) The regulations for the Career Education Program, of which notice of proposed rulemaking was published in the FEDERAL REGISTER on December 1, 1975 (45 CFR Part 160d).

(20 U.S.C. 1851-1853 and 1865)

(Catalog of Federal Domestic Assistance Number 13.554; Career Education Program)

Dated: December 4, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-33114 Filed 12-8-75;8:45 am]

EARLY EDUCATION FOR HANDICAPPED CHILDREN

Extension of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 623 of the Education of the Handicapped Act (20 U.S.C. 1423), the U.S. Commissioner of Education has extended the November 3, 1975 closing date for receipt of applications for new early education outreach projects. This date was previously published in the FEDERAL REGISTER on August 13, 1975 at 40 FR 34021. The new closing date is January 16, 1976.

There was a misunderstanding on the part of applicants that the first year on an outreach project (the first year after the completion of a three-year early childhood education project) was considered to be a new project. Those applicants intended to file applications under the date set for continuation applications. However, the first year of an outreach project is a new award. Therefore, a new closing date of January 16, 1976 has been established for receipt of applications for new early education outreach projects.

Applications must be received by the U.S. Office of Education Application Control Center on or before the aforementioned date.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Grants and Procurement Management Division, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.444B outreach. 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 12, 1976, 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 reply on the time-date stamp of such mail rooms or other documentary eviednce 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 delivered 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 by the Application Control Center after 4:00 p.m. Washington, D.C. time on the closing date.

C. *Program information and forms.* Information and applications may be obtained from the Early Education for Handicapped Children Program, Program Development Branch, Bureau of Education for the Handicapped, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

D. *Application regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the program regulations (45 CFR Part 121d) published in the FEDERAL REGISTER on February 20, 1975 at 40 FR 7416.

(20 U.S.C. 1423)

(Catalog of Federal Domestic Assistance, No. 13.444B, Early Education for Handicapped Children Outreach)

Dated: December 4, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-33113 Filed 12-8-75;8:45 am]

Food and Drug Administration

[Docket No. 75N-0230; DESI 1786]

CERTAIN COMBINATION DRUGS CONTAINING ORGANIC NITRATES

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications; Amendment

In a notice of opportunity for hearing (DESI 1786; Docket No. FDC-D-643 (now Docket No. 75N-0230); NDA 4-353 etc.) published in the FEDERAL REGISTER of August 29, 1973 (38 FR 23349), the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications described below. The basis of the proposed order was that the drugs lacked substantial evidence of effectiveness for their labeled indications. The products are used in the treatment of angina pectoris attacks. Although the products are combination drugs, the notice did not specifically refer to the policy for fixed-combination prescription drugs for humans, 21 CFR 300.50. The notice of August 29, 1973, is now being amended in that regard.

NDA No.	Drug	NDA Holder
8-798	Metamine with Butabarbital Tablets containing trolnitrate phosphate and butabarbital.	Pfizer Laboratories Division, Pfizer, Inc., 235 East 42d St., New York, N.Y. 10017.
11-420	Metamine with Butabarbital Sustained Tablets containing trolnitrate phosphate and butabarbital.	Do.
12-749	Duotrate 45 with Phenobarbital Plateau Caps containing pentaerythritol tetranitrate and phenobarbital.	Marion Laboratories, Inc., 10236 Bunker Ridge Rd., Kansas City, Mo. 64137.
12-538	Pentaerythritol tetranitrate and phenobarbital (sustained release capsules).	USV Pharmaceuticals Corp., 1 Scarsdale Rd., Tuckahoe, N.Y. 10707. (Former holder of the NDA was Nysco Laboratories, Inc., 34-24 Vernon Blvd., Long Island City, N.Y. 11106.)
12-226	Peritrate with Phenobarbital SA Tablets containing pentaerythritol tetranitrate and phenobarbital.	Warner Chilcott Laboratories, Division Warner Lambert Pharmaceutical Co., 201 Tabor Rd., Morris Plains, N.J. 07950.
8-852	Those parts of NDA 8-852 pertaining to Pencard with Phenobarbital and Pencard No. 2 with Phenobarbital Tablets containing pentaerythritol tetranitrate and phenobarbital, and Pencard-A Capsules containing pentaerythritol tetranitrate and theophylline.	Cole Pharmacal Co., Inc., 3721 Laclede Ave., St. Louis, Mo. 63108.
10-972	Pentraline Tablets containing pentaerythritol tetranitrate, sodium butabarbital, and reserpine.	McNeil Laboratories Inc., Camp Hill Rd., Fort Washington, Pa. 19034.
4-353	Nitranitol with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital.	Merrell-National Laboratories, Division of Richardson-Merrell, Inc., 110 East Amity Rd., Cincinnati, Ohio 45215.
2-779	Maxitrate with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital.	Pennwalt Prescription Products Division, Pennwalt Corp., 755 Jefferson Rd., Rochester, N.Y. 14623.
12-063	That part of NDA 12-063 pertaining to Isordil with Phenobarbital Tablets containing isosorbide dinitrate and phenobarbital.	Ives Laboratories, Inc., 685 3d Ave., New York, N.Y. 10017.

The initial DESI notice concerning these combination products was published in the FEDERAL REGISTER of February 25, 1972 (37 FR 4001). That notice included not only these drugs but also certain single-entity organic nitrate products, both the standard and controlled release dosage forms, which were all classified as possibly effective for their labeled indications. Since no data were submitted concerning the combination products, the aforesaid notice of opportunity for hearing of August 29, 1973 issued. The standard dosage forms for the single-entity products referenced in the initial notice of February 25, 1972, were subsequently placed on the list of drug products which may remain on the market pending completion of additional studies to determine effectiveness (37 FR 26623, December 14, 1972; 38 FR 18477, July 11, 1973). The controlled release dosage forms of the single-entity products included in the initial notice will be the subject of a future FEDERAL REGISTER announcement and are not affected by nor included within this amended notice, which applies only to the combination drugs named in the opportunity for hearing published August 29, 1973, and listed above.

Since all of the above drug products are combinations and since the notice of opportunity for hearing of August 29, 1973 did not specifically refer to the policy for fixed-combination prescription

drugs for humans (21 CFR 300.50), the Director of the Bureau of Drugs concludes that the notice should be amended as set forth below to make it clear that any request for hearing must provide evidence of effectiveness derived from adequate and well-controlled studies meeting the requirements of both 21 CFR 314.111, which sets forth the essential elements of adequate and well-controlled studies, and 21 CFR 300.50, which sets forth the criteria for fixed-combination prescription drugs. New submissions should be made in the formats and with the analyses required by 21 CFR 314.200 with respect to such drugs.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 300.50, demonstrating the effectiveness of these fixed combination drug products.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6 It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or disrtibutes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before January 8, 1976, a written notice of appearance and request for hearing, and (2) on or before February 9, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: November 25, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-32978 Filed 12-8-75;8:45 am]

[Docket No. 75N-0236; DESI 9418]

CERTAIN DRUGS CONTAINING PENTAERYTHRITOL TETRANITRATE IN COMBINATION WITH MEPROBAMATE OR HYDROXYZINE HYDROCHLORIDE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications; Amendment

In a notice of opportunity for hearing (DESI 9418; Docket No. FDC-D-602 (now Docket No. 75N-0236); NDA 9-418 etc.) published in the FEDERAL REGISTER of March 6, 1973 (38 FR 6090), the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of certain products that are combination organic nitrates. The basis of the proposed order was that the drugs lacked substantial evidence of effectiveness for their labeled indications. The products are used in the treatment of angina pectoris attacks. Requests for a hearing were filed for the drug products described below. The holders of the new drug applications for the other drug products in the notice did not avail themselves of the opportunity for a hearing, and approval of their new drug applications was withdrawn in a notice published in the FEDERAL REGISTER of September 25, 1973 (38 FR 2675). Although the products are combination drugs, the notice of March 6, 1973, did not specifically refer to the policy for fixed-combination prescription drugs for humans, 21 CFR 300.50. The notice of March 6, 1973, is now being amended in that regard with respect to the new drug applications named below.

NDA 10-998; Cartrax 10 and Cartrax 20 Tablets, containing pentaerythritol tetranitrate and hydroxyzine hydrochloride, J. B. Roerig Division, Pfizer Phar-

maceuticals, 235 E. 42d St., New York, NY 10017.

NDA 11-423; Equanitrate 10 and Equanitrate 20 Tablets, containing pentaerythritol tetranitrate and meprobamate, Wyeth Laboratories, Inc., Division of American Home Products Corp., P.O. Box 8299, Philadelphia, PA 19101.

NDA 11-502; Miltrate Tablets, containing pentaerythritol tetranitrate and meprobamate, Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Rd., Cranbury, NJ 08512.

Since all of the above drug products are combinations, and since the notice of opportunity for hearing of March 6, 1973, did not specifically refer to the policy for fixed-combination prescription drugs for humans (21 CFR 300.50), the Director of the Bureau of Drugs concludes that the notice should be amended as set forth below to make it clear that any request for hearing must provide evidence of effectiveness derived from adequate and well-controlled studies meeting the requirements of both 21 CFR 314.111, which sets forth the essential elements of adequate and well-controlled studies, and 21 CFR 300.50, which sets forth the criteria for fixed-combination prescription drugs. New submissions should be made in the formats and with the analyses required by 21 CFR 314.200 with respect to such drugs.

Inasmuch as no interested person other than the applicants named in this notice filed a written appearance concerning these or identical, related, or similar products in response to the March 6, 1973 notice, and since their failure to file an appearance constitutes an election by such persons not to avail themselves of an opportunity for a hearing, 21 CFR 314.200, the opportunity provided by this notice is applicable only to the holders of the above new drug applications specifically named above.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 300.50, demonstrating the effectiveness of these fixed-combination drug products.

Therefore, notice is given to the holders of the new drug applications listed above that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335(e)), withdrawing approval of the new drug applications and all amendments and supplements thereto on the ground that new information before him with respect to the drug products evaluated together with the evidence available to him at the time of approval of the applications, shows there is a lack of substantial evidence that each of the drug products will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the grounds for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it, e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicants are hereby given an opportunity to submit additional data to show why approval of the new drug applications should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug products named above.

If any applicant elects to avail himself of the opportunity to submit additional data, he shall file on or before February 9, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. The procedures and requirements governing this notice of opportunity for hearing, submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

Any additional submissions may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. At the end of the 60-day period, the submissions will be evaluated. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact that precludes the withdrawal of approval of the applications, or if the data are not submitted in the required format or with the required analyses, the Commissioner will enter summary judgment against the applicant(s), making findings and conclusions and denying a hearing.

All submissions pursuant to this notice should be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: November 25, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-32977 Filed 12-8-75;8:45 am]

[Docket No. 75N-0203; DESI 8076]

TETRACAINE HYDROCHLORIDE AND BENZOCAINE TOPICAL SOLUTION

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

A notice (DESI 8076) was published in the FEDERAL REGISTER of October 15, 1970 (35 FR 16194), in which the Food and Drug Administration announced its conclusion that the drug product described below is less-than-effective (probably effective for production of anesthesia of accessible mucous membranes, primarily in the practice of dentistry). Further data were submitted but were determined not to provide substantial evidence of effectiveness. This notice announces that conclusion and proposes to withdraw approval of the product. Persons wishing to request a hearing must do so on or before January 8, 1976.

NDA 8-076; Neotopanol Solution containing tetracaine hydrochloride and benzocaine; Cook-Waite Laboratories, Inc., Division of Sterling Drug, Inc., 90 Park Ave., New York, NY 10016.

Neotopanol is a combination drug product containing 2 percent tetracaine hydrochloride, a long-acting topical anesthetic and 15 percent benzocaine, a rapidly acting topical anesthetic. The intent and claim of the combination is production of anesthesia of the oral mucosa with the rapid onset of benzocaine and the prolonged duration of tetracaine hydrochloride. Both components are effective topical anesthetic agents. In order to meet the requirements of the Food and Drug Administration policy on combination drugs (21 CFR 300.50), it must be shown that each of the ingredients contributes to the claimed effect of the combination. In the present case, it must be shown that the combination provides more rapid action than the slower acting component with at least comparable duration of action and more prolonged anesthesia than the short-duration component with at least comparable speed of onset; in other words, that the combination is superior to either component with regard to either speed of onset or duration of action. It must also be shown that the dosage of each component is such that the combination is safe and effective for a significant patient population requiring such concurrent therapy.

Subsequent to the notice of October 15, 1970, Cook-Waite Laboratories submitted two studies to demonstrate the effectiveness of the product. These studies, by Dr. David Mitchell and Dr. Frank Shovlin, were conducted using essentially identical protocols, each study employ-

ing 16 subjects in a double-blind, four-treatment, four-period crossover design. The drugs used were Neotopanol solution; placebo, consisting of the vehicle carbitol; tetracaine hydrochloride 2 percent in carbitol; and benzocaine 15 percent in carbitol. The studies measured the onset and duration of anesthesia after each preparation was applied to the tongue. Despite their similar design, the two studies give very different results; these are summarized in the table that follows.

Median time of onset and duration of Anesthetic effect in minutes

	Mitchell study		Shovlin study	
	Onset	Duration	Onset	Duration
Tetracaine	2.0	9.33	2.58	5.25
Benzocaine	2.5	6.0	.63	5.95
Neotopanol	2.0	9.6	.38	18.6

It is clear that in the Mitchell study tetracaine has as rapid an onset and as prolonged a duration of action as Neotopanol; thus there is no contribution made by the addition of the benzocaine, and the requirements of 21 CFR 300.50 are not fulfilled.

With respect to the Shovlin study, Neotopanol appears to have the rapid rate of onset of benzocaine (significantly faster than tetracaine) and a more prolonged action than benzocaine. The results of the study, however, indicate a serious methodological problem the nature of which cannot be ascertained from available data. The duration of action of tetracaine was found to be no longer than benzocaine, contradicting the Mitchell study and in contrast with the assumptions underlying the Neotopanol combination, in which tetracaine is included because of its prolonged action. On the other hand, the duration of action of Neotopanol is far greater than the duration of tetracaine (even though the tetracaine is supposedly entirely responsible for such prolonged action) and far greater than the duration for Neotopanol found in the Mitchell study. Although it remains a possibility that benzocaine and tetracaine are somehow synergistic in their effect on duration of anesthesia, this is less likely than that some of the duration figures are in error. The patients receiving placebo reported evidence of effectiveness to a larger degree than one would anticipate in a study of this type. When a larger than expected placebo effect is seen in a study, one may suspect a methodology problem.

The FDA has no explanation for the differences between the two studies or the internal inconsistencies of the Shovlin study. While the Shovlin study provides some evidence that Neotopanol has a more rapid onset of anesthesia than tetracaine and provides a more prolonged duration of action than benzocaine, the results of a single study cannot in any case be considered substantial evidence, particularly since these results are contradicted in every respect by a second study using a virtually identical protocol.

By letter of August 12, 1974, Cook-Waite Laboratories was informed that the FDA considered that the data submitted do not provide substantial evidence of effectiveness. The company was requested to submit additional information about either their combination drug or the single components which would aid in clarifying the claims with regard to the time of onset of action and duration of action and a protocol for additional clinical studies. No such information has been submitted.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of adequate and well-controlled clinical investigations, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 300.50 that provide substantial evidence of the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufacturers or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before January 8, 1976, a written notice of appearance and request for hearing, and (2) on or before February 9, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing,

making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: November 25, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-32979 Filed 12-8-75;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

EXECUTED MEMORANDA OF AGREEMENT

Pursuant to section 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the months of June, July, August, September, October and November 1975:

"Wayne Apgar Farmhouse," Greene County, Ohio, affected by the development of an industrial park by the City of Xenia, assisted by the Department of Commerce, Economic Development Administration (6/10/75);

"Lukens-Plummer House and Moses McKay House," Warren County, Ohio, affected by construction of the Caesar Creek Lake Project by the Department of the Army, Corps of Engineers (6/10/75);

"Beauvoir," Biloxi, Mississippi, affected by construction of a convention center assisted by the Department of Commerce, Economic Development Administration (6/10/75);

"Site Number One and other archeological sites," Sacramento County, California, affected by a bank protection project on the Sacramento River undertaken by the Department of the Army, Corps of Engineers (6/10/75);

"Fort Mason," San Francisco, California, affected by conversion of the San Francisco Fire Department High Pressure Pumping Station Number 2, located within Fort Mason, from steam to diesel power, an undertaking requiring a permit from the Department of the Interior, National Park Service (6/20/75);

"Bodega Bay Archeological District," Sonoma County, California, affected by the construction of sewage transmission and treatment facilities by the Bodega Bay Public Utilities District, assisted by the Environmental Protection Agency (6/20/75);

"Mauna Kea Adz Quarry Complex," Hawaii, Hawaii, affected by archeological research to be conducted by the Bernice P. Bishop Museum and funded by the National Science Foundation (6/20/75);

"St. Peter's Church", St. Francis, Wisconsin, affected by the Knights of Columbus "Pride in America" Heritage Project which proposed moving the church to an outdoor ethnic museum. The Knights of Columbus project is funded by the American Revolution Bicentennial Administration (6/20/75);

"Fort Adams State Park", Newport, Rhode Island, affected by selective demolition to be funded as part of a restoration project by the Department of the Interior, National Park Service, Office of Arch. and Hist. Pres. (7/2/75);

"Old Dekalb County Courthouse", Decatur, Georgia, affected by construction of the Metropolitan Atlanta Rapid Transit System, assisted by the Department of Transportation, Urban Mass Transportation Administration (7/4/75);

"Zebree Homestead Site", Mississippi County, Arkansas, affected by construction of Ditch 81 Extension (Item 2), an undertaking of the Department of the Army, Corps of Engineers (7/4/75);

"Chesapeake and Ohio Canal", Hancock, Maryland, affected by construction of a subtransmission line across the canal, a project by the Potomac Edison Company requiring a permit from the Department of the Interior, National Park Service (7/7/75);

"William Allen White Cabins", Estes Park vicinity, Larimer County, Colorado, affected by the removal and reconstruction of the front porch of the William Allen White studio by the Department of the Interior, National Park Service (7/7/75);

"Lapakahi Complex archeological district", Lapakahi State Historical Park, County of Hawaii, Hawaii, affected by a State of Hawaii project involving vegetative clearing, ruin stabilization, facilities planning and interpretive planning, funded by the Department of Commerce, Economic Development Administration (7/9/75);

"City of Refuge National Historical Park", Honaunau, Kona, Hawaii, affected by adoption of a Master Plan by the Department of the Interior, National Park Service (7/9/75);

"Charleston Historic District", Charleston, South Carolina, affected by the construction of the James Island Expressway and Bridge, funded in part by the Department of Transportation, Federal Highway Administration (7/9/75);

"Colonial National Historic Park", Yorktown, Virginia, affected by use of 6.66 acres of parkland for improvement and realignment of Route 238 by the Virginia Department of Highways, requiring a special use permit from the Department of the Interior, National Park Service (7/11/75);

"Coffey Archeological Site" (14 PO 1), Pottawatomie County, Kansas, affected by limited recovery of archeological data to protect the values of the site from being destroyed by erosion and inundation, to be undertaken by the Department of the Army, Corps of Engineers and the Department of the Interior, National Park Service, Office of Interagency Archeological Services (7/11/75);

"Oak Park Frank Lloyd Wright Prairie School of Architecture Historic District", Oak Park, Illinois, affected by the acquisition and restoration of the Frank Lloyd Wright Home and Studio by the Village of Oak Park, using funds from the Department of Housing and Urban Development (7/11/75);

"J. Wesley Brooks House", Greenwood County, South Carolina, affected by a railroad-highway demonstration project funded by the Department of Transportation, Federal Highway Administration (7/11/75);

"Federal Land Office Building", Steubenville, Ohio, affected by West Virginia Department of Highways proposal to construct Project 307-22-0.00 (Ohio River Bridge and Relocated U.S. 22) and requiring a permit from the Department of Transportation, U.S. Coast Guard (7/11/75);

"Mooresville Historic District and Belle Mina", Limestone County, Alabama and the "Twickingham Historic District" and the "Southern Railway System" Depot in Huntsville, Madison County, Alabama, affected by a highway project funded in part by the Department of Transportation, Federal Highway Administration (7/14/75);

"Haskell Institute National Historic Landmark", Lawrence, Kansas, affected by implementation of a master plan for the development of the Haskell Indian Junior College, a project of the Department of the Interior, Bureau of Indian Affairs (7/14/75);

"Madeline Island Site" (site 7802), Madeline Island, Ashland County, Wisconsin, affected by construction of a sewage collection and treatment system by the Madeline Sanitary District with assistance from the Department of Agriculture, Farmers Home Administration (7/21/75);

"Hudson-Meng Bison Kill Site", vicinity of Crawford, Sioux County, Nebraska, affected by archeological excavation requiring a permit from the Department of Agriculture, Forest Service (7/21/75);

"Earnest Witte Site" (41AU36), Austin County, Texas, affected by construction of the Allens Creek Nuclear Generating Station by the Houston Lighting and Power Company, a project requiring a license from the Nuclear Regulatory Commission (8/1/75);

"Lehigh Valley Railroad Station", Ithaca, New York, affected by construction of improvements to Routes 13 and 96, a project funded by the Department of Transportation, Federal Highway Administration (8/6/75);

"Morristown National Historic Park," Morristown, New Jersey, affected by proposed construction of the Tempe-Wick Re-routing Visitor Center/Parking Facility, a project of the Department of Interior, National Park Service (8/8/75);

"Bellows Field Archeological Area," Oahu, Hawaii, affected by installation of picnic facilities at Bellows Air Force Station, an undertaking of the Department of Defense, United States Air Force (8/12/75);

"Independence National Historical Park (Christ Church unit)," Philadelphia, Pennsylvania, affected by a proposed project of restoration and structural repair to be assisted by the Department of the Interior, National Park Service (8/17/75);

"Luth Mound, the Hicks' House and other properties," Vermillion County, Indiana, affected by the proposed upgrading of a portion of S.R. 63, funded in part by the Department of Transportation, Federal Highway Administration (8/17/75);

"Portsmouth Public Library," Portsmouth, New Hampshire, affected by a restoration and adaptation project funded in part by the Department of the Interior, National Park Service, Office of Archeology and Historic Preservation (8/17/75);

"Kaw Indian Agency," Kay County, Oklahoma, affected by construction of the Kaw Dam and Reservoir, Arkansas River, Oklahoma, a project of the Department of the Army, Corps of Engineers (8/17/75);

"Dingee Houses, Cox Houses, the Sims House, and the Old Town Hall," Wilmington, Delaware, affected by proposed changes to the Civic Center Urban Renewal Project in Wilmington, Delaware, an undertaking funded by the Department of Housing and Urban Development (8/21/75);

"Great Seal State Park Archeological District," Ross County, Ohio, affected by the procurement of borrow material for the Chillicothe Local Protection Project, an undertaking of the Department of the Army, Corps of Engineers (8/21/75);

"Front Street-Parade Hill-Lower Warren Street Historic District," Hudson, New York, affected by Urban Renewal Project No. NY R-244, an undertaking assisted by the Department of Housing and Urban Development (8/21/75);

"Inglenook Winery," Rutherford, California, affected by use of the Inglenook barrel aging cellar, requiring a license from the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (8/25/75);

"Pabst Site," DeWitt County, Illinois, affected by construction of the Clinton Power Station, Clinton, Illinois, a project requiring a license from the Nuclear Regulatory Commission (8/25/75);

"Kipahula Historic District," Haleakala National Park, Maui County, Hawaii, affected by implementation of a visitor safety program for the Seven Pools Area, an undertaking of the Department of the Interior, National Park Service (8/25/75);

"Enderle Site, Jenkins Site, Anderson Site," Erie County, Ohio, affected by construction of highway ERI-2-18.38, a project assisted by the Department of Transportation, Federal Highway Administration (9/2/75);

"Lind Coulee Archeological Site," Warden vicinity, Grant County, Washington, to be excavated in order to preserve the information contained therein from adverse effects caused by the ongoing operation of the Columbia Basin Project, an undertaking of the Department of the Interior, Bureau of Reclamation (9/2/75);

"Archeological Site," vicinity of Columbus Lock and Dam, Lowndes County, Mississippi, affected by construction of the Columbus Lock and Dam, an undertaking of the Department of the Army, Corps of Engineers (9/5/75);

"Inman Park Historic District," Atlanta, Georgia, affected by construction of the Atlanta Metropolitan Rapid Transit System, assisted by the Department of Transportation, Urban Mass Transportation Administration (9/15/75);

"Water Street Historic District and Heisey House," Lock Haven, Pennsylvania, affected by construction of a flood control protection project by the Department of the Army, Corps of Engineers (9/19/75);

"Core Site" (site no. 05-09-54-30), Modoc County, California, affected by a proposed land exchange undertaken by the Department of Agriculture, Forest Service (9/19/75);

"John & Landon Carter House," Elizabethton, Tennessee, affected by a restoration project funded by the Department of the Interior, National Park Service, Office of Archeology and Historic Preservation (9/25/75);

"Marshall Powder Mill Site," Marshall, Harrison County, Texas, affected by construction of Highway Loop 390, a project assisted by the Department of Transportation, Federal Highway Administration (9/26/75);

"Pennsylvania Avenue National Historic Site," Washington, D.C., affected by construction of Project FF-16 of the Metro F Route, assisted by the Department of Transportation, Urban Mass Transportation Admin. (9/26/76);

"Illinois and Michigan Canal," Grundy County, Illinois, affected by the construction of three transmission lines by the Commonwealth Edison Company, a project requiring a permit from the Department of the Army, Corps of Engineers (9/28/75);

"Nott Late Archaic Archeological Site and Albany Glasshouse District", Albany County, New York, affected by construction of sewage transmission and treatment facilities, by the Town of Guilderland, a project assisted by the Environmental Protection Agency (9/28/75);

"Hampton National Historic Site" (The Orangery), Baltimore County, Maryland, affected by restoration of The Orangery, an undertaking by the Department of the Interior, National Park Service (9/29/75);

"Historic properties", Syracuse, New York, affected by implementation of the Community Development Block Grant Program in that city, a project assisted by the Department of Housing and Urban Development (9/29/75);

"Mesa Verde National Park", Colorado, affected by a proposal to Congress to designate 8,100 acres within the park as a Wilderness Area, an undertaking of the Department of the Interior, National Park Service (9/29/75);

"Illinois and Michigan Canal", Will County, Illinois, affected by construction of the Duplicate Locks Project, Department of the Army, Corps of Engineers, (10/5/75);

"Veterans Administration Center", Bay Pines, Florida, affected by construction of a new clinical support structure by the Veterans Administration (10/6/75);

"Fred M. Vinson Birthplace", Louisa, Kentucky, affected by construction of a bridge and approaches between Louisa, Kentucky, and Fort Gay, West Virginia, a project assisted by the Department of Transportation, Federal Highway Administration (10/14/75);

"Sand Point Site", Baraga County, Michigan, affected by proposed improvement and expansion of a campground and recreational area by the Keeweenaw Bay Indian Community, assisted by the Department of Commerce, Economic Development Administration (10/14/75);

"Society Hill Historic District and Mikveh Israel Cemetery", Philadelphia, Pennsylvania, affected by the Washington Square West Urban Renewal Project, assisted by the Department of Housing and Urban Development (10/14/75);

"Hildebrand Ranch", Chatfield Dam, Jefferson County, Colorado, affected by maintenance, stabilization and preservation measures instituted by the Department of the Army, Corps of Engineers (10/22/75);

"Timberline Lodge", Mt. Hood National Forest, Oregon, affected by construction of a day lodge and granting of a permit for construction of an overnight lodge and ancillary facilities, an undertaking of the Department of Agriculture, Forest Service (10/28/75);

"Ninth Street Elementary School", Charleroi, Pennsylvania, affected by construction of a high rise apartment building for the elderly to be built by the Borough of Charleroi as part of its Community Development Block Grant Program, assisted by the Department of Housing and Urban Development (10/28/75);

"Lower China Crossing Site and 10 other archeological sites", vicinity of the Hidden Dam-Hensley Lake Project, Fresno River, California, affected by construction of the above project, an undertaking of the Department of the Army, Corps of Engineers (10/28/75);

"Old Village Historic District", Grand Canyon, Arizona, affected by Grand Canyon Village Development Concept Plan, an undertaking of the Department of the Interior, National Park Service (11/10/75);

"Ute Mountain Ute Mancos Canyon Historic District", and many other historic and archeological properties, vicinity of Dolores River in Southwestern Colorado, affected by a study of the Dolores River for inclusion in the National Wild and Scenic Rivers System of the United States, an undertaking of the Department of the Interior, Bureau of Outdoor Recreation, and the Department if Agriculture, Forest Service (11/10/75);

"Shawnee Lookout Archeological District", Hamilton County, Ohio and "Cochran and Shaw Farms" Butler County, Ohio, affected by issuance of a permit for a transmission line crossing Great Miami River, an undertaking of the Department of the Army, Corps of Engineers. (11/10/75);

"Tucker-Carriage House", Raleigh, North Carolina, affected by construction of a highrise elderly housing complex assisted by the Department of Housing and Urban Development (11/10/75);

"Gillis House", Harrison County, Mississippi, affected by constructions of Interstate Route 110, a project funded by the Department of Transportation, Federal Highway Administration (11/10/75);

"Old El Paso County Jail and Alamo Plaza Hotel", Colorado Springs, Colorado, affected by the Alamo Plaza Urban Renewal Project, as undertaking of the Department of Housing and Urban Development (11/24/75);

"Laguna Plata Archeological District", Lea County, New Mexico, affected by installation of a 16" diameter pipeline by the Mississippi Chemical Corporation, an undertaking requiring a permit from the Department of the Interior, Bureau of Land Management (11/25/75);

"Shiloh National Military Park (Shiloh Indian Mounds)," Hardin County, Tennessee, affected by archeological investigations conducted by the Department of the Interior, National Park Service (11/25/75);

"Brinegar Cabin and Shed," Allegheny County, North Carolina, affected by a maintenance and preservation project of the Department of the Interior, National Park Service (11/25/75).

These Memoranda were executed in accordance with § 800.5 of the Advisory Council's Procedures, in fulfillment of Federal Agency responsibilities to afford the Advisory Council on Historic Preservation an opportunity to comment on Federal, federally assisted, and federally licensed undertakings which have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places. These agency responsibilities derive from section 106 of the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470(f)), and sections 1(3) and 2(b) of Executive Order 11593, "Protection and Enhancement of the Cultural Environment," (16 U.S.C. 470, 36 FR 8921). The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 1030, 1522 K Street, NW., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance, Advisory Council on Historic Preservation, at the above address.

Dated: December 4, 1975.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.75-33142 Filed 12-8-75;8:45 am]

CIVIL AERONAUTICS BOARD

Order 75-12-15

AIR TRAFFIC CONFERENCE OF AMERICA

[Docket No. 28572; Agreement C.A.B. 12688;

Order Regarding Confidentiality in AFC Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of December 1975.

By Order 75-6-49, dated June 10, 1975, the Board approved the Bylaws of the Air Traffic Conference of America. During the course of that proceeding, issues were raised concerning (1) the legality and usefulness of ATC Resolution 5.95 (Agreement C.A.B. 12688, the so-called Confidentiality Resolution),[1] and whether the Board should require ATC to publish either the voting positions of individual members at Conference and committee meetings or a "tally" of such votes (i.e. number of votes for or against a particular item).

Specifically, it was argued to the Board that ATC Resolution 5.95 and ATC's related practice of prohibiting disclosure of voting positions of individual members promote secrecy in ATC proceedings; that such secrecy causes confusion and misunderstanding between members and nonmembers; and that ATC's secretive practices are unjustified and contrary to the public interest. ATC's interpretation of the resolution was also challenged. For example, certain parties alleged that the resolution as presently written and approved by the Board does not prohibit ATC members from disclosing their own voting positions to third parties, notwithstanding ATC's practice of interpreting the rule so as to bar such disclosures. On the other hand, ATC stated that the resolution and related confidential treatment of voting positions permits the conference members to function without undue pressures from third parties and protects the rights of individual ATC members; that the disclosure of individual-member positions and votes are unnecessary to the legitimate interests of third parties; that without complete confidentiality, the ATC members would be subject to economic reprisals from nonmembers; and that ATC has correctly interpreted the resolution.

The issues were not resolved by the Board's opinion since they were outside the scope of that Investigation.[2] However, in reaching that decision, we determined that these questions warranted the Board's consideration and would be handled in ancillary proceedings at a later date.[3] In addition, the Board noted that a record has been developed on the merits of these matters in the Bylaws Investigation "so that no further hearings appear to be presently necessary in connection with our reconsideration thereof." We are still of that opinion and intend to consider relevant and material evidence contained in the record of Docket 23542 which is offered in support of comments to be filed herein.

Consistent with that opinion,[4] we are issuing the instant order requesting comments on ATC Resolution 5.95 and the related issue of ATC's confidential treatment of individual voting positions. The basic issues to be resolved are:

1. Whether ATC Resolution 5.95 (Agreement C.A.B. 12688) is adverse to the public interest, and, if so, whether it should be disapproved, or approved subject to conditions.[5] Included in this issue is a subsidiary question relating to whether ATC Resolution 5.95 as presently written and approved by the Board prohibits an ATC member representative from disclosing to third parties the position he has taken or intends to take or the vote that member has cast or intends to cast at a conference and committee meetings.[6]

2. Whether the Board should require ATC to make public, either in the minutes of its meetings or otherwise (a) the voting positions of individual members at conference and committee meetings, or (b) a "tally" of such voting positions.

All interested persons will be given 30 days from the date of adoption of this order to submit comments to the matters discussed herein. Rebuttal comments will be due 15 days thereafter. However, only those persons who submit initial comments herein will be permitted to reply. We expect such persons to direct their comments to the specific issues set forth herein and to support such comments with detailed reasoning. Vague, general, or unsupported comments will be given little weight. Although we intend to consider the record developed in Docket 23542 interested persons are requested to bring to the Board's attention any matters which have a bearing on the issues herein, whether or not such matters were discussed in the ATC Bylaws Investigation. The Board emphasizes that any reference to Docket 23542 must specifically identify transcript pages or other evidence therein used in support of positions advanced in this proceeding.

Accordingly, it is ordered, That: 1. Comments regarding ATC Resolution 5.95 and Other Practices Relating to the Confidentiality of ATC Meetings shall be filed in Docket 28572;

2. Such comments shall address: (a) Whether ATC Resolution 5.95 is adverse to the public interest, and, if so, whether it should be disapproved, or approved subject to conditions:

(1) Whether the resolution bars an ATC member from disclosing to third parties the position which he has taken or intends to take or the vote that the member has cast or intends to cast; and

(2) If the rule does bar self-disclosure, should the Board condition the rule so as to allow an ATC member to disclose its position to third parties;

(b) Whether the Board should require ATC to make public, either in the minutes of its meetings or otherwise (a) the voting positions of individual members at conference and committee meetings, or (b) a "tally" of such voting positions;

3. All interested persons will be given 30 days from the date of adoption of this order to submit comments regarding the matters set forth in 2 above. Rebuttal comments will be due 15 days thereafter. However, only those persons who submit initial comments herein will be permitted to reply; and

4. This order shall be served upon all parties in Docket 23542.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-33112 Filed 12-8-75;8:45 am]

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[1] The Confidentiality Resolution as previously approved by Order E-21942, reads:

"1. Members of the Air Traffic Conference shall observe the greatest possible discretion in disclosing information about discussions which take place in any Conference, Committee or Subcommittee meeting. In no circumstances shall Members divulge to parties outside the Air Traffic Conference the attitudes or positions taken at such meetings by any member's representative which might prove either embarrassing or detrimental to Members of the Conference.

2. This resolution shall not be construed to prohibit a Member from Divulging such information if this is permitted by a Conference resolution, or if a Member is to testify in court of law or other legal or governmental proceedings or hearings."

[2] When we instituted our investigation of the ATC Bylaws (Order 71-6-127, June 24, 1971), we stated: "We do not intend in this proceeding to reexamine our approval of any prior resolution adopted by ATC and approved by the Board, since the status of such resolutions under section 412 has already been examined and determined. To the extent the outcome of the Investigation affects any extant resolution, we shall consider such matters subsequent to the conclusion of the Investigation."

[3] Although these matters were not in issue in that proceeding, Judge Whitehouse found by way of dicta (1) that the confidentiality rule should be reevaluated by the Board with an eye toward disapproval and (2) that ATC should be required to expand and improve the quality of its minutes including the publication of individual-member positions of votes. However, as noted in the Board's opinion (*supra*) our examination of these matters will not be with the predisposition toward disapproval.

[4] The Board's opinion also left for future resolution the issues of ATC exclusionary practices, procedural fairness accorded travel agents and the role of concurring airlines in ATC's SATO program. These matters will be resolved separately.

[5] Section 412(b) of the Federal Aviation Act states in significant part that:

"The Board shall by order disapprove any such contract or agreement, whether or not previously approved by it, that it finds to be adverse to the public interest, or in violation of this Act, and shall by order approve any such contract or agreement, or any modification or cancellation thereof, that it does not find to be adverse to the public interest, or in violation of this Act * * *."

[6] Compare for example, ATC Resolution 5.95 to IATA Resolution 035 ("Unethical Disclosure of Information").

[Docket No. 28443]

SERVICE TO HAZLETON CASE

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on December 12, 1975, (40 FR 52433), is postponed to January 12, 1976, at 10:00 a.m. (local time), Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., December 3, 1975.

[SEAL] GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.75-33111 Filed 12-8-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Change in Meeting Place

Notice is hereby given of changes in the location of the meetings for the Subcommittees of the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments.

The Cash Market Subcommittee will meet on December 11, 1975, at 10:00 a.m. at the Statler Hilton Hotel, 16th and K Streets NW., Washington, D.C., in the Senate Room, rather than at 1120 Connecticut Avenue NW., Washington, D.C. in Room 925, as previously stated in the FEDERAL REGISTER of November 26, 1975 (40 F.R. 54855).

The Commodity Options Subcommittee will meet on December 15, 1975, at the Statler Hilton Hotel, 16th and K Streets NW., Washington, D.C., in the California Room, rather than at 1120 Connecticut Avenue NW., Washington, D.C. in Room 925, as previously stated in the FEDERAL REGISTER of November 28, 1975 (40 F.R. 55376).

The Futures, Forward and Leverage Contracts Subcommittee will meet on December 16, 1975, at the Statler Hilton Hotel, 16th and K Streets NW., Washington, D.C., in the California Room, rather than at 1120 Connecticut Avenue NW., Washington, D.C. in Room 925, as previously stated in the FEDERAL REGISTER of December 1, 1975 (40 F.R. 55666).

Dated: December 5, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-33250 Filed 12-8-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20633, 20634; FCC 75-1274]

LINCOLN TELEVISION, INC. (KTSF-TV) AND LEON A. CROSBY (KEMO-TV)

Subscription Television Authority

In re applications of Lincoln Television, Inc. (KTSF-TV), San Francisco, California, Docket No. 20633, File No. BSTV-7; and Leon A. Crosby (KEMO-TV), San Francisco, California, Docket No. 20634, File No. BSTV-11; for subscription television authority.

1. The Commission has before it for consideration the applications of Lincoln Television, Inc. (BSTV-7) and Leon A. Crosby (BSTV-11) for subscription television (STV) authorizations in San Francisco, California.[1] Lincoln Television, Inc. (Lincoln), is the permittee of KTSF-TV, an unbuilt television broadcast station on channel 26, while Leon A. Crosby (Crosby) is the licensee of KEMO-TV, channel 20. Section 73.642 (a) of the Commission's rules provides, inter alia, that "[o]nly one such authorization will be granted in any community." Therefore, because only one of the above applications for San Francisco may be granted, it follows that the applications are mutually exclusive under the Ashbacker[2] doctrine and must be designated for comparative hearing in a consolidated proceeding to determine which proposal, if granted, would better serve the public interest, convenience and necessity.

2. Both applicants are legally, technically and otherwise qualified to undertake the proposed subscription television operations. See Fifth Report and Order on Subscription Television, Docket No. 11279, 19 FCC 2d 559, 17 RR 2d 1509 (1969). Thus, the only purpose of the hearing will be the comparative consideration of the respective proposals. Inasmuch as this is the first time mutually exclusive STV applications have been designated for hearing, we believe some general guidelines should be set forth to govern the comparison.[3] We do not assume that the matters discussed below will be relevant to every comparative STV proceeding, or even to this proceeding. However, these matters, generally, are sufficiently relevant to a proper comparison that evidence should be permitted without the necessity of petitioning to enlarge issues under § 1.229 of the rules. Rather, a party may adduce evidence concerning any of the areas discussed below under the comparative issue by making an offer of proof to the Administrative Law Judge which demonstrates that the evidence to be adduced will be meaningful and likely to result in the award of a preference.

3. *Programming.* In this area, proposals required of STV applicants are markedly less specific than those required in connection with other broadcast applications. Compare Fifth Report and Order, supra at paragraphs 25-26, with Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971). However, applicants for STV authority are directed to make a survey to ascertain the "sports and entertainment needs and interests of the community," Fifth Report and Order, supra at paragraph 26, and describe in their application the "percentage of STV broadcast time per year" to be devoted to specific types of STV programming, "e.g., feature films, sports, opera, ballet, theater, instructional," etc. Id. Accordingly, any proposal which clearly more closely approximates the programming preferences revealed by the applicant's survey should be preferred. Cf. Policy Statement on Comparative Broadcast Hearings, supra at 397.

4. *Cost.* Another factor which may be material to a decision on the comparative merits of the respective applications is the cost of the service to subscribers.

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[1] The Commission has also received a pleading from the Community Coalition for Media Change (CCMC), "requesting an extention (sic) of time to file opposition" to the Crosby application. CCMC alleged that it had been unable to meet with Kingsley Murphy, the proposed STV franchisee. Nothing further in this matter has been received from CCMC. Inasmuch as STV applications are not subject to § 1.580(i) of the rules, there is no deadline for filing oppositions, hence no need for an extension, and hence no need for the Commission to deal with CCMC's request.

[2] Ashbacker Radio Corp. v. FCC, 326 U.S. 327, 66 S. Ct. 148, 90 L. Ed. 108 (1946).

[3] While guidelines have been established for comparative broadcast proceedings by the Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965), not all the factors enumerated therein are relevant to the evaluation of STV proposals. For example, integration of ownership and management will not be significant, in view of the fact that each applicant is already a licensee or permittee of the Commission and also that the Commission has approved a variety of means of structuring the programming, encoding, promoting and collection functions of an STV operator. Fourth Report and Order on Subscription Television, Docket No. 11279, 15 FCC 2d 466, 541-42 (1968). Similarly, efficient use of the frequency is not a significant matter. On the other hand, diversification of control of the mass media may well be significant, and the area of comparison may be extended to a separate franchisee or STV operator, if that is the organizational structure proposed by the applicant. For example, in comparative cases, the Commission has traditionally considered ownership of theaters as a comparative factor, although the importance attached to theater ownership has varied. Compare, e.g., WJR, The Goodwill Station, 9 RR 227 (1954), with Columbia Amusement Co., 12 RR 509 (1956) and La Fiesta Broadcasting Company, 6 FCC 2d 65, 9 RR 295 (Rev. Bd. 1966). As we expect that a significant percentage of STV programming will consist of first-run movies, we can conceive of situations where theater ownership by an individual with an interest in an STV application could have anti-competitive potential inconsistent with the public interest. There are, moreover, other situations which, it appears, the Commission has not previously considered, such as ownership of an interest in a local professional sports team, which, because of the anticipated sports component of STV programming, should be examined for purposes of comparison. See Community Telecasters of Cleveland, Inc., 43 FCC 2d 540 (1973). The fact that it is the licensee who is ultimately responsible for the selection of STV programming does not preclude consideration of the holdings of a separate STV operator or franchisee, if it bears upon the Commission's policy of avoiding situations where the absence of diverse ownership presents an inherent possibility of reduced competition. Cf. Alabama Microwave, Inc., et al., 23 FCC 2d 792 (1970). See, generally In the Matter of Amendment of §§ 73.35, 73.240 and 73.636 of the rules, 2 RR 2d 1588, 1591 (1964).

Clearly critical to the successful development of subscription television is the creation of a substantial demand for the service within a relatively short period of time. As indicated above, an important factor may be the ability of the STV operator to provide programming which reflects the STV needs and interests of the community. Also important to the creation of demand, however, is cost to the consumer, including deposits and installation charges, monthly rental payments, and per-program charges. If, all other things being equal, see Alabama Microwave, Inc., 39 FCC 2d 660, 667 (Rev. Bd. 1972), the charges proposed by one applicant are sufficiently lower to induce significant additional consumer demand, a preference should be awarded to that applicant.

5. *Ability to construct.* A further comparative consideration is the ability of the applicant to promptly initiate the new service. Our rules presently provide for an eight-month period to complete installation of the STV equipment and commence operation once an authorization is issued. 47 CFR 73.642(c). Routinely, however, this limitation has been waived to provide for eighteen months for construction. Unfortunately, experience has so far indicated that more time is required. Despite the issuance of four over-the-air subscription television authorizations, the earliest on July 26, 1972, to Blonder-Tongue Broadcasting Corporation[4] for WBTB–TV, Newark, New Jersey, to the Commission's knowledge, no company is yet actively engaged in manufacturing the necessary encoding and decoding equipment. Whether this circumstance is a reflection of economic conditions or the less-than-best efforts of the holders of the authorizations is not clear. However, it is clear that the public interest is not served by an inactive authorization where another applicant would be prepared to proceed with construction and commence operation with an adequate service at a significantly earlier date. The weight of the preference for earlier institution of service might vary directly with the time between anticipated completion dates. For the time being, no authorization should be awarded where the applicant is unable to demonstrate, not to a certainty, but to at least a probability, the ability to commence operation within eighteen months. Also, in line with the discussion in paragraph 4, above, a preference should be considered where an applicant is able to demonstrate the ability to extend serivce to a significantly greater number of subscribers during the period prior to commencement of operation and the first year of operation.[5]

6. *STV systems.* The Fourth Report and Order on Subscription Television, 15 FCC 2d 466 (1968) specifically contemplates as a matter for comparative consideration the respective technical merits of the proposed STV systems. Id., at 535. However, this matter must be treated differently from the matters discussed above. The system approval application of Blonder-Tongue Laboratories was submitted under a cloak of confidentiality conferred by former § 73.644 (a)(10),[6] and Systems Development Corporation (SDC)[7] requested and was granted confidential treatment of the contents of its application pursuant to § 0.459. Similar statements may be made concerning other system approval applications. The Commission has recently ruled that the contents of these and other STV system approval applications must be made available for public inspection pursuant to the Freedom of Information Act, 5 U.S.C. 552, with the exception of those portions of the applications which concern the encoding and decoding of the STV signal. Blonder-Tongue Laboratories, 34 RR 2d 828 (1975). Enforcement of this decision is now the subject of two civil actions, Case Nos. 75–1269 and 75–1312, in the United States District Court for the District of Columbia. While this limited release of information would facilitate the technical comparison of the systems, it obviously will not, by itself, permit a thorough comparison of all pertinent characteristics of the systems. We believe that this is an important area of the overall comparison. Therefore, we will hereby provide that parties in an STV comparative proceeding may seek to adduce evidence to explore the relative technical merits of each system, in the manner outlined in paragraph 2, above. However, a party seeking to adduce such evidence will be required to obtain from the developer of its system a waiver of every confidential aspect of its system approval application file, for the purpose of developing the hearing record. This does not mean that every part of the file will thus be made available for public inspection. As to those matters which the Commission has determined should not be made public, see Blonder-Tongue Laboratories, supra, the presiding officer is hereby directed to make appropriate orders to prevent the disclosure of such information in other proceedings.[8] A responding party may, of course, elect to not participate in a technical comparisor and thereby preserve the confidential nature of the file. However, by so doing it, naturally, foregoes the possibility of receiving a preference under the issue, and may thereby be placed at a comparative disadvantage. We are aware that approved systems may differ in a multitude of respects. Not every difference should be the subject of comparative consideration. We have, after all, provided for the approval of more than one system for subscription television (Fourth Report and Order, supra, at 535). To keep the comparison manageable and relevant, those characteristics which are of concern should be only those which clearly affect the quality of transmission or reception, continuity of service, convenience to subscribers, and the security of the scrambling/unscrambling system against unauthorized access to the scrambled signal.

7. As we stated in the Policy Statement on Comparative Broadcast Hearings, supra, the above guidelines are "not intended to preclude the full examination of any relevant and substantial factor." 1 FCC 2d, at 399. But additional matters will be considered only on a demonstration to the Administrative Law Judge of (1) their relevance to Commission licensing policies, and (2) the probability that meaningful evidence will be produced, and (3) that the evidence is likely to result in the awarding of a preference.

8. In view of the above: *It is hereby ordered*, That the above-captioned applications of Lincoln Television, Inc., and Leon A. Crosby, for subscription television authorization, are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, on the following issues:

(1) To determine, on a comparative basis, which of the above-captioned applications, if granted, would better serve the public interest, convenience and necessity, and

(2) To determine, in the light of evidence adduced on the above issue, which application should be granted.

9. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and manner prescribed in such rule, and shall advise the Com-

[4] Blonder-Tongue Broadcasting Corporation and Blonder-Tongue Laboratories, Inc. (developer and franchisor of the BTVision STV system, proposed by Crosby's application) are commonly-owned corporations.

[5] While not intending to define - limit what we would consider "significant," we would say, for example, that an applicant who proposed to extend service to 20,000 homes in the first year of operation (and demonstrated the capacity to fulfill such an undertaking) should be preferred over an applicant proposing to service 10,000 homes. Comparison over longer periods of time is less likely to be helpful, because the accuracy of the predictions is likely to be reduced by a compounding of uncertainties in estimating first year extensions of service and a greater vulnerability to external factors beyond the control or foresight of the applicant.

[6] Former § 73.644(a)(10) provided: "Files containing information about subscription television systems submitted by applicants for approval of these technical systems pursuant to the rules in this part will not be open to the public." This section of the rules was deleted effective March 25, 1974.

[7] SDC is the developer of the encoding/decoding system proposed for use by Lincoln's application.

[8] For example, see American Telephone and Telegraph Co. (Docket No. 20288) FCC 75M-448, released March 11, 1975. See also, George T. Hernreich, 52 FCC 2d 261, 265 (1975).

mission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 17, 1975.

Released: December 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-33083 Filed 12-8-75;8:45 am]

[Docket No. 19743]

RADIO BROADCAST STATIONS AND MUSICAL FORMAT SERVICE COMPANIES

Subscription Agreements; Correction

In the matter of inquiry into subscription agreements between radio broadcast stations and musical format service companies, Docket No. 19743.

1. The Report and Policy Statement, Mimeo No. 37875, adopted in the above docket November 4, 1975, referred to the Commission's former rule § 1.613(c) which required the filing of time-brokerage contracts. That rule was changed by paragraph 5(g) of our re-regulation *Order*, 37 FR 23723, adopted November 1, 1972. Now F.C.C. § 1.613(d) states that time brokrage contracts do not have to be filed with the Commission and need only be kept in the station's files.

2. Therefore, the above Report and Policy Statement[1] is corrected by (a) changing the second sentence of paragraph 12 as follows:

"Because of the lessening of licensee control involved in time brokerage cases, a requirement for the filing of time brokerage agreements was adopted in 1945, along with other filing requirements, formerly § 1.613(c) of the Commission's rules."

(b) Adding to the end of paragraph 12:

"The requirement for filing time brokerage agreements was removed by our reregulation Order, 37 FR 23727, adopted November 1, 1972, to reduce administrative and licensee burdens. Section 1.613 (d) of the Commission's rules now requires that time brokerage contracts be kept only in the station's public files."

(c) And changing the first sentence of paragraph 15 as follows:

"Concerning the filing of written agreements, we require network contracts to be filed with the Commission and time brokerage contracts to be kept in the station's files."

Released: November 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-33084 Filed 12-8-75;8:45 am]

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[3] Commissioner Reid absent.

[1] See 40 FR 55383, November 28, 1975.

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meeting Cancellation

To comply with certain requirements of the Federal Advisory Committee Act (Pub. L. 92-463), it is necessary to prepare meeting notices at least 20 days in advance of the proposed meeting. Subsequently, unexpected circumstances may make it necessary to cancel proposed meetings. Accordingly, the following Radio Technical Commission for Marine Services meeting previously announced in the FEDERAL REGISTER is cancelled.

Special Committee No. 66, Receiver Standards for the Maritime Mobile Service. Wednesday, December 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary,

[FR Doc.75-33087 Filed 12-8-75;8:45 am]

FEDERAL MARITIME COMMISSION

FAR EAST CONFERENCE, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

FAR EAST CONFERENCE, PACIFIC WESTBOUND CONFERENCE, TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND JAPAN/KOREA-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of agreement filed by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, California 94104.

Agreement No. 10110-3 is an application on behalf of the member lines of the Far East Conference, Pacific Westbound Conference, Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic & Gulf Freight Conference to extend the terms and conditions of the presently approved agreement through March 31, 1976. The terms and conditions of the arrangement remain unchanged and provide that the conference lines may cooperate and coordinate actions for the voluntary disposition of interrelated matters concerning the conferences at issue in Docket Nos. 73-28 and 73-29, involving alleged rate disparities in the trades between Japan and the Pacific Coast, and the Atlantic and Gulf Coasts, respectively, of the United States.

By order of the Federal Maritime Commission.

Dated: December 4, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33115 Filed 12-8-75;8:45 am]

[Independent Ocean Freight Forwarder License No. 1509]

FORWARDING SYSTEMS, INC.

Revocation

On November 26, 1975, Forwarding Systems, Inc., Pier 26, San Francisco, California 94105 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1509 for revocation effective December 25, 1975.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in manual of Orders, Commission Order No. 201.1 (revised) Section 5.01 (b) (dated 6/30/75);

It is ordered, That Independent Ocean Freight Forwarder License No. 1509 issued to Forwarding Systems, Inc. be and is hereby revoked effective December 25, 1975, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Forwarding Systems, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.75-33117 Filed 12-8-75;8:45 am]

[Docket No. 75-57]

MATSON NAVIGATION CO.

Proposed Rate Increases in the United States Pacific Coast/Hawaii Domestic Offshore Trade; Order of Investigation and Suspension

Matson Navigation Company (Matson) has filed with this Commission revisions of several of its tariffs.[1] These revisions

[1] See Appendix A attached hereto.

will result in rate increases on 356 of the 386 commodity items for which Matson publishes rates in the U.S. Pacific Coast/Hawaii trade. These increases vary from commodity to commodity. On a certain few tariff items the rates are unchanged, while the percentage increases on other items range as high as 15 percent. The overall effect of the proposed increases will be to increase Matson's gross revenues by 5.4 percent. The bulk of the revisions are to become effective on December 8, 1975. The remainder are scheduled to become effective on January 2, 1976.

Two formal protests and eleven informal letters of protest were timely received from shippers, the State of Hawaii, Hawaiian cattle and poultry interests, and members of the Hawaiian Congressional delegation. All protests request either suspension, investigation, or denial of all or specific parts of Matson's proposed increases. The subject matter of the protests includes the following considerations:

1. The proposed increases will expand what is alleged to be an already unreasonable rate differential between Matson cargoes moving from northern and southern ports on the Pacific Coast of the United States;

2. The proposed 15 percent increase on westbound animal feed will severely hamper the ability of Hawaiian producers of beef, poultry, and other livestock and related products to compete in the Hawaiian market and is unreasonably discriminatory in violation of section 16, First of the Shipping Act, 1916;

3. The proposed increases on numerous specific tariff items are structured so as to be unreasonably discriminatory and/or create undue preferences in violation of section 16, First of the Shipping Act, 1916, and

4. Matson's practice of moving certain cargoes overland from the Los Angeles area to Oakland for loading on Roll-on/Roll-off vessels is being conducted without a tariff on file for this service and is being provided in a manner whch unlawfully discriminates between shippers.

The proposed revisions have been structured by Matson in a fashion which imposes the highest percentage increases on commodities which yield relatively low revenues. The largest percentage rate increase (15 percent) has been applied to animal feed, a commodity for which the current rate yields the lowest revenue of all Matson rates. Matson has stated that the purpose of the variable percentage increases is to restore what it considers to be a more proper relationship between high and low rated commodities. The Commission expects such a relationship to be established and maintained through the application of rational rate-making considerations and considers this investigation a forum in which Matson should justify the variable percentage increases on commodities and the relationships which result from the application of these rates.

The Commission notes that among the 30 tariff items which escaped the imposition of increased rates are the following Eastbound commodities: [*]

1. Bulk sugar and bulk molasses;
2. Pineapple;
3. Foodstuffs;
4. Lead;
5. Prefabricated houses, and
6. Hydrofoils.

Bulk sugar and molasses move for the account of both Matson's parent company, Alexander & Baldwin, and for that of the California & Hawaiian Sugar Company, a refining and marketing cooperative in which Alexander & Baldwin holds a substantial interest. These commodities are carried at rates established by freighting agreements which are currently being filed with the Commission as tariffs. The effect of these rates on Matson's financial results is one of the subjects being pursued in Docket No. 73-22, Matson Navigation Co.—Proposed Changes in Rates Between U.S. Pacific Coast and Hawaii, et al. In the case of pineapple rates, Matson has alleged as justification its decision to keep the rates constant as a means of enabling Hawaiian pineapple growers to compete with foreign pineapple producers in United States mainland markets. As was the case in consolidated Dockets Nos. 73-22, et al., it will be necessary to examine the relationship of revenues received from the carriage of eastbound cargoes to Matson's revenue requirements for the entire U.S. Pacific Coast/Hawaii trade.

Matson contends that the subject increases will yield a 10.58 percent rate of return for the projected year. Data submitted by Matson to the Commision do not permit determination of the exact effect of the proposed increases on Matson's financial results for the projected year. Such a determination shall be made in the course of this investigation.

Upon consideration of the above matters, the Commission is of the opinion that Matson's proposed tariff revisions listed in Appendix A should be made the subject of public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act. 1916 and/or Section 4 of the Intercoastal Shipping Act. 1933. The Commission is of the further opinion that the proposed revisions should be suspended under the authority granted the Commission by Section 3 of the Intercoastal Shipping Act, 1933, and good cause appearing:

Therefore, it is ordered, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916, and Sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the tariff matter listed in Appendix A for the purpose of making such findings as the facts and circumstances warrant. In the event the tariff matter is further changed, amended, or reissued, such changes are hereby ordered to be included in this investigation;

It is further ordered, That pursuant to section 16, First and 18 of the Shipping Act, 1916, and Section 4 of the Intercoastal Shipping Act, 1933, a determination be made as to whether Matson's proposed increases on animal feed are likely to result in an undue or unreasonable prejudice or disadvantage against the local Hawaiian egg, poultry and cattle industry or an undue or unreasonable preference or advantage to shippers of eggs, poultry and cattle originating within the continental United States.

It is further ordered, That pursuant to Section 3 of the Intercoastal Shipping Act, 1933, the tariff matter set forth in Appendix B is hereby suspended and the use thereof deferred to and including April 7, 1976, unless otherwise ordered by the Commission;

It is further ordered, That pursuant to Section 3 of the Intercoastal Shipping Act, 1933, the tariff matter set forth in Appendix C is hereby suspended and the use thereof deferred to and including May 1, 1976, unless otherwise ordered by the Commission;

It is further ordered, That there shall be filed immediately by Matson consecutively numbered supplements to the aforesaid tariffs, which supplements shall bear no effective date, shall reproduce this order in its entirety and shall state that the aforesaid matter is suspended and may not be used until April 8, 1976 (Appendix B) or May 2, 1976 (Appendix C), and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, and that the rates, fares, charges, classifications, rules, regulations, or practices theretofore in effect and which were to be changed by the suspended publication, or part or parts thereof, shall remain in effect during the period of suspension, unless otherwise ordered by the Commission;

It is further ordered, That, as part of this investigation a determination shall be made as to whether Matson's proposed increases in rates are unreasonable under section 18(a) of the Shipping Act, 1916, and Section 4 of the Intercoastal Shipping Act, 1933;

It is further ordered, That copies of this Order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Matson Navigation Company be named as respondent in this proceeding;

It is further ordered, That the following persons be named as complainants in accordance with the Commission's Rules of Practice and Procedure;

State of Hawaii, Kimberly-Clark Corporation, Hunt-Wesson Foods, Inc.

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of this Commission's Office of Administrative Law Judges and that the hearing(s) be held at a date and place to be deter-

[*] Rates on prefabricated houses and hydrofoils are also unchanged for westbound movements of those items.

mined by the Presiding Administrative Law Judge, but in any event, the hearing shall commence no later than March 3, 1976.

It is further ordered, That, (1) a copy of this order be served upon each respondent and complainant herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (II) the respondent, complainants and Hearing Counsel be duly served with notice of time and place of hearing(s);

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

Tariff No.	*Revision*
FMC-F No. 153	Supplement No. 1 and Supplement No. 2.
FMC-F No. 139	Supplement No. 10.
FMC-F No. 145	Supplement No. 11.[1]
Do	14th revised p. 4.
Do	5th revised p. 8.
Do	4th revised p. 9.
Do	3d revised p. 10.
Do	4th revised p. 11.
FMC-F No. 143	10th revised p. 9.
FMC-F No. 149	5th revised p. 10.
Do	4th revised p. 11.
Do	8th revised p. 19A.
Do	6th revised p. 19B.
Do	8th revised p. 21.[1]
Do	14th revised p. 22.
Do	10th revised p. 23.
Do	11th revised p. 24.[1]
Do	6th revised p. 25.
Do	11th revised p. 23.[1]

[1] Contains increases effective Jan. 2, 1976.

APPENDIX B—TARIFF MATTER SCHEDULED TO BE EFFECTIVE DECEMBER 8, 1975, AND NOW SUSPENDED TO AND INCLUDING APRIL 7, 1976

FMC-F No. 153	Supplement No. 1 and Supplement No. 2.
FMC-F No. 139	Supplement No. 10.
FMC-F No. 145	Supplement No. 11; items Nos. 5, 6, 7, 9, 20, 25, and 30.
Do	14th revised p. 4; notes 2 and 4.
Do	5th revised p. 8; rule 6.
Do	4th revised p. 9; rule 9.
Do	3d revised p. 10; rule 10; rule 14 (a), (b), (c) and (d).
Do	4th revised p. 11; rule 15.
FMC-F No. 143	10th revised p. 9.
FMC-F No. 149	5th revised p. 10; rule 2, note 4.
Do	4th revised p. 11; rule 3, sections 1, 2, and 3.
Do	8th revised p. 19A; rule 22, section 3.
Do	8th revised p. 21; item No. 10.
Do	14th revised p. 22.
Do	10th revised p. 23.
Do	11th revised p. 24; item No. 41.
Do	6th revised p. 25.

APPENDIX C—TARIFF MATTER SCHEDULED TO BE EFFECTIVE JANUARY 2, 1976, AND NOW SUSPENDED TO AND INCLUDING MAY 1, 1976

FMC-F No. 145	Supplement No. 11; items Nos. 8, 10, and 35.
FMC-F No. 149	8th revised p. 21; item No. 5, notes 1 and 2.
Do	11th revised p. 24; item No. 40, notes 2 and 3.
Do	11th revised p. 23.

[FR Doc.75-33116 Filed 12-8-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI76-50]

AMAREX, INC. [OPERATOR], ET AL.

Application, Petition for Special Relief, and Petition for Declaratory Order

DECEMBER 1, 1975.

Take notice that on October 29, 1975, Amarex, Inc. (Operator), *et al.* (Amarex), 200 North Harvey, Suite 200, Oklahoma City, Oklahoma 73102, filed in Docket No. RI76-50 an application for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act for the sale of natural gas to Colorado Interstate Gas Company (CIG) from the Mills Ranch Field, Wheeler County, Texas. In addition, Amarex has also filed a petition for special relief from the nationwide rate, as adjusted for small producers by Opinion No. 742, for the subject sale pursuant to Section 2.56a(g)(2) of the Commission's Statements of General Policy and Interpretations. Amarex states that the rate set forth in its gas purchase agreement with CIG, 80 cents per Mcf, is so low as to adversely affect the public interest, and accordingly, Amarex requests the Commission to determine a higher rate that is not so low as to adversely affect the public interest. Amarex has submitted data to show that such a rate should be in the range of $2.00 per Mcf.

Amarex has also filed a petition for a declaratory order pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure. Amarex states that Mississippi River Transmission Corporation (MRT) may claim some right to purchase gas produced by Amarex from the subject acreage, and requests that the Commission order MRT to show the nature and extent of its claim, if any, or to state that it will not claim a right to purchase gas produced by Amarex. Amarex further requests that the Commission issue an order declaring MRT's entitlement, if any, to purchase the subject gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest 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 Commission 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. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33037 Filed 12-8-75;8:45 am]

[Docket No. E-9408]

AMERICAN ELECTRIC POWER SERVICE CORP.

Postponement of Procedural Dates

DECEMBER 1, 1975.

On November 25, 1975, Kaiser Aluminum and Chemical Corporation and Ormet Corporation, filed a motion to extend the procedural dates fixed by order issued May 30, 1975, as most recently modified by notice issued November 18, 1975, in the above designated proceeding. The motion states that there are no objections to the proposed postponement.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, January 27, 1976.
Service of Staff Testimony, February 10, 1976.
Service of Company Rebuttal, February 27, 1976.
Hearing, March 16, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33062 Filed 12-8-75;8:45 am]

[Docket No. RP76-11]

BACA GAS GATHERING SYSTEM, INC.

Further Extension of Procedural Dates

DECEMBER 1, 1975.

On November 25, 1975, Baca Gas Gathering System, Inc. filed a motion to extend the procedural dates fixed by order issued October 10, 1975, as most recently modified by notice issued November 14, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Testimony, January 19, 1976.
Service of Staff and Intervenor Testimony, February 16, 1976.
Service of Company Rebuttal, March 1, 1976.
Hearing, March 22, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33050 Filed 12-8-75;8:45 am]

[Docket No. RM76-8]

POLICY CONCERNING ENFORCEMENT OF DELIVERABILITY AND RENDITION OF NATURAL GAS SERVICES UNDER CERTIFICATED ARRANGEMENTS

Order Granting Reconsideration for Purposes of Further Consideration

NOVEMBER 28, 1975.

On October 14, 1975, the Commission issued its Order No. 539 which adopted Section 2.83 of the Commission's General Policy and Interpretations, setting forth a statement of policy with respect to the enforcement of deliverability obligations and the rendition of natural gas service under rate schedules certificated by this Commission.

Applications for rehearing and/or reconsideration of Order No. 539 have been filed by Phillips Petroleum Company (Phillips) on November 10, 1975, Shell Oil Company, et al. (Shell) on November 12, 1975, Sohio Petroleum Company (Sohio), Continental Oil Company (Continental), Natural Gas Pipeline Company of America and Napeco, Inc. (Natural), Tenneco Oil Company, et al. (Tenneco), Interstate Natural Gas Association of America (INGAA), Mobil Oil Corporation (Mobil), and Texaco Inc. (Texaco) on November 13, 1975, and by Entex, Inc. (Entex) on November 14, 1975. The Tenneco, et al. group also filed on November 13, 1975 a petition to stay the effectiveness of Order No. 539 "until such time as the issues raised in that Order have been fully considered and resolved." A similar request for a stay has been filed by Mobil together with its petition for rehearing and reconsideration.

Two of the Tenneco *et al.* group, Tenneco Oil Company in Docket Nos. CI75-719, CI75-746 and CI75-747, and Tenneco Exploration, Ltd., in Docket Nos. CI75-718 and CI75-748, have requested a stay of Order No. 539 because of their reluctance to commence deliveries in those dockets under validly issued and accepted temporary certificates because of the assertion that Order No. 539 imposes an unlawful "warranty" delivery obligation. This question has been raised by some other parties seeking reconsideration and it will be disposed of, after due deliberation, in the Commission's final order on reconsideration in Docket No. RM76-8, along with the remaining issues posed by petitioners.

Section 19(a) of the Natural Gas Act provides that any person "aggrieved by an order" of the Commission "may apply for rehearing within thirty days after the issuance of that order" and that such a petition, if not acted upon "within thirty days after it is filed, * * * may be deemed to have been denied."

Despite petitioners' charcaterization of their applications as petitions for rehearing, we note that Order No. 539 was a statement of policy and, therefore, that applications for rehearing do not lie. Nevertheless, we intend to consider the matters raised by petitioners, and to provide us with adequate time to fully consider the issues presented, we will grant reconsideration of Order No. 539 solely for the purpose of further consideration. This action does not constitute a grant or denial of any or all of the petitions on their merits in whole or in part.[1] All motions for stay filed in this proceeding will be dealt with at such time as the Commission issues its final order on reconsideration.

The Commission orders: (A) The petitions for reconsideration of Order No. 539 filed by Phillips, Shell, Sohio, Continental, Natural, Tenneco, INGAA, Mobil, Texaco, and Entex are granted for the sole purpose of further reconsideration of Order No. 539.

(B) Motions for stay of the effectiveness of Order No. 539 filed by Tenneco *et al.* and Mobil will be acted upon in the Commission's final order on reconsideration.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33044 Filed 12-8-75;8:45 am]

[Docket Nos. RP73-86, RP73-85, RP75-105 and RP75-106; (Consolidated Taxes)]

COLUMBIA GAS TRANSMISSION CORP. ET AL.

Order Approving Settlement Agreement and Establishing Procedural Dates for Deferred Issue

DECEMBER 1, 1975.

On September 23, 1975, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company (Columbia) submitted to Presiding Administrative Law Judge Michel Levant a proposed Stipulation and Agreement (Agreement) and requested that said Agreement be certified to the Commission, along with the record in this proceeding, for its consideration. On September 25, 1975, Judge Levant certified the Agreement and the record to the Commission. On October 9, 1975, the certification of the proposed Agreement was noticed with comments thereon due on or before October 24, 1975.

These proceedings were commenced by the filing on February 28, 1973, of certain tariff sheets by Columbia which, inter alia, provided for an increase in charges to Columbia's jurisdictional customer of approximately $58 million. The sheets were accepted for filing to become effective on September 14, 1973, subject to refund.

The original settlement of these proceedings was accepted with conditions by the Commission's Opinion No. 734, issued June 12, 1975. Thereafter, on July 10, 1975, Columbia advised the Commission of its withdrawal from the settlement. By order issued August 1, 1975, the Commission accepted Columbia's withdrawal and remanded this case for hearing directing all parties to consider all issues raised in these proceedings including, inter alia, whether Federal Income Taxes, which were computed in the old settlement at the statutory rate, should be computed using a consolidated effective tax rate.

On August 12, 1975, the parties, incuding the Commission Staff, began a series of informal conferences which resulted in the proposed agreement. The proposed revised settlement reflects the actual cost of service[1] for Columbia for the twelve month period ended October 31, 1974, and the actual sales volumes for that period. The locked-in period from September 14, 1973, through October 31, 1974, is the period during which Columbia Transmission's rates in Docket No. RP73-86 were in effect. In accordance with Opinion No. 734, the revised settlement cost of service reflects an overall rate of return of 8.91% with an 11.84% return on common equity. Similarly, depreciation expense has been calculated on the basis of the depreciation accrual rates approved by Opinion No. 734. In all other respects, the Commission's findings in Opinion No. 734 were followed in developing the proposed revised settlement cost of service.

The revised agreement would result in refunds to the wholesale customers of Columbia of $24,332,922 for the period from September 14, 1973 through October 31, 1974, including interest at 7% per annum as applied to the period from September 14, 1973 to the date such refund amount is credited against customer billings.

The proposed agreement further provides that "the issue of consolidated tax savings shall be a matter for separate consideration in the current rate proceedings of Columbia Gas and Columbia Gulf in Docket Nos. RP75-105 and RP75-106." The parties also agree that the issue of conjunctive billing is reserved for hearing in Docket No. RP74-82, in accordance with Article III-B of the settlement of that proceeding now pending before the Commission.

On October 24, 1975, Columbia and the Commission Staff filed their respective comments in support of the proposed revised settlement. With respect to the parties' agreement to defer consideration of the issue of consolidated tax savings for resolution in Docket Nos. RP75-105 and RP75-106, Columbia supports the deferral in that it will "permit a final disposition of the instant protracted rate proceedings, the resolution of which is long overdue", thereby reducing the level of Columbia's contingent earnings. In addition, Columbia believes that a locked-in case "does not provide a forum as suitable for the consideration of the consolidated tax savings question" as the rate proceedings in Docket Nos. RP75-105 and RP75-106 do, in that those proceedings involve rates of future applicability. Finally, Columbia notes that the interest expense for the Federal income tax calculation used in the settlement cost of service was higher than that carried on Columbia's books during the subject period, resulting in a reduced tax allowance for Columbia.

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[1] *Area Rate Proceeding, et al. (Southern Louisiana Area,* 40 FPC 1091 (1968)).

[1] Set forth in Appendix A.

Staff's comments similarly support deferral of the consideration of the issue of consolidated tax savings arising from Staff's belief "that the public interest at this time would be better served by an expeditious resolution of these long pending proceedings which would speed the payment of refunds to Columbia's customers." Moreover, Staff observes that raising the consolidated tax savings issue in these proceedings might delay Commission action on a pending settlement of Columbia's next succeeding rate case in Docket Nos. RP74-81 and RP74-82, which was certified to the Commission on August 21, 1975. Staff, as well as Columbia, requests that the Commission approve the proposed revised settlement agreement without modification.

Our review of the proposed settlement, the comments of Staff and Columbia, and the related record indicates that it is a reasonable and appropriate resolution of the issues in this proceeding in the public interest and that, accordingly, it should be adopted, as hereinafter ordered. In addition, we shall establish separate procedural dates in the proceeding in Docket Nos. RP75-105 and RP75-106 for the service of evidence and for hearing on the reserved issue of consolidated tax savings.

The Commission finds: The settlement of these proceedings on the basis of the stipulation and agreement certified on September 25, 1975, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved.

The Commission orders: (A) The proposed revised settlement of these proceedings as certified to the Commission on September 25, 1975, is incorporated by reference and made a part hereof and is approved and adopted.

(B) Within 30 days after the date this order is issued, Columbia will make refunds to its jurisdictional customers in accordance with the settlement agreement.

(C) Pursuant to authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations, a public hearing for the purpose of cross-examination of the evidence on the issue of consolidated tax savings in Docket Nos. RP75-105 and RP75-106 shall be held on April 13, 1976, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(D) On or before January 6, 1976, Columbia shall serve its prepared testimony and exhibits in Docket Nos. RP75-105 and RP75-106 on the consolidated tax issue. Staff shall serve its prepared testimony and exhibits in Docket Nos. RP75-105 and RP75-106 on the consolidated tax issue or or before March 2, 1976. Any intervenor evidence on the consolidated tax issue in Docket Nos. RP75-105 and RP75-106 shall be filed on or before March 16, 1976. Any rebuttal by Columbia on the same issue in those dockets shall be served on or before March 30, 1976.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

SCHEDULE 1.—*Columbia Gas Transmission Corp.*

[FPC Docket No. RP73-86, Settlement cost of service in thousands of dollars]

Line No.		Total
1	Gas operating expenses:	
2	Gas purchased	$434,623
3	Columbia Gulf Transmission Co.	116,178
4	All other	82,933
5	Total	633,734
6	Depreciation, depletion, and amortization expenses	44,407
8	Taxes—other than income taxes	17,521
9	Taxes—Federal income	30,829
10	Taxes—State income	2,437
11	Return at 8.91 pct	79,285
12	Credits to cost of service	(10,642)
13	Total cost of service	797,571

APPENDIX A

SCHEDULE 2.— *Columbia Gulf Transmission Co.*

[FPC Docket No. RP73-85, Settlement cost of service in thousands of dollars]

Line No.		Total
1	Gas operating expenses	21,385
2	Depreciation	29,816
3	Taxes—other than income taxes	6,387
4	Taxes—Federal income	20,156
5	Taxes—State income	1,147
6	Return at 8.91 pct	30,642
7	Credits to cost of service	(2,355)
8	Total cost of service	116,178

APPENDIX A

SCHEDULE 3.—*The Columbia Gas System, Inc.*

[FPC Dockets Nos. RP73-86 and RP73-85, Cost of capital, Capital structure at Oct. 31, 1974]

Line No.		Amount (in thousands)	Percentage of— Capitalization	Cost of capital	Weighted cost
		(1)	(2)	(3)	(4)
1	Long-term debt	$1,300,000	57.85	6.78	3.92
2	Common stock equity	897,773	39.93	11.84	4.73
3	Preferred stock	50,000	2.22	11.57	.26
4	Total	2,248,673	100.00		8.91

[FR Doc.75-33053 Filed 12-8-75;8:45 am]

[Docket No. E-9294]

THE DETROIT EDISON CO.

Postponement of Hearing

DECEMBER 1, 1975.

On November 17, 1975, The Detroit Edison Company filed a motion to postpone the hearing date fixed by order issued March 27, 1974, as most recently modified by notice issued August 25, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above proceeding is postponed from December 15, 1975 to December 16, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33040 Filed 12-8-75;8:45 am]

[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Extension of Procedural Dates

DECEMBER 1, 1975.

On November 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 14, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 5, 1976.
Service of Intervenor Testimony, January 19, 1976.
Service of Company Rebuttal, February 9, 1976.
Hearing, February 16, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33052 Filed 12-8-75;8:45 am]

[Docket Nos. CP75-20, CI75-116]

FLORIDA GAS TRANSMISSION CO. ET AL.

Extension of Procedural Dates

DECEMBER 1, 1975.

On November 25, 1975, Florida Gas Transmission Company filed a motion to extend the procedural dates fixed by order issued November 19, 1975, in the above-designated proceeding. On November 26, 1975, Petroleum Management, Inc. and Skelly Oil Company filed a response supporting the above motion.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Testimony, January 5, 1976.
Hearing, February 10, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33049 Filed 12-8-75;8:45 am]

[Docket No. ES76-19]

IDAHO POWER CO.

Order Authorizing the Issuance of Short-Term Unsecured Promissory Notes

NOVEMBER 28, 1975.

Idaho Power Company (Applicant), on October 14, 1975, filed an application, pursuant to Section 204 of the Federal Power Act, seeking authorization to is-

sue short-term unsecured promissory notes to commercial banks and to commercial paper dealers in an aggregate amount not to exceed $122,500,000 outstanding at any one time, with a final maturity date of not later than December 31, 1977.

Applicant is incorporated under the laws of the State of Maine, with its principal business office at Boise, Idaho and is qualified to do business in the States of Idaho, Oregon, Nevada and Wyoming. Applicant is engaged in the generation, transmission, distribution and sale of electrical energy in the above-mentioned States.

The net proceeds will be used to finance the Applicants' construction expenditures which, for the period from August 1, 1975 to December 31, 1976, are estimated at approximately $116,077,000.

Of the $122,500,000 borrowing, $75 million will be made pursuant to the line of credit with three major banks, at the prime rate plus a commitment fee of ½ of 1%. $13,100,000 will be borrowed from a group of banks in Idaho and Oregon. The Idaho banks will loan money at the prime rate and the Oregon banks will loan money at 110% of the prime rate plus a commitment fee of approximately ½ of 1%. Notes issued to commercial banks shall mature not more than twelve months from the date of issue. The balance will be issued and sold by applicant to one or more commercial paper dealers. Each note issued as commercial paper would be dated the date of issuance, have a maturity of not more than 270 days from the date thereof and be discounted at the rate prevailing at the time of issuance for commercial paper of comparable quality and maturity.

Written notice of the application has been given to the Idaho Public Utilities Commission, the Nevada Public Service Commission, the Oregon Public Utilities Commission, the Wyoming Public Service Commission and to the Governor of each of those States. Notice has also been given by publication in the Federal Register on November 3, 1975 (40 FR 51093), stating that any person desiring to be heard or to make any protest with reference to the application, shall file petitions or protests on or before November 14, 1975, with the Federal Power Commission, Washington, D.C. 20426. No protest, petition or request to be heard in opposition to the granting of the application has been received.

The Commission finds: (1) Applicant, a corporation, is a public utility within the meaning of Section 204 of the Federal Power Act, subject to the jurisdiction of the Commission as heretofore described and set forth in the Commission's order issued November 7, 1957, *Idaho Power Company, Docket No. E-6781, (18 FPC 603)*.

(2) The proposed issuance of short-term promissory notes, all as described above, will constitute an issuance of securities within the purview of Section 204 of the Act.

(3) The proposed issuance of promissory notes, all as described above, will be in excess of 5% of the par value of the other securities of the Applicant and, therefore, will not be exempt by virtue of Section 204(e) from the requirements of Section 204(a) of the Act.

(4) Applicant is not organized and operating in a State under the laws of which the issue here involved is regulated by a state Commission within the meaning of Section 204(f) of the Act, and the proposed issuance is, therefore, not exempt by virtue of that Section from the requirements of Section 204 of the Act.

(5) The proposed issuance of promissory notes will be exempt from the competitive bidding requirements of Section 34.1a of the Commission's Regulations under the Federal Power Act, by reason of paragraph 34.1a(a)(2) thereof.

(6) The proposed issuance of securities or hereinafter authorized, will be for a lawful object within the corporate purposes of Applicant and compatible with the public interest, which is appropriate for and consistent with the proper performances of service by Applicant or a public utility, and which will not impair its ability to perform that service and is reasonably necessary and appropriate for such purposes.

(7) The period of public notice given in this matter is reasonable.

The Commission orders: (A) The proposed issuance of promissory notes in the aggregate principal amount of $122,500,000 outstanding at any one time, upon the terms and conditions and for the purposes set forth in the application, all as described above, is hereby authorized subject to the provisions of this order.

(B) This authorization is expressly conditioned that notes issued to commercial banks will have maturities of not more than one year from the date of issuance and notices issued in the form of commercial paper will have maturities of not more than nine months from the date of issue. In any event, all notes are to bear final maturities of on or before December 31, 1977.

(C) This authorization is expressly conditioned that all notes issued in the form of commercial paper not exceed 25% of the applicants gross operating revenues during the preceding twelve months of operation.

(D) This authorization is expressly conditioned that the aggregate principal amount of all notes not exceed $122,500,000 outstanding at any one time.

(E) The foregoing authorization is without prejudice to the authority of their Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates or determinations of cost or any matter whatsoever now pending or which may come before this Commission.

(F) Nothing in this order shall be construed to imply any guarantee or obligation on the part of the United States in respect to any security to which this order relates.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33043 Filed 12-8-75;8:45 am]

[Docket No. ES76-27]

LOUISVILLE GAS AND ELECTRIC CO.

Application

DECEMBER 1, 1975.

Take notice that on November 7, 1975, Louisville Gas and Electric Company (Applicant) of Louisville, Kentucky, filed an application pursuant to Section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks, to trust companies, and to commercial paper dealers in amounts not exceeding in the aggregate $70,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days during the two year period ending December 31, 1977, but no Note will mature more than twelve months after date of issue or renewal. The interest rate of such Notes will be at the prime loan interest rate of the banks in effect from time to time.

The Promissory Notes to be issued as master notes to commercial banks and trust companies will be issued on various days during the period ending December 31, 1977, but no Note will mature more than nine months after date of issue. The interest rate on master notes will be dependent upon the money market conditions prevailing during the life of the Note.

The Promissory Notes issued to commercial paper dealers will be issued on various days during the period ending December 31, 1977, but no Note will mature more than nine months after date of issue nor will any Note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance.

According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of the sale of electric and gas service, (2) the dollar amount of Applicant's inventory of fuel and gas stored underground, and (3) the dollar amount of depreciation and amortization charges on plant and equipment for the preceding year.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant which general funds will be used, among other things, to finance in part the Applicant's 1976-1977 construction program. Applicant estimates that construction expenditures for the years ending December 31, 1976 and 1977 will total about $95,000,000 and $113,000,000, respectively.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33038 Filed 12-8-75;8:45 am]

[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Extension of Procedural Dates

DECEMBER 1, 1975.

On November 26, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 20, 1976.
Service of Intervenor Testimony, February 3, 1976.
Service of Company Rebuttal, February 17, 1976.
Hearing, March 2, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33051 Filed 12-8-75;8:45 am]

[Docket Nos. CP75-131, CP76-129, CP76-94]

MOUNTAIN FUEL SUPPLY CO. AND PHILLIPS PETROLEUM CO.

Extension of Procedural Dates

DECEMBER 1, 1975.

On November 25, 1975, Mountain Fuel Supply Company filed a motion to extend the procedural dates fixed by order issued November 17, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Testimony in Docket No. CP76-129, December 22, 1975.
Hearing, January 14, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33061 Filed 12-8-75;8:45 am]

[Docket No. ER76-266]

NEW ENGLAND POWER CO.

Unit Sales Contracts

DECEMBER 1, 1975.

Take notice that New England Power Service Company, on behalf of New England Power Company (NEPCO) on November 19, 1975, tendered for filing proposed Unit Contracts.

According to NEPCO, the Contracts provide for the sale by NEPCO, from its Internal Combustion Units, to Central Maine Power Company (Central Maine) and Montaup Electric Company (Montaup) of equal shares of 126,050 KW of capacity and related energy from March 1, 1975 to April 30, 1975.

NEPCO states that the sales revenues are fully compensatory for energy and transmission costs, but they have accepted less than full cost for this capacity, which is surplus to its needs.

NEPCO further states that these sales are of substantial benefit to all parties, and requests waiver of the Commission's Regulations to allow these agreements to become effective in accordance with their terms.

Copies of the filing were served upon Central Maine and Montaup.

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, N.E., 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 12, 1975. 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.75-33036 Filed 12-8-75;8:45 am]

[Docket No. ER76-104]

NEW ENGLAND POWER SERVICE CO.

Order Accepting for Filing and Making Effective Subject to Refund, Proposed Agreement and Tariff, Instituting Investigation, and Denying Waiver of Notice Requirements; Correction

NOVEMBER 18, 1975

In Commission Order issued November 7, 1975 in the above captioned case, note the following changes:

On page 3 of said order, Paragraph (3) of the Commission's findings, amend "Pacific's proposed effective date" and "agreement by Pacific" to read "NEPCO's proposed effective date" and "agreement by NEPCO", respectively. In Paragraph (4) of the same page change "Pacific's Agreement" to read "NEPCO's Agreement."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33041 Filed 12-8-75;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Tariff Sheet Correction

DECEMBER 1, 1975.

Take notice that on November 19, 1975, Northern Natural Gas Company (Northern) tendered for filing a corrected tariff sheet for its November 14, 1975, submittal, reflecting that First Substitute Seventh Revised Sheet No. 1c is to be contained in Original Volume No. 2 of Northern's FPC Gas Tariff.

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 Sections 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 10, 1975. 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.75-33039 Filed 12-8-75;8:45 am]

[Docket Nos. CP75-294, CP75-296]

NORTHWEST PIPELINE CORP. AND MOUNTAIN FUEL SUPPLY CO.

Order Denying Motion To Omit the Intermediate Decision and Prescribing Expedited Procedure

DECEMBER 2, 1975.

Northwest Pipeline Corporation and Mountain Fuel Supply Company on November 12, 1975, filed a motion with the Commission for the issuance of an order omitting the intermediate decision procedure, or, in the alternative, establishing expedited procedures for the submission of briefs to the Commission in the above proceedings. On November 19, 1975, the Staff filed an answer contending that this proceeding is reasonably complex, that it involves considerable dispute regarding evidentiary facts, and that the intermediate procedure should not be omitted.

In these proceedings Northwest seeks a certificate of public convenience and necessity for authority to sell to, transport for and exchange natural gas with Mountain Fuel. The authorization would permit Mountain Fuel to make a new supply of natural gas contracted for by Northwest in the Barrel Springs area, Carbon County, Wyoming, available to Northwest's transmission system. On October 6, 1975, the Commission denied a motion by Northwest for expedited procedural dates and waiver of the intermediate decision procedure because the hearing had not been completed and the procedural posture did not permit expedition of the hearing date.

In their present motion Northwest and Mountain Fuel contend that if a final decision in these proceedings is not issued prior to April 10, 1976, Northwest may lose the Barrel Springs gas supply because the gas purchase contracts expire on that date, and it is questionable whether the producers will extend them. Further, the movants say, approval of the Colorado Interstate Gas Company and Western Transmission Company alternative proposal would cause additional delays which would delay development of the entire Barrel Springs area.

In our opinion this proceeding involves a number of factual issues on which we should have the opinion of an Administrative Law Judge, who is familiar with the record. We take particular note that the pleadings indicate that there is an alternative project. We are also of the opinion that there exists sufficient time for the Judge to issue an initial decision.

for receipt of briefs on exceptions and opposing exceptions, and for opportunity for consideration by the Commission before April 10, 1976, when the producer contracts allegedly expire. We shall, however, shorten the time for filing briefs before the Commission as requested by the movants.

The Commission finds: Good cause has not been shown for waiving the intermediate decision procedure, but has been shown for an expedited briefing schedule before the Commission.

The Commission orders: (A) The request by Northwest and Mountain Fuel to omit the intermediate decision is denied.

(B) After issuance of the initial decision briefs on exception shall be filed within 20 days and briefs opposing exceptions within 10 days thereafter.

(C) The Administrative Law Judge shall issue his initial decision expeditiously so that sufficient time will be left for consideration of the initial decision, briefs on exceptions and briefs opposing exceptions and issuance of a Commission decision before April 10, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33065 Filed 12-8-75;8:45 am]

[Docket No. ES76-26]

OKLAHOMA GAS AND ELECTRIC CO.

Application

DECEMBER 1, 1975.

Take notice that on November 7, 1975, Oklahoma Gas and Electric Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks and to commercial paper dealers in amounts not exceeding in the aggregate $100,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days during the period ending December 31, 1977, but no Note will mature more than twelve months after date of issue or renewal. The interest rate of such Notes will be at the prime loan interest rate of the banks in effect from time to time.

The Promissory Notes issued to commercial paper dealers will be issued on various days during the period ending December 31, 1977, but no Note will mature more than nine months after date of issue nor will any Note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance.

According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of the sale of electric service and (2) the dollar amount of depreciation and amortization charges on plant and equipment for the preceding year.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant, which general funds will be used, among other things, to finance in part the Applicant's 1976 and 1977 construction program. Applicant estimates that construction expenditures for the year ending December 31, 1976 will total about $175,000,000 and for the year ending December 31, 1977 will total about $172,000,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33055 12-8-75;8:45 am]

[Docket No. ER76-243]

OTTER TAIL POWER CO.

Filing Amendment to Service Agreement

DECEMBER 1, 1975.

Take notice that on November 12, 1975, Otter Tail Power Company (Otter Tail) tendered for filing Amendment No. 12, dated June 10, 1975, to the Electric Service Agreement between Otter Tail and Minnkota Power Cooperative, Inc. Otter Tail states that this Amendment No. 12 is filed as a supplement to Rate Schedule FPC No. 126 and expands the existing Electric Service Agreement by providing for additional facilities and points of interconnection which will provide service to new loads and improve service to existing loads of both parties. Otter Tail requests this Amendment No. 12 be permitted to become effective 30 days after the filing date of November 12, 1975.

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 8, 1975. 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.75-33025 Filed 12-8-75;8:45 am]

[Docket Nos. G-17350, G-17351, CP69-346, CP69-347 and CP75-340]

PACIFIC GAS TRANSMISSION CO. AND NORTHWEST PIPELINE CORP.

Petitions To Amend

NOVEMBER 28, 1975.

Take notice that on November 17, 1975, Pacific Gas Transmission Company (PGT), 245 Market Street, San Francisco, California 94105, filed a petition to amend the orders of the Commission issued in Docket Nos. G-17350 and G-17351 on August 5, 1960 (24 FPC 134), in Docket Nos. CP69-346 and CP69-347 on March 13, 1970 (43 FPC 418), and in all four of the above dockets on October 31, 1974, pursuant to Section 7(c) of the Natural Gas Act by continuing the authorization granted in the October 31, 1974, amending order, which permitted PGT to transport on a best efforts basis additional volumes of natural gas imported from Canada to alleviate the shortage on the system of Northwest Pipeline Corporation (Northwest). Take further notice that on November 17, 1975, Northwest, P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-340 a related petition to amend the order issued July 28, 1975, in that docket pursuant to Section 3 of the Natural Gas Act to permit the continued importation of additional volumes of natural gas through October 31, 1976, at Kingsgate, British Columbia. These proposals are more fully set forth in the petitions which are on file with the Commission and open to public inspection.

By order issued September 21, 1973 (50 FPC 825), Northwest, as successor to the interest of El Paso Natural Gas Company, was authorized, inter alia, to import from Canada up to 151,731 Mcf (all volumes at 14.73 psia) of gas on peak days and 51 million Mcf of gas annually at Kingsgate. The volumes of gas so imported are purchased from Westcoast Transmission Company Limited (Westcoast) at two delivery points, Sumas, Washington, and Kingsgate. Orders issued December 28, 1973, and October 31, 1974, amended the order issued September 21, 1973, in Docket No. CP73-332 so as to authorize Northwest to import at Kingsgate additional gas purchased from Westcoast in volumes up to 125,000 Mcf on peak days and up to 30,000 Mcf on an average day basis, through the period October 31, 1975. The additional volumes of gas are made available to Westcoast for resale to Northwest by Alberta and Southern Gas Company Limited (A&S) on a best-efforts basis. The order of October 31, 1974, also authorized PGT to transport on a best-efforts basis the increased volumes of gas, in excess of previously authorized peak-day volumes of 151,731 Mcf, from Kingsgate to the interconnection of PGT's and Northwest's systems at Spokane, Washington, and Stanfield, Oregon, for delivery to Northwest.

Northwest proposes to continue importing additional volumes purchased

from Westcoast and made available by A&S on a best-efforts basis, as previously authorized, for a term commencing with the grant of the requested authorization through October 31, 1976. Northwest proposes to pay Westcoast $1.60 for each Mcf of gas imported, which is the rate prescribed by Order in Council of the Dominion of Canada for all gas, except Pan Alberta gas, exported on or after November 1, 1975, pursuant to Westcoast's Export License GL–41. Northwest states that the volumes of gas which may result from the requested authorization will, on a day-to-day basis, directly assist in offsetting the shortfall in deliveries by Westcoast at Sumas that is anticipated by Northwest.

PGT requests authorization to continue the transportation arrangement for Northwest from November 1, 1975, to October 31, 1976, under terms substantially identical with the previously authorized best-efforts transportation arrangement with Northwest. PGT states that it is obligated to accept volumes, in excess of 151,731 Mcf per day, for transportation and delivery only when in its discretion it has sufficient pipeline capacity. Such capacity will be available, PGT asserts, when there are mechanical difficulties in PGT's pipeline system south of the Stanfield tap such that delivery capability in that portion of the pipeline system must be reduced. PGT explains that an outage of one or more compressor units south of Stanfield due to mechanical problems will cause the delivery capability to be restricted, but that the pipeline upstream of the defective unit will still have the capability of delivering maximum daily volumes.

An off-line delivery upstream of the restricted section of the pipeline made possible by equipment outages has been termed by PGT a "best efforts" delivery. PGT states that from operating records of its system it has calculated the amount of time various outages can be expected to occur and has estimated best efforts deliveries from November 1, 1975, through October 31, 1976:

Delivery volume (MMcf/day):	*Number of days at this volume*
0	193
1 to 30	41
31 to 60	51
61 to 90	27
91 to 120	53

PGT's petition states that deliveries under the transportation arrangement proposed in the instant petition will not decrease, beyond those decreased volumes caused by equipment outages, the quantities of natural gas delivered by PGT at other delivery points to Northwest or the quantities of natural gas delivered by PGT to Pacific Gas and Electric Company, PGT's customer. Northwest and PGT state that they have agreed that Northwest will pay PGT for the additional volumes transported in accordance with the cost of service and cost allocation procedures contained in Rate Schedule T–1 of PGT's FPC Gas Tariff, Original Volume No. 1.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before December 18, 1975, file in the respective proceeding with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33047 Filed 12-8-75;8:45 am]

[Docket No. RP74-41 PGA76-1, DCA76-1]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

DECEMBER 1, 1975.

Take notice that Texas Eastern Transmission Corporation on November 17, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Revised Fifteenth Revised Sheet No. 14.
Revised Fifteenth Revised Sheet No. 14A.
Revised Fifteenth Revised Sheet No. 14B.
Revised Fifteenth Revised Sheet No. 14C.
Revised Fifteenth Revised Sheet No. 14D.
Fifteenth Revised Sheet No. 14.
Fifteenth Revised Sheet No. 14A.
Fifteenth Revised Sheet No. 14B.
Fifteenth Revised Sheet No. 14C.
Fifteenth Revised Sheet No. 14D.

These sheets are being issued pursuant to Texas Eastern's Demand Charge Adjustment Commodity Surcharge provision and Purchased Gas Cost Adjustment provision contained in Section 12.4 and Section 23, respectively, of the General Terms and Conditions of its FPC Gas Tariff, Fourth Revised Volume No. 1. The rate change proposed by Texas Eastern reflects changes in the Demand Charge Adjustment Commodity Surcharge, rates charged by Texas Eastern's producer and pipeline suppliers and an adjustment to Texas Eastern's rates to clear the balance of the Gas Cost Adjustment Account.

Texas Eastern requests that the Commission accept the Revised Fifteenth Revised series of tariff sheets to be effective January 1, 1976. However, should the Commission suspend the effectiveness of these sheets one day, Texas Eastern requests that the Commission accept the Fifteenth Revised series of tariff sheets to be effective January 1, 1976.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

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 Sections 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 12, 1975. 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.75-33060 Filed 12-8-75;8:45 am]

[Docket No. RP73-3, RP74-48 and RP75-3; PGA No. 76-1(a)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Filing of Revised Tariff Sheets in Purported Compliance With Commission Order

DECEMBER 1, 1975.

Take notice that on November 14, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing revised tariff sheets to First Revised Volume No. 1 of its FPC Gas Tariff to be effective November 1, 1975,[1] and November 2, 1975.[2] Transco states that this filing is made pursuant to the Commission's October 31, 1975, order in the above captioned dockets.

The instant filing does not include a form of notice for the FEDERAL REGISTER, as required by Section 154.28 of the Commission's Regulations Under the Natural Gas Act.

Transco states that the instant filing contains (1) revised tariff sheets to be effective November 2, 1975, reflecting elimination of all costs related to advance payment tracking filings made pursuant to the settlement agreement which was pending in Docket Nos. RP74-48 and RP75-3; and (2) revised tariff sheets to be effective November 1, 1975, which, in addition to eliminating the advance payments costs, also eliminate purchased gas costs in excess of the guidelines set forth in the aforementioned October 31, 1975, order herein. The filing also contains a list of names and addresses of each producer from whom Transco's purchases exceed said guidelines.

Transco states that this filing was served upon all jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition

[1] The tariff sheets proposed to be effective as of November 1, 1975, are designated Revised Fifteenth Revised Sheet No. 5 and Revised Eleventh Sheet No. 6.

[2] The tariff sheets proposed to be effective as of November 2, 1975, are designated Second Revised Fifteenth Revised Sheet No. 5 and Second Revised Eleventh Revised Sheet No. 6.

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 10, 1975. 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.75-33059 Filed 12-8-75;8:45 am]

[Docket No. CP76-149]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application; Correction

NOVEMBER 28, 1975.

The notice of application issued in this docket on November 17, 1975, was issued in error and should be disregarded. A prior notice was issued November 10, 1975, and published in the FEDERAL REGISTER on November 14, 1975 (49 FR 53083).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33048 Filed 12-8-75;8:45 am]

[Docket No. RP74-52 (PGA 76-1)]

TRANSWESTERN PIPELINE CO.

Further Extension of Procedural Dates

NOVEMBER 28, 1975.

On November 20, 1975, Yates Petroleum Corporation filed a motion to extend the procedural dates fixed by order issued September 30, 1975, as most recently modified by notice issued November 3, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Transwestern and Small Producer Testimony, January 5, 1976.
Service of Staff and Intervenor Testimony, February 5, 1976.
Service of Company Rebuttal, February 13, 1976.
Hearing, February 23, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-33046 Filed 12-8-75;8:45 am]

[Docket Nos. CP76-78, CP76-112]

TRUNKLINE GAS CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity

DECEMBER 2, 1975.

On September 8, 1975, Trunkline Gas Company (Trunkline) filed in Docket No. CP76-78 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Transcontinental Gas Pipe Line Corporation (Transco) and Consolidated Gas Supply Corporation (Consolidated) from offshore to onshore Louisiana, all as more fully set forth in the application.

Specifically, Trunkline requests, in Docket No. CP76-78, pursuant to transportation agreements with Transco and Consolidated executed May 19, 1975, and August 11, 1975, respectively, authorization to transport up to 14,900 Mcf of gas per day (11,200 Mcf for Transco; 3,700 Mcf for Consolidated) from an existing interconnection between its pipeline and a gathering pipeline of Transco and Consolidated on a platform of Placid Oil Company in South Timbalier Block 179, offshore Louisiana, to a point of delivery to Transco for Transco's account and for the account of Consolidated downstream of Mobil Oil Corporation's Cow Island Processing Plant, Vermilion Parish, Louisiana. The agreements are for a term of ten years from the date all required authorizations are received and accepted, and Transco and Consolidated have the option to reduce the transportation volumes at three-year intervals.

Trunkline's transportation charge for the service to be performed for Transco and Consolidated consists of a monthly demand charge of $3.31 per Mcf for the 11,200 Mcf demand level of Transco and the 3,700 Mcf contract demand level of Consolidated. The rate is subject to increase or decrease by an amount equal to 10.88 cents per Mcf that Trunkline transports in excess of the contract demand requirement or fails or is unable to take on any given day.

On October 2, 1975, Transco filed in Docket No. CP76-112 an application, as supplemented October 16, 1975, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the creation of an additional delivery point between itself and Consolidated, all as more fully set forth in the application.

Specifically, Transco, pursuant to an amendment dated September 5, 1975, seeks authorization to operate the aforementioned Cow Island Plant tailgate connection as a point of receipt under a September 12, 1972,[1] transportation agreement with Consolidated in order to receive Consolidated's volumes transported to such point by Trunkline. The existing agreement provides for Transco to transport on a firm basis 71,548 Mcf of gas per day for Consolidated from various locations in Louisiana to an interconnection in Clinton County, Pennsylvania. Consolidated is obligated to pay a demand charge regardless of whether this quantity is available to be transported. The addition of the proposed point of receipt at Cow Island will assist Consolidated by making additional volumes available to utilize the firm capacity committed to it. The 3,700 Mcf per day to be transported by Transco for Consolidated will fall within the 71,548 Mcf daily transportation demand previously authorized.

Transco's transportation charge to Consolidated consists of a three-part rate, a monthly demand charge of $2.12 per Mcf based on a firm daily contract demand of 71,548 Mcf, a commodity charge of 33.9 cents per Mcf for all firm volumes up to the daily contract demand, and an interruptible commodity charge of 22.0 cents per Mcf for all volumes transported in excess of the daily contract demand. Since Consolidated presently has reserved surplus firm capacity for which it pays the demand charge, that portion of the total rate will be unaffected by the subject volumes.

The volumes involved herein will be used to augment existing market requirements, which, especially in regard to Transco, are presently being heavily curtailed.

On November 20, 1975, temporary certificates were issued in the instant dockets, conditioned upon Trunkline's and Transco's compliance with the applicable Commission regulations under the Natural Gas Act.

After due notice of the application in Docket No. CP76-78 by publication in the FEDERAL REGISTER on September 30, 1975 (40 FR 44890), and in Docket No. CP76-112 by publication in the FEDERAL REGISTER on October 28, 1975, (40 FR 50153), no petitions to intervene, notices of intervention, or protests to the granting of the applications have been filed.

At a hearing held on November 25, 1975, the Commission on its own motion received and made part of the record in these proceedings all evidence including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds: (1) Applicants, Trunkline Gas Company and Transcontinental Gas Pipe Line Corporation, both corporations organized and existing under the laws of the State of Delaware, having their principal places of business in Houston, Texas, are each a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission in its orders of November 4, 1950, in Docket No. G-882 (9 FPC 721) and November 18, 1948, in Docket No. G-1143, respectively.

(2) Applicants are able and willing properly to do the acts and perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(3) The proposed transportation (Docket No. CP76-78) and operation of an additional delivery point (Docket No. CP76-112), as more fully described in the applications in these proceedings, are to be made in interstate commerce, subject to the jurisdiction of the Commission, and the transportation and opera-

[1] The transportation service was authorized by order issued August 23, 1972 (48 FPC 380), and is rendered pursuant to Rate Schedule X-56 to Transco's FPC Gas Tariff, Original Volume No. 2.

tion thereof by Trunkline and Transco, respectively, are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(4) The proposed transportation and operation of said delivery point are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

The Commission orders: (A) Upon the terms and conditions of this order a certificate of public convenience and necessity is issued in Docket No. CP76–78 authorizing Trunkline to transport natural gas in interstate commerce in order to implement the gas transportation agreements executed by Trunkline with Transco and Consolidated on May 19, 1975, and August 11, 1975, respectively, from offshore to onshore Louisiana, as hereinabove described and as more fully set forth in the application in Docket No. CP76–78.

(B) Upon the terms and conditions of this order a certificate of public convenience and necessity is issued to Transco in Docket No. CP76–112, authorizing the operation of an additional delivery point between itself and Consolidated, as hereinabove described and as more fully set forth in the application in Docket No. CP76–112.

(C) The certificates issued in paragraphs (A) and (B) and the rights granted thereunder are conditioned upon Trunkline's and Transco's compliance with all applicable Commission Regulations under the Natural Gas Act, and particularly the terms and conditions set forth in Part 154 and Section 157.20 (c) (3), and (e) of such Regulations.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33064 Filed 12-8-75;8:45 am]

[Docket No. RP75-109]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

NOVEMBER 28, 1975.

Take notice that on November 14, 1975, United Gas Pipe Line Company (United) filed with the Federal Power Commission (Commission) as a part of its FPC Gas Tariff, First Revised Volume No. 1, Twenty-Seventh Revised Sheet No. 4.

Twenty-Seventh Revised Sheet No. 4 is being filed to replace Twenty-Sixth Revised Sheet No. 4 filed with the Commission on May 30, 1975 in Docket No. RP75–109, and Substitute Twenty-Fifth Revised Sheet No. 4 filed with the Commission on July 14, 1975 in Docket No. RP72–133, PGA–3, which became effective on July 2, 1975.

Twenty-Seventh Revised Sheet No. 4 reflects the currently effective purchased gas cost of 46.08¢ and a negative surcharge of .20¢ reflected in United's May 16, 1975 PGA filing, as amended July 14, 1975, effective July 2, 1975.

United States that a copy of the revised tariff sheet is being mailed to its jurisdictional customers, interested state commissions and parties to this proceeding.

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 Sections 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 12, 1975. 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.75-33066 Filed 12-8-75;8:45 am]

[Docket No. RP72-133 PGA76-1]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

NOVEMBER 28, 1975.

Take notice that on November 14, 1975, United Gas Pipe Line Company (United) tendered for filing Twenty-Eighth Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. United states that the tariff sheet and supporting information are being filed 45 days before the effective date of January 1, 1976, pursuant to Section 19 of United's tariff, and is in compliance with the provisions of Order Nos. 452, 452-A and 452-B.

United states that copies of the revised tariff sheet and supporting data are being mailed to United's jurisdictional customers and interested state commissions.

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 12, 1975. 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.75-33045 Filed 12-8-75;8:45 am]

[Docket No. E-9461]

UPPER PENINSULA GENERATING CO.

Order Authorizing the Issuance of Short-Term Unsecured Promissory Notes; Correction

NOVEMBER 18, 1975.

Page 1, paragraph 1, lines 11, 12: Change "to be issued on or before July 1, 1976" to "to be issued for periods of time not longer than twelve months from the date of issuance, extension or renewal."

Page 3, ordering paragraph (A), lines 7, 8: Change "to be issued on or before July 1, 1976" to "to be issued for periods of time not longer than twelve months from the date of issuance, extension or renewal."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33042 Filed 12-8-75;8:45 am]

[Docket No. ER76-245]

UTAH POWER & LIGHT CO.

Filing

DECEMBER 1, 1975.

Take notice that on November 13, 1975, Utah Power and Light Company (Utah Power) tendered for filing three proposed fuel adjustment clauses in accordance with Order No. 517 issued by the Commission on November 13, 1974, in Docket No. R-479. The Fuel Clauses are designated "RS-1 Fuel Clause", "RS-2 Fuel Clause", and "RS-3 Fuel Clause."

Utah Power states that following approval of the clauses, it anticipates incorporating them into its tariffs.

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 11, 1975. 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.75-33054 Filed 12-8-75;8:45 am]

[Docket No. ER76-272]

UTAH POWER & LIGHT CO.

Filing of Interconnection Agreement

DECEMBER 1, 1975.

Take notice that on November 21, 1975, Utah Power & Light Company (UP&L) tendered for filing an Interconnection Agreement between UP&L and Tucson Gas & Electric Company dated November 4, 1975. UP&L's filing included two Service Schedules, described by UP&L as follows:

SERVICE SCHEDULE A-1—EMERGENCY ASSISTANCE

Provides that "* * * either party will, upon request of the other party, supply as emergency assistance such power and energy as the requesting party may need to protect or restore services to its Customers, subject to the availability of such power and energy * * *" The basis for settlement shall reflect a charge equal to one-half of the sum of

(a) cost to the supplying party and (b) cost avoided by the receiving party in reducing its generation level (provided that such cost avoided shall be the highest cost energy that normally would have been available to it from its own units).

SERVICE SCHEDULE B-1—SURPLUS ENERGY SALE

The purpose of this Service Schedule is "* * * to provide for sale of surplus energy between the Parties and to establish terms and conditions for such sale." Each party is to be the sole judge as to the conditions under which it is economical and practicable for it to deliver surplus energy. Settlement shall reflect a change equal to one-half of the sum of (a) cost to the supplying party and (b) cost avoided by the receiving party in reducing its generation level. An alternative method of settlement is provided under which either party may elect to establish an account to be maintained by the Parties in which 120% of the fuel costs incurred by the supplying party will be recorded. The receiving party shall have the option of returning the energy or paying in cash the amount recorded in the account.

UP&L requests the Commission to waive its 30-day notice period and permit the Interchange Agreement to become effective on November 4, 1975.

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 12, 1975. 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.75-33058 Filed 12-8-75;8:45 am]

[Docket No. ER76-279]

WISCONSIN POWER AND LIGHT CO.

Filing Wholesale Power Agreement

DECEMBER 1, 1975.

Take notice that on November 24, 1975, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Contract dated November 10, 1975, between the Village of Waunakee and Wisconsin Power and Light Company. WPL states that this contract will supersede an existing contract for wholesale electric service dated April 8, 1969.

WPL requests a proposed effective date of December 15, 1975.

WPL states that a copy of the Wholesale Power Contract and the filing have been sent to the Village of Waunakee.

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 Paragraph 1.8 and Paragraph 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 10, 1975. 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.75-33056 Filed 12-8-75;8:45 am]

[Docket No. ER76-278]

WISCONSIN POWER AND LIGHT CO.

Filing Wholesale Power Agreement

DECEMBER 1, 1975.

Take notice that on November 24, 1975, Wisconsin Power and Light Company (WPL) tendered for filing a Wholesale Power Contract dated November 11, 1975, between the Village of Mazomanie and Wisconsin Power and Light Company. WPL states that this contract will supersede an existing contract for wholesale electric service dated August 15, 1975.

WPL requests a proposed effective date of December 15, 1975.

WPL states that a copy of the Wholesale Power Contract and the filing have been sent to the Village of Mazomanie.

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 Paragraph 1.8 and Paragraph 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 10, 1975. 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 persons 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.75-33057 Filed 12-8-75;8:45 am]

[Docket No. CP75-361]

NORTHERN NATURAL GAS CO.

Order Setting Prehearing Conference and Formal Hearing Dates, Establishing Procedures and Granting Interventions

DECEMBER 2, 1975.

On June 10, 1975, Northern Natural Gas Company (Northern) filed in Docket No. CP75-361 an application, as supplemented August 11 and October 1, 1975, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Northern to sell natural gas on a contract demand basis to its Peoples Natural Gas Division (Peoples) for resale and distribution in certain communities in the State of Kansas in lieu of providing Peoples with a full requirements service for such resale and distribution.

Northern has rendered service to the communities of Copeland, Elkhart, Fowler, Garden City, Hugoton, Meade, Moscow, Plains, Rolla, Santana, and Sublette, Kansas, and to various rural customers (Argus Communities) through its Peoples Division on a full-requirements basis since it acquired the distribution properties of Argus Natural Gas Company, Inc. Northern has submitted to the Commission in Docket No. RP74-102 a settlement proposal, which the Commission by order issued June 17, 1975, modified and accepted. This settlement, among other things, provides for the establishment of contract demand volumes for the Argus communities and makes such sales subject to the terms of Paragraph 9 of the General Terms and Conditions of Volume 1 of Northern's FPC Gas Tariff. In order that Northern may render service to its Peoples Division for distribution and resale in the Argus area to comply with the provisions of the settlement proposal in Docket No. RP74-102, Northern herein requests authority to effectuate contract demand service to Peoples for the Argus communities and environs.

The proposed contract demands for the Argus communities are as follows:

Community:	*Contract Demand (Mcf/day)*
Copeland	324
Elkhart	1,676
Fowler	514
Garden City	13,754
Wheatland Electric Corp.	1,000
Hugoton	2,370
Meade	1,781
Moscow	271
Plains	710
Rolla	376
Santana	808
Sublette	1,046
Rural Tap Sales:	
Gathering Lines	1,500
Argus Mainline	450
Other Mainline	2,500
Jetmore	605
Rural tap customers	200
Total	29,895

We note that Northern has an application pending in Docket No. CP75-333 for authorization to attach certain right-of-way customers in the vicinity of the Argus system. To the extent that any such future customers have been included in the entitlements in the subject application, such entitlements should not become effective until appropriate authorization is granted in Docket No. CP75-333.

After due notice by publication in the FEDERAL REGISTER on July 7, 1975 (40 FR 285520), a timely petition to intervene was filed by Terra Chemicals International, Inc., on July 22, 1975. Late petitions to intervene were filed by Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin), on July 31, 1975, by Iowa Power

and Light Company on July 24, 1975, as amended on August 27, 1975; by Iowa Electric Light and Power Company on August 18, 1975; and by Southwest Kansas Cooperative (Southwest) on October 28, 1975. Southwest requests that this matter be set for hearing date since it fears that granting of this application may reduce deliveries of gas to it.

The Commission finds: (1) The participation of the late petitioners to intervene in this docket would not delay these proceedings nor unduly inconvenience any other party.

(2) The intervention of the above-named petitioners in this proceeding may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing preceded by a prehearing conference in accordance with the procedures set forth below.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and, *Provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) A prehearing conference to establish those areas of disagreement, if such exist, among parties and to reconcile opposing views, if possible, shall be held on December 18, 1975, at 10:00 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on January 9, 1976, at 10:00 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N. E. Washington, D.C. 20426, concerning the issue of the effect of the granting of this application on future gas deliveries to existing customers of Northern.

(D) On or before January 2, 1976, Northern and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33063 Filed 12-8-75;8:45 am]

[Docket No. E-9379]

NIAGARA MOHAWK POWER CORP.

Conference

DECEMBER 3, 1975.

Take notice that on Friday, December 12, 1975, Commission Staff is convening an informal conference for the purpose of discussing the issues in the above-referenced docket with a view toward settling this proceeding. The conference will be held in Room 8402 of the Federal Power Commission offices, 825 North Capitol Street NE., Washington, D.C. 20426, at 11:00 a.m.

All parties in attendance will be expected to come fully prepared to discuss all issues involved in this proceeding, both procedural and substantive, and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed pursuant to § 1.8 of the Commission's rules of practice and procedure is required for that purpose.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33189 Filed 12-8-75;8:45 am]

[Docket No. ER76-285]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Proposed Tariff Change

DECEMBER 3, 1975.

Take notice that Public Service Company of New Hampshire (PSCNH) on November 21, 1975, tendered for filing amendments to its contracts for resale service which purport to bring its fuel clause into compliance with Commission Order No. 517. PSCNH states that the affected customers and the FPC rate schedule designations of their contracts are as follows:

Concord Electric Co	FPC No. 24.
Town of Ashland, N.H.	FPC No. 28.
The New Hampton (New Hampshire) village precinct.	FPC No. 29.
Exeter & Hampton Electric Co.	FPC No. 35.
New Hampshire Electric Cooperative, Inc.	FPC Nos. 50 and 71.
Town of Wolfeboro, N.H.	FPC No. 72.

PSCNH requests that the fuel clause and attendant increase be allowed to become effective on December 1, 1975.

PSCNH asserts that the changes would bring its fuel clause into full compliance with Commission Regulations. The base cost of fuel is revised to reflect fuel costs for the 12 months ending September 30, 1975 and the basic energy charge is revised to roll in the increases in base fuel costs. The new fuel clause eliminates the two month lag in recovery of fuel costs. PSCNH also proposes a temporary surcharge to recover unbilled fuel costs resulting from the switch from two month lagging to current month billing of fuel costs.

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 11, 1975. 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.75-33188 Filed 12-8-75;8:45 am]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Review of Grandfather Privileges

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather pirvileges") with respect to the nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date). However, section 4(a)(2) of the Act requires the Board of Governors of the Federal Reserve System to determine whether such grandfather privileges should be terminated with respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970.

In exercising its authority under section 4(a)(2), the Board by order after

opportunity for hearing, may terminate the authority granted by said section if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

An examination of the grandfather privileges of the companies listed below is in process in order to determine whether continuation of such grandfather privileges, if any, is consistent with the purposes of the Act. A Board determination not to terminate grandfather privileges would not preclude the Board from making a determination at a later date than grandfathered activities must be terminated.

Bank holding company	*Activities engaged in on, and continuously since, June 30, 1968* [1]
Valley Financial Services, Inc., Elkhart, Ind. (subsidiary bank is Valley Bank and Trust Company, Mishawaka, Ind.).	Sales finance and installment lending. Underwriting (as reinsurer) credit life insurance on loans by credit-granting subsidiaries. Distribution of plumbing supplies.
General Educational Fund, Inc., Burlington, Vt. (subsidiary is The Merchants Bank, Burlington, Vt.).	Trust activities
Colorado Funding Company, Denver, Colo. (subsidiary bank is The Colorado State Bank of Denver, Denver, Colo.).	Processing and distribution of wholesale produce. Sale of credit life and credit accident and health insurance in connection with loans by subsidiary banks.

[1] The listed companies may also be engaged in additional activities permissible under other provisions of the Bank Holding Company Act. In addition, authority to engage in some of the activities listed may be contained in other provisions of the Bank Holding Company Act, and such activities would not be subject to divestiture under Section 4(a)(2) of the Act.

To aid the Board in making its determinations with respect to the aforementioned bank holding companies, interested persons are hereby afforded an opportunity to submit relevant data, views and arguments relating to the continuation of grandfather privileges, if any, of the above-mentioned companies. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 26, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Board of Governors of the Federal Reserve System, December 2, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-33078 Filed 12-8-75;8:45 am]

VALPARAISO ENTERPRISES, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Valparaiso Enterprises, Inc., West Point, Nebraska ("Applicant"), has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), to become a bank holding company through the acquisition of 99.4 per cent of the voting shares of Oak Creek Valley Bank, Valparaiso, Nebraska ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for approval to acquire Valparaiso Insurance Agency, Valparaiso, Nebraska ("Agency"), and to thereby act as a general insurance agent or broker in Valparaiso, a community with a population of less than 5,000 persons. The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 persons is an activity that the Board of Governors has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (40 FR 44197). Time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a recently organized corporation formed for the purposes of becoming a bank holding company through the acquisition of Bank and of operating a general insurance agency. Upon acquisition of Bank (deposits of $5.8 million), Applicant would control the 225th largest bank in Nebraska, holding 0.1 per cent of total deposits in commercial banks in the State.[1] Bank is the fourth largest of eleven banks competing in Saunders County (which approximates the relevant banking market), and controls 10.7 per cent of commercial bank deposits in the market. Acquisition of Bank would result in no immediate change in banking services available in the relevant market.

[1] All banking data are as of December 31, 1974.

The purpose of the transaction is to facilitate the transfer of the ownership interests from individuals to a corporation owned by one of the same individuals. A principal of Applicant also has an ownership interest in Packers Management Company, a one-bank holding company in Omaha, Nebraska. The subsidiary bank of this holding company is located in a separate banking market. Consummation of the proposal would eliminate neither existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the relevant market.

The financial and managerial resources and future prospects of Applicant, which are dependent on those of Bank and Agency, are considered generally satisfactory and consistent with approval. The debt to be incurred by Applicant appears to be serviceable from the income to be derived from Bank and Agency without having an adverse effect on the financial condition of either Applicant or Bank. Therefore, considerations relating to banking factors are regarded as being consistent with approval.

Consummation of the transaction would effect no changes in the banking services offered by Bank, and considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that consummation of the proposal to form a bank holding company would be consistent with the public interest and the application should be approved.

In connection with the application to become a bank holding company, Applicant also proposes to acquire the general insurance business of Agency, which has been operated as a partnership owned by Bank's retiring stockholder and E.G.F., Inc., a registered holding company wholly owned by Applicant's principal shareholder. Agency will continue to provide a convenient source of insurance services to residents of the Valparaiso area, a result that is in the public interest. There is no evidence in the record indicating that consummation of the proposal and operation of Agency would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, it has been determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors set forth in section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank, nor the acquisition of Agency should be made later than three months after the effective date of this order, unless such period

is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4 of Regulation Y and to the authority of the Board of Governors to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modifications or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective December 1, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-33077 Filed 12-8-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LANE HOLLOW COAL CO. AND M & M COAL COMPANY, INC.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4201-000, Lane Hollow Coal Company, Mine No. 21, Mine ID No. 44 02258 0, Maxie, Virginia, ICP Permit No. 4201-002-R-2 (Mescher HD12 Rubber Tired Tractor, Ser. No. 240), ICP Permit No. 4201-003-R-2 (Mescher HD12 Rubber Tired Tractor, Ser. No. 288).

(2) ICP Docket No. 4358-000, M & M Coal Company, Inc., Mine No. 15B Portal, Mine ID No. 44 01691 0, Pound, Virginia, ICP Permit No. 4358-001-R-2 (Epling Spinner Loading Machine, I. D. No. 6), ICP Permit No. 4358-002-R-2 (Royal 4 Cutting Machine, Ser. No. 201), ICP Permit No. 4358-003-R-2 (Kersey 464 Rubber Tired Mine Tractor, Ser. No. 6106).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D. C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

DECEMBER 3, 1975.

[FR Doc.75-33072 Filed 12-8-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-101]

APPLICATIONS STEERING COMMITTEE, ADVISORY SUBCOMMITTEE FOR EVALUATION OF ADVANCED APPLICATIONS FLIGHT EXPERIMENT PROGRAM PROPOSALS

Postponement of Meeting

On November 25, 1975, a notice of meeting of the above named advisory subcommittee scheduled to be held on December 10-11, 1975, was published in the FEDERAL REGISTER November 25, 1975, (40 FR 54628). This meeting has been postponed to January 7-8, 1976.

Dated: December 8, 1975.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.75-33279 Filed 12-8-75;9:29 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329A and 50-330A]

CONSUMERS POWER COMPANY (MIDLAND PLANT, UNITS 1 & 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this antitrust proceeding to consist of the following members:

Alan S. Rosenthal, Chairman, Michael C. Farrar, Member, Richard S. Salzman, Member.

Dated: December 2, 1975.

MARGARET E. DUFLO,
Secretary to the Appeal Board.

[FR Doc.75-32989 Filed 12-8-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued two guides 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 1.84, Revision 4, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 4, "Code Case Acceptability—ASME Section III Materials," list those Code Cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. The revisions of these two guides update the listings of Code Cases and reflect comments received from the public and additional staff review.

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. 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 2nd day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-32987 Filed 12-8-75;8:45 am]

[Construction Permit Nos. CPPR-77 & CPPR-78]

VIRGINIA ELECTRIC AND POWER COMPANY (NORTH ANNA POWER STATION, UNITS 1 & 2) (SHOW-CAUSE, DISCLOSURE PROCEEDING)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Alan S. Rosenthal, Chairman, Dr. John H. Buck, Member, Richard S. Salzman, Member.

Dated: December 2, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-32988 Filed 12-8-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3799]

AMERICAN MUTUAL FUND, INC. ET AL.

Filing of Application for an Order Exempting Applicants

Notice is hereby given that American Mutual Fund, Inc. ("AMF"), an open-end diversified investment company registered under the Investment Company

Act of 1940 ("Act"), American Funds Distributors, Inc. ("AFD"), 611 West Sixth Street, Los Angeles, California 90017, the principal underwriter of AMF, National Municipal Trust, First Insured Discount Series and Subsequent Series ("NMT"), a unit investment trust registered under the Act, and Thomson & McKinnon Auchincloss Kohlmeyer Inc. ("T&MAK"), c/o Thomson & McKinnon Auchincloss, Kohlmeyer Inc., Two Broadway, New York, New York 10004, the sponsor and principal underwriter of NMT (collectively "Applicants"), have filed an application on April 18, 1975, and amendments thereto on June 30, July 22, September 5, and November 17, 1975, pursuant to section 6(c) of the Act, exempting Applicants and certain proposed transactions from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of AMF are continuously offered for sale with a minimum purchase requirement of $250. The public offering price of AMF shares includes a sales load of 8½ percent of the public offering price for sales of less than $15,000, with lower sales charges for larger transactions. Of the 8½ percent sales load, 7 percent represents the dealer discount, and 1½ percent represents the underwriting commission. AMF's investment objectives are to seek current income, capital growth, and stability. On May 31, 1975, AMF had total net assets of approximately $310 million.

NMT was formed for the purpose of obtaining tax-exempt income through investment in interest-bearing state, municipal and public authority bonds which are selling at deep market discounts. The public offering price of NMT units includes a sales load of 4½ percent for purchases of less than 100 units, and a sales charge of 4 percent for purchases of 100 units or more.

T&MAK proposes to offer units of NMT in combination with shares of AMF ("combined units"). Each combined unit consists of (i) one unit of an undivided interest in NMT which represents $1,000 principal amount of underlying tax-exempt municipal bonds, and (ii) a number of shares of AMF which can be purchased at the net asset value thereof after deducting the offering price of one NMT unit at the date of purchase plus an underwriting discount from $1,000. The underwriting discount, which will be charged in lieu of separate sales charges on each of the underlying securities of a combined unit, will be fixed by negotiation among AMF, AFD, and T&MAK at or before the effective date of NMT's registration statement, and will in no event exceed 4.8 percent, or $48 per $1,000 of investment. If the NMT units and AMF shares contained in a combined unit were sold separately, it is estimated that the aggregate sales charges would range between 5.2 percent and 5.6 percent, depending on the amount of the market discount on the bonds.

The underwriting discount on the combined units will be reduced in the following circumstances: (i) If 100 or more combined units are purchased by an investor, the underwriting discount applicable to NMT units will be 4.0 percent, rather than 4.5 percent, and this reduction will be in the form of cash; (ii) if $25,000 or more is invested in AMF shares through a large purchase of combined units, then the underwriting discount attributable to AMF will be based on rates currently stated in AMF's prospectus; and (iii) purchasers of combined units who are otherwise entitled to purchase AMF shares at a sales load of less than 6 percent by reason of the Concurrent Purchase Privilege, the Right of Accumulation, or the Statement of Intention as described in AMF's current prospectus, will pay such a reduced sales load on AMF shares. In cases of (ii) and (iii), above, the application of these reductions will result in the purchaser receiving additional AMF shares. Purchasers of combined units who are already entitled to receive such reduced sales charges on AMF shares will not receive any further reduction in the underwriting discount because such shares are purchased in combination with NMT units. Applicants anticipate that the minimum required purchase by any investor will be three combined units. Both NMT units and AMF shares will be separately transferable and redeemable immediately after the purchase of a combined unit.

T&MAK will purchase from AFD the appropriate number of AMF shares pursuant to an underwriting agreement among itself, AMF and AFD. The underwriter's purchase price will equal the net asset value of the AMF shares plus .2 percent thereof, which additional amount will be retained by AFD.

Section 22(d) of the Act, in pertinent part, provides that no registered investment company shall sell any redeemable security issued by it except to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus.

Applicants request an order of exemption from the provisions of section 22(d) of the Act for the following:

1. To permit the sale of AMF shares as part of the combination offering at a sales load lower than that stated in AMF's current prospectus;

2. To permit the sale of combined units at a lower underwriting discount when (a) a purchaser acquires 100 or more NMT units than when he acquires less than 100 NMT units, and (b) a purchaser acquires $25,000 or more of AMF shares than when he acquires less than that amount; and

3. To permit the investment of monthly income from NMT units purchased as part of the combination offering in additional AMF shares without a sales charge.

In support of its request to permit the sale of AMF shares as part of the combination offering at a sales charge lower than that stated in AMF's current prospectus, Applicants state that the combination offering will permit the distribution of an increased number of AMF shares without any cost to AMF other than that normally associated with the issuance of new shares, and will insure that AFD is adequately compensated for the responsibility that AFD bears under its principal underwriting agreement with AMF. Applicants state that T&MAK will assume substantially all of the underwriting responsibility and bear the bulk of the expense in connection with the intensive marketing effort needed to make the underwriting successful. Such efforts by T&MAK, Applicants state, will relieve AFD of a substantial amount of the responsibilities and work normally incurred by AFD in the sale of a substantial number of AMF shares. Applicants further state that the combination offering will result in lower retailing costs since T&MAK will not have to duplicate fully the necessary solicitation and financial counseling required in selling both securities separately. In this connection, Applicants assert that the components of the combined units complement each other in a way that makes each more readily understandable by the customer, thus facilitating the presentation by the registered representative. Applicants also state that they will not make the proposed combination offering if the bond discount is substantially less than $200, thus assuring that there will be some cost savings for investors when they acquire AMF shares pursuant to the combination offering. In addition, Applicants cite portions of the discussion and recommendations set forth at pp. 97–101 of the Report of the Commission's Division of Investment Management Regulation entitled "Mutual Fund Distribution and section 22(d) of the Investment Company Act of 1940," dated August, 1974.

In support of its request to permit the sale of combined units at a lower underwriting discount when a large number of combined units are purchased, Applicants state that the reduced retail costs in selling the combined units in large quantities justify the lower underwriting discount. These reductions, Applicants state, will result in cash savings to investors in the event 100 or more NMT units are purchased, and additional AMF shares in the event $25,000 or more of AMF shares are purchased, as part of the combination offering.

In support of its request to permit the investment of income from NMT units purchased pursuant to the combination offering in additional AMF shares without any sales charge, Applicants state that this would permit a purchaser of a combined unit to keep his investment intact for a longer period of time, since it would be impractical to permit reinvestment in NMT units; this is due to the

fact that it requires a large purchase to obtain one NMT unit. Applicants assert that such an arrangement will not result in any increase in fees paid to NMT's trustee, United States Trust Company of New York, or in any additional cost to AMF other than that normally associated with the issuance of additional shares.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or class of persons, securities and transactions, from any provisions fo the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 26, 1975, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, and the reason for such request, and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33024 Filed 12-8-75;8:45 am]

[SR-Amex-75-4]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

On October 28, 1975, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b) as amended by Pub. L. No. 94–29, section 16 (June 4, 1975) (the "Act"), and rule 19b–4 thereunder, copies of a proposed rule change. The proposed rule change would designate any registered trader electing to engage in Exchange options transactions as a specialist on the Exchange for all purposes under the Act and the rules and regulations thereunder with respect to options transactions initiated and effected by him on the floor in his capacity as a registered trader.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 11813 (November 7, 1975)) and by publication in the FEDERAL REGISTER (40 FR 52894 (November 13, 1975)).

The stated immediate purpose of the proposed rule change (new commentary to Amex Rule 958) is to permit registered traders to obtain the same treatment under Regulation T and U of the Federal Reserve Board presently afforded to specialists in financing their options positions. Amex registered traders' market-making responsibility in options, when they are present in the crowd or when they are requested by a specialist, floor official or a floor broker to provide quotations, is comparable with that of Amex registered specialists. According to the Exchange, as a result of such designation it is anticipated that Amex options market will become deeper and more liquid to the direct benefit of all investors.

The Commission is directed under section 19(b)(2) of the Act to approve a proposed rule change if it finds it to be consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges including the requirements of section 6 and the rules and regulations thereunder.

For the foregoing reasons, and because the change clarifies the legal status of these floor members, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice of filing thereof.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33017 Filed 12-8-75;8:45 am]

[Release No. 34-11869; File No. SR-Amex-75-13]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on November 24, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to increase the fee charged to a company for transferring from unlisted to listed trading status from $1,000 to $4,500.

The proposed change will necessitate a revision to the "American Stock Exchange Company Guide" as set forth below.

The rule presently reads as follows:

SECTION 113 *Transfer from Unlisted to Listed Trading.* The Exchange will consider applications for the listing of securities at present admitted to unlisted trading privileges (see sections 1211–1212) on the Exchange when the applicant meets approximately one-half of the prescribed standards for original listing. In lieu of the customary listing fee, a fee of $1,000 is payable to effect such transfer.

The rule as proposed to be revised reads as follows:

SECTION 113 *Transfer from unlisted to listed trading.* The Exchange will consider applications for the listing of securities at present admitted to unlisted trading privileges (see sections 1211–1212) on the Exchange when the applicant meets approximately one-half of the prescribed standards for original listing. In lieu of the customary original listing fee, a fee of $4,500 is payable to effect such transfer.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose for increasing the transfer fee to $4,500 in the case of a company which applies for the transfer of its securities from unlisted to fully listed status is to bring the total fee more closely in line with the expenses incurred in processing the listing application, while at the same time continuing to maintain an incentive for the transfer by keeping the charge substantially below the customary original listing fee.

Over the last two years, the Board of Governors has approved two revisions in the Amex's schedule of fees for original and supplemental listing of shares. In addition to adopting a revised fee schedule based upon the number of shares to be originally listed, the Board in 1973 established for the first time, a one-time charge of $2,500 for the original listing of common stock and in September, 1974 increased this charge to $3,500. In approving these changes, the Board did not increase the fee to be charged to companies transferring from unlisted to listed trading status.

The current charge of $1,000 for transferring from unlisted to listed trading status was instituted by the Amex in 1965 in lieu of the customary original listing fee. Its purpose was to provide companies whose shares were traded on the Amex on an unlisted basis with an incentive to transfer to a fully listed

status by setting a fee which closely approximated the costs incurred by the Amex in processing such applications. As is the case in most other areas, these costs have increased significantly over the past ten years. In this connection, it is important to note that many of the processing expenditures (e.g., salaries of listing representatives, reproduction of documents, telephone, review of listing applications by the Amex's consulting accountants and independent legal counsel, etc.) are identical to those expenses which arise in reviewing an original listing application where the average listing fee is approximately $20,000.

The Amex believes that it should continue to provide an incentive for companies granted unlisted trading privileges to transfer to fully listed status. Adoption of the proposed increase in the transfer fee would not, in the opinion of the Amex, detract from the incentive which is intended to be provided to companies whose securities are traded on an unlisted basis to transfer to fully listed status. Further, the increase of fees applicable to such transfer will enable the Amex to offset the rising costs incident to the handling of such applications.

The proposed rule change is based upon the provisions of section 6(b)(4) of the Securities Exchange Act of 1934, as amended, which require a national securities exchange to allocate dues, fees and other charges on an equitable basis. Although the proposed transfer fee will still be substantially below the original listing fee customarily charged, the Amex believes that encouraging transfers from unlisted to listed status justifies this disparity in the fee schedule. In this connection, it should be noted that listing of companies presently admitted to unlisted trading privileges on the Amex is in the public interest, since it will enable the Amex to require more comprehensive disclosure of corporate and financial information to public investors.

No comments were solicited or received from members, participants or others on the proposed rule change.

The Amex has determined that the proposed increase in the transfer fee will not impose a burden on competition.

On or before January 13, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 8, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 26, 1975.

[FR Doc.75-33008 Filed 12-8-75;8:45 am]

[SR-BSE-75-1]

BOSTON STOCK EXCHANGE, INC.

Order Approving the Proposal To Establish a Maximum Fine of One Thousand Dollars ($1,000) for Acts Inconsistent With Good Order and Decorum on Exchange Floor

On September 15, 1975 the Boston Stock Exchange, Inc. ("BSE") 53 State Street, Boston, Massachusetts 02109, filed a proposed rule change with the Commission, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 15 U.S.C. 78s(b)(1) (the "Act") as amended by Pub. L. No. 94-29, Sec. 16 (June 4, 1975). The proposed rule, as originally filed, eliminated the existing maximum of fifty dollars ($50.00) for fines without establishing another maximum amount.

Notice of the proposed rule change together with the terms of substance of the proposal was given by publication of a Commission Release (Securities Exchange Act Release No. 11717, October 8, 1975) and by publication in the FEDERAL REGISTER (40 FR 48737, October 17, 1975). Public comments were invited until the thirtieth day after publication in the FEDERAL REGISTER.

On November 10, 1975 the Boston Stock Exchange amended the earlier published proposal by adding a provision for a maximum fine of one thousand dollars ($1,000.00). Since the amendment mitigated the severity of the earlier proposal and was not a change in substance, it was not published in the FEDERAL REGISTER for public comment.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 of the Act.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that effective November 21, 1975 the BSE rule change referenced above be, and therefore is, approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 21, 1975.

[FR Doc.75-33018 Filed 12-8-75;8:45 am]

[SR-BSE-75-2]

BOSTON STOCK EXCHANGE

Order Approving Proposed Rule Change

The Boston Stock Exchange ("BSE"), 53 State Street, Boston, Massachusetts 02109, submitted on September 17, 1975 a proposed rule change under Rule 19b-4 to conform the anti-manipulative rules of the BSE with those of other participants in the consolidated transaction reporting system.

Publication of the submission was made in the FEDERAL REGISTER on October 3, 1975 (40 FR 45880)[1] and interested persons were invited to submit written data, views and arguments concerning the submission by November 3, 1975. No comments have been received concerning the BSE's rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to national securities exchanges, and in particular the requirements of section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33014 Filed 12-8-75;8:45 am]

[SR-CSE-75-2]

CINCINNATI STOCK EXCHANGE

Order Approving Proposed Rule Change

The Cincinnati Stock Exchange ("CSE"), 205 Dixie Terminal Building, Cincinnati, Ohio 45202, submitted on September 22, 1975 a proposed rule change under Rule 19b-4 to conform the anti-manipulative rules of the CSE with those of other participants in the consolidated transaction reporting system.[2]

Publication of the submission was made in the FEDERAL REGISTER on October 3, 1975 (40 FR 45881)[3] and interested persons were invited to submit written data, views and arguments concerning the submission by November 3, 1975. No comments have been received concerning the CSE's rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to national securities exchanges, and in particular the requirements of section 6

[1] See also Securities Exchange Act Release No. 11683 (September 25, 1975).

[2] An amendment to the CSE's filing, stating that the proposed rule changes were approved by the CSE's Board of Trustees on September 30, 1975, was submitted on October 3, 1975.

[3] See also Securities Exchange Act Release No. 11682 (September 25, 1975).

of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33015 Filed 12-8-75;8:45 am]

[70-5667]

CONSOLIDATED NATURAL GAS CO. ET AL.

Post-Effective Amendment Regarding Acquisition of Common Stock of Subsidiary Company and Open Account Advances to Subsidiary Companies

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and certain of its subsidiary companies, CNG Producing Company ("CNG Producing"), Consolidated Gas Supply Corporation, Consolidated System LNG Company ("LNG Company"), The East Ohio Gas Company, The Peoples Natural Gas Company, The River Gas Company, and West Ohio Gas Company ("West Ohio"), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a), 7, 9(a), 10, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated June 5, 1975 (HCAR No. 19028), the Commission authorized a number of transactions in connection with the Consolidated system's financing program for 1975. Certain changes therein are proposed as follows.

In said order of June 5, 1975, Consolidated was authorized to make open account advances to West Ohio for working capital of up to $600,000. It is now proposed that Consolidated make additional open account advances of up to $500,000 to West Ohio for the same purpose, bringing the total amount to $1,100,000. Such advances may be made, repaid, and remade as requested by West Ohio from time to time, to and including May 31, 1976, upon letter agreement stating that such open account advances will be repaid on or before a date not more than one year from the date of the first advance to West Ohio, with interest at substantially the same effective rate as the related commercial paper or bank borrowings by Consolidated.

The Commission also authorized LNG Company to sell 182,000 shares of its common stock, $100 par value, at par, aggregating $18,200,000, and Consolidated to acquire such shares during 1975. It is stated that it now appears that LNG Company will not require all of such financing during 1975 but will require part of it during the early months of 1976. Therefore, it is requested that this authorization be extended from December 31, 1975, to and including May 31, 1976. It is further proposed that, in order to finance additional capital expenditures of LNG Company, Consolidated make open account advances to LNG Company for construction in amounts aggregating not more than $15,000,000 as called for from time to time by LNG Company through May 31, 1976, such open account advances to beat interest at the prime commercial rate of interest at The Chase Manhattan Bank, N.A., in effect from time to time.

Consolidated also proposes to make open account advances of up to $10,000,000 to CNG Producing to finance exploration and development of Gulf offshore leases and leases in the Province of Alberta, Canada. Such advances shall be made as called for from time to time by CNG Producing through May 31, 1976, and bear interest at the prime commercial rate of interest at The Chase Manhattan Bank, N.A., in effect from time to time.

In all other respects the transactions heretofore authorized remain unchanged. The expenses to be incurred in connection with the proposals are estimated not to exceed $750. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 29, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33020 Filed 12-8-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

DECEMBER 2, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 3, 1975 through December 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33023 Filed 12-8-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

DECEMBER 2, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 3, 1975 through December 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33022 Filed 12-8-75;8:45 am]

[70-5415]

MIDDLE SOUTH UTILITIES, INC. ET AL.

Post-Effective Amendment Regarding Issuance and Sale of Notes by Fuel Supply Subsidiary to Operating Subsidiaries

In the matter of Middle South Utilities, Inc., System Fuels, Inc., 225 Baronne

Street, New Orleans, Louisiana 70112, Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company P.O. Box 1640, Jackson, Mississippi 39205; New Orleans Public Service Inc., P.O. Box 60340, New Orleans, Louisiana 70160; (70-5415).

Notice is hereby given that System Fuels, Inc. ("SFI"), a jointly-owned nonutility, fuel-supply subsidiary company of Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (collectively referred to as "Operating Companies"), each an elctiric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, and the above-named companies have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated December 17, 1973 (HCAR No. 18221), the Commission, among other things, authorized SFI to issue and sell its notes to the Operating Companies pursuant to a loan agreement dated January 1, 1974, with the Operating Companies, whereby SFI would borrow from time to time through December 31, 1975, and only to the extent that outside sources of financing were not available, an aggregate amount not to exceed $90,000,000 outstanding at any one time. This amount was exclusive of $30,000,000 previously authorized to be borrowed by SFI from the Operating Companies (HCAR No. 17400 (December 17, 1971)). SFI has borrowed $18,000,000 of the $90,000,000 available under the 1974 loan agreement.

SFI now intends to amend the 1974 loan agreement and requests Commission authorization to borrow and reborrow from the Operating Companies (in addition to the $30,000,000 authorized in 1971) from time to time through December 31, 1976, an aggregate amount not to exceed $130,000,000 outstanding at any one time. Other than the date of expiration and the amount of borrowing thereunder, the terms of the 1974 loan agreement would remain unchanged. Each of the Operating Companies will provide, for each loan under the agreement, an amount in such proportion as its kwh sales for the preceding calendar year bear to the total kwh sales of the Operating Companies for that year, computed in both case by including sales to rural electric cooperatives and municipalities but excluding sales to other public utilities.

The proceeds derived from borrowings from the Operating Companies under the 1974 loan agreement, as to be amended, and proceeds from external financing will be used to fund SFI's 1976 Program which will require estimated additional expenditures by SFI of $27,000,000, of which $12,000,000 is for fuel procurement, $9,000,000 is for fuel storage and handling, and $6,000,000 is for fuel transportation.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interestesd person may, not later than December 22, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33021 Filed 12-8-75;8:45 am]

[70-5531]

NATIONAL FUEL GAS CO. AND NATIONAL FUEL GAS DISTRIBUTION CORP.

Proposed Issue and Sale of Commercial Paper and/or Notes to a nk by Holding Company and Loan of Proceeds to Subsidiary

Notice is hereby given that National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and National Fuel Gas Distribution Corporation ("Distribution Corporation"), 10 Lafayette Square, Buffalo, New York 14203, its gas utility subsidiary, have filed a post-effective amendment to their previously amended application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7(a), 9(a), 10(a) and 12(b) of the Act and Rules 43, 45 and 50(a)(5) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the post-effective amendment, which is summarized below, for a complete description of the proposed transaction.

National proposes, from time to time through December 31, 1976, to issue and sell commercial paper and/or notes to a bank in the aggregate principal amount at any one time outstanding of not more than $17,000,000. Such commercial paper will be sold by National directly to A. G. Becker & Co., Incorporated ("Becker"), a dealer in commercial paper, in denominations of not less than $100,000 with varying maturities not to exceed 270 days and which will not be prepayable prior to maturity. No commission will be payable in connection with the issuance and sale of the commercial paper; however, Becker will reoffer and sell the commercial paper at a discount rate of ⅛ of 1 percent per annum less than the prevailing discount rate to the company. Becker, in reoffering the commercial paper, will limit the reoffer and sale to not more than 200 buyers of commercial paper identified and designed in a list (nonpublic) prepared in advance. It is anticipated that the commercial paper will be held by the buyers to maturity; however, Becker may, if desired, repurchase the commercial paper and reoffer it to others on said list of buyers.

It is stated that when the effective interest cost for commercial paper exceeds the cost of equivalent borrowings from The Chase Manhattan Bank, N.A. ("Chase") on the date of issue, National will resort to bank loans. The proposed unsecured, short-term notes to Chase will each be dated as of the date of issue, will mature not later than nine months from the date thereof, will be prepayable at any time, in whole or in part without penalty or premium, and will bear interest at the prime rate of Chase in effect from time to time. National has informally agreed with Chase to maintain average balances of 20 percent of the average loans outstanding. National asserts, however, that the average balances maintained for normal operating needs are substantially in excess of this amount. If an average balance of 20 percent were assumed to be a "compensating balance", the effective cost of money, based on a 7¼ percent prime rate, would be 9.1 percent per annum. There will be no commitment fee nor any closing or related costs in connection with the company's bank borrowings. National states tentatively that it proposes to repay its commercial paper and/or short-term notes to Chase through moneys received from Distribution Corporation as a result of the operation of gas adjustment clauses, the issuance and sale of internal short-term unsecured notes or long-term debt and/or equity securities and operations.

National intends to use the proceeds from the sale of its commercial paper and/or short-term notes to acquire for cash $17,000,000 principal amount of short-term unsecured notes proposed to be issued by Distribution Corporation. Each such note will be dated the same date and bear the same interest rate as the related commercial paper and/or short-term note of National. Each such note will mature within nine months from its date of issue, with interest payable quarterly until the principal amount is paid in full. Distribution Corporation will have the option, after payment of all notes of prior maturity held by National, to prepay any note at any time or from time to time, in whole or in part without premium. Distribution Corporation proposes to use $10,000,000 of the proceeds from the above loans to finance the purchase of synthetic natural gas and the balance to finance a portion of its 1976 construction program.

National requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof and also requests authority to file certificates under Rule 24 with respect to the proposed short-term borrowings and/or commercial paper transactions on a quarterly basis.

It is stated that no special and separable fees, commissions or expenses will be incurred in connection with the proposed transaction. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 26, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the post-effective amendment, as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33019 Filed 12-8-75;8:45 am]

[SR-NYSE-75-2]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Amendment to Rules of Depository Trust Company

In September, 1975, the New York Stock Exchange, Inc. (the "NYSE"), 55 Water Street, New York, New York 10041, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed change in the by-laws of the NYSE's wholly-owned subsidiary, The Depository Trust Company ("DTC"). The by-law, as amended, would increase the number of directors on DTC's board from fourteen to fifteen.

Notice of the filing was published in the SEC Docket (Release No. 11676/September 24, 1975); the complete submission and a request for public comments were published in the FEDERAL REGISTER on September 30, 1975 (40 FR 44906). The period for public comment expired on October 21, 1975, and no comments were received.

The Division of Market Regulation finds that the proposed change in the rules of DTC described above is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NYSE.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the rule change referenced above be, and the same hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[Filed Doc.75-33016 Filed 12-8-75;8:45 am]

[SR-PSE-75-4]

PACIFIC STOCK EXCHANGE, INC.

Order Approving Rule Change for Establishment of a Satellite Facility in Seattle, Washington

On October 7, 1975, the Pacific Stock Exchange, Incorporated ("PSE"), 618 South Spring Street, Los Angeles, California 90014, submitted a proposed rule change under Rule 19b-4 under the Securities Exchange Act of 1934, 15 U.S.C. 78(s) (the "Act"). The rule change was designed to enable the Pacific Securities Depository Trust Company ("PSDTC"), a wholly-owned subsidiary of PSE, to establish a satellite facility in Seattle, Washington. In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (40 FR 48740, October 17, 1975), and the public was invited to submit comments until November 7, 1975. Notice of the filing and an invitation for comments also appeared in the SEC Docket on October 14, 1975. (Securities Exchange Act Release No. 11724). No letters of comment were received.

As described in Securities Exchange Act Release No. 34-11724, the PSE submission consists of a plan to establish a satellite facility for local brokers and banks for processing at the San Francisco and Los Angeles offices of PSDTC and the Pacific Clearing Corporation ("PCC"). In connection with the submission, PSE requested that the Commission continue its finding of October 22, 1974, pursuant to paragraphs (g) of Rules 8c-1 and 15c2-1 under the Act, that the agreements, provisions and safeguards established by PSDTC are adequate for the protection of investors.

The Commission has reviewed the PSE submission and finds that the agreements, provisions and safeguards established by PSDTC are adequate for the protection of investors. The Commission finds also that the rule change is consistent with the provisions of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the rule change referenced above be, and hereby is, approved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-33011 Filed 12-8-75;8:45 am]

[SR-PSE-75-3]

PACIFIC STOCK EXCHANGE, INC.

Order Approving Rule Change for Implementation of Interfaces Between Pacific Securities Depository Trust Company and Depository Trust Company and Midwest Securities Trust Company

The Pacific Stock Exchange, Incorporated ("PSE"), 618 South Spring Street, Los Angeles, California 90014, submitted on October 3, 1975, a proposed rule change under Rule 19b-4 under the Securities Exchange Act of 1934, 15 U.S.C. 78(s) (the "Act") with respect to the implementation of interfaces between Pacific Securities Depository Trust Company ("PSDTC") and Depository Trust Company ("DTC") and Midwest Securities Trust Company ("MSTC"). In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (40 FR 48740, October 17, 1975) and the public was invited to submit comments until November 7, 1975. Notice of the filing and an invitation for comments also appeared in the SEC Docket on October 9, 1975. (Securities Exchange Act Release No. 11715) No letters of comment were received.

As described in Securities Exchange Act Release No. 11715, the PSE submission consists of interface agreements for the interfaces between PSDTC, and DTC and MSTC. The PSE requested with respect to the interface agreements, that the Commission continue its finding, as set forth in its letter of October 22, 1974,

pursuant to Paragraph (g) of Rules 8c–1 and 15c2–1 under the Securities Exchange Act of 1934, that the agreements, provisions and safeguards established by PSDTC are adequate for the protection of investors.

The Commission has reviewed the PSE submission and finds that the agreements, provisions and safeguards established by PSDTC are adequate for the notification of investors. The Commission finds also that the rule change is consistent with the provisions of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the rule change referenced above be, and hereby is, approved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33012 Filed 12-8-75;8:45 am]

[SR-PBWSE-75-1]

PBW STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change Relative to Fidelity Bonding Requirements for Members

On September 22, 1975, the PBW Stock Exchange, Inc. ("PBW"), 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, submitted proposed changes to Rule 705 of the Rules of its Board of Governors, under Rule 19b–4 pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78 (s), as amended, Pub. L. No. 74–29 (June 4, 1975) (the "Act"). The rule changes were designed to impose higher fidelity bonding requirements in certain respects on member firms and organizations. In accordance with section 19 (b) of the Act and Rule 19b–4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (40 FR 45881, October 3, 1975), and the public was invited to submit comments until November 3, 1975. Notice of the filing and an invitation for comments also appeared in the SEC Docket on October 7, 1975 (Securities Exchange Act Release No. 11681).

As described in the item published in the FEDERAL REGISTER, the purpose of the proposed rule change is to impose higher fidelity bonding requirements on members in order to provide increased safeguards with respect to the financial responsibility and related practices of its members consistent with the standards set forth in new Rule 15b10–11 under the Act (the "SECO Bonding Rule" or "Rule 15b10–11") which establishes fidelity bonding requirements for registered brokers and dealers which are not members of a registered national securities association (SECO) brokers and dealers). Members in good standing of the PBW, among other exchanges, by the terms of paragraph (a) of the SECO Bonding Rule, are exempt from the latter rule inasmuch as they are already subject to fidelity bonding requirements of the PBW which are comparable to those promulgated by the Commission.

The Commission believes that the subject revisions to the PBW Bonding Rule are necessary and appropriate in the public interest and for the protection of investors. Accordingly, it finds that the proposed rule change is consistent with the provisions of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the rule changes referenced above be, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-33013 Filed 12-8-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Revision 15; Amdt. 6]

PROCUREMENT ASSISTANCE PROGRAM

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30, Revision 15 (40 FR 11657, as corrected 14134), as amended (40 FR 20691; 26317; 40217 as corrected 41862; 49159; and 52676) is hereby further amended to delegate to certain field officials authorities to effectively carry out the Section 8(a) contracting program in field offices. This amendment also withholds authority from district directors in Region X in size determinations for government procurement and sales.

Delegation of Authority No. 30, Revision 15, now reads as follows:

* * * * *

PART VI—PROCUREMENT ASSISTANCE PROGRAM (PA)

* * * * *

Section B—Section 8(a) Contracting Authority (SBAct). 1. To enter into contracts such as, but not limited to, supplies, services, construction, and concessions on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration, and agreeing to the terms and conditions of such contracts up to the following amounts:

a. Regional Director, Unlimited.
b. Assistant Regional Director for PA, Unlimited.
c. Contract Specialist, Region X R/O, $250,000.
d. District Director, Washington D/O, Unlimited.
e. District Directors, All Region VI D/O's, New York D/O, Newark D/O, and Chicago D/O, $350,000.
f. District Directors, Region IX and Anchorage D/O, $500,000.
g. Assistant District Directors for PA, San Francisco and Los Angeles D/O's, $100,000.
h. Assistant District Director for PA, New York D/O and Newark D/O, $350,000.
i. Contract Specialist, Anchorage D/O, $250,000.
j. Branch Manager, El Paso, Texas, $350,000.

2. To arrange for the performance of such contracts as stated in paragraph 1 above by negotiating or otherwise letting subcontracts to small business concerns or others. Further, to arrange for such management services as deemed necessary to enable the Small Business Administration to perform such contracts based upon the availability of funds, contracts not to exceed the following amounts:

a. Regional Director, Unlimited.
b. Assistant Regional Director for PA, Unlimited.
c. Contract Specialist, Region X R/O, $250,000.
d. District Director, Washington D/O, Unlimited.
e. District Directors, All Region VI D/O's, New York D/O, Newark D/O, and Chicago D/O, $350,000.
f. District Directors, Region IX and Anchorage D/O, $500,000.
g. Assistant District Director for PA, San Francisco and Los Angeles D/O's, $100,000.
h. Assistant District Director for PA, New York D/O and Newark D/D, $350,000.
i. Contract Specialist, Anchorage D/O, $250,000.
j. Branch Manager, El Paso, Texas, B/O, $350,000.

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer, such contract not to exceed the following amount:

a. Regional Director, Unlimited.
b. Assistant Regional Director for PA, Unlimited.
c. Chief, Business Development, Region III R/O, Unlimited.
d. Contract Specialist, Region X, $250,000.
e. District Director, Washington D/O, Unlimited.
f. District Directors, all Region VI D/O's, New York D/O, Newark D/O and Chicago D/O, $350,000.
g. District Directors, Region X D/O's and Anchorage D/O, $500,000.
h. Assistant District Director for PA, Region IX, $500,000.
i. Assistant District Director for PA, New York D/O and Newark D/O, $350,000.
j. Contract Specialist, Anchorage D/O, $250,000.
k. Branch Manager, El Paso, Texas, B/O, $350,000.

* * * * *

PART IX—ELIGIBILITY AND SIZE DETERMINATIONS

* * * * *

Section B—Size Determinations

* * * * *

2. *Size Determinations for Government Procurement and Sales.* In accordance with Small Business Administration Small Business Size Standard Regulations, to make size determinations for government procurement and sales activities.

a. Regional Director
b. Assistant Regional Director for PA
c. District Directors, EXCEPT Region X

Effective date: December 1, 1975.

DANIEL T. KINGSLEY, *Associate Administrator for Operations.*

[FR Doc.75-32992 Filed 12-8-75;8:45 am]

[Declaration of Disaster Loan Area No. 1183 Amdt. No. 1]

FLORIDA

Declaration of Disaster Area

The above numbered Declaration (40 FR 47229) for the State of Florida is amended by extending the time for filing applications to December 31, 1975, for physical damage and September 30, 1976, for economic injury.

Dated: November 28, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-32993 Filed 12-8-75;8:45 am]

[Declaration of Disaster Loan Area #1194]

MONTANA

Declaration of Disaster Area

The City of Havre in Hill County, Montana, constitutes a disaster area because of damage resulting from a fire on October 8, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 25, 1976 and for economic injury until the close of business on August 25, 1976 at:

Small Business Administration, District Office, 613 Helena Avenue, Helena, Montana 59601.

or other locally announced locations.

Dated November 25, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-32994 Filed 12-8-75;8:45 am]

VETERANS ADMINISTRATION

COOPERATIVE STUDIES EVALUATION COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 USC 4101, will be held in the Veterans Administration Hospital, 1201 NW 16th Street, Miami, Florida, on February 9 and 10, 1976. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including involvement of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., February 9, to discuss the general status of the program. The limited accommodations necessitate that those who plan to attend contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, DC (202-389-3702) prior to January 15.

The meeting will be closed from 8:30 a.m. to 5 p.m. on February 9 and all day on February 10 for consideration of specific proposals in accordance with provisions set forth in Section 10(d) of Public Law 92-463 and Sections 552(b)(2) and 552(b)(6) of Title 5, U.S. Code. During this portion of the meeting, discussion and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute an invasion of personal privacy.

Dated: December 3, 1975

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-32990 Filed 12-8-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-353]

ALLEGHENY LUDLUM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Allegheny Ludlum Steel Corporation, Dunkirk, New York, a division of Allegheny Ludlum Industries, Pittsburgh, Pennsylvania (TA-W-353).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel bars, specialty steel wire, cold drawn shapes, hexagons, flats and rounds produced by Allegheny Ludlum Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing: *Provided*, Such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 19, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33089 Filed 12-8-75;8:45 am]

[TA-W-62]

CONTROL DATA CORP., CASPER, WYOMING

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, on August 25, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to certain workers and former workers of the Casper, Wyoming plant of the Control Data Corporation, Computer Memory Manufacturing Division, St. Louis Park, Minnesota (TA-W-62).

The Notice of Certification was published in the FEDERAL REGISTER (40 FR 40219) on September 2, 1975. At the request of the petitioners a further investigation was instituted by the Acting Director of the Office of Trade Adjustment Assistance. The evidence developed in the further investigation indicated that certain workers employed in the production and repair of memory stacks who became totally or partially separated because such production and repair activity was transferred to Korea and subsequently imported into the United States became totally or partially separated prior to March 2, 1975. Since the intent of the certification is to cover all such adversely affected workers, the certification issued by the Department on August 25, 1975 is hereby revised to include such additional workers not previously covered.

The revised certification is hereby made as follows:

All hourly, piecework, and salaried workers employed at the Casper, Wyoming plant of the Computer Memory Manufacturing Division, Control Data Corporation who became totally or partially separated from employment on or after January 3, 1975 and before July 30, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-32966 Filed 12-8-75;8:45 am]

[TA-W-342]

DARTMOUTH CLOTHING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Dartmouth Clothing Company, New Bedford, Massachusetts, a division of Cliftex Corporation, New Bedford, Massachusetts (TA-W-342).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sportcoats, suits, and leisure suits produced by Dartmouth Clothing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing. *Provided*, Such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Decembr 19, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33090 Filed 12-8-75;8:45 am]

[TA-W-170]

DEVON APPAREL, INC., PHILADELPHIA, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-170: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on September 19, 1975 which was filed by the International Ladies' Garment Workers' Union (AFL-CIO) on behalf of workers and former workers producing ladies' coordinated sportswear at Devon Apparel, Incorporated, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44639-44640) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Devon Apparel, Incorporated, its customers, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers increased 13 percent from 1973 to 1974 and decreased 11 percent in the first three quarters of 1975 compared to the like period in 1974. Average weekly hours declined five percent from 1973 to 1974 and nine percent in the first nine months of 1975 compared to the same period in 1974.

Sales or production, or both, have decreased absolutely. In-house production, that is the number of ladies coordinated sportswear outfits produced at Devon's Philadelphia facilities, increased five percent from 1973 to 1974 and five percent in January-August 1975 compared to the same period in 1974.

Increased imports contributed importantly. Specific production and import information on ladies coordinated sportswear made from knitted synthetic material was not available. Industry analysts stated that to the best of their knowledge there were no imports of ladies, high fashion sportswear coordinates. Company officials and customers indicated that sales of Devon's coordinated sportswear outfits were not hurt by import competition.

The evidence developed in the Department's investigation indicated that total company production was done partly at Devon's Philadelphia facilities and partly by outside contractors. Due to the dampening effect of the general economic recession on company sales, Devon began in mid-1974 to reduce the volume of its outside contract work in order to maintain in-house production. During the first quarter of 1975 in-house production reached its highest level since the first quarter of 1973. Employment at Devon's Philadelphia facilities was directly related to in-house production. Even though in-house production was rising, employment in 1975 remained low mainly because of labor saving measures instituted at the Philadelphia facilities during the business recession of 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies coordinated sportswear produced at Devon Apparel, Incorporated, Philadelphia, Pennsylvania, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 26th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-33091 Filed 12-8-75;8:45 am]

[TA-W-154, TA-W-201]

LEDA SHOE COMPANY AND DELVIN SHOE CO., DOLGEVILLE, NEW YORK AND NEW YORK, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-154 and TA-W-201; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on September 18, 1975 and September 29, 1975 in response to worker petitions filed on those respective dates by workers of Leda Shoe Company, Dolgeville, New York, and by the United Shoe Workers of America on behalf of workers at Delvin Shoe Company, New York, New York, both divisions of Genesco, Incorporated, Nashville, Tennessee. Both companies were engaged in the production of high fashion women's shoes.

The notices of investigation were published in the FEDERAL REGISTER on September 26, 1975 (40 FR 44368) and on October 15, 1975 (40 FR 48415). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of Delvin Shoe Company, Genesco, Inc., its customers, the U.S. Department of Commerce, the

U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers at the Leda Shoe Company declined 25 percent in the first quarter of 1975 compared to 1974. Average weekly hours declined 22 percent in the first quarter of 1975 compared to 1974. The plant closed in March 1975.

The average number of production workers at the Delvin Shoe Company declined 34 percent in the first three quarters of 1975 compared to 1974. The plant closed in October 1975.

Sales or production, or both, have decreased absolutely. Production at the Leda Shoe Company's, Dolgeville, New York plant declined 51 percent in the first quarter of 1975 compared to the first quarter of 1974. Sales declined 17 percent in the first two months of 1975 compared to the first two months of 1974.

Production at the Delvin Shoe Company's, New York, New York plant declined 37 percent in the first eight months of 1975 compared to the first eight months of 1974. Sales declined 38 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at Leda Shoe Company and Delvin Shoe Company increased from 73 million pairs in 1970 to 87 million pairs in 1973. Imports increased from 41.8 million pairs in the first six months of 1974 to 44.8 million pairs in the first six months of 1975. The ratios of imports to domestic consumption and production increased from 40 percent and 67 percent, respectively in the first six months of 1974 to 47 percent and 90 percent in the first six months of 1975.

The Delvin and Leda Shoe Companies began to experience sales declines starting in the fourth quarter of 1974 as imports of women's non-rubber footwear with leather uppers expanded their share of U.S. production and consumption. This made the continued operation of two plants producing both Evins and Delman shoes no longer economical. Although sales declines were greater at the Delvin Shoe Company than at Leda Shoes, Genesco officials decided that a consolidation would involve the closure of Leda Shoes and the maintenance of the Delvin Shoe plant because of the latter's greater productive capacity and more skilled labor. In March 1975 the Leda Shoe Company was closed and its production transferred to the Delvin Shoe Company in an attempt to maintain economical production levels. Separations associated with the closure began in January 1975. At the same time an agreement was worked out with union officials in New York City to keep production costs to a minimum in order to offer a retail price more competitive with imports. However, sales in the first three quarters of 1975 remained consistently below levels in comparable quarters of 1974 and in October, 1975 Genesco officials decided to close the Delvin Shoe Company also. Separations associated with the closure were carried out by stage in the production process and began in July, 1975.

Customers indicated that imported shoes have represented an increasing share of their purchases in recent years. Imported shoes of quality equal to if not better than those produced by Delvin and Leda could be sold for considerably less money.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with high fashion women's shoes produced at the Leda Shoe Company and Delvin Shoe Company contributed importantly to the total or partial separation of the workers of those plants. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of high fashion women's shoes at the Dolgeville, New York plant of the Leda Shoe Company who became totally or partially separated from employment on or after January 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All hourly, piecework, and salaried workers engaged in employment related to the production of high fashion women's shoes at the New York, New York plant of the Delvin Shoe Company who became totally or partially separated from employment on or after July 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-33092 Filed 12-8-75;8:45 am]

[TA-W-349]

LISH ENTERPRISE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Massachusetts Joint Board of Millinery Workers Union on behalf of the workers and former workers of Lish Enterprise, Incorporated, West Upton, Massachusetts (TA-W-349).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with millinery (fake fur hats) produced by Lish Enterprise, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing: *Provided*, Such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 19, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3d St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33093 Filed 12-8-75;8:45 am]

[TA-W-164]

M&M KNITTING MILLS, INC., PHILADELPHIA, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-164; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL-CIO) on behalf of workers and former workers producing ladies' swimsuits at M&M Knitting Mills, Inc., Philadelphia, Pennsylvania. It was determined during the course of the investigation that the firm also produced knit dresses until December 1974.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 44640) on September 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of M&M Knitting Mills Inc., its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separations, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Employment of production workers at M&M Knitting Mills declined 20 percent between 1973 and 1974 and declined 29 percent in the first nine months of 1975 compared to the first nine months of 1974. Average weekly hours for production workers declined 13 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or production, or both, have decreased absolutely. Sales of knit dresses by M&M Knitting Mills declined 49 percent in 1974 from 1973. Dress production was terminated by the firm in December 1974. Sales of swimwear increased 21 percent in 1974 from 1973 and then declined 72 percent in the first eight months of 1975 compared to the first eight months of 1974.

Increased imports contributed importantly. Imports of knit dresses like or directly competitive with those produced by M&M Knitting Mills declined both absolutely and relative to domestic production and consumption in each year since 1971. Imports declined from 15.8 million units comprising 15.6 percent of domestic consumption in 1971 to 8.5 million units comprising 7.3 percent of domestic consumption in 1974. Imports continued to decline absolutely in the first nine months of 1975 compared to the same period in 1974. Imports of knit swimsuits, which were not separately identifiable prior to 1974, increased from 4.4 million units in the first nine months of 1974 to 4.6 million units in the first nine months of 1975.

The evidence developed in the Department's investigation of M&M Knitting Mills reveals that significant separations of workers at the firm in 1974 and January 1975 were due to the decline and ultimate termination of production of knit dresses. Production of swimwear and related employment were increasing in late 1974 during which time production of knit dresses and related employment were declining. Following the cessation of dress operations and a subsequent adjustment to production of new swimwear lines, employment at M&M increased three percent in the third quarter of 1975 over the previous quarter's levels.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit dresses and swimwear produced by M&M Knitting Mills, Inc., Philadelphia, Pennsylvania did not contribute importantly to the total or partial separation of the workers at such firm.

Signed at Washington, D.C., this 25th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-33094 Filed 12-8-75;8:45 am]

[TA-W-173, 339]

OMC-LINCOLN

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-173 and TA-W-339; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 23, 1975 in response to a worker petition received on September 22, 1975 which was filed by workers formerly producing golf cars at the Lincoln, Nebraska plant and the West Palm Beach, Florida and Addison, Illinois distribution centers of OMC—Lincoln, a division of Outboard Marine Corporation, Waukeegan, Illinois. Notice of the investigation was published in the FEDERAL REGISTER on October 2, 1975 (40 FR 45485).

A second investigation was initiated on November 18, 1975 in response to a worker petition received on November 18, 1975 which was filed by the Allied Industrial Workers on behalf of workers formerly producing golf cars at the Lincoln, Nebraska and Charlotte, North Carolina distribution centers of OMC—Lincoln.

The information upon which the determination was made was obtained principally from officials of OMC—Lincoln, its customers, the U.S. Department of Commerce, U.S. Department of Treasury, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. All data were recorded in fiscal year periods beginning in October of the previous year.

The average number of production workers at the Lincoln plant declined 28.1 percent from fiscal 1974 to fiscal 1975. Beginning with the third quarter of fiscal 1974 (April to June), production employment declined in six consecutive quarters when compared to the previous quarter.

Average employment of salaried workers at the Lincoln plant declined 10.6 percent in the second half of fiscal 1975 compared to the second half of fiscal 1974.

Average employment of distribution center employees declined 12.5 percent in the second half of fiscal 1975 compared to the second half of fiscal 1974. Employment was terminated at the Addison, West Palm Beach and Charlotte centers in August, September, and October 1975, respectively. Employment at the Lincoln

center will be terminated in November 1975.

Average weekly hours declined 2.6 percent from fiscal 1974 to fiscal 1975.

Sales or production, or both, have decreased absolutely. All data were recorded in fiscal year periods beginning in October of the previous year.

Sales of golf cars declined 24.8 percent from fiscal 1974 to fiscal 1975. In the second half of fiscal 1975, sales declined 13.5 percent compared to the second half of fiscal 1974. Production of golf cars declined 37.7 percent from fiscal 1974 to fiscal 1975. In the second half of fiscal 1975, production declined 35.0 percent compared to the second half of fiscal 1974. All production of golf cars will be terminated in November 1975.

Increased imports contributed importantly. Imports of golf cars like or directly competitive with those produced at OMC—Lincoln increased from 2.8 thousand units in 1972 to 6.9 thousand units in 1974.

The ratios of imports to domestic consumption and sales increased from 5.5 percent and 5.7 percent, respectively in 1972 to 12.0 percent and 13.2 percent in 1974. The I/C and I/S ratios increased from 9.5 percent and 10.2 percent respectively in the first six months of 1974 to 17.2 percent and 20.0 percent in the first six months of 1975.

In recent years, Cushman golf cars represented approximately 66 percent of OMC—Lincoln's total production. Declining sales and production of golf cars have been a pronounced trend from 1973 to the present. Sales and production of OMC—Lincoln's other products (3 and 4 wheel industrial/commercial vehicles and turf maintenance vehicles) declined in fiscal 1975 from fiscal 1974 as a result of general economic conditions, after peaking in fiscal 1974. Customers of Cushman golf cars reduced purchases as a result of import competition. Declining demand for Cushman golf cars led to production cutbacks, and in turn, separations of employees at the plant and distribution centers. All production of golf cars will be terminated in November 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with golf cars produced at OMC—Lincoln contributed importantly to the total or partial separation of the workers of the plant and distribution centers. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of golf cars at the Lincoln plant of OMC—Lincoln who became totally or partially separated from employment on or after October 27, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All hourly and salaried workers engaged in employment related to the production of golf cars at the Addison, West Palm Beach, Charlotte, and Lincoln distribution centers of OMC—Lincoln who became totally or partially separated from employment on or after August 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of November 1975.

HERBERT N. BLACKMAN,
Assiciate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-33095 Filed 12-8-75;8:45 am]

[TA-W-344]

QUALITY COAT COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 21, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Quality Coat Company, Incorporated, New York, New York (TA-W-344).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' coats and raincoats produced by Quality Coat Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing: *Provided*, Such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 19, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 21st day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-33096 Filed 12-8-75;8:45 am]

[TA-W-140]

WAGNER ELECTRIC CORP., ST. LOUIS, MISSOURI

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-140: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 12, 1975 in response to a worker petition received on September 12, 1975 which was filed by the International Union of Electrical Workers, Local 1104 on behalf of workers formerly producing electrical motors, transformers and automotive brake products at the St. Louis plants of the Wagner Electric Corporation, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 43289) on September 19, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wagner Electric Corporation, its customers, the National Electrical Manufacturers Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers in the hermetic motors division fell 41 percent from 1973 to 1974 and 74 percent in the first nine months of 1975 from the first nine months of 1974. Production employment in the distribution transformer division dropped 7 percent from 1973 to 1974 and 62 percent in the first nine months of 1975 from the first nine months of 1974. Employment in the power transformers division dropped one percent from 1973 to 1974 and then increased 3 percent in the first

nine months of 1975 over the first nine months of 1974.

Average number of production workers in the automotive products division fell one percent from 1973 to 1974 and 11 percent in the first nine months of 1975 from the first nine months of 1974. Average number of production workers in the miscellaneous division declined 4 percent from 1973 to 1974 and five percent in the first nine months of 1975 from the first nine months of 1974.

Hours worked data was available only for the period October 1974 to October 1975. None of the divisions experienced any significant declines in average weekly hours worked during that one year period.

Sales or production, or both have decreased absolutely. Sales of hermetic motors declined eleven percent from 1973 to 1974 and 59 percent in the first two quarters of 1975 from the first two quarters of 1974. Production of hermetic motors declined seven percent from 1973 to 1974 and 53 percent in the first two quarters of 1975 from the first two quarters of 1974.

Sales of distribution transformers fell 4 percent from 1973 to 1974 and 61 percent in the first three quarters of 1975 from the first three quarters of 1974. Production of distribution transformers dropped 3 percent from 1973 to 1974 and 64 percent in the first nine months of 1975 from the first nine months of 1974.

Sales of power transformers increased 10 percent from 1973 to 1974 and 26 percent in the first nine months of 1975 from the first nine months of 1974. Production followed unit sales exactly.

Sales of automotive brake products, when adjusted by an index of price change, fell three percent from 1973 to 1974 and eleven percent in the first nine months of 1975 from the first nine months of 1974. Value of production of automotive brake products rose 24 percent from 1973 to 1974 and 13 percent in the first nine months of 1975 from the first nine months of 1974.

Increased imports contributed importantly. Imports of distribution transformers like or directly competitive with those produced at the Lackland Road St. Louis plant constituted less than two percent of domestic production and consumption in each year from 1970 to 1974 and in the first seven months of 1975.

Evidence developed by the Department of Labor during the course of the investigation reveals that the decline in sales and production of distribution transformers experienced by Wagner Electric Corporation can be attributed to declining demand caused by a drop in residential housing starts. Utility companies who purchase both distribution and power transformers, and were faced with rising costs due to the energy crisis, decided to liquidate inventories rather than maintain levels of purchases from Wagner.

Imports of hermetic motors like or directly competitive with those produced at the Plymouth Avenue St. Louis plant of the Wagner Electric Corporation constituted less than three percent of domestic consumption and production in each year from 1970 to 1974 and in the first seven months of 1975. Customers accounting for nearly 100 percent of the sales by Wagner of hermetic motors did not switch to imports. Sales of hermetic motors have declined because of the recession during which sales of household refrigeration appliances, the prime market for hermetic motors, were depressed. Wagner sold the product line to Tecumseh Products, Tecumseh, Michigan in June 1975.

Imports of automotive brake products like or directly competitive with those produced at the Plymouth Avenue St. Louis plant and the Berkeley plant increased in value from 46 million dollars in 1970 to 118 million dollars in 1974. The ratios of imports to domestic consumption (I/C) and production (I/P) rose from 10.0 percent and 8.6 percent in 1970 to 15.3 percent and 13.2 percent in 1974. In the first seven months of 1975, the I/C and I/P ratios rose to 17.0 percent and 14.0 percent respectively from 14.6 percent and 13.3 percent respectively in the first seven months of 1974.

However, customers of Wagner accounting for 60 percent of Wagner's sales of automotive brake products in 1974 and 1975 do not purchase imports. Declining sales of automotive brake products at Wagner can be attributed to a severely depressed motor vehicle industry. Automobile production dropped 25 percent from 1973 to 1974. Additionally, U.S. bus and truck production dropped sharply in 1975 from 1974 levels.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with hermetic motors, transformers and automotive brake products produced at the St. Louis plants of the Wagner Electric Corporation, St. Louis, Missouri did not contribute importantly to the total or partial separations of the workers at such plants.

Signed at Washington, D.C., this 26th day of November 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-33097 Filed 12-8-75:8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 46 (Sub-No. 8)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Van Buren County, Iowa, on or before December 18, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 25th day of November, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 46 (Sub-No. 8)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN MT. ZION AND KEOSAUQUA, IN VAN BUREN COUNTY, IOWA.

The Interstate Commerce Commission hereby gives notice that by order dated November 25, 1975, it has been determined that the proposed abandonment of the Chicago, Rock Island and Pacific Railroad Company line extending 4.5 miles between Mt. Zion and Keosauqua in Van Buren County, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the diversion of traffic from this low density line to motor transportation should not cause any substantial alterations in air and water quality, and transportation safety in the area. In addition, rail service will continue to be available over the applicant's line at Mt. Zion, some five miles north of Keosauqua.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before January 2, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an en-

vironmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33098 Filed 12-8-75;8:45 am]

[Notice No. 926]

ASSIGNMENT OF HEARINGS

DECEMBER 4, 1975.

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 previouly 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. No amendments will be entertained after the date of this publication.

MC 133916 Sub 3, O'nan Transportation Company, now being assigned February 2, 1976, (1 week), at Frankfort, Ky.; in a hearing room to be later designated.

MC 130324, American Travel, Inc., now being assigned January 29, 1976 (2 days) at Montpelier, Vermont; in a hearing room to be designated later.

MC 130325, Paul M. Keith, dba Mountain Paradise Tours, now being assigned February 3, 1976, (3 days), at Butte, Mont.; in a hearing room to be later designated.

MC-F-12521, Ryder Truck Lines, Inc.—Purchase—Transamerican Freight Lines, Inc., now assigned January 6, 1976, at Washington, D.C., is postponed indefinitely.

MC 129600 Sub 21, Polar Transport, Inc., now being assigned February 3, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 30844 Sub 533, Kroblin Refrigerated Express, Inc.; MC 116763 Sub 300, Carl Subler Trucking, Inc. and 123405 Sub 40, Food Transport, Inc., now being assigned February 4, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135185 Sub 25, Columbine Carriers, Inc., now being assigned February 11, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 126091 Sub 3, K. J. Fraley and E. W. Schilling, d/b/a Fraley and Schilling, now being assigned February 12, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 1380 Sub 19, Colonial Motor Freight Line, Inc., now being assigned February 2, 1976, (2 weeks) at Columbia, S.C., in a hearing room to be later designated.

MC 113528 Sub 24, Mercury Freight Lines, Inc., now being assigned February 2, 1976, at Baton Rouge, La. (2 weeks); in a hearing room to be later designated.

MC 128543 Sub 10, Cresco Lines, Inc., now assigned December 8, 1975, at Chicago, Ill., is postponed to February 10, 1976, (2 days), at Chicago, Ill. in a hearing room to be later designated.

MC 10761 (Sub-Nos. 240, 246, 247, 249, 253, 254, 256, 257, 259 and 260), Transamerican Freight Lines, Inc., now being assigned January 27, 1976 (4 days) at Chicago, Illinois; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33099 Filed 12-8-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 4, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before December 24, 1975.

FSA No. 43088—*Joint Rail-Water Container Rates—American Export Lines, Inc.* Filed by American Export Lines, Inc., (No. 3), for itself and interested rail carriers. Rates on general commodities, from ports and terminals in the United Kingdom and Continental Europe, to railroad terminals at U.S. Pacific Coast ports.

Grounds for relief—Water competition.

Tariff—American Export Lines, Inc., United Kingdom-Continental Europe Pacific Coast joint container freight tariff I.C.C. No. 3, F.M.C. No. 170. Rates are published to become effective on January 2, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33100 Filed 12-8-75;8:45 am]

federal register

TUESDAY, DECEMBER 9, 1975

PART II:

FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

■

Supplier Percentage Notice for December 1975

FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for December 1975

Pursuant to the provisions of 10 CFR 211.163(b)(2), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility and the percentage of such volumes required to be supplied by each supplier for delivery in December 1975. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities and suppliers, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix.

The utility allocations were determined after review of the relative availability of supplies of residual fuel oil for allocation to both utility and non-utility uses. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b)(2) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Form 23B submitted by utilities;

2. Natural gas curtailments;

3. FEA's prediction that the supply level of residual fuel oil is expected to generally equate to the total demand.

The amounts shown in the Appendix are the quantities of residual fuel oil that suppliers are obligated to make available for December, 1975 in the event FEA's allocation authority is extended to include the entire month. FEA will publish a notice providing guidance for allocation through December 15 if the Emergency Petroleum Allocation Act is not extended beyond December 15, 1975. Some utilities will not receive any allocation for this month for various reasons including the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers.

The second column sets forth the recommended FEA burn level. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of December to avoid undue hardship. FEA will consider special circumstances such as unexpected outages which cause fuel consumption to exceed FEA burn levels in any month. Such corrections or adjustments shall be made pursuant to Subparts B and C of 10 CFR Part 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of EPC Form 23B. Thus, the timely submission of FPC Form 23B will be a necessary prerequisite to receiving future allocations if the Mandatory Petroleum Allocation Program is extended beyond its December 15, 1975, expiration date.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., December 4, 1975.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX
RESIDUAL FUEL ALLOCATIONS TO UTILITIES FOR DECEMBER 1975

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
UNITED ILLUMINATING CO	825,000			825,000
WYATT INC (EXXON)		6.00	49,500	
TEXACO		94.00	775,500	
NORTHEAST UTILITIES	1,684,000			1,684,000
HN-HARTWELL&SONS-INC		1.00	16,840	
WYATT-INC-(EXXON)		10.00	168,400	
AMERADA-HESS		68.00	1,145,120	
TAD-JONES-CO-(GULF)		21.00	353,640	
MAINE				
BANGOR HYDRO ELEC. CO.	22,262			22,262
SPRAGUE		100.00	22,262	
CENTRAL MAINE POWER CO.	250,000			250,000
TEXACO		100.00	250,000	
MAINE PUBLIC SERVICE CO.	4,666			4,666
DEAD RIV.O.(SPRAGUE)		100.00	4,666	
MASSACHUSETTS				
BOSTON EDISON CO.	1,274,000			1,274,000
SPRAGUE		12.00	152,880	
WHITE FUEL (TEXACO)		46.00	586,040	
EXXON		42.00	535,080	
FITCHBURG GAS & EL.	8,000			8,000
NORTHEAST PETROLEUM		100.00	8,000	
E.UTIL.ASSOC.(MONTAUP&BL	234,000			234,000
TEXACO		100.00	234,000	
BRAINTREE ELEC. LT. DEPT	15,893			15,893
CK SMITH(GOLD.EAGLE)		100.00	15,893	
HOLYOKE GAS AND ELECTRIC	18,199			18,199
WYATT INC (EXXON)		100.00	18,199	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	104,844			104,844
QUINCY OIL CO (EXXON		100.00	104,844	
NEW ENG. G & E	1,018,000			1,018,000
NEW ENGLAND PETRO		84.80	863,264	
WHITE FUEL(TEXACO)		15.20	154,736	
NEW ENG. ELEC	1,761,000			1,761,000
ASIATIC PETRO CORP		60.00	1,056,600	
PRULEASE		.10	1,761	
PETRO-MKT-CORP		39.90	702,639	
NEW HAMPSHIRE				
PUB SER OF N.H.	403,000			403,000
SPRAGUE		26.30	105,989	
CONOCO		73.70	297,011	
NEW YORK				
CENTRAL HUDSON GAS & ELE	811,740			811,740
AMERADA HESS CORP		100.00	811,740	
CONSUL EDISON OF NY	4,206,000			4,206,000
NEW ENGLAND PETRO		45.50	1,913,730	
AMERADA HESS CORP		22.30	937,938	
EXXON		20.80	874,848	
TEXACO		11.40	479,484	
LONG ISLAND LIGHT CO.	1,750,000			1,750,000
NEW ENGLAND PETRO		100.00	1,750,000	
ORANGE & ROCKLAND UTILIT	990,095			990,095
HOWARD-FUEL-CORP		11.20	110,890	
NEW ENGLAND PETRO		51.50	509,898	
AMERADA-HESS-CORP		29.90	296,038	
ASIATIC-PETRO-CORP		7.40	73,267	
ROCHESTER GAS & ELECTRIC	134,169			134,169
ALLIED O		29.70	39,848	
MONOCO OIL COMPANY		70.30	94,320	
FREEPORT, VILLAGE OF	0			0

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
NIAGARA MOHAWK POWER CO.	856,988			856,988
NEW ENGLAND PETRO		100.00	856,988	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	4,710			4,710
CK SMITH		100.00	4,710	
2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)				
DELAWARE				
DELMARVA PWR & LT	628,000			628,000
GULF		8.00	50,240	
STEUART PETROLEUM CO		22.00	138,160	
CONOCO		65.00	408,200	
TEXACO		5.00	31,400	
DOVER, CITY OF	64,500			64,500
TEXACO		100.00	64,500	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	791,000			791,000
STEUART PETROLEUM CO		21.00	166,110	
ASIATIC PETRO CORP		79.00	624,890	
MARYLAND				
BALTIMORE GAS & ELECTRIC	774,357			774,357
AMERADA HESS CORP		52.70	408,086	
EXXON		47.30	366,270	
NEW JERSEY				
PUBLIC SERVICE ELECTRIC	1,516,000			1,516,000
AMERADA HESS CORP		78.00	1,182,480	
EXXON		22.00	333,520	
VINELAND, CITY OF ELEC.	26,450			26,450
BRITISH PETROLEUM		100.00	26,450	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
ATLANTIC CITY ELECTRIC C	366,945			366,945
AMERADA HESS CORP		60.00	220,167	
CONOCO		40.00	146,778	
GPU INTEGRATED SYSTEM	349,742			349,742
SHIPLEY-HUMBLE		1.00	3,497	
AMERADA HESS CORP		94.00	328,757	
SWANN OIL INC		5.00	17,487	
PENNSYLVANIA				
PENNSYLVANIA PWR & LT	429,500			429,500
AMERADA-HESS-CORP		100.00	429,500	
PHILADELPHIA ELECTRIC CO	1,102,600			1,102,600
NEW ENGLAND PETRO		2.10	23,154	
AMERADA HESS CORP		21.50	237,059	
ARCO		28.50	314,241	
GULF		9.00	99,234	
CONOCO		14.90	164,287	
TEXACO		24.00	264,624	
3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)				
FLORIDA				
FLORIDA P & L	1,607,133			1,607,133
EXXON		15.00	241,069	
BELCHER OIL(EXXON)		85.00	1,366,063	
FLORIDA POWER CORPORATIO	1,800,000			1,800,000
AMERADA HESS CORP		40.00	720,000	
EXXON		60.00	1,080,000	
GULF POWER CO.	22,376			22,376
BAKER SERVICE(EXXON)		100.00	22,376	
TAMPA ELECTRIC CO.	309,474			309,474
WESTERN (NEW ENG PET		100.00	309,474	
FORT PIERCE, CITY OF	49,000			49,000
BELCHER-OIL-(EXXON)		100.00	49,000	
GAINESVILLE, CITY OF	86,409			86,409
EASTERN SEABOARD		100.00	86,409	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
JACKSONVILLE ELEC. AUTH.	616,667			616,667
VEN FUEL INC		82.60	509,366	
NEW ENGLAND PETRO		8.70	53,650	
AMERADA HESS CORP		8.70	53,650	
KEY WEST UTILITIES	44,669			44,669
STD.OIL-KY		100.00	44,669	
LAKE WORTH UTIL AUTHORIT	16,835			16,835
BELCHER OIL(EXXON)		100.00	16,835	
LAKELAND LIGHT & WTR DEP	129,900			129,900
BELCHER(STD.OIL-KY)		100.00	129,900	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM.	388,000			388,000
BELCHER		100.00	388,000	
SEBRING UTILITIES COMM.	7,575			7,575
UNION OIL OF CA		100.00	7,575	
TALLAHASSEE, CITY OF	120,515			120,515
UNION OIL OF CA		100.00	120,515	
VERO BEACH MUNICIPAL POW	37,942			37,942
BELCHER OIL(EXXON)		100.00	37,942	
FLORIDA KEYS ELEC COOP	0			0
GEORGIA				
GEORGIA POWER COMPANY	91,860			91,860
NEW ENGLAND PETRO		100.00	91,860	
SAVANNAH ELECTRIC & POWE	259,500			259,500
COLONIAL OIL(EXXON)		100.00	259,500	
MISSISSIPPI				
MISSISSIPPI POWER CO.	52,600			52,600
BAKER SERVICE(EXXON)		55.00	28,930	
ERGON(INTL TRADING)		45.00	23,670	
SOUTH MISSISSIPPI ELEC	47,226			47,226
SOUTHLND OIL		83.00	39,197	
AMERADA HESS CORP		17.00	8,028	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
NORTH CAROLINA				
CAROLINA POWER & LT.	0			0
SOUTH CAROLINA				
S.CAROLINA PUB SERV AUTH	0			0
S.CAROLINA ELEC & GAS CO	401,500			401,500
EXXON		100.00	401,500	
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,262,300			1,262,300
ASIATIC PETRO CORP		16.60	209,541	
NEW-ENGLAND-PETRO		15.60	196,918	
EXXON		47.30	597,067	
AMOCO		20.50	258,771	
4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)				
ARKANSAS				
JONESBORO WATER AND LIGH	0			0
ARKANSAS ELEC COOP	148,828			148,828
LOGICON INC (SHELL)		80.00	119,062	
E L BRIDE(TEXACO)		20.00	29,765	
COLORADO				
CT&U, S.COLO PWR DIV.	1,200			1,200
CONOCO		100.00	1,200	
KANSAS				
CENTRAL KANSAS PWR	7,893			7,893
GR.PLS(CRA-FARMLAND)		100.00	7,893	
CT&U, WESTERN PWR DIV	102,300			102,300
CARTER-WTR		4.00	4,092	
AMOCO		73.00	74,679	
NO-AMER-PETRO		23.00	23,529	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
KANSAS GAS & ELEC	268,400			268,400
ASPH&PETRO INDUST		84.70	227,334	
FRONTIER PRODUCTION		15.30	41,065	
KANSAS POWER & LIGHT	260,300			260,300
GR.PLS		38.40	99,955	
NTL COOP REFINERY		15.50	40,346	
PHILLIPS PETROLEUM		46.10	119,998	
CHANUTE,CITY OF	2,844			2,844
MID AMER.REFINING		100.00	2,844	
CLAY CENTER LT&WTR	0			0
COFFEYVILLE LT & PWR	2,011			2,011
CRA-FARMLAND		100.00	2,011	
LARNED WTR & ELEC	0			0
MCPHERSON BD OF PUB UTIL	8,400			8,400
NTL COOP REFINERY		100.00	8,400	
OTTAWA WTR & LT	742			742
CARTER WTR(AMOCO)		100.00	742	
LOUISIANA				
CENTRAL LOUISIANA ELECTR	40,000			40,000
FALCO		66.70	26,680	
ATLAS(PENNZOIL)		33.30	13,320	
JONESBORO POWER & LIGHT	0			0
SOUTHWESTERN ELECTRIC PO	30,000			30,000
FALCO		100.00	30,000	
MIDDLE SOUTH SERVICES	1,928,000			1,928,000
E L BRIDE(OKC REF.)		1.70	32,776	
TAUBER OIL CO		20.50	395,240	
ERGON INC (EXXON)		3.80	73,264	
REESE OIL(SUN OIL)		.30	5,784	
SHELL		21.30	410,664	
EXXON		12.90	248,712	
MURPHY OIL CORP		30.00	578,400	
TEXACO		9.50	183,160	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
MISSISSIPPI				
CLARKSDALE WTR & LT	6,638			6,638
SOUTHLND OIL		100.00	6,638	
YAZOO CITY PUB SERV	4,285			4,285
SOUTHLND OIL(HOWELL)		100.00	4,285	
MISSOURI				
ST JOSEPH LT & PWR	14,000			14,000
E L BRIDE		100.00	14,000	
EMPIRE DIST ELEC	7,900			7,900
E L BRIDE		100.00	7,900	
OKLAHOMA				
OKLAHOMA GAS & ELEC	0			0
BLACKWELL WTR & LT	0			0
WESTERN FARMERS ELEC COO	0			0
TEXAS				
GULF STATES UTILITIES	150,000			150,000
LAJET		4.00	6,000	
EXXON		20.10	30,150	
SOUTH HAMPTON CO		22.30	33,450	
TENNECO		16.10	24,150	
COASTAL STATES MKTG		37.50	56,250	
5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)				
DALLAS POWER &LT.	22,000			22,000
WINSTON REF CO		18.20	4,004	
BEE OIL&REFINING		15.60	3,432	
KERR MCGEE OIL CO		18.90	4,158	
J&W REFINING		47.20	10,384	
HOUSTON LIGHT & PWR	0			0

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
TEXAS ELEC SERV	118,513			118,513
SHELL		24.10	28,561	
WINSTON REFINING		61.30	72,648	
J&W REFINING		4.10	4,859	
TESORO		10.50	12,443	
TEXAS PWR & LT	25,161			25,161
LA GLORIA OIL&GAS CO		31.10	7,825	
KERR MCGEE		19.90	5,007	
J&W REFINING		49.00	12,328	
WEST TEXAS UTIL	139,300			139,300
PRIDE REFINING INC		100.00	139,300	
AUSTIN CITY ELEC DEPT	17,857			17,857
TESORO		100.00	17,857	
BRYAN, CITY OF	17,770			17,770
PETROLEUM T&T(3 RIVE		100.00	17,770	
GARLAND,CITY OF	22,700			22,700
DELTA REFINING CO		25.30	5,743	
PRIDE REFINERY INC		74.70	16,956	
LOWER COLORADO RIVER AUT	0			0
SAN ANTONIO PUB SERV	20,273			20,273
TESORO		100.00	20,273	
BRAZOS ELEC COOP	0			0
MEDINA ELEC COOP	3,570			3,570
TESORO		100.00	3,570	
6. MID-AMERICA INTERPOOL NETWORK (MAIN)				
ILLINOIS				
COMMONWEALTH EDISON CO.	343,000			343,000
ALLIED O.		98.00	336,140	
CLARK OIL&REF.CORP		2.00	6,860	
ILLINOIS POWER CO	38,000			38,000
ALLIED O.		100.00	38,000	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
MISSOURI				
UNION ELECTRIC	95,000			95,000
APEX OIL CO		100.00	95,000	
WISCONSIN				
SUPERIOR WTR & LT	10,953			10,953
MURPHY OIL CORP		100.00	10,953	
WISCONSIN ELEC PWR	39,015			39,015
INDUST FUEL&ASPHALT		100.00	39,015	
7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)				
IOWA				
ATLANTIC MUNICIPAL UTILI	6,375			6,375
MCMILLAN OIL CO		100.00	6,375	
LAMONI MUNIC	0			0
INTERSTATE POWER	12,055			12,055
NORTHWESTERN REF		100.00	12,055	
MINNESOTA				
MINNESOTA PWR & LT	30,700			30,700
MURPHY OIL		100.00	30,700	
AUSTIN UTILITIES	12,709			12,709
GUSTAFSON OIL CO		33.00	4,193	
NORTHWESTERN REF		48.30	6,138	
W H BARBER		18.70	2,376	
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	0			0
OWATONNA MUN UTIL	21,872			21,872
GUSTAFSON OIL CO		40.00	8,748	
NORTHWESTERN REF		60.00	13,123	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
WORTHINGTON, CITY OF	4,318			4,318
ALLIED O.		100.00	4,318	
NORTHERN STATES PWR	28,020			28,020
E L BRIDE(TEXACO,WC)		100.00	28,020	
NEBRASKA				
CENTRAL NEBRASKA PUBLIC	57,051			57,051
FARMLAND INDUSTRIES		100.00	57,051	
FAIRBURY LT & WTR	5,240			5,240
CARTER WTR(TEXACO)		100.00	5,240	
GRAND ISLAND ELEC	29,604			29,604
E L BRIDE		100.00	29,604	
HASTINGS UTILITIES DEPT	4,488			4,488
CARTER WTR		100.00	4,488	
LINCOLN ELECTRIC SYSTEM	17,442			17,442
E.L. BRIDE CO		100.00	17,442	
NEBRASKA PUBLIC POWER DI	30,160			30,160
PANHANDLE COOP ASSOC		100.00	30,160	
OMAHA PUB PWR DIST	16,006			16,006
MILDER OIL CO		100.00	16,006	
WISCONSIN				
LAKE SUPERIOR DIST PWR	0			0
8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)				
MICHIGAN				
CLINTON LT & WTR	0			0
GRAND HAVEN BD PUB	2,334			2,334
OSCEOLA REF		100.00	2,334	
HILLSDALE BD OF PUB WORK	2,800			2,800
LEWIS(GLADIEUX REF)		100.00	2,800	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
CONSUMERS POWER	780,814			780,814
MURPHY MI.DIV.AMOCO		6.00	46,848	
ENTERPRISE OIL CO		6.00	46,848	
INDUST FUEL&ASPHALT		2.00	15,616	
RUPP OIL COMPANY		2.00	15,616	
CONSUMERS PWR-CRUDE		54.00	421,639	
BORON OIL(STANDARD)		3.00	23,424	
GLADIEUX REF		1.00	7,808	
LAKESIDE REFINING CO		14.00	109,313	
TOTAL LEONARD INC		4.00	31,232	
OSCEOLA REFINING CO		8.00	62,465	
DETROIT EDISON CO.	544,342			544,342
ENTERPRISE OIL CO		4.80	26,128	
CANADIAN FUEL MKTRS		9.90	53,889	
PETRO PRODUCTS		5.40	29,394	
SUN OIL LTD		70.00	381,039	
MARATHON OIL		9.90	53,889	
OHIO				
CLEVELAND ELEC ILLUMIN	29,215			29,215
ALLIED O.(ASHLAND)		100.00	29,215	
TOLEDO EDISON	1,002			1,002
SUN OIL		100.00	1,002	
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	21,660			21,660
ALLIED O.(NEPCO)		100.00	21,660	
9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)				
ARIZONA				
TUCSON GAS & ELEC	183,601			183,601
GOLDEN GATE PETRO		22.00	40,392	
HOLLAND OIL(TUSCO)		5.00	9,180	
SO-UNION-OIL		51.00	93,636	
NAVAJO-REFINING		22.00	40,392	
SALT RIVER PROJECT	85,000			85,000
GUSTAFSON OIL CO		.90	765	
DOUGLAS OIL CO		2.80	2,380	
LITTLE AMERICA		19.70	16,745	
TESORO		12.40	10,540	
MACMILLAN		17.00	14,450	
POWERINE OIL CO		18.10	15,385	
SAN JOAQUIN REF		29.10	24,735	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
ARIZONA PUBLIC SERVICE C	110,000			110,000
PACIFIC SOUTHWEST		16.50	18,150	
BASIN FUELS		4.00	4,400	
UNION OIL OF CAL		63.00	69,300	
SAN JOAQUIN REF		16.50	18,150	
CALIFORNIA				
PACIFIC GAS & ELECTRIC C	3,719,000			3,719,000
ARCO		71.30	2,651,647	
PHILLIPS PETROLEUM		24.00	892,560	
UNION OIL OF CA		4.70	174,793	
SAN DIEGO GAS & ELECTRIC	1,109,000			1,109,000
HIRI		60.00	665,400	
TESORO		40.00	443,600	
BURBANK CITY PUBLIC SER.	98,000			98,000
ARCO		100.00	98,000	
GLENDALE PUBLIC SERVICES	110,000			110,000
POWERINE OIL CO		100.00	110,000	
IMPERIAL IRRIGATION DIST	90,900			90,900
CRESCENT REF&O(GULF)		100.00	90,900	
LOS ANGELES DEPT OF WATE	1,881,000			1,881,000
PETROBAY		7.60	142,956	
ARCO		59.80	1,124,838	
EDGINGTON OIL CO		20.90	393,129	
NEWHALL REFINING CO		5.00	94,050	
POWERINE OIL CO		3.20	60,192	
SAN JOAQUIN REF		3.50	65,835	
SOUTHERN CALIF EDISON	4,825,000			4,825,000
EXXON		20.40	984,300	
ARCO		7.80	376,350	
CONOCO		2.20	106,150	
TEXACO		9.70	468,025	
STD.OIL-CAL		50.10	2,417,325	
MACMILLAN R.F.OIL		3.00	144,750	
PACIFIC RESOURCES		6.80	328,100	
PASADENA POWER CO.	100,840			100,840
GOLD.EAGLE		100.00	100,840	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
COLORADO				
PUB SERV COLORADO	134,881			134,881
CONOCO		36.40	49,096	
REF.CORP		43.50	58,673	
PLATEAU INC		20.10	27,111	
COLORADO SPRINGS LT & PW	0			0
LAMAR LT & PWR	0			0
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	138,000			138,000
GUSTAFSON OIL CO		54.00	74,520	
HUSKY OIL COMPANY		46.00	63,480	
SIERRA PACIFIC POWER	110,148			110,148
GOLDEN GATE PETRO		100.00	110,148	
NEW MEXICO				
PUB SERV NEW MEXICO	86,510			86,510
SHELL		26.40	22,838	
STD.OIL-TEXAS		4.30	3,719	
PLATEAU INC		39.80	34,430	
THRIFTWAY		5.40	4,671	
NAVAJO REFINING		24.10	20,848	
PLAINS ELEC GEN & TRANSM	51,407			51,407
CARIBOU 4 CORNERS		2.20	1,130	
PLATEAU INC		97.80	50,276	
OREGON				
PACIFIC POWER & LIGHT CO	204			204
STD.OIL(IND)		100.00	204	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
TEXAS				
COMMUNITY PUB SERV	30,143			30,143
STD.OIL-TEXAS		100.00	30,143	
EL PASO ELECTRIC	93,592			93,592
SOUTHERN UNION		74.50	69,726	
TESORO		25.50	23,865	
UTAH				
UTAH POWER &LIGHT CO.	4,322			4,322
BLACKLINE ASPH.SALES		100.00	4,322	
WASHINGTON				
PUGET SOUND POWER &LIGHT	0			0
SEATTLE DEPT OF LI	8,928			8,928
SHELL		100.00	8,928	
TACOMA DEPT OF PUBLIC UT	0			0
10. ALASKA SYSTEMS COORDINATING COUNCIL (ASCC)				
ALASKA				
CORDOVA, TOWN OF	0			0
HAWAII				
HAWAIIAN ELECTRIC COMPAN	708,079			708,079
STD.OIL-CA		100.00	708,079	
HILO ELEC LT	36,696			36,696
STD.OIL-CA		100.00	36,696	
KAUAI ELECTRIC	14,726			14,726
STD.OIL--CA		100.00	14,726	
MAUI ELECTRIC	28,220			28,220
STD.OIL-CA		100.00	28,220	

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
11. NOT OTHERWISE CLASSIFIED (NUC)				
UNKNOWN				
GUAM PWR AUTH	169,404			169,404
GORCO		100.00	169,404	
UNKNOWN				
PUERTO RICO WATER RESOUR	0			0
UNKNOWN				
ST CROIX, V.I. WTR PWR	0			0
UNKNOWN				
ST THOMAS, V.I. WTR PWR	0			0

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