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THURSDAY, FEBRUARY 5, 1976

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NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-19-AD]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727-200 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the center engine nose cowl and engine inlet thermal anti-icing duct to be inspected for cracks, preload, structural interference, and to repair, as required, the Boeing Model 727-200 series airplanes was published in the FEDERAL REGISTER Volume 40, Number 134, Friday, July 11, 1975, page 29301.

Upon further investigations and in light of comments received in response to the Notice of Proposed Rule Making, the agency has determined that the center engine nose cowl and inlet thermal anti-icing duct cracking problem has not developed into the unsafe condition nor has the problem become as widespread, in the 727-200 fleet, as was previously believed following initial reports submitted by the manufacturer, and from results of special inspections conducted by a selected group of operators. It is noted, however, that random cases of duct cracking, detected either by regularly scheduled inspections and reports of loss of center engine nose cowl thermal anti-icing capability may be found. However, the service history and inspections completed since the initial investigation have shown the duct cracking problem and misalignment to be one apparently caused by improper manufacturing procedures confined primarily to a block of airplanes now inspected and repaired. The proposed AD would, therefore, serve no useful purpose and is not required at this time.

Withdrawal of this Notice of Proposed Rule Making does not preclude the agency from issuing another notice or commit the agency to any course of action in the future.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, Section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), the proposed airworthiness directive published in the FEDERAL REGISTER on Friday, July 11, 1975, Volume 40, Number 134, page 29301, is hereby withdrawn.

Issued in Seattle, Washington, January 27, 1976.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.76-3476 Filed 2-4-76;8:45 am]

[Airspace Docket No. 75-WE-32]

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

Alteration of Control Zone

On December 24, 1975 a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 59448) and stated that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Oxnard, California (Ventura County Airport) Control Zone.

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 GMT, March 25, 1976.

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

Issued in Los Angeles, California on January 28, 1976.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (40 FR 354) the description of the Oxnard, California (Ventura County Airport) control zone is amended as follows:

OXNARD, CALIFORNIA (VENTURA COUNTY AIRPORT)

Within a 5 mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.) and within 2 miles each side of the Ventura County Runway 25 localizer east course extending from the 5 mile radius zone to two miles east of the outer marker. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

[FR Doc.76-3477 Filed 2-4-76;8:45 am]

[Airspace Docket No. 75-WE-33]

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

Alteration of Control Zone

On December 24, 1975 a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 59448) and stated that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Palomar, California Control Zone.

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 GMT, March 25, 1976.

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

Issued in Los Angeles, California on January 28, 1976.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (40 FR 354) the description of the Palomar, California, control zone is amended as follows:

PALOMAR, CALIFORNIA

Within a 3-mile radius of Palomar Airport (latitude 33°07'40" N., longitude 117°16'45" W.); within 1.5 miles each side of the Oceanside VORTAC 134° radia, extending from the 3-mile radius zone to 4.5 miles southeast of the VORTAC, and within 1.5 miles each side of the Palomar Runway 24 localizer east course extending from the 3-mile radius zone to 7.5 miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.76-3478 Filed 2-4-76;8:45 am]

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8888]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Koscot Interplanetary, Inc., et al.

Codification under 16 CFR Part 13 appears in 40 FR 60044, issued December 31, 1975.

(Sec. 6, 38 Stat. 721, 15 U.S.C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended, Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

In the Matter of Koscot Interplanetary, Inc., Glenn W. Turner Enterprises, Inc., corporations, and Glenn W. Turner, Terrell Jones, Malcolm Julian, Ben Bunting, Michael Delaney, Hobart Wilder, and Raleigh P. Mann, individually and as former officers, officers or directors of said corporation(s).

Order modifying an earlier order dated Nov. 18, 1975, 40 F.R. 60044, 86 F.T.C. ——, by deleting Paragraph VI requiring Koscot Interplanetary, Inc. to deliver copies of Section II of order to salespersons, franchisees, and distributors of their products and services; and requiring respondent to secure signed statements acknowledging each party's receipt of said copies.

The order modifying final order is as follows: [1]

Respondent Koscot Interplanetary, Inc. has petitioned for reconsideration of the Commission's order issued November 18, 1975. Respondent asks that Paragraph VI be deleted. This paragraph requires circulation of certain portions of the Order to those who undertake to distribute respondent's cosmetics. Complaint counsel oppose the petition, arguing that counsel for respondent in the administrative proceeding before the Commission had full opportunity to object to Paragraph VI, but instead indicated to the Commission at oral argument that he had no objection to those portions of the administrative law judge's order not dealing with restitution.

Ordinarily the Commission will not reconsider an issue where there has previously been an opportunity for the issue to be argued before the Commission. (Rules of Practice, § 3.55) However, the Commission may modify its order in appropriate circumstances. (§ 3.72) Given the circumstances recited in petitioner's letter we will grant the request that Paragraph VI of the Order of November 18, 1975, be deleted as to petitioner Koscot Interplanetary, Inc.

Respondent has also expressed uncertainty as to the meaning of Paragraph VII of the Order. This is a standard reporting provision included in all Commission orders. It merely requires that the Commission be informed of any change in the corporation which might affect its compliance with an order. Such changes might include dissolution or sale to a new owner. At such time as the Order in this matter becomes final, staff of the Commission in charge of compliance will assist respondent to interpret the foregoing or any other paragraph of the Order, as it applies to respondent's current operations.

Therefore, *it is ordered* That Paragraph VI of the Commission's Order of November 18, 1975, in this matter shall be, and it hereby is, stricken as to respondent Koscot Interplanetary, Inc.

[1] Copies of the Order Modifying Final Order filed with the original document.

The Modifying Order was issued by the Commission Jan. 13, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-3465 Filed 2-4-76;8:45 am]

[Docket C-2773]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Peoples Drug Stores, Inc.

Subpart—Combining or conspiring: § 13.388 To control allocations and solicitation of customers; § 13.395 To control marketing practices and conditions; § 13.405 To discriminate unfairly or restrictively in general. Subpart—Enforcing dealings or payments wrongfully: § 13.1045 Enforcing dealings or payments wrongfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Peoples Drug Stores, Inc., a corporation. Consent order requiring an Alexandria, Va., drugstore chain, among other things to cease making, carrying out, or enforcing anticompetitive shopping center lease agreements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. For purposes of this order, the following definitions shall apply:

(a) The terms "respondent" and "Peoples" refer to Peoples Drug Stores, Inc., a corporation, its successors, assigns, subsidiaries, divisions and any other device, their officers, agents, representatives and employees.

(b) The term "shopping center" refers to a group of retail outlets planned, developed and managed as a unit in relation to a trade area which the development is intended to serve, containing 200,000 square feet or more of floor area designed for retail occupancy and providing on-site parking in some definite relationship to the types and sizes of stores in the development.

(c) The term "tenant" refers to any occupant or potential occupant of retail space in a shopping center, whether as lessee or owner of such space.

(d) The term "drugstore" refers to an establishment engaged in the retail sale of prescription drugs and patent medicines and usually is designated by the trade as a drugstore. A drugstore may carry a number of other lines including, cosmetics, toiletries, tobacco and novelty merchandise, and may operate a soda fountain or lunch counter.

(e) The term "rights of first refusal" refers to terms in a lease which provide that respondent shall have the unconditional right to reject or accept the opportunity to operate an additional drugstore in a shopping center where respondent already operates a drugstore.

II. *It is ordered* That respondent directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from making, carrying out, or enforcing, directly or indirectly, an agreement or provision of an agreement which:

(1) gives respondent the right to be the only drugstore in a shopping center;

(2) gives respondent "rights of first refusal" in shopping centers;

(3) prohibits or in any manner controls the entrance of tenants into shopping centers;

(4) controls or restricts the business operations of other tenants in shopping centers.

III. *It is further ordered* That respondent shall:

A. distribute a copy of this order to each of its operating divisions and subsidiaries;

B. within thirty (30) days after service of this order upon respondent, notify each shopping center developer or landlord of shopping centers in which respondent operates a drugstore of this order by providing each such developer or landlord with a copy of this order by registered or certified mail;

C. within sixty (60) days after service of this order upon respondent, file with the Commission a report showing the manner and form in which it has complied and is complying with each and every specific provision of this order; and

D. notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

The Decision and Order was issued by the Commission Jan. 5, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-3467 Filed 2-4-76;8:45 am]

[1] Copies of the Complaint, Decision and Order filed with the original document.

[Docket C-2557]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Union Carbide Corporation

Codification under 16 C.F.R. 13 appears at 40 F.R. 6477 in the issue for February 12, 1975.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Union Carbide Corporation, a corporation. Order modifying an earlier order dated Oct. 4, 1974, 84 F.T.C. 591, 40 F.R. 6477, by eliminating Order paragraphs I.B., II.B., II.C., VII, VIII, IX, and XIII, and including a proviso that primarily institutional advertising will not require the "STOP" clause. This is to provide for a uni-

formity of treatment among competitors against whom the F.T.C. proceeded simultaneously issuing complaints involving the same practices. The modified order affords respondent the benefits of the terms of the consent order afforded to FMC Corporation in Docket 8961, 86 F.T.C. ——, 40 F.R. 53552, but which leaves intact those provisions which are peculiar to the facts of the Union Carbide complaint.

The order reopening and modifying cease and desist order, including further order requiring report of compliance therewith, is as follows: [1]

Upon consideration of respondent's petition to reopen and modify the Cease and Desist Order entered by consent against respondent in this matter on October 4, 1974, to afford respondent the benefits of the terms of the consent order afforded to FMC Corporation in Docket No. 8961, and the Acting Director of the Bureau of Consumer Protection having recommended that the requested modifications be granted, and the Commission having concluded on the basis of the foregoing that the petition should be granted,

It is ordered that this matter be reopened and the following Modified Final Order be substituted and issued in lieu of the Order entered herein on October 4, 1974:

MODIFIED FINAL ORDER

I. *It is ordered* That respondent, Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of any insecticide product with precautionary labeling which contains any active insecticidal ingredient(s) presently marketed by respondent or currently being field tested by respondent and which is intended for use by custom applicators and commercial growers to protect animals or food, forage, field or fiber crops by virtue of the capacity of its active ingredient(s) to kill insects (sometimes referred to hereinafter as "such products"), do forthwith cease and desist from:

A. Representing, directly or by implication, by print or broadcast advertising, by other promotional material, or by sales representatives' oral statements, that such products are absolutely or unqualifiedly safe, non-toxic or free of hazard for any use registered under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (hereinafter FIFRA) or any other approved use based upon evidence filed in connection with registration under FIFRA.

II. With respect to representations not covered by the provisions of Section I of this Order, *it is ordered* That Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of such products, do forthwith cease and desist from:

A. Representing, directly or by implication, by print or broadcast advertising, by other promotional material, or by sales representatives' oral statements, that such products are absolutely safe, non-toxic or free of hazard to human beings, warm-blooded animals, birds, fish, beneficial insects, or the environment.

III. *It is further ordered*, That respondent, Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or AND THE ENVIRONMENT IS MISUSED. READ THE LABEL CAREFULLY AND USE ONLY AS DIRECTED.

B. Any broadcast advertisement more than 30 seconds in length which contains any use or efficiency claim or any environmental or safety claim for any such products unless it clearly and conspecuously includes the following statement:

ALL PESTICIDES CAN BE HARMFUL TO HEALTH AND THE ENVIRONMENT IF MISUSED. READ THE LABEL CAREFULLY AND USE ONLY AS DIRECTED.

C. Any broadcast advertisement of 30 seconds or less in length which contains any use or efficacy claim or any environmental or safety claim for any such products unless it clearly and conspicuously includes the following statement: ALL PESTICIDES CAN BE HARMFUL. READ THE LABEL. USE AS DIRECTED.

Provided That in television advertisements not more than 10 seconds in length which contains no direct representations concerning product safety, the requirements of the term "clearly and conspicuously" shall in all cases be met by including the above statement in the video portion of the advertisement.

V. Nothing in this Order shall be construed to apply to scientific articles published in recognized scientific or agricultural journals or government publications, or reprints thereof, or other device, in connection with the advertising, offering for sale, or sale or distribution of such products do forthwith cease and desist from making any representations, directly or by implication, or omitting any representations, by print or broadcast advertising or by other promotional material, which contradict, are inconsistent with, or detract from the effectiveness of any warning, caution or direction for use required to be set forth on the label of such product. *Provided* That if any representations, directly or by implication, made by respondent, or the omission of representations by respondent, are in accord with the provisions of Sections I, II and IV of this Order, they shall be considered as being in compliance with this Section of the Order.

VI. It is further ordered That respondent, Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of such products do forthwith cease and desist from disseminating or causing the dissemination of:

A. Any print advertising or print promotional material which contains any use or efficacy claim or any environmental or safety claim for any such products unless it clearly and conspicuously includes in such print advertising or print promotional material the following statement:

STOP! ALL PESTICIDES CAN BE HARMFUL TO HEALTH representations (other than print advertising or other promotional material) before public or governmental forums such as public hearings, scientific meetings, or to governmental agencies, agents or employees responsible for the regulation or dissemination of information concerning insecticide products covered by this Order.

VI. It is further ordered That nothing in this Order shall prohibit the dissemination of product labels (as defined by Section 2(p)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended), or reproductions thereof.

VII. It is further ordered That should the Federal Trade Commission promulgate a Trade Regulation Rule or Industry Guide governing the advertising or promotion of products subject to this Order, then any pertinent less comprehensive or less restrictive provisions of such Rule or Guide shall automatically replace any comparable provisions set forth herein which are effective on the date that such Rule or Guide becomes effective.

VIII. It is further ordered That the respondent forthwith distribute a copy of this Order to each of its operating divisions engaged in the manufacture, sale, advertising, promotion or distribution of products subject to this Order, and to all present and future employees of respondent responsible for the advertising, promotion, distribution or sale of such products.

IX. It is further ordered That the respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other changes in the corporation which may affect compliance obligations arising out of this Order.

X. It is further ordered That the Compliance Report heretofore filed by respondent shall be considered by the Commission as if it had been filed under this Order.

XI. It is further ordered That this Order shall become effective upon service.

[1] Copies of the Order Reopening and Modifying Cease and Desist Order and Modified Final Order, filed with the original document.

The Decision and Order was issued by the Commission Dec. 2, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-3466 Filed 2-4-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11935]

FOCUS

Broker-Dealer Reports; Correction

In the FEDERAL REGISTER published on December 30, 1975 (40 FR 59706), the Securities and Exchange Commission announced the adoption of the FOCUS Report program including several forms and related rules. A number of errors were contained therein.

1. Part of footnote 8 on page 59707 was incorrectly placed in the text of the release. As corrected footnote 8 should read:

[8] The following is a comparison of the current, proposed, and adopted paragraphs:

Rule 17a-5 [17 CFR 240.17a-5]

Current paragraph	Proposed paragraph	Adopted paragraph
	(a)	(a)
(a)	(b)	(d)
(b)	(c)	(e)
(c)	(d)	(k)
(d)	(e)	(l)
(e)	(f)	(i)
(f)	(g)	(f)
	(h)	(g)
	(i)	(h)
(g), (h), (i)	(j)	(i)
	(k)	(j)
(j)	(l)	(b)
(k)		
(l)		
(m), (n), (o)	(m)	(c)
		(m)
		(n)

2. Line 18 of footnote 9 on page 59707 contained a typographical error in referring to "Form X-18A-5". The correct term is "Form X-17A-5".

3. The phrase "exchange or registered national securities" was incorrectly omitted from the second full paragraph of the third column on page 59707. As corrected that paragraph should read:

Subparagraph (a)(4) permits the broker or dealer to satisfy the filing requirements under subparagraph (a)(2) by complying with filing requirements established by a plan submitted to the Commission by the appropriate national securities exchange or registered national securities association. Pursuant to the plan, the exchange or association is required to transmit to the Commission a copy of the applicable parts of Form X-17A-5 [17 CFR 249.617] as to each member participating in the plan. The plan must also set forth the time limitations within which the various parts of Form X-17A-5 [17 CFR 249.617] must be filed.

4. The word "requirement" was incorrectly omitted from the last full paragraph of the third column on page 59707. As corrected that paragraph should read:

Report to be Filed Upon Termination of Membership. Paragraph (j) is renumbered (b) and requires that any broker or dealer who ceases to be a member in good standing of a national securities exchange file with the Commission, no later than two days after the termination, Part II of Form X-17A-5 [17 CFR 249.617] as of the termination. In addition, a national securities exchange which acts to terminate the membership of a broker or dealer or learns of any such action is required to notify the Commission of such action and notify the broker or dealer of its reporting requirement under this paragraph.

5. On page 59708, in column one under the heading "Schedules:", a typographical error referred to "[17 CFR 240.15c3-11]". The correct citation is "[17 CFR 240.15c3-1]".

6. The phrase "Friday or last" was incorrectly omitted from the first full paragraph in the second column on page 59708. As corrected that paragraph should read:

The term "fiscal year" is defined as the broker's or dealer's fiscal year for reporting purposes. For purposes of defining a time period such as fiscal or calendar quarter, the last Friday or last business day of such period would be acceptable. The date of the audit may be at any point within the calendar year; however, if such date does not coincide with the close of a calendar quarter, the broker or dealer must file an additional Form X-17A-5 [17 CFR 249.617], Part II or IIA as prescribed in paragraph (a), as of the date of the annual audit. This fifth filing allows the integration of the annual audit report into the surveillance programs of the Commission and the self-regulators.

7. The phrase "basis for expressing an opinion on the" was incorrectly omitted from the last paragraph in the second column on page 59708. As corrected that paragraph should read:

Audit Objectives and Procedures. Rule 17a-5 [17 CFR 240.17a-5] also prescribes the audit objectives to be used in the preparation of the broker's or dealer's audited financial statements.[11] Paragraph (g) requires the annual audit to be made in accordance with generally accepted auditing standards. The audit is to be conducted in such a manner as to provide the accountant with the basis for expressing an opinion on the financial statements of the broker or dealer as of the date of the examination. The audit should be designed in such a manner as to provide the accountant with reasonable assurance of the discovery of any material inadequacies in the accounting system, the internal accounting control, procedures for safeguarding securities or the procedures followed in complying with Rule 17a-13 [17 CFR 240.17a-13], which are existing at the date of the audit. If during the course of the audit, inadequacies which have occurred during the period since the date of the last audit are determined to have existed either through preliminary work or through any other procedure conducted in connection with the annual audit such inadequacies must be reported as part of the annual audit report.

8. The last line on page 59708 contains a typographical error in the term "17a-15". The correct citation is "17a-5".

9. The heading to the second full paragraph in column two on page 59709 contains an incorrect citation to "[17 CFR 240.617]." As corrected the heading should read:

C. *Structure of the FOCUS Report (Form X-17A-5 [17 CFR 249.617]).*

10. Under the heading "Schedules:" in the third column on page 59709 there is a typographical error in the second line therein, "Rule 75c3-1." The correct citation should read: "Rule 15c3-1."

11. In the paragraph beginning on page 59709 and ending on page 59710 there is a typographical error in the phrase "generally accepted accounting principals." As corrected that paragraph should read:

Proposed Form X-17A-10 [17 CFR 249.618] consisted of two parts. In place of a separate introduction to each part of the form, one uniform introduction for all parts of the form has been developed in order to simplify the form and to enhance computerization of the data. The number of parts to the form have been expanded from two to three. Part III of Form X-17A-10 [17 CFR 249.618] is to be filed by insurance companies which are registered as brokers and dealers for the purpose of selling variable annuities and are exempted from Rule 15c3-1 [17 CFR 240.15c3-1]. Several items were added to the revenue and expense statements of Part I and Part II of Form X-17A-10 [17 CFR 249.618] in order to be consistent with generally accepted accounting principles and a number of technical changes were made in order to improve the quality of the information collected.

12. The last line of the last full paragraph in the second column on page 59710 incorrectly included the phrase "a member of." As corrected that paragraph should read:

In addition, Rule 17a-11 [17 CFR 240.17a-11] is amended to require that notice and reports given thereunder shall also be given to the Commodity Futures Trading Commission if such broker or dealer is registered with that Commission.

13. Line two in footnote 14 on page 59711 incorrectly omitted the Roman numeral "II." As corrected footnote 14 should read:

[14] PSE members which file the quarterly Part II will accompany that filing with their workpapers on proprietary position data for the phase-in period with a review of the continuing need to be made at the conclusion of that period. ASE designated firms will file Part II for January, 1976 as a phase-in period before moving to the general reporting pattern.

14. The heading of the last full paragraph in column one on page 59711 incorrectly cites "[17 CFR 240.17a–101]." As corrected the heading should read:

B. *Rule 17a–10 [17 CFR 240.17a–10]*.

15. The last citation in that same paragraph incorrectly refers to "[17 CFR 240.618]." The correct citation is "[17 CFR 249.618]."

16. In the next to last line of the second full paragraph of column two on page 59711, a parenthetical citation to "Rule 17a–10" was incorrectly omitted. As corrected, the citation should read: Rule 17a–10 [17 CFR 240.17a–10].

17. The phrase "and to the Associate Director and Assistant Director of the Office of Broker-Dealer Compliance and Financial Responsibility" was incorrectly included in the paragraph beginning in column two and ending in column three on page 59711. As corrected that paragraph should read:

VIII. *Delegation of Authority*. Pursuant to subparagraph (1)(3) of Rule 17a–5 [17 CFR 240.17a–5], the Commission has the power to exempt a broker or dealer, unconditionally on or specified terms and conditions, from all or part of the requirements of that rule. The Commission has amended Rule 30–3(a)(5) of its rules of General Organization [17 CFR 200.30–3(a)(5)] to delegate to the Director of the Division of Market Regulation the authority to grant exemptions pursuant to Rule 17a–5(1)(3) [17 CFR 240.17a–5(1)(3)].

18. The last citation in the heading to the next full paragraph was incorrectly typed as "[17 CFR 249.6361]". The correct citation is "[17 CFR 249.636]".

19. The phrase "effective on January 1, 1976. While the Commission recognizes that the reporting system it has adopted is" was incorrectly omitted from the first full paragraph on page 59712. As corrected that paragraph reads:

X. *Request for Comments*. Due to the implementation of amended Rule 15c3–1 [17 CFR 240.15c3–1] on January 1, 1976, the financial reporting and surveillance systems of the Commission and the self-regulators will become obsolete. Public interest and the protection of investors therefore appear to require that the FOCUS Report and accompanying rule and form amendments be adopted as effective on January 1, 1976. While the Commission recognizes that the reporting system it has adopted is efficient in theory, and the form satisfactory in substance, certain modifications may subsequently be necessary in order to achieve a smoother practical application. It is the Commission's view that the areas requiring additional refinement will become apparent after the self-regulators and the brokers and dealers have had several months experience with the FOCUS reporting structure. Therefore, comments are requested on or before March 31, 1976, suggesting the adoption on or before June 30, 1976, of proposed amendments to the FOCUS Report and the accompanying implementation program.

20. The citation included as part of the title to the second full paragraph in column two on page 59712 is incorrectly printed as § 200–30–3". As corrected the title should read:

§ 200–30–3 [Corrected]

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

§ 240.17a–4 [Corrected]

21. On page 59712, part of the revised text to paragraph (b) of § 240.17a–4 was incorrectly omitted. In addition, a comma is incorrectly included after the word "description" in subparagraph (iv) of paragraph (b)(8), and in subparagraph (vi) the word "grain" should be deleted and replaced by the word "gain". As corrected, paragraph (b) introductory text and paragraphs (8) (iv) and (vi) should read:

* * * * *

(b) Every such broker and dealer shall preserve for a period of not less than 3 years, the first two years in an accessible place:

* * * * *

(8) * * *

(iv) Amount of secured demand note, description of collateral securing such secured demand note including quantity, price and valuation of each security and cash balance securing such secured demand note;

* * * * *

(vi) Description of futures commodity contracts, contract value on trade date, market value, gain or loss and liquidating equity or deficit in trading and investment accounts;

* * * * *

22. On page 59713, the phrase "exchanges and a registered national securities" has been incorrectly omitted from paragraph (a)(4) of § 240.17a–5. In paragraph (c)(2) of § 240.17a–5 on page 59714, the phrase "sent to customers" should be deleted and replaced by the phrase "furnished as required by subparagraph (c)(1)". In the eleventh line of paragraph (e)(3) of § 240.17a–5 on page 59715, the word "settlements" should be deleted and replaced by the word "statements". In paragraph (e)(4) on page 59715 the reference to paragraph "(c)(1)" should be "(e)(1)" and the reference to paragraph "(b)" should be "(d)". The sentence "The Commission will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of his place of residence or principal office." has been incorrectly omitted from paragraph (f)(1) of § 240.-17a–5 on page 59715. There should be a colon at the end of the first full paragraph of paragraph (f)(4) of § 240.17a–5 and the comma should be deleted from the sixth line of the last paragraph beginning on page 59715. In paragraph (i)(2) of § 240.17a–5 on page 59716, the word "account's" should be deleted and replaced by the word "accountant's". Paragraph (l)(1) f § 240.17a–5 requires renumbering of the subparagraphs and cross-references therein. Similarly paragraph (m) requires renumbering of a cross-reference to paragraph (1). As corrected paragraphs (a)(4), (c)(2), (e)(3), (e)(4), (f)(1), (f)(4), (i)(2), (l)(1) and (m) of § 240.17a–5 read:

§ 240.17a–5 [Corrected]

(a) * * *

(4) The provisions of subparagraphs (2) and (3) of paragraph (a) shall not apply to a member of a national securities exchange or a registered national securities association if said exchange or association maintains records containing the information required by Part I, Part II or Part IIA of Form X–17A–5 (§ 249.617 of this chapter), as to such member, and transmits to the Commission a copy of the applicable parts of Form X–17A–5 (§ 249.617 of this chapter) as to such member, pursuant to a plan, the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted with respect to any such member may be submitted by only one specified national securities exchange or registered national securities association. For the purposes of this section, a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the fulfillment of the Commission's duties and responsibilities under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties and responsibilities under the Act.

* * * * *

(c) * * *

(2) *Audited statements to be furnished*. The following statements shall be furnished as required by subparagraph (c)(1) within 45 days after the broker or dealer files with the Commission the information required by paragraph (d):

* * * * *

(e) * * *

(3) All of the statements filed pursuant to paragraph (d) shall be public, except that, if the Statement of Financial Condition in a format which is consistent with Form X–17A–5 (§ 249.617 of this chapter), Part II or Part IIA, is

bound separately from the balance of the annual audited financial statements filed pursuant to subparagraph (d)(1), the balance of the annual audited financial statements shall be deemed confidential, except that they shall be available for official use by any official or employee of the United States or any State, by national securities exchanges and registered national securities associations of which the person filing such a report is a member, and by any other person to whom the Commission authorizes disclosure of such information as being in the public interest. Nothing contained in this subparagraph (3) shall be deemed to be in derogation of the rules of any registered national securities association or national securities exchange which give to customers of a member broker or dealer the right, upon request to such member broker or dealer, to obtain information relative to its financial condition.

(4) The broker or dealer shall file with the report a supplemental report which shall be covered by an opinion of the independent public accountant on the status of the membership of the broker or dealer in the Securities Investor Protection Corporation ("SIPC") if, pursuant to subparagraph (e)(1), a report of the broker or dealer is required to be covered by an opinion of a certified public accountant or a supplemental report shall cover the SIPC annual general assessment reconciliation or exclusion from membership forms not previously reported on under this subparagraph (4) which were required to be filed on or prior to the date of the report required by paragraph (d) of this section.

* * * * *

(f)(1) *Qualification of accountants.* The Commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of his place of residence or principal office. The Commission will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of his place of residence or principal office.

* * * * *

(4) *Replacement of accountant.* A broker or dealer shall file a notice which must be received by the Commission's principal office in Washington, D.C., the regional office of the Commission for the region in which its principal place of business is located, and the principal office of the designated examining authority for such broker or dealer, not more than 15 business days after:

* * * * *

Such notice shall state (A) the date of notification of the termination of the engagement or engagement of the new accountant as applicable and (B) the details of any problems existing during the 24 months (or the period of the engagement, if less) preceding such termination or new engagement relating to any matter of accounting principles or practices, financial statement disclosure, auditing scope or procedure, or compliance with applicable rules of the Commission, which problems, if not resolved to the satisfaction of the former accountant, would have caused him to make reference to them in connection with his report on the subject matter of the problems. The problems required to be reported in response to the preceding sentence include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Problems contemplated by this section are those which occur at the decisionmaking level—i.e., between principal financial officers of the broker-dealer and personnel of the accounting firm responsible for rendering its report. The notice shall also state whether the accountant's report on the financial statements for any of the past two years contained an adverse opinion or a disclaimer of opinion or was qualified as to uncertainties, audit scope, or accounting principles, and describe the nature of each such adverse opinion, disclaimer of opinion, or qualification. The broker or dealer shall also request the former accountant to furnish the broker or dealer with a letter addressed to the Commission stating whether he agrees with the statements contained in the notice of the broker or dealer and, if not, stating the respects in which he does not agree. The broker or dealer shall file three copies of the notice and the accountant's letter, one copy of which shall be manually signed by the sole proprietor, or a general partner or a duly authorized corporate officer, as appropriate, and by the accountant, respectively.

* * * * *

(i) * * *

(2) *Representations as to the audit.* The accountant's report shall: (i) State whether the audit was made in accordance with generally accepted auditing standards; (ii) state whether the accountant reviewed the procedures followed for safeguarding securities; and (iii) designate any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which have been omitted, and the reason for their omission.

Nothing in this section shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required under this section.

* * * * *

(l) *Extensions and Exemptions.* (1)(i) In the event any broker or dealer finds that it cannot file its report for any year within the time specified in paragraph (d) of this section without undue hardship, it may file with the Commission's principal office in Washington, D.C. and the appropriate regional office as specified in subparagraph (d)(6) an application for an extension of time to a specified date which shall not be more than 90 days after the date as of which his financial condition is reported. Notice of such application shall be sent to the designated examining authority. The application shall be made by the broker or dealer and shall:

(A) State the reasons for the requested extension;

(B) Indicate that the inability to make a timely filing is due to circumstances beyond the control of the broker or dealer if such is the case, and describe briefly the nature of such circumstance;

(C) Indicate if the broker or dealer is in violation of the net capital requirements specified in § 240.15c3-1 or the requirements of § 240.15c3-3, or has any significant financial or record-keeping problems;

(D) contain an agreement to file the report on or before the date specified by the broker or dealer in the application;

(E) Be received by the regional office of the Commission for the region in which the broker or dealer has its principal place of business, the Commission's principal office in Washington, D.C. and the principal office of the designated examining authority prior to the date upon which the report is due; and

(F) Be accompanied by a letter from the independent public accountant answering the following questions:

(1) What specifically are the reasons for the extension request?

(2) On the basis of that part of your audit to date, do you have an indication that may cause you to consider commenting on any material inadequacies in the accounting system, internal accounting control and procedures for safeguarding securities?

(3) Do you have any indication from that part of your audit completed to date that would lead you to believe that the condition of the firm's records is endangering its ability to supervise its registered representatives and their handling of customer accounts?

(4) Do you have any indication from that part of your audit completed to date that would lead you to believe that the firm is in violation of the net capital requirements specified in § 240.15c 3-1 or the requirements of § 240.15c3-3, or has any significant financial or recordkeeping problems?

(ii) Within 10 calendar days after the request for extension of time has been received by the appropriate regional office as specified in subparagraph (d)(6), the regional office shall:

(A) Notify the broker or dealer and its designated examining authority of the grant or denial of the requested extension; or

(B) Indicate to the broker or dealer that additional time is required to satisfactorily analyze the request, in which case the amount of time needed shall be specified.

* * * * *

(m) *Notification of change of fiscal year.* In the event any broker or dealer finds it necessary to change its fiscal year it must file, with the Commission's principal office in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer has its principal place of business, and the

principal office of the designated examining authority for such broker or dealer, a notice of such change.

Such notice shall contain a detailed explanation of the reasons for the change, and indicate whether the filing of the annual audit report will be delayed as a result thereof. If the filing of the audit report will be delayed, the broker or dealer shall include in the notice the representations required by subparagraph (1)(i) of paragraph (1).

* * * * *

23. On page 59718, in paragraph (f) of § 240.17a-11, the phrase "a member of" should be deleted and replaced by the phrase "registered with". As corrected, § 240.17a-11(f) should read:

§ 240.17a-11 [Corrected]

* * * * *

(f) Every notice and report required to be given or filed by this section shall be given to or filed with the principal office of the Commission in Washington, D.C., with the regional office of the Commission for the region in which the broker or dealer has its principal place of business, with the designated examining authority of which such broker or dealer is a member, and with the Commodity Futures Trading Commission if such broker or dealer is registered with such Commission.

* * * * *

24. On page 59718, in paragraph (a)(2) of § 240.17a-20, the phrase "as shown on Line A(1)(a) is at least 20 percent of the total revenue" should be inserted in the sixth line thereof. As corrected § 240.17a-20(a)(2) should read:

§ 240.17a-20 [Corrected]

(a) * * *

(2) Every broker or dealer required to file for calendar year 1975 Part II to Form X-17a-10 (§ 249.618 of this chapter), and whose commissions earned on transactions in listed equity securities executed on an exchange as shown on Line A(1)(a) is at least 20 percent of the total revenue as shown on Line A(11) of Part II to Form X-17A-10 (§ 249.618 of this chapter), and who does not conduct a business with other than other members of an exchange, shall, not later than 17 business days after the close of each calendar quarter (commencing with the calendar quarter ending March 31, 1976), file a report of revenues and expenses and related financial and other information for each such calendar quarter on Form X-17A-20 (§ 249.636 of this chapter).

* * * * *

25. On page 59718, the caption to § 249.617 incorrectly uses the word "subchapter" instead of "chapter" and there should be a comma in the citation "§ 240.17a-5(a)(b)" between the "(a)" and "(b)". As corrected § 249.617 should read:

§ 249.617 [Corrected]

This form shrall be used by every broker or dealer required to file reports under § 240.17a-5 (a), (b) and (d) of this chapter.

Dated: January 29, 1976.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-3387 Filed 2-4-76;8:45 am]

[Release No. 34-11969]

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

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Financial Responsibility Requirements of Brokers and Dealers

Adoption of optional financial responsibility standard for certain dealers including amendments to Rule 15c3-1 [17 CFR 240.15c3-1] and Rule 17a-11 [17 CFR 240.17a-11] and announcement of certain interpretations of Rules 15c3-1 and 15c3-3 [17 CFR 240.15c3-1, .15c3-3].

The Securities and Exchange Commission today announced the adoption of an optional financial responsibility standard for certain dealers including amendments to Rule 15c3-1 [17 CFR 240.15c3-1] and Rule 17a-11 [17 CFR 240.17a-11] under the Securities Exchange Act of 1934 ("the Act"). The Commission also announced certain interpretations to Rules 15c3-1 [17 CFR 240.15c3-1] and 15c3-3 [17 CFR 240.15c3-3], which interpretations are effective immediately.

INTRODUCTION

Section 15(c)(3)[1] of the Act requires the Commission to regulate brokers and dealers respecting, inter alia, the custody, carrying and use of customers' funds and securities, and the maintenance of reserves against customers' deposits or credit balances. In 1972,[2] the Commission, acting under Section 15(c)(3), adopted Rule 15c3-3 [17 CFR 240.15c3-3],[3] a customer protection rule. Rule 15c3-3 [17 CFR 240.15c3-3] obliges brokers and dealers to obtain possession or control over fully paid or excess margin customers' securities and, through the Formula for Determination of Reserve Requirements of Brokers and Dealers ("the Reserve Formula"),[4] requires brokers and dealers to maintain reserves with respect to customers' funds and funds realized through the utilization of customers' securities. The Securities Acts Amendments of 1975 amended Section 15(c)(3)[5] to require the Commission to adopt minimum financial responsibility standards for all brokers and dealers. The Commission adopted amendments to Rule 15c3-1 [17 CFR 240.15c3-1] on June 26, 1975.[6] Rule 15c3-1 [CFR 240.15c3-1] requires substantially all brokers and dealers to maintain specified levels of net capital computed in accordance with the rule's provisions, which are intended to provide safeguards with respect to the financial responsibility of brokers and dealers. Rule 15c3-1 [17 CFR 240.15c3-1] as amended preserves the traditional aggregate indebtedness concept, but also provides an alternative capital requirement based on aggregate debit items in the Reserve Formula.

The Commission has determined that amendments to Rule 15c3-1 [17 CFR 240.15c3-1] are necessary and appropriate for the protection of investors. First, the Commission notes that certain national securities exchanges currently are structured so that some of their floor members engage in specialist activities currently exempted from Rule 15c3-1 [17 CFR 240.15c3-1], and in certain other nonexempted floor trading activities.[7] Accordingly, the Commission adds paragraph (a)(6) to Rule 15c3-1 [17 CFR 240.15c3-1], an optional financial responsibility standard, which will permit under certain circumstances these floor members to engage in this combination of activities as a single member entity while providing appropriate investor protection. Second, the need for certain interpretations of Rule 15c3-1 [17 CFR 240.15c3-1] and the Reserve Formula became apparent during efforts on the part of the Commission and the self-regulatory organizations to assist brokers and dealers in understanding and implementing Rule 15c3-1 [17 CFR 240.15c3-1].[8]

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[1] 15 U.S.C. § 78o(c)(3) (Supp. IV, 1975).

[2] Securities Exchange Act Release No. 9856 (Nov. 10, 1972), 37 FR 25224 (Nov. 29, 1972).

[3] 17 CFR § 240.15c3-3 (1975). Rule 15c3-3 was adopted pursuant to § 15(c)(3) as it existed prior to the Securities Acts Amendments of 1975. *See* 15 U.S.C. § 78o(c)(3) (1970), *as amended,* 15 U.S.C. § 78o(c)(3) (Supp. IV, 1975).

[4] The Reserve Formula constitutes Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a (1975).

[5] Act of June 4, 1975, Pub. L. No. 94-29 § 11(3), 89 Stat. 126.

[6] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 26, 1975).

[7] In Securities Exchange Act Release 11624 (Aug. 29, 1975), 40 FR 41520 (Sept. 8, 1975), the Commission added an alternative capital test for certain floor brokers, but concluded that registered traders in equity securities, or specialists in equities and options who also engage in registered floor trading activity would be fully subject to all the rule's provisions.

[8] Since this rule's adoption on June 26, 1975, the Commission has cooperated with all the self-regulatory organizations in programs and procedures designed to provide brokers and dealers a smooth transition to uniform net capital regulation. The New York Stock Exchange sponsored a series of two-day seminars on the uniform rule in New York, Chicago, Dallas, San Francisco and Los Angeles. Members of the Commission staff participated as panelists at these seminars. The National Association of Securities Dealers sponsored one-day seminars in no less than thirty-four cities from coast to coast. Other self-regulators distributed a great deal of detailed information concerning the uniform net capital rule to their memberships. As a result of this extensive dialogue with the public, the Commission became aware of the need to propose certain technical amendments to Rule 15c3-1, designed to clarify and modify several provisions of the rule. *See* 41 FR 5299 (Feb. 5, 1976). Similarly, comments received from the public and the self-regulatory organizations during the course of this educational process led to the modifications, described below, of certain interpretations concerning allocation procedures applicable to computations under the Reserve Formula.

17a–11

AMENDMENTS TO RULE 15c3–1 AND RULE COMMISSION ACTION

Pursuant to sections 15(c)(3), 17(a) and 23(a) of the Securities Exchange Act of 1934, the Commission amends § 240.15c3–1 and § 240.17a–11 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations as set forth below.

OPTIONAL FINANCIAL RESPONSIBILITY STANDARD FOR CERTAIN DEALERS

Presently, a specialist in both equities and options is exempt from Rule 15c3–1 [17 CFR 240.15c3–1] pursuant to paragraph (b)(2) thereof, so long as it is not a clearing member of Options Clearing Corp. ("OCC"). However, floor members of some national securities exchanges presently combine specialist activities with the roles of registered trader in equity securities or OCC clearing member, which are not exempted activities for purposes of the rule. Several consequences follow. First, since it does not engage solely in exempted activity, the floor member becomes subject to Rule 15c3–1 [17 CFR 240.15c3–1]. Second, pursuant to Rule 15c3–1 [17 CFR 240.-15c3–1], positions arising from the floor member's proprietary options transactions, e.g., market making activities, are haircut pursuant to Appendix A to the rule [17 CFR 240.15c3–1a], which prescribes haircuts based on the market value of the underlying security. This treatment may not be necessary or appropriate for the protection of investors due to the limited exposure of these members. Therefore, the Commission has determined to adopt a new paragraph (a)(6) of the rule, available to dealers who effect transactions only with other brokers and dealers, whose options transactions are in listed options only, who do not clear for their own accounts and whose positions are carried in a market maker or specialist account by another broker or dealer. Rule 15c3–1(a)(6) [17 CFR 240.15c3–1(a)(6)] is predicated on the maintenance of a specified amount of equity in the account, adjusted as provided in paragraph (a)(6).

The Commission notes that Rule 15c3–1(a)(6) [17 CFR 240.15c3–1(a)(6)] is an elective provision. Thus, while dealers operating pursuant to Rule 15c3–1(a)(6) [17 CFR 240.15c3–1(a)(6)] would lose the Rule 15c3–1(b)(1) [17 CFR 240.15c3–1(b)(1)] exemption for their specialist activities, no dealer is required to elect to do so.

In order to provide an alternative for such dealers effective January 1, 1976 the Commission adopts Rule 15c3–1(a)(6) [17 CFR 240.15c3–1(a)(6)] without notice or public comment, pursuant to the provisions for accelerated rulemaking procedure found in the Administrative Procedure Act. The Commission solicits public comment on Rule 15c3–1(a)(6) [17 CFR 240.15c3–1(a)(6)] as it relates to options specialists and as it relates to other specialists and market makers.

Rule 15c3–1(a)(6) is constructed so that the deductions from net worth presently specified in Rule 15c3–1(c)(2)(x) [17 CFR 240.15c3–1(c)(2)(x)] are inappropriate for brokers and dealers who carry market maker or specialist accounts. Accordingly, the Commission adopts a new paragraph (c)(2)(xi) of Rule 15c3–1 [17 CFR 240.15c3–1], which provides appropriate deductions from net worth for brokers or dealers carrying market maker or specialist accounts of dealers electing to operate under paragraph (a)(6) of Rule 15c3–1 [17 CFR 240.15c3–1]. To allow for the insertion of paragraph (c)(2)(xi), the paragraphs presently designated (c)(2)(xi) and (c)(2)(xii) should be and hereby are redesignated (c)(2)(xii) and (c)(2)(xiii), the same designations they carried when Rule 15c3–1 was initially adopted.

1. The text of new Rule 15c3–1(a)(6) [17 CFR 240.15c3–1(a)(6)] and new Rule 15c3–1(c)(2)(xi) [17 CFR 240.15c3–1(c)(2)(xi)] is as follows:

§ 240.15c3–1 Net capital requirements for brokers and dealers.

(a) * * *

MARKET MAKERS, SPECIALISTS AND CERTAIN OTHER DEALERS

(6)(i) A dealer who meets the conditions of paragraph (a)(6)(ii) of this section may elect to operate under this paragraph (a)(6) and thereby not apply the provisions of paragraphs (c)(2)(vi), (f)(3) or Appendix A, 17 CFR 240.15c3–1a, of this section to market maker and specialist transactions and, in lieu thereof, apply the provisions of paragraph (a)(6)(iii) of this section to such transactions.

(ii) This paragraph (a)(6) shall be available to a dealer who does not effect transactions with other than brokers or dealers, does not effect transactions in unlisted options and who does not carry customer accounts and whose market maker or specialist transactions are carried in a market maker or specialist account and cleared by another broker or dealer as provided in paragraph (a)(6)(iv) of this section.

(iii) A dealer who elects to operate pursuant to this paragraph (a)(6) shall at all times maintain equity in his market maker or specialist account as follows:

(A) 25% of the market value of securities long in the account, plus,

(B) 30% of the market value of securities short in the account, plus,

(C) 5% of the market value of exempted securities long in the account, plus,

(D) An amount equal to 130% of the market value of each option contract in a short position, provided however in the case of long and short positions in options contracts for the same underlying security the required amount shall equal the greater of (A) 30% of the market value of such long positions or (B) 130% of the market value of the short positions less 70% of the market value of the long positions, or

(E) Such lesser requirement as may be approved by the Commission under specified terms and conditions upon written application of the dealer and the carrying broker or dealer.

Equity in the account for purposes of this paragraph (a)(6)(iii) shall be computed by adding the market value of securities long and any credit balances and subtracting the market value of securities short and any debit balances in the account.

(iv) The dealer shall obtain from the broker or dealer carrying the market maker or specialist account a written undertaking which shall be designated "Notice Pursuant to Rule 15c3–1(a)(6) of Intention to Carry Specialist or Market Maker Account." Said undertaking shall contain the representations required by this paragraph (a)(6) and shall be filed with the Commission's Washington, D.C. Office, the regional office of the Commission for the region in which the broker or dealer has its principal place of business and the Designated Examining Authorities of both firms prior to effecting any transactions in said account. The broker or dealer carrying such account:

(A) Shall mark the account to the market not less than daily and will issue appropriate calls for additional collateral which shall be met by noon of the following business day;

(B) Shall notify by telegraph the Commission and the Designated Examining Authorities pursuant to Rule 17a–11, 17 CFR 240.17a–11, if the market maker or specialist fails to deposit any required collateral within the time prescribed in (iv)(A) above; said telegraphic notice shall be received by the Commission's Washington, D.C. Office and the Designated Examining Authorities not later than the close of business on the day said call is not met;

(C) Shall not continue to extend credit in the account if the equity in the account falls below that prescribed in (iii) above, and

(D) Shall take steps to liquidate promptly existing positions in the account in the event of a failure to meet a call for collateral.

* * * * *

(c) * * *

(2) * * *

BROKERS OR DEALERS CARRYING SPECIALISTS OR MARKET MAKERS ACCOUNTS

(xi) With respect to a broker or dealer who carries a market maker or specialist account, or with respect to any transaction in options listed on a registered national securities exchange for which a broker or dealer acts as a guarantor or endorser of options written by a specialist in a specialist account, the broker or dealer shall deduct, for each account carried or for each class or series of options guaranteed or endorsed, any deficiency in collateral required by subparagraph (a)(6) of this section.

2. A conforming amendment to Rule 17a–11 [17 CFR 240.17a–11] provides, in new paragraph (b)(3) thereof, that tele-

graphic notice required pursuant to Rule 15c3-1(a)(6) [17 CFR 240.15c3-1(a)(6)] shall be given to the Commission's Washington Office, as well as the Regional Office in which the broker or dealer maintains its principal office, and the Designated Examining Authorities of both the dealer and the carrying broker or dealer. The text of Rule 17a-11(b)(3) [17 CFR 240.17a-11(b)(3)] is as follows:

§ 240.17a-11 Supplemental current and operations reports to be made by certain exchange members, brokers, and dealers.

* * * * *

(b) * * *

* * * * *

(3) If a dealer operating pursuant to paragraph (a)(6) of Rule 15c3-1 (17 CFR 240.15c3-1(a)(6)) fails to deposit in the specialist or market maker account collateral required thereunder within the time limit therein prescribed, the broker or dealer carrying such account shall give immediate telegraphic notice of such fact to the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer has its principal place of business, and the Designated Examining Authorities of the dealer and the broker or dealer carrying such account.

* * * * *

INTERPRETATIONS WITH RESPECT TO RULES 15c3-1 AND 15c3-3

The Commission has determined to publish the following interpretations to Rules 15c3-1 and 15c3-3 [17 CFR 240.15c3-1, 15c3-3]; these interpretations are effective immediately.

RULE 15c3-1(c)(6) AND (7) AND RULE 15c3-3(a)(1)—DEFINITIONS OF "CUSTOMER" AND "NON-CUSTOMER"

In Securities Exchange Act Release No. 11854 (Nov. 20, 1975) [40 FR 57786 (Dec. 12, 1975)], the Commission amended these provisions to provide that registered municipal securities dealers, as defined in Section 3(a)(30) of the Act, would be treated as non-customers for purposes of Rules 15c3-1 and 15c3-3 [17 CFR 240.15c3-1, .15c3-3]. Questions have arisen concerning the treatment of the securities transactions of a bank municipal securities dealer which is not engaged in a municipal securities business through a separately identifiable department or division and which accordingly registers as an undivided entity. The Commission wishes to clarify that for purposes of Rules 15c3-1 and 15c3-3 [17 CFR 240.15c3-1, .15c3-3] such a registered entity is considered a non-customer only with respect to securities transactions effected in its capacity as a municipal securities dealer.

Questions also have arisen concerning the treatment under these rules of a municipal securities dealer which is temporarily exempt from registration pursuant to Rules 15a-1(T) and 15Ba2-3(T) [17 CFR 240.15a-1(T), .15Ba2-3(T)].[9] The Commission wishes to clarify that such municipal securities dealers are treated as non-customers for purposes of Rules 15c3-1 and 15c3-3 [17 CFR 240.15c3-1, .15c3-3], provided that they comply with all provisions of Rules 15a-1(T) and 15Ba2-3(T) [17 CFR 240.15a-1(T), .15a2-3(T)].

RULE 15c3-3a—RESERVE FORMULA

In Securities Exchange Act Release No. 11497 (June 26, 1975) [40 FR 29795 (July 26, 1975)], the Commission published several interpretations with respect to allocation of certain securities positions for purposes of determining whether such positions were customer-related and thus includable in the Reserve Formula. One such interpretation required that:

> Where an amount representing securities failed to deliver is allocable to securities in the broker's or dealer's physical possession and such securities are in excess of the broker's or dealer's possession or control requirement, the fail to deliver amount should be excluded from the Reserve Formula.

The Commission has received public comment since the adoption of this interpretation to the effect that clearance and settlement inefficiencies frequently impede brokers and dealers from accomplishing same day redelivery of failed securities, with the result that even the most diligent brokers and dealers cannot avoid the higher reserve requirements which result from the exclusion of these debit items from the Reserve Formula. It was also pointed out that there exist strong economic incentives, unrelated to the reserve requirements, which impel brokers and dealers to make expeditious delivery and redelivery of securities. Commentators further maintained that the customer exposure resulting from this particular "fail" position is minimized in that the related customer debit, for practical purposes, is secured.

The Commission continues to believe that it is inappropriate for customers' funds to finance the inefficiencies which give rise to this "fail" position. However, the Commission is persuaded, in view of the present inefficiencies in clearance and settlement systems, that its prior interpretive position is unduly burdensome to many brokers and dealers and is not necessary for the protection of investors. Accordingly, the Commission hereby rescinds this interpretation, and takes the position that when an amount representing securities failed to deliver is allocable to securities in the broker's or dealer's physical possession, and such securities are in excess of the broker's or dealer's possession or control requirement, the fail to deliver amount may be included in the Reserve Formula for not more than 3 business days. Inasmuch as the alternative net capital requirement provided by Rule 15c3-1(f) [17 CFR 240.15c3-1(f)] is a function of aggregate Reserve Formula debits, the Commission notes that this position will increase the minimum net capital requirements of some brokers and dealers carrying "fail" positions of this nature.

Another of the allocation interpretations published in Securities Exchange Release No. 11497 (June 26, 1975) [40 FR 29795 (July 16, 1975)] requires that:

> Amounts representing stock borrowed which are not allocable to short securities positions in customer accounts or other items includable in the Reserve Formula and amounts representing stock loans which are not allocable to long securities positions in customer accounts or other items includable in the Reserve Formula should be excluded from the Reserve Formula.

The Commission wishes to clarify that this interpretation applies only to stock loaned and stock borrowed positions between brokers.

Effective date. The Commission finds, in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. § 553 (b)(3)(B), (d)(3) (1970), that notice and public comment procedure respecting the amendments to Rule 15c3-1 [17 CFR 240.15c3-1] and Rule 17a-11 adopted herein would be impractical and contrary to the public interest, and finds further that the public interest requires that these amendments become effective immediately. These findings are based on the Commission's determination that the maintenance of orderly markets in listed securities requires immediate publication and effectuation of these amendments.

Statutory basis and competitive considerations. These amendments to Rule 15c3-1 [17 CFR 240.15a-1] and Rule 17a-11 [17 CFR 240.17a-11] are adopted pursuant to the Securities Exchange Act of 1934 (the "Act"), particularly Sections 2, 6, 10, 15, 17 and 23 thereof. The Commission finds that any burden upon competition imposed by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and is necessary and appropriate to implement the Commission's continuing mandate under the Act, and particularly section 15(c)(3) thereof, to provide safeguards with respect to the financial responsibility and related practices of brokers and dealers, and to protect customers' funds and securities.

Request for comments. All interested persons are invited to submit their views and comments on Rule 15c3-1(a)(6) and (c)(2)(xi) [17 CFR 240.15c3-1(a)(6), (c)(2)(xi)] and Rule 17a-11(b)(3) [17 CFR 240.17a-11(b)(3)]. In particular commentators are asked to consider the impact of Rule 15c3-1(a)(6) as adopted and as a possible standard for certain market makers and specialists in equities. All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than February 29, 1976. Reference should be made to File No. S7-609.

All comments received will be available for public inspection.

By the Commission.

JANUARY 2, 1976.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-3389 Filed 2-4-76;8:45 am]

[9] *See* Securities Exchange Act Release No. 11742 (Oct. 15, 1975), 40 FR 49772 (Oct. 29, 1975).

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 11—LAW AND ORDER ON INDIAN RESERVATIONS

Increase in Fees for Jurors and Witnesses

JANUARY 30, 1976.

This notice is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Part 11, Subchapter B, Chapter I of Title 25 of the Code of Federal Regulations is amended by revising §§ 11.7(e), 11.7C(e), 11.8(a), and 11.8CA(a). This revision increases the fee paid to jurors from fifty cents per day to the minimum daily wage scale, plus fifteen cents per mile for travel costs, and reimburses subpoenaed witnesses for actual travel costs, plus the witness fee of not less than the minimum daily wage scale.

These sections are revised to reflect the increased costs in the administration of justice and to provide an equitable fee schedule. The fee schedule is based on the minimum wage sale contained in Title 29 U.S.C. 206(a)(1) and any of its subsequent revisions. The revision is made pursuant to the authority in 25 U.S.C. 2.

Since this revision relieves a restriction to allow immediate increases in juror and witness fees, advance notice and public procedure thereon would delay the increased payments to jurors and witnesses and is deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since this revision relieves a restriction, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(1) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective February 5, 1976.

Part 11 of Subchapter B, Chapter I, Title 25 of the Code of Federal Regulations is revised as follows:

§§ 11.7 and 11.7C [Amended]

1. By revising paragraph (e) of § 11.7 and § 11.7C to read as follows:

* * * * *

(e) Each juror who serves upon a jury shall be entitled to a fee not less than the hourly minimum wage scale established by 29 U.S.C. 206(a)(1), and any of its subsequent revisions, plus fifteen cents per mile travel costs. Each juror shall receive pay for a full day (8 hours) for any portion of a day served, plus travel allowance.

* * * * *

2. By revising the second sentence in paragraph (a) of § 11.8 and § 11.8CA to read as follows:

§§ 11.8 and 11.8CA [Amended]

(a) * * *

Each witness answering such subpoena shall be entitled to a fee not less than the hourly minimum wage scale established by 29 U.S.C. 206(a)(1) and any of its subsequent revisions, plus actual cost of travel. Each witness testifying at a hearing shall receive pay for a full day (8 hours), plus travel allowance.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 15.131, Indian Law Enforcement Services.)

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-3424 Filed 2-4-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD

[CGD 73-287]

PART 82—BOUNDARY LINES OF INLAND WATERS

Demarcation Line at Bahia de Guayanilla, Puerto Rico

On June 18, 1975 a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 25685); it proposed to change the boundary line for inland waters at Bahia de Guayanilla, Puerto Rico.

Interested persons were given the opportunity to submit, not later than August 4, 1975, comments regarding the boundary line. One comment was received. This comment from the Puerto Rico Ports Authority concurred with the proposed change. No other comments were received.

The proposed change to § 82.220 of Chapter I of Title 33 of the Code of Federal Regulations is hereby adopted without change and is set forth below as follows:

Effective date: March 8, 1976.

Dated: January 23, 1976.

E. L. PERRY,
Admiral, U.S. Coast Guard,
Acting Commandant.

§ 82.220 Bahia de Guayanilla-Bahia de Tallaboa.

A line drawn from the southernmost tip of Punta Ventana to Bahia de Guayanilla Entrance Lighted Buoy 1; thence to Bahia de Tallaboa Lighted Buoy 1; thence 050° true through the southeastern tip of Cayo Parguera to the shoreline.

(Sec. 2, 28 Stat. 672, as amended (33 U.S.C. 151); sec. 6(b)(1), Pub. Law 98-670, 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[FR Doc.76-3435 Filed 2-4-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 483-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Oregon—Public Availability of Emission Data

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, EPA approved, with specific exceptions, State implementation plans (SIPs) for attainment of the national ambient air quality standards. Included in these approvals were provisions required by § 110(a)(2)(F) of the Act which provided that emission data reported must be available to the public in a reasonable manner. Many of the plans did provide the public with access to emission data, but some plans also contained confidentiality clauses which, by treating information (including emission data) capable of divulging production, manufacturing or processing secrets as being proprietary and, therefore, confidential, could have caused emission data to be withheld from public scrutiny.

Three circuit courts[1] have held that the presence of a confidentiality clause of the variety described above so beclouds the public's right to emission data that any emission disclosure provision which is compromised by such a confidentiality provision must be disapproved. Therefore, on September 26, 1974, the Administrator disapproved all appropriate sections of those SIPs, including the Oregon SIP, which contained such confidentiality clauses and proposed for public comment a replacement regulation for those States.

On November 28, 1975 (40 FR 55326), EPA promulgated final regulations for several States which contained emission disclosure provisions. As explained in the preamble, however, Oregon was not included because the governing statute, Oregon Revised Statute 463.095 was revised to authorize the disclosure of emission data to the public. The revised statute was submitted to EPA as a plan revision on August 1, 1975. A notice of proposed rulemaking announcing receipt of the revision and inviting public comment was published in the November 28, 1975 FEDERAL REGISTER (40 FR 55367). No comments were received during the 30-day public comment period ending December 29, 1975.

The Administrator has carefully reviewed and evaluated ORS 468.095 and has determined that it meets the public disclosure requirements of § 110 of the Act and 40 CFR Part 51. Therefore, ORS

[1] NRDC et al. v. EPA, 478 F.2d 875 (CA 1, 1973); NRDC et al. v. EPA, EPA 494 F.2d 519 (CA 2, 1974); and NRDC et al. v. EPA, 489 F.2d 390 (CA 5, 1974).

468.095 is today being approved as a revision to the Oregon SIP.

The Administrator finds good cause for making this rulemaking effective immediately as ORS 468.095, as amended, is already in effect in the State and approval by EPA will impose no additional burdens on the parties affected.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act. (42 U.S.C. 1857c-5).

Dated: January 28, 1976.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

In § 52.1970, paragraph (c)(2) is amended to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) * * *

(2) August 10, 1972; February 8, 9 and 13, May 30, June 8, 22 and 25, July 17 and August 3, 20 and 27, 1973; January 17, 1974; and February 19 and August 1, 1975 by the Department of Environmental Quality.

* * * * *

[FR Doc. 76-3371 Filed 2-4-76;8:45 am]

[FRL 479-5]

PART 141—NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS

Subpart E—Designation of Public Water Systems for Participation in the Special Monitoring Study for Organic Chemicals

Designated Public Water Systems

The Administrator of the Environmental Protection Agency has previously issued Special Monitoring Regulations for Organic Chemicals, 40 CFR 141, Subpart E (FR Vol. 40, No. 248, pp. 59587, 59588; Wednesday, December 24, 1975) pursuant to Sections 1445(a) and 1450 (a)(1) of the Public Health Service Act, as amended by the Safe Drinking Water Act, P.L. 93-523. Pursuant to 40 CFR 141(a), the Administrator hereby designates the public water systems listed below, selected in consultation with the States, to participate in the Special Monitoring Study for Organic Chemicals described in the preamble to the promulgation of the Special Monitoring Regulations.

This monitoring program is intended to provide a rapid means of obtaining data in support of the possible establishment of additional maximum contaminant levels for organic chemicals in drinking water. The program will also generate information on the occurrence of potentially hazardous organic chemicals in a cross-section of public water systems covering a substantial portion of the population of the United States and representing drinking water sources with varying amounts of dissolved organics, and different treatment processes.

EPA and the States will work closely with each designated public water system and provide essential information on the specific procedures to be employed in carrying out this program.

The designated public water systems are as follows:

State	*Public water system*
Alabama	Birmingham and Montgomery.
Arizona	Phoenix and Yuma.
Arkansas	Camden and Little Rock.
California	Concord, Fresno, Los Angeles, Oakland, Sacramento, San Diego, San Francisco, and San Jose.
Colorado	Denver and Pueblo.
Connecticut	Hartford, New Haven, and Waterbury.
Delaware	Wilmington Suburban Water Co. (Stanton).
District of Columbia	Washington.
Florida	Jacksonville, Melbourne, and Tampa.
Georgia	Atlanta and Rome.
Idaho	Boise.
Illinois	Chicago and Rockford.
Indiana	Fort Wayne, Indianapolis, and Whiting.
Iowa	Davenport and Des Moines.
Kansas	Topeka and Wichita.
Kentucky	Louisville.
Louisiana	Baton Rouge, Terrebonne Parish Waterworks, and District #1, Houma.
Maine	Portland.
Maryland	Baltimore and Hagerstown.
Massachusetts	Boston and Springfield.
Michigan	Detroit, Grand Rapids, Monroe, and Mount Clemens.
Minnesota	Duluth and St. Paul.
Mississippi	Greenville and Jackson.
Missouri	Cape Girardeau, Kansas City, and St. Louis County.
Montana	Billings.
Nebraska	Lincoln, and Omaha.
Nevada	Las Vegas.
New Hampshire	Manchester.
New Jersey	Elizabethtown Water Co., Hackensack Water Co., Jersey City, and Passaic Valley Water Commission.
New Mexico	Albuquerque and Santa Fe.
New York	Buffalo, Poughkeepsie, Syracuse, and Waterford.
North Carolina	Charlotte.
North Dakota	Bismarck.
Ohio	Cleveland, Columbus, Dayton, and Toledo.
Oklahoma	Oklahoma City and Tulsa.
Oregon	Corvallis, Eugene, and Portland.
Pennsylvania	Erie and South Pittsburgh.
Rhode Island	Newport and Providence.
South Carolina	Charleston.
South Dakota	Huron and Sioux Falls.
Tennessee	Chattanooga, Memphis, and Nashville.
Texas	Amarillo, Brownsville, Dallas, Fort Worth, Houston, and San Antonio.
Utah	Provo and Salt Lake City.
Vermont	Burlington.
Virginia	Annandale, Norfolk, and Richmond.
Washington	Ilwaco, Spokane, and Tacoma.
West Virginia	Huntington and Wheeling.
Wisconsin	Madison and Milwaukee.
Wyoming	Casper and Cheyenne.

RUSSELL E. TRAIN,
Administrator.

Dated: January 28, 1976.

[FR Doc.76-3494 Filed 2-4-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-1—GENERAL

PART 14-3—PROCUREMENT BY NEGOTIATION

Clean Air Act and Federal Water Pollution Control Act

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14-1 and Part 14-3 of Chapter 14 of Title 41 of the Code of Federal Regulations are hereby amended as stated herein.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendments herein are administrative procedures which implement the regulations which have been prescribed in 41 CFR Chapter 1 concerning the Clean Air Act and the Federal Water Pollution Control Act. Because these amendments are entirely administrative in nature, the public rulemaking process is waived in this instance and the amendments stated below are effective immediately.

Dated: January 29, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. The Table of Contents of Part 14-1 is amended by adding a new Subpart 14-1.23 and §§ 14-1.2302, 14-1.2302-3, 14-1.2302-4, and 14-1.2302-5 as follows:

Subpart 14-1.23—Environmental Protection

Sec.	
14-1.2302	Administration and enforcement.
14-1.2302-3	Compliance responsibilities.
14-1.2302-4	Exemptions.
14-1.2302-5	Withholding award.

AUTHORITY: The provisions of this Subpart 14-1.23 issued under sec. 205(c), 63 Stat. 389; 40 U.S.C. 486(c).

2. A new Subpart 14-1.23 and §§ 14-1.2302, 14-1.2302-3, 14-1.2302-4 and 14-1.2302-5 are added as follows:

Subpart 14–1.23—Environmental Protection

§ 14–1.2302 Administration and enforcement.

§ 14–1.2302–3 Compliance responsibilities.

If the contracting officer becomes aware of any condition which involves noncompliance with clean air and water standards in the facility being used in the performance of a nonexempt agency contract, he shall notify the head of the procuring activity who shall report the matter to the Assistant Director for Procurement, Office of Management Services. The Assistant Director for Procurement will transmit such reports to the Environmental Protection Agency (EPA) in accordance with § 1–1.2302–3 of this title.

§ 14–1.2302–4 Exemptions.

Determinations to exempt any individual contract or class of contracts or subcontracts from the provisions of Subpart 1–1.23 of this title will be made by the Assistant Secretary-Management. Requests for such determinations will be submitted by the heads of procuring activities to the Assistant Director for Procurement, Office of Management Services, for review and coordination. The Assistant Director for Procurement will notify the EPA of any such determination in accordance with § 1–1.2302–4 of this title.

§ 14–1.2302–5 Withholding award.

(a) If, pursuant to the certification in § 1–1.2302–1 of this title, the otherwise successful offerer informs the contracting officer that the EPA is considering listing a facility proposed to be used for contract performance, the contracting officer shall notify the head of the procuring activity who shall report the matter to the Assistant Director for Procurement, Office of Management Services. The Assistant Director for Procurement will notify the EPA in accordance with § 1–1.2302–5 of this title and will provide Departmental liaison with EPA.

(b) If the EPA requests a delay in award of contract for a period of 15 working days, any determination to award the contract prior to expiration of the 15 working days shall be made by the Director, Office of Management Services. Requests for such determinations will be submitted by the head of the procuring activity to the Assistant Director for Procurement, Office of Management Services, for review and coordination. The Assistant Director for Procurement will notify the EPA, in accordance with § 1–1.2302–5 of this title, where such determination to award has been made.

3. Section 14–3.305–51 of Subpart 14–3.3 is amended as follows:

A. The caption "Specifications" is added to paragraph (o) of § 14–3.305–51; the text of paragraph (o) is redesignated subparagraph (1); and paragraph (p) is redesignated subparagraph (2) of paragraph (o).

B. Paragraph (q) is redesignated paragraph (p); the caption "Cost Accounting Standards" is added; and the text is redesignated subparagraph (1) of paragraph (p).

C. Paragraphs (r), (s), and (t) are redesignated subparagraphs (2), (3) and (4), respectively, of paragraph (p); and the words "by the head of the agency" are deleted from redesignated subparagraphs (3) and (4).

D. A new paragraph (q) captioned "Clean air and water" is added to § 14–3.305–51.

E. As amended paragraphs (o) through (q) of § 14–3.305–51 read as follows:

§ 14–3.305–51 Summary of required determinations and findings.

* * * * *

(o) *Specifications:* (1) The determination required by § 1–1.307–1(b) of this title that particular features or restrictions specified in purchase descriptions are essential to the Government's requirements will be signed by the user.

(2) The determinations required by § 1–1.307–3 of this title that particular features or restrictions specified in commercial, technical, and State and local specifications and standards are essential to the Government's requirements will be signed by the user.

(p) *Cost Accounting Standards:* (1) The determination required by § 1–3.1203 (b) of this title that a Disclosure Statement is adequate will be signed by the contracting officer or his authorized representative.

(2) The determination required by § 1–3.1203(d) of this title authorizing postaward submission of Disclosure Statement(s) will be signed by the contracting officer.

(3) The determination pursuant to § 1–3.1203(e) of this title that it is impractical to secure Disclosure Statement(s) will be signed by the Assistant Secretary-Management.

(4) The determinations pursuant to § 1–3.1211 of this title to waive all or any part of the provisions of the Cost Accounting Standards clause with respect to nondefense contracts shall be prepared in accordance with § 14–3.1211 of this chapter and will be signed by the Assistant Secretary-Management. A waiver with respect to national defense contracts will require approval of the CASB pursuant to § 1–3.1211 of this title.

(q) *Clean air and water.* (1) The determination to exempt any individual contract or class of contracts or subcontracts from the environmental protection provisions of Subpart 1–1.23 of this title will be made by the Assistant Secretary-Management in accordance with § 14–1.2302–4 of this chapter.

(2) The determination to award a contract prior to the expiration of a 15-day delay period when requested by the EPA, will be made by the Director, Office of Management Services, in accordance with § 14–1.2302–5 of this chapter.

* * * * *

[FR Doc.76–3455 Filed 2–4–76;8:45 am]

PART 14–3—PROCUREMENT BY NEGOTIATION

Basic Agreements With Educational Institutions and Nonprofit Organizations

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14-3 of Chapter 14 of Title 41 of the Code of Federal Regulations is hereby amended as stated herein.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendments herein are administrative in nature and implement within the Department of the Interior the requirements of 41 CFR 1–3.410 concerning basic agreements with educational institutions and nonprofit organizations. Because the amendments are entirely administrative in nature, the public rulemaking process is waived in this instance and the amendments stated herein are effective immediately.

Dated: January 29, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. The Table of Contents of Subpart 14–3.4 is amended by adding new §§ 14–3.410 and 14–3.410–2, as follows:

Subpart 14–3.4—Types of Contracts

Sec.
14–3.410 Other types of agreements.
14–3.410–2 Basic agreements with educational institutions and nonprofit organizations.

2. Subpart 14–3.4 is amended by adding new §§ 14–3.410 and 14–3.410–2, as follows:

Subpart 14–3.4—Types of Contracts

§ 14–3.410 Other types of agreements.

§ 14–3.410–2 Basic agreements with educational institutions and nonprofit organizations.

(a) This section sets forth information and procedures regarding basic agreements for the procurement of research and development from educational institutions and nonprofit organizations.

(b) Procuring activities shall obtain and utilize, to the maximum extent practicable, the basic agreements entered into by both other civilian agencies and the Department of Defense.

(c) Procuring activities are responsible for negotiating basic agreements within assigned program responsibilities and within existing delegations of authority. Prior to negotiation of any such basic agreement, the procuring activity shall determine whether an existing basic agreement can be utilized including basic agreements of another procuring activity of the Department or another agency including the Department of Defense. Information concerning basic agreements entered into by other procuring activities of the Department but not included in the consolidated list published in FPR Bulletins, may be obtained from the Assistant Director for Procurement, Office

of Management Services. When requested, each procuring activity shall furnish copies of its basic agreements to other procuring activities and to other agencies including the Department of Defense.

(d) Each procuring activity shall furnish an annual report of its effective basic agreements to the Assistant Director for Procurement, Office of Management Services, within 10 days after September 30 of each year. The report shall state the contractor's name and address, and the number, date, and term of the basic agreement. The reports will be consolidated and reported by the Assistant Director for Procurement in accordance with § 1-3.410-2(d) of this title.

[FR Doc.76-3457 Filed 2-4-76;8:45 am]

PART 14-1—GENERAL POLICIES
PART 14-63—AUDIT

Small Purchases

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Parts 14-1 and 14-63 of Chapter 14 of Title 41 of the Code of Federal Regulations are hereby amended as stated herein.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the amendments herein are revisions which implement amendments to 41 CFR Chapter 1 under P.L. 93-356 dated July 25, 1974, which increased the authority to negotiate small purchases from $2,500 to $10,000. Because the amendments are entirely administrative in nature, the public rulemaking process is waived in this instance and the amendments stated herein are effective immediately.

Dated: January 29, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. Section 14-1.350 is amended by changing paragraph (b) to read as follows:

§ 14-1.350 Obtaining a release of claims.

* * * * *

(b) A release of claims shall be required in all construction contracts and all cost-reimbursement contracts which exceed $10,000. Depending upon the circumstances present, a release of claims may be required in service (including architect-engineer) and supply contracts.

* * * * *

2. Section 14-63.103 is amended by changing paragraph (d) to read as follows:

§ 14-63.103 Requirements.

* * * * *

(d) Inclusion in contracts of the clause § 14-63.104-1 (whether or not modified) does not affect in any way the requirements for (1) use in negotiated fixed-price contracts exceeding $10,000 of the Examination of Records clause permitting review of contractor books and records by the Comptroller General (see § 1-3.814-2(c) of this title) or (2) the Audit clause pertaining to the verification of cost or pricing data (see § 1-3.814-2 of this title).

* * * * *

3. Section 14-63.104-1 is amended by changing the introductory paragraph and paragraph (b) only of the clause to read as follows:

§ 14-63.104-1 Examination of records.

The following contract clause is prescribed for use in the contracts listed in § 14-63.103(b) of this chapter and any negotiated contract which exceeds $10,000 whenever the Examination of Records by the Comptroller General clause in § 1-7.103-3 of this title is not required as set forth in § 1-3.814-2(c) of this title:

EXAMINATION OF RECORDS

(a) * * *

(b) The Contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in subparagraph (a)(6) above, a provision to the effect that the subcontractor agrees that the Comptroller General, the Secretary of the Interior, and the Contracting Officer, or any of their duly authorized representatives, shall, until the expiration of three years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractors, involving transactions relating to the subcontractor. The term "subcontractor," as used in this subparagraph (b) only, excludes (i) purchase orders not exceeding $10,000, and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

* * * * *

4. Section 14-63.104-3 is amended by changing the introductory paragraph to read as follows:

§ 14-63.104-3 Examination of records of contract modifications.

The following clause is prescribed for use in contract modifications involving aggregate increases and/or decreases plus applicable profits in excess of $100,000 in accordance with the Audit of Modifications clause in § 14-63.104-2:

* * * * *

[FR Doc.76-3454 Filed 2-4-76;8:45 am]

[IPMR Release No. 75-11]

PART 114-39—INTERAGENCY MOTOR VEHICLE POOLS

Services

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), new Subpart 114-39.5 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on February 5, 1976.

Dated: January 29, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

Subpart 114-39.5—Services

Sec.	
114-39.503	Means of obtaining service.
114-39.503-1	General.
114-39.503-50	Estimating requirements.
114-39.503-51	Utilization review.

§ 114-39.503 Means of obtaining service.

§ 114-39.503-1 General.

The head of each bureau and office shall establish administrative procedures to coordinate the acquisition of GSA motor pool vehicles needed for indefinite and seasonal requirements. Such procedures shall provide, as a minimum, an information system that can be used to identify both existing and projected total vehicle requirements. Designation of responsibility for such coordination should not be below that level of management responsible for budgetary control and concerned with the most economical use of vehicles. The number of contacts with each servicing GSA motor pool shall be kept to a minimum, with the optimum situation being a regional or comparable office serving as the one point of contact for providing the necessary liaison with each GSA motor pool serving that geographical area. Each coordinating office shall maintain a current file of all officials and employees who are authorized to request service from GSA motor pools.

§ 114-39.503-50 Estimating requirements.

(a) All requests for indefinite and seasonal assignments shall be in writing, and shall specify the types of vehicles needed for efficient operation. Uncertainties should be indicated in the advance estimate by showing both the maximum and minimum number of vehicles which the motor pool may be expected to provide. Subsequently, the motor pool should be given immediate notification of any program changes which will affect the number of GSA motor pool vehicles to be used.

(b) In those instances where authority to acquire GSA motor pool vehicles has been delegated to other than a coordinating office, copies of assignment requests shall be immediately forwarded to the coordinating office. Similar procedures should be followed for the termination of vehicle assignments.

§ 114-39.503-51 Utilization review.

Each coordinating office will conduct periodic utilization reviews of GSA motor pool vehicle assignments and take cor-

rective action as needed to ensure that the number of vehicles is not in excess of actual requirements.

[FR Doc.76-3456 Filed 2-4-76;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

General Administration

Correction

In FR Doc. 75-16662, appearing at page 27154 in the issue for Thursday, June 26, 1975, and subsequently corrected at page 58453 in the issue for December 17, 1975, § 233.20(a)(3)(vi) should read as set forth below:

(vi) Except for child support obligations assigned pursuant to § 232.11 of this chapter, if the State agency holds relatives responsible for the support of applicants and recipients, (*a*) include an income scale for use in determining whether responsible relatives have sufficient income to warrant expectation that they can contribute to the support of applicants or recipients, which income scale exceeds a minimum level of living and at least represents a minimum level of adequacy that takes account of the needs and other obligations of the relatives; and (*b*) provide that no request will be made for contributions from relatives whose net cash income is below the income scale. In family groups living together, income of the spouse is considered available for his spouse and income of a parent is considered available for children under 21.

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 75-27; Notice 03]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Hydraulic Brake Standard; Correction

In FR Doc. 75-35248, appearing at page 1066 in the issue of Tuesday, January 6, 1976, an amendment of the parking brake test procedure of the standard inadvertently failed to accurately reproduce a phrase found in S7.7.1.4 of the proposal.

Accordingly, the phrase "with application of a force" appearing in S7.7.1.4 of the amended procedure of Standard No. 105-75, *Hydraulic Brake Systems*, is corrected to read "with reapplication of a force to the parking brake control".

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on January 29, 1976.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.76-3413 Filed 2-4-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Wheeler National Wildlife Refuge

The following special regulation is issued and is effective on April 1, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

With the exception of the display pool adjoining the observation building, the area immediately north of its dike, and along the headquarters shoreline, which are closed to all fishing throughout the year, the area is open to transportation of unstrung bows and arrows when used for fishing in conformance with Alabama State fishing regulations. This regulation effective April 1, 1976, through June 30, 1976.

RAY R. VAUGHN,
Deputy Regional Director,
U.S. Fish and Wildlife Service.

JANUARY 29, 1976.

[FR Doc.76-3443 Filed 2-4-76;8:45 am]

PART 33—SPORT FISHING

Choctaw National Wildlife Refuge

The following special regulations are issued and are effective on January 1, 1976.

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

ALABAMA

CHOCTAW NATIONAL WILDLIFE REFUGE

Sport fishing on the Choctaw National Wildlife Refuge, Jackson, Alabama, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 2,000 acres, are shown on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season is open year-round on all refuge waters not closed by signs.

(2) Fishing permitted during daylight hours only.

(3) Boats and motors are permitted.

(4) Trotlines are not permitted in refuge impoundments.

(5) Equipment (boats, trailers, vehicles, etc.) not permitted overnight.

(6) Boat launching is permitted only at the refuge's north end boat ramp.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Manila, Arkansas, is permitted on all water areas. These areas, comprising 4,000 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends year-round except for closure during duck hunting season.

(2) Limb lines not permitted.

(3) Trotline fishing permitted at night.

HOLLA BEND NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of Holla Bend National Wildlife Refuge. Sport fishing shall be in accordance with all applicable State and Federal regulations covering fishing, subject to the following special conditions:

(1) Fishing is permitted only during the period March 15 through September 30, daylight hours only.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Sport fishing on the Wapanocca National Wildlife Refuge, Turrell, Arkansas is permitted on Wapanocca Lake and other areas as designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1976, through September 30, 1976.

(2) Fishing permitted during daylight hours only.

(3) Motors larger than 10 horsepower are prohibited.

(4) The use of yo-yo's, jugs, drops, or trotlines is prohibited.

(5) The use of live carp, shad, buffalo, and goldfish for bait is prohibited.

(6) No fishing permitted within 100 yards of any refuge building or structure.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, DeWitt, Arkansas, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,592 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1976, through October 31, 1976.

(2) Boats without owner's name plate affixed in a conspicuous place may not be left overnight.

(3) Taking of frogs is prohibited.

FLORIDA

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Woodruff National Wildlife Refuge, DeLeon Springs, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 650 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, 17 Executive Park Drive, NE, Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season is open year-round on designated refuge waters west of Norris Dead River, Lake Woodruff, and Spring Garden Creek. In addition, Highland Park Canal and the canal bordering the east side of Norris Dead River are open year-round. Refuge waters east of Norris Dead River Canal, Lake Woodruff, and Spring Garden Creek will be open to fishing only when such use does not result in undue disturbance to wildlife or does not interfere with wildlife management practices being carried out on the area. Such periods of permitted use will be designated by appropriate signing and will generally occur during the period from March 15 to October 15.

(2) Fishing and access on refuge lands and waters is permitted during daylight hours only.

(3) Air-thrust boats are prohibited.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in all waters of the Loxahatchee National Wildlife Refuge, Delray Beach, Florida, except those marked by signs as being closed. The open areas, comprising 61,352 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) All public entry onto the refuge for any purpose is limited to the following points:

(a) S-5A (Twenty-Mile Bend) boat ramp.

(b) Headquarters area.

(c) Loxahatchee Recreation Area.

(2) Sport fishing is permitted year-round.

(3) Fishing is restricted to 1½ hours before sunrise until 1 hour after sunset.

(4) Boats must enter or leave the refuge through the three public ramps:

(a) S-5A (Twenty-Mile Bend) boat ramp.

(b) Headquarters boat ramp.

(c) S-39 (Loxahatchee Recreation Area) boat ramps.

(5) Method of fishing allowed is with attended rod and reel and/or pole and line.

(6) Air-thrust boat use is authorized only by special permit issued by the refuge manager. Speed boats and racing craft are prohibited.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Florida, is permitted only in open areas as delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Salt and freshwater fish may be taken in accordance with all applicable State regulations subject to the following special conditions:

(1) Sport fishing is permitted during daylight hours, year-round, except when posted as closed.

(2) Bank fishing along Banana Creek is prohibited.

(3) Air-thrust boats are not allowed on Refuge waters.

(4) Permitted fishing methods:

(a) Attended rod and reel and/or pole and line.

(b) Bow fishing with retrieving line attached.

(c) Cast nets with not more than 7 feet length and not more than 14 feet in diameter and no less than 1 inch mesh.

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, St. Marks, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 50,000 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1976, through October 15, 1976.

(2) Fishing permitted one-half hour before sunrise until one-half hour after sunset, 7 days a week.

(3) Boats with gasoline engines to 4 horsepower and electric motors are permitted.

(4) Trot lines shall be taken up prior to closing hour of fishing daily.

ST. VINCENT NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Vincent National Wildlife Refuge, Franklin County, Apalachicola, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 360 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season extends from March 1, 1976, through October 30, 1976.

(2) Fishermen are permitted on the refuge from 1 hour before sunrise to 1 hour after sunset.

(3) No motors of any type may be used.

(4) Boats may be left on the island at designated points during the open season provided they are identified with their owner's name and address. Boats must be removed from the refuge no later than October 30, 1976.

(5) Use of live minnows as bait is prohibited.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Fresh water sport fishing on the Blackbeard Island National Wildlife Refuge, McIntosh County, Townsend, Georgia, is permitted only on two areas. These open areas, comprising 350 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1976, through October 25, 1976.

(2) Fishing is permitted in daylight hours only. Fishermen must be off the refuge by dark.

(3) Boats with electric motors permitted. Gasoline powered motors prohibited.

(4) Use of live minnows as bait prohibited.

(5) Overnight storage of private boats on the refuge is prohibited.

OKEFENOKEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Okefenokee National Wildlife Refuge, Waycross, Georgia. Certain isolated areas are closed and posted. The open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing permitted during daylight hours only.

(2) Boats with motors not larger than 10 hp., canoes, and rowboats permitted.

(3) Use of live minnows as bait prohibited.

(4) Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Persons entering refuge from main access points must register with the respective concessioner.

(6) Persons using the sill access ramp on the pocket are required to sign and register when they enter the swamp and again when they leave.

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Round Oak, Georgia, is permitted only in the areas designated by signs as open to fishing. These

open areas, comprising approximately 30 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

Open season: March 15, 1976, through September 15, 1976—The Falling Creek Bridge Area on Round Oak-Juliette Road and the Little Falling Creek Area at County-Line Bridge.

June 1–September 15, 1976—Allison Lake

Hours: Daylight hours only.

Boats permitted in Allison Lake only. Electric motors permitted; all other motors prohibited. Boats may not be left on the refuge overnight. Bank fishing permitted within posted areas only.

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge is permitted only on impounded waters, tidal creeks, ditches and canals in an area comprising 13,000 acres and delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1976, through October 25, 1976.

(2) Fishing is permitted during daylight hours only.

(3) Outboard motors prohibited in impounded waters.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Sport fishing on the Catahoula National Wildlife Refuge, Jena, Louisiana, is permitted on the areas designated by signs as open to fishing. The open areas, comprised of the Cowpen Bayou Impoundment and Duck Lake Marsh, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1976, through October 31, 1976.

(2) Fishing permitted from 30 minutes before sunrise to 30 minutes after sunset.

(3) Gasoline powered outboard motors are not allowed in Cowpen Bayou. Electric trolling motors only may be used. Outboard motors may be used in Duck Lake Marsh.

(4) Boats may not be left in the refuge overnight.

DELTA NATIONAL WILDLIFE REFUGE

Sport fishing and sport shrimping on the Delta National Wildlife Refuge, Venice, Louisiana, are permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 48,000 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing and sport shrimping shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing and sport shrimping season on the refuge shall be closed during the waterfowl hunting season.

(2) Fishing and shrimping permitted during daylight hours only.

(3) Sport shrimp trawls are restricted to a maximum of 25 feet.

(4) Air-thrust boats are prohibited.

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Lake Arthur, Louisiana, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 28,000 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1976, through October 15, 1976.

(2) Fishing permitted from one hour before sunrise to one hour after sunset.

(3) Entry to Lacassine Pool restricted to four roller-ways provided.

(4) Boats may not be left inside the refuge overnight.

(5) Boats with outboard motors no larger than 25 horsepower permitted in Lacassine Pool. No size restrictions on boats and motors in the canals and streams.

SABINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sabine National Wildlife Refuge, Hackberry, Louisiana, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 40,000 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1976, through October 15, 1976.

(2) Fishermen must not enter refuge waters earlier than one hour before sunrise and shall leave refuge waters by one hour after sunset.

(3) Boats may be moored only at designated areas in Pool 1b or Pool 3. Boats left at these mooring sites must bear owner's name and address. All boats must be removed from the refuge prior to the close of the fishing season.

(4) Boats may not be dragged across levees for access to pool areas. Travel over the refuge is restricted to waterways. Fishermen are not to walk canal banks or levees. Boat access into Pool 1b is restricted to bridge sites on Road Canal.

(5) Boats with outboard motors not larger than 25 horsepower permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and bayous.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Brooksville, Mississippi, is permitted on all refuge waters not specifically posted as closed to entry. These open areas, comprising 2,000 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 1 through October 31, 1976.

(2) Fishing permitted during daylight hours only.

(3) A daily permit (50 cents) is required by the Mississippi Game and Fish Commission to fish in Bluff and Loakfoma Lakes and tail-waters of the spillways.

(4) No limb lines or limb hooks are permited in Bluff and Loakfoama Lakes.

(5) All trotlines will be removed from the refuge by the close of the refuge fishing season.

(6) Private boats may not be left overnight on the refuge.

(7) Snag lines prohibited.

YAZOO NATIONAL WILDLIFE REFUGE

Sport fishing on the Yazoo National Wildlife Refuge, Hollandale, Mississippi, is suspended during the 1976 season due to inadequate fishing opportunities.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing, bow fishing, and herring dipping on the Mattamuskeet National Wildlife Refuge are permitted only on the areas designated by signs as open. These open areas, comprising 40,000 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. These activities shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Sport fishing and bow fishing seasons extend from March 1 through No-

vember 1, except the following areas are open to bank fishing during the entire year.

(a) State Highway 94 Causeway.

(b) In the immediate vicinity of the Lake Landing water control structure.

(c) In the immediate vicinity of the Outfall Canal water control structure at Mattamuskeet Lodge.

(2) Herring (alewife) dipping will be permitted from March 1 through May 15 from the canal banks and water control structures in the immediate vicinity of the following locations:

(a) Waupoppin Canal control structure—daylight hours only.

(b) Outfall Canal control structure—daylight hours only.

(c) Lake Landing control structure—except closed from sunset Sunday to sunrise Monday; sunset Tuesday to sunrise Wednesday; sunset Thursday to sunrise Friday.

(3) Boats and outboard motors permitted except in areas posted closed to motor boat use. Airboats are prohibited.

PEE DEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Pee Dee National Wildlife Refuge, Wadesboro, North Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) OPEN SEASON: April 1—September 30 except Brown Creek within 100 yards of the Brown Creek Recreation Area on U.S. Highway 52 is open year-round.

(2) Fishing permitted sunrise to sunset only.

(3) Only bank fishing permitted.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, South Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 610 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1976, through September 30, 1976.

(2) Fishing permitted during daylight hours only. No overnight camping allowed.

(3) Boats with electric motors permitted. Other motors prohibited.

(4) Boats must be removed from the refuge at the close of each day.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, South Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends year-round on Lake Bee, and the Black Creek Bridge areas on State Road 33, State Road 145, and U.S. Highway 1; from March 15, 1976, through October 9, 1976 on Martin's Lake, and Pools A, B, C, D, G, and H; and from March 15, 1976, through September 11, 1976 on Lake 17 and Pools J and L.

(2) Fishing permitted from official local sunrise until one-half hour after official local sunset.

(3) Unpowered boats and boats with electric motors permitted *only* in Lake Bee, Lake 17, and Martin's Lake. Other type motors prohibited. All other areas are open only for bank fishing within posted areas.

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing on Santee National Wildlife Refuge is permitted on all areas except for those designated by signs as being closed. The closed areas are delineated on a map that is available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Waters within all land units (Cuddo, Pine Island, Bluff, and Dingle Pond) are closed to fishing.

(2) Cantey Bay, Blackbottom, and Savannah Branch are closed from November 1 to February 28.

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, Jasper County, Hardeeville, South Carolina, is permitted only on impounded waters, tidal creeks, ditches and canals in an area comprising 13,000 acres and delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1976, through October 25, 1976.

(2) Fishing is permitted during daylight hours only.

(3) Outboard motors prohibited in impounded waters.

TENNESSEE

CROSS CREEKS NATIONIL WILDLIFE REFUGE

Sport fishing on the Cross Creeks National Wildlife Refuge, Dover, Tennessee, is permitted only on areas designated by signs as open to fishing. These open areas, comprising 3,260 acres, are delineated on a map that is available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season on refuge waters is April 1 through September 15, 1976 except the season is year-round on Barkley Lake.

(2) Fishing is permitted from 30 minutes before sunrise until 30 minutes after sunset, except fishing permitted 24 hours per day on Barkley Lake.

(3) Outboard motor size is limited to 6 horsepower or less, except motor size is not restricted on Barkley Lake.

(4) Methods of fishing the two reservoirs and impoundments are limited to hand fishing with rod and reel and/or pole and line.

(5) Overnight camping and/or overnight mooring of boats are prohibited on the refuge.

HATCHIE NATIONIL WILDLIFE REFUGE

Sport fishing on the Hatchie National Wildlife Refuge, Brownsville, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 100 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1976, through November 14, 1976.

(2) Fishing permitted during daylight hours only.

(3) Boats powered with electric outboard motors are permitted. Gasoline outboard motors are prohibited.

(4) Methods of fishing are limited to pole and line or rod and reel.

(5) Boats must be removed from refuge no later than November 30.

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 9,092 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The fishing season on that portion of the refuge located north of Upper Blue

Basin extends from February 15, 1976, through October 23, 1976. The fishing season on that portion of the refuge located south of Upper Blue Basin extends from January 21, 1976, until the day preceding opening of the 1976 waterfowl season.

(2) Fishing with bows and arrows is prohibited at all times.

(3) Boats with motors of not more than 10 horsepower may be used.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 750 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, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1976, through September 30, 1976, sunrise to sunset daily.

(2) Fishing with bows and arrows is prohibited.

(3) Boats with motors of not more than 6 horsepower may be used.

The provisions of these special regulations 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.

RAY R. VAUGHN,
Deputy Regional Director,
U.S. Fish and Wildlife Service.

JANUARY 28, 1976.

[FR Doc.76-3444 Filed 2-4-76;8:45 am]

PART 33—SPORT FISHING

Martin, South Dakota

The following special regulation is issued and effective on February 5, 1976.

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

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public sport fishing by rod and reel or pole on Lacreek National Wildlife Refuge is permitted on Cedar Creek Ponds #1, 2, and 3 designated by signs as open to fishing in accordance with applicable state regulations subject to the following special conditions:

(1) The season for fishing on Cedar Creek Ponds, 1, 2, and 3 extends from April 1 through October 15, 1976, daylight hours only.

(2) The use of boats and the use of live minnows as bait, on the Refuge portion of Cedar Creek are prohibited.

(3) Public fishing on Lacreek National Wildlife Refuge may be closed by the manager whenever access roads are impassable, refuge wildlife need further protection from disturbance, or good refuge management dictates that the area be closed to the public.

The open fishing areas are shown on maps available at Lacreek National Wildlife Refuge Headquarters, Martin, SD 57551 or Area Office, U.S. Fish and Wildlife Service, Federal Building, Pierre, SD 57501.

* * * * *

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

HAROLD H. BURGESS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota.

JANUARY 27, 1976.

[FR Doc.76-3426 Filed 2-4-76;8:45 am]

Title 7—Agriculture

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

[Navel Orange Regulation 365]

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

Limitation of Shipments

This regulation sets a minimum size requirement of 2.20 inches in diameter for navel oranges grown in Arizona and designated part of California for the period February 6 through July 15, 1976. This requirement is designed to promote orderly marketing in the interest of producers and consumers.

On December 31, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 60071) regarding a proposed minimum size requirement of 2.32 inches in diameter, to be made effective pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice, which was published pursuant to a recommendation of the Navel Orange Administrative Committee, provided time during which interested persons could submit written comment relative thereto. No comment was received. However, the committee within the notice period requested that further action on its proposal be delayed until the effects of the freezing temperatures, to which the crop was subjected in mid-December, could be evaluated. Subsequently, on January 20, 1976, the committee recommended that the minimum size be set at 2.20 inches, rather than 2.32 inches. Supplies of navel oranges of sizes 2.20 inches in diameter and larger are ample to meet the market demand for fresh navel oranges. Hence, it is appropriate to limit shipments to these more desirable sizes. Fruit failing to meet the minimum size requirement may be shipped to fresh export markets where smaller fruit is in demand, left on the trees to attain further growth, or utilized in processing. The regulation is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and other available information, it is hereby found and determined that the regulation as, hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning a proposed minimum size requirement of 2.32 inches with an effective date of January 16, 1976, was published in the FEDERAL REGISTER (40 FR 60071), and no objection to this proposal was received; (2) the proposed minimum size requirement of 2.20 inches is less restrictive than the 2.32 inches proposed in the notice of proposed rulemaking; (3) the regulation was recommended by members of the committee in an open meeting at which all interested persons were afforded an opportunity to submit their views; (4) the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; (5) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (6) shipment of navel oranges from the production area is now in progress, and this regulation should be applicable, insofar as practicable, to all remaining shipments of such oranges in order to effectuate the declared policy of the act.

§ 907.665 Navel Orange Regulation 365.

Order. (a) During the period February 6, 1976, through July 15, 1976, no handler shall handle any navel oranges which are smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a

straight line running from stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the navel oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(b) The terms "handler" and "handle" as used herein shall have the same meaning as is given to the respective terms in said marketing agreement and order.

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

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

Dated: February 3, 1976.

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

[FR Doc.76-3536 Filed 2-4-76;8:45 am]

[Navel Orange Regulation 366]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Feb. 6-12, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.666 Navel Orange Regulation 366.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended; and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601—674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found thatt he limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is poor. Prices f.o.b. averaged $3.59 a carton on a reported sales volume of 1,058 carlots last week, compared with an average f.o.b. price of $3.64 per carton and sales of 951 carlots a week earlier. Track and rolling supplies at 448 cars were down 16 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 3, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 6, 1976, through February 12, 1976, are hereby fixed as follows:

(i) District 1: 850,000 cartons;

(ii) District 2: 150,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 3, 1976.

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

[FR Doc.76-3537 Filed 2-4-76;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 9—PUBLIC RECORDS

Subpart B—Privacy Act Regulations Exemptions

On September 26, 1975, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (40 FR 44516) a notice proposing to amend 10 CFR Part 9 of its regulations to exempt from certain requirements of the Privacy Act portions of the following NRC systems of records: Protection Support Files and Associated Records (NRC-40), Personnel Security Files and Associated Records (NRC-39), and Information Security Files and Associated Records (NRC-37). The proposed exemptions are intended to prevent access to records that contain information specifically authorized under Executive Order (E.O. 11652) to be kept secret in the interest of national defense and foreign policy and to protect the identity of confidants who provide information under a promise of confidentiality.

Interested persons were invited to submit written comments by October 28, 1975. No comments have been received on the proposed exemptions. Accordingly, the Nuclear Regulatory Commission has adopted the amendments as proposed.

Since the amendments do not impose obligations on persons other that the Nuclear Regulatory Commission, the Commission has mound that good cause exists for making the amendments effective immediately on publication without the customary 30 day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of Title 5 of the United States Code, as amended, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 9, are published as a document subject to codification.

1. Section 9.95 of 10 CFR Part 9 is amended by adding new paragraphs (k) and (l), to read as follows:

§ 9.95 Specific exemptions.

* * * * *

(k) Protection support files and associated records.

(l) Information security files and associated records.

AUTHORITY: Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552a.

Effective date: These amendments shall become effective on February 5, 1976.

Dated at Bethesda, Md., this 14th day of January 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76-3534 Filed 2-4-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14625; Amdt. Nos. 27-10; 29-11; Amendment No. 2: Rotorcraft Anticollision Light Standards]

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

Airworthiness Review Program

The purpose of these amendments to Parts 27 and 29 of the Federal Aviation Regulations is to revise the type certification requirements for rotorcraft anticollision lights.

These amendments are based upon a Notice of Proposed Rule Making (Airworthiness Review Program Notice No. 5: Equipment and Systems Proposals; Notice 75-23) published in the FEDERAL REGISTER on May 27, 1975 (40 FR 23048) and are the second in a series of amendments to be issued as part of the First Biennial Airworthiness Review Program (ref. Notice 74-5, 39 FR 5785). The first series of amendments were published in the FEDERAL REGISTER on January 14, 1975 (40 FR 2576). Numerous comments were received in response to Airworthiness Review Program Notice No. 5, which the FAA is currently reviewing. However, the FAA has currently under consideration an application for a type certificate of a rotorcraft for which the current anticollision light requirements would create objectionable multiple reflections and from which the applicant has requested relief. Therefore, considering that the rotorcraft may be type certificated before the final disposition of Airworthiness Review Program Notice No. 5 (Notice 75-23) can be completed, the FAA believes it appropriate to expedite rulemaking action with respect to the anticollision light standards in Proposal Nos. 5-50 and 5-63.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all matter presented. A number of substantive changes have been made to the proposed rules based upon the relevant comments received and upon further review within the FAA. Except for the substantive changes discussed hereinafter, these amendments and the reasons therefore are the same as those contained in Proposal Nos. 5-50 and 5-63.

Several commentators objected to proposed amendments to §§ 27.1401(b) and 29.1401(b) concerning the increase in field of coverage requirements. The FAA believes, after considering the comments and upon further review within the FAA, that the increase in field of coverage for rotorcraft anticollision lights even at the reduced intensity proposed would result in increased reflections in the cockpit from the rotor blades. These increased reflections could seriously interfere with the crew's vision. Accordingly, the portions of Proposal Nos. 5-50 and 5-63 concerning an increase in the field of coverage from 30° to 75° for rotorcraft anticollision lights are withdrawn.

One commentator stated that any proposal concerning anticollision lights should be discussed with the International Civil Aviation Organization (ICAO). However, the proposals as adopted will provide the same color requirement as the international standard for airplanes. With regard to intensity levels, which are not an international standard but are set forth in an ICAO acceptable means of compliance for airplanes, the adopted intensity levels would still meet that acceptable means of compliance.

No other adverse comment was received on proposed §§ 27.1401(d) and 29.1401(d) which would require that the color of anticollision lights installed on rotorcraft be aviation red. Accordingly, proposed §§ 27.1401(d) and 29.1401(d) are adopted without substantive change.

No other adverse comment was received on proposed §§ 27.1401(f) and 29.1401(f) that would reduce the minimum effective intensity requirements for anticollision lights installed on rotorcraft. Accordingly, proposed §§ 27.1401 (f) and 29.1401(f) are adopted except that the minimum effective intensity requirement for the 30° to 75° range has been deleted as discussed herein.

These amendments are in the interest of safety because they will provide for the type certification of rotorcraft with less objectionable multiple reflections caused by the higher intensity levels. Since they also relieve a restriction, I find that good cause exists for making them effective in less than 30 days.

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

In consideration of the foregoing, Parts 27 and 29 of the Federal Aviation Regulations are amended as follows, effective February 5, 1976:

1. By revising § 27.1401(d) and (f) to read as follows:

§ 27.1401 Anticollision light system.

* * * * *

(d) *Color.* Each anticollision light must be aviation red and must meet the applicable requirements of § 27.1397.

* * * * *

(f) *Minimum effective intensities for anticollision light.* Each anticollision light effective intensity must equal or exceed the applicable values in the following table:

Angle above or below the horizontal plane:	*Effective intensity (candles)*
0° to 5°	150
5° to 10°	90
10° to 20°	30
20° to 30°	15

2. By revising §§ 29.1401(d) and (f) to read as follows:

§ 29.1401 Anticollision light system.

* * * * *

(d) *Color.* Each anticollision light must be aviation red and must meet the applicable requirements of § 29.1397.

* * * * *

(f) *Minimum effective intensities for anticollision light.* Each anticollision light effective intensity must equal or exceed the applicable values in the following table:

Angle above or below the horizontal plane:	*Effective intensity (candles)*
0° to 5°	150
5° to 10°	90
10° to 20°	30
20° to 30°	15

Issued in Washington, D.C., on February 3, 1976.

JAMES E. DOW,
Acting Administrator.

[FR Doc.76-3749 Filed 2-4-76;10:42 am]

proposed rules

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

DEPARTMENT OF JUSTICE

[28 CFR Part 57]

[Order No. 637-76]

INVESTIGATION OF DISCRIMINATION IN THE SUPPLY OF PETROLEUM TO THE ARMED FORCES

Correction

In FR Doc. 76-2557, appearing in issue of Thursday, January 29, 1976, on page 4292, the comment date in the second paragraph should have read March 1, 1976.

Dated: January 29, 1976.

LEON ULMAN,
Deputy Assistant Attorney General Office of Legal Counsel.

[FR Doc.76-3428 Filed 2-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES; MODIFICATION

Wind River Indian Irrigation Project, Wyoming

In F.R. Doc. 75-34953, appearing on page 59745 of the issue for Tuesday, December 30, 1975, in the tenth line of the fourth paragraph, Basis and Purpose, as preambled to § 221.95, Charges, the date "January 29" should read "February 12." This change is made to extend by 14 days the period for comments, suggestions, or objections.

CLYDE W. HOBBS,
Superintendent.

[FR Doc.76-3445 Filed 2-4-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 32, 151]

[CGD 75-039]

VISUAL IDENTIFICATION OF CERTAIN TANK BARGES

Notice of Proposed Rulemaking

The Coast Guard is considering amending Title 46, Code of Federal Regulations, to require each tank barge certificated under the provisions of subchapters D or O of that Title to be marked with its name visually identifiable from the air.

Interested persons may participate in this proposed rulemaking procedure by sending written comments on this proposal to the Commandant (G-CMC/81), U.S. Coast Guard, Washington, DC 20590. Each person submitting comments should include his or her name and address, identification of this notice (CGD 75-039) and should support any recommendations with the reasons therefor. Comments should be forwarded as soon as possible, but must be received no later than March 16, 1976 if they are to be considered. Copies of all material received will be available for examination in Room 8117, U.S. Coast Guard Headquarters, 400 Seventh St., SW., Washington, DC.

Immediate recognition of stray barges speeds their recovery. In the case of a mass breakaway, rapid visual identification of barges containing potential pollutants or hazardous materials in bulk could help to prevent disaster. The increase in the number of such cargos on the nation's waterways necessitates additional measures to minimize risk.

Initial detection and identification of lost barges is increasingly being done from aircraft. In most cases, however, names are displayed only on vertical surfaces of vessels and are extremely difficult to read from the air. This proposal would ease the task by requiring marking on an upper horizontal surface.

These regulations will apply to all tank barges, both existing and new construction, certificated under the provisions of subchapters D and O. They will become effective 90 days after publication in the FEDERAL REGISTER on the final rule.

In consideration of the foregoing, it is proposed to amend Chapter 1 of Title 46 of the Code of Federal Regulations as follows:

1. By adding a new § 32.05-20 to subpart 32.05 of subchapter D to read as follows:

§ 32.05-20 Visual identification of tank barges—B/A11.

Each tank barge that is certificated to carry cargo regulated under Subchapter D of this title must have the barge's name as it is listed in the current Coast Guard publication "List of Inspected Tank Barges and Tankships" displayed as follows:

(a) In block lettering 18 inches in height and of proportionate lateral dimensions;

(b) In a color sharply contrasting with the background surface on which the name appears;

(c) On the upper surface of the barge in a horizontal plane; and

(d) Unobstructed in the air above.

(32 Stat. 1022 (46 USC 375) as amended; s 4, Pub. L. 90-397, 82 Stat. 341 (46 USC 391a) as amended; 32 Stat. 829 (46 USC 416) as amended; s 6 Pub. L. 89-670, 80 Stat. 937 (49 USC 1655(b)); 49 CFR 1.46 (b) (35 FR 4959)).

§ 151.01-25(c) [Amended]

2. By amending section 151.01-25(c) as follows: In lines 1 and 2, delete "operating and vinyl chloride" and insert "operating, vinyl chloride, and visual identification".

3. By adding a new Subpart 151.07 to Subchapter O to read as follows:

Subpart 151.07—Markings

§ 151.07-1 Visual identification of tank barges.

Each tank barge that is certificated to carry cargo regulated under Subchapter O of this title must have the barge's name as it is listed in the current Coast Guard publication "List of Inspected Tank Barges and Tankships" displayed as follows:

(a) In block lettering 18 inches in height and of proportionate lateral dimensions;

(b) In a color sharply contrasting with the background surface on which the name appears;

(c) On the upper surface of the barge in a horizontal plane; and

(d) Unobstructed to the air above.

(19 Stat. 252 (46 USC 170) as amended; 33 Stat. 1022 (46 USC 375) as amended; § 4 Pub. L. 90-397, 82 Stat. 341 (46 USC 391a) as amended; 32 Stat. 829 (46 USC 416) as amended; § 6 Pub. L. 89-670, 80 Stat. 937 (49 USC 1655(b)); 49 CFR 1.46(b) (35 FR 4959))

Dated: January 30, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-3434 Filed 2-4-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 486-4; PP6E1682.3.4.5.6.7.98; 1720.21/P12]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Exemption From Requirement of a Tolerance Bacillus Thuringiensis, Berliner

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick NJ 08903, submitted nine pesticide petitions (PP 6E1682, 6E1683, 6E1684, 6E1685, 6E1686, 6E1687, 6E1698, 6E1720, 6E1721) to the Environmental Protection Agency (EPA) on behalf of the IR-4 Technical Committee and several State agricultural experiment stations. These peti-

tion propose that 40 CFR 180.1011 be amended by exempting from the requirement of a tolerance for residues of the microbial insecticide *Bacillus thuringiensis*, Berliner in or on additional raw agricultural commodities. The petition numbers, experiment stations, and raw agricultural commodities for which exemptions are proposed are as follows:

PP6E1682; Agricultural Experiment Station of California; Okra, Squash, Peppers.

PP6E1683; Agricultural Experiment Station of California; Almonds, Pecans.

PP6E1684; Agricultural Experiment Stations of Idaho and Washington; Lentils.

PP6E1685; Agricultural Experiment Stations of California and Washington; Blackberries, Blueberries, Currants, Dewberries, Gooseberries, Huckleberries, Raspberries.

PP6E1686; Agricultural Experiment Stations of California and Arizona; Beets, Carrots, Radishes.

PP6E1687; Agricultural Experiment Stations of California, Arizona, and Hawaii; Amaranth, Chinese; Anise (fresh leaves, stalks, and seeds); Asparagus; Beet greens; Black salsify, leaves; Borage; Broccoli, Chinese; Burdock sprouts, edible; Cabbage, Chinese; Cardoon; Chard; Chervil; Chicory leaves; Chive; Chive, Chinese; Corn salad; Cress garden; Cress, upland, Cress, water; Dandelion; Endive; Escarole; Fennel; Fennel, Italian; Hanover Salad; Japanese greens; Japanese Knotweed; Kohlrabi; Mustard, black; Mustard, tuberous-rooted, Chinese, leaves and petioles; Mustard, white; Onions; Orach; Pakchoi; Parsley; Purslane, kitchen; Purslane, winter; Rampion, leaves; Rhubarb; Roquette; Savory, summer; Sorrel, garden; Spinach, Malabar; Spinach, New Zealand.

PP6E1698; Agricultural Experiment Station of California; Peaches; Plums.

PP6E1720; Agricultural Experiment Stations of Indiana, Michigan, and Wisconsin; Spearmint; Spearmint, hay; Peppermint; Peppermint, hay.

PP6E1721; Agricultural Experiment Station of Michigan; Grasses, hay; Grasses, pasture; Legumes.

The data submitted in the petitions and other relevant material have been evaluated. *Bacillus thuringiensis*, Berliner is incapable of sporulation and multiplication under conditions existing in or on the vertebrate body, and consequently there is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in § 180.6(a)(3). Because exemptions already exist for specific legumes, i.e., alfalfa, beans, peas, and soybeans, and because petition 6E1721 proposes exemptions for the family *Leguminosae*, it has been concluded that the references to specific legumes should be omitted and replaced with the generic name legumes to encompass all legumes. The proposed amendment to the regulations 40 CFR 180.1011 wil protect the public health.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before March 8, 1976, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before March 8, 1976, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: January 26, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].

It is proposed that Part 180, Subpart D, § 180.1011, be amended 1) by revising paragraph (b) to exempt additional raw agricultural commodities from the requirement of a tolerance for residues of *Bacillus thuringiensis*, Berliner, and 2) editorially to restructure paragraph (b) into a columnar alphabetical listing to read as follows:

* * * * *

§ 180.1011 Viable spores of the microorganism *Bacillus thuringiensis*, Berliner; exemption from the requirement of a tolerance.

* * * * *

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *bacillus thuringiensis*, Berliner, as specified in paragraph (a) of this section, in or on the following raw agricultural commodities:

* * * * *

almonds
amaranth, Chinese
anise
apples
artichokes
asparagus
bananas
beets
beets, greens
beets, sugar beets
blackberries
black salsify, leaves
blueberries
borage
broccoli
broccoli, Chinese
Brussels sprouts
burdock, sprouts, ed
cabbage
cabbage, Chinese
cardoon
carrots
cauliflower
celery
chard
chervil
chicory, leaves
chives
chives, Chinese
collards
corn salad
corn, sweet
cottonseed
cress, garden
cress, upland
cress, water
cucumbers
currants
dandelions
dewberries
eggplants
endive
escarole
fennel
fennel, Italian
gooseberries
grapes
grasses, hay
grasses, pasture
hanover salad
horseradish
huckleberries
Japanese greens
Japanese knotweed
kale
kohlrabi
legumes
lentils
lettuce
melons
mustard, greens
mustard, black
mustard, tuberous-rooted, Chinese, leaves and petioles
mustard, white
okra
onions
orach
oranges
pakchoi
parsley
peaches
pecans
peppermint
peppermint, hay
peppers
plums
potatoes
purslane, kitchen
purslane, winter
radishes
rampion, leaves
raspberries
rhubarb
roquette
savory, summer
sorrel, garden
spearmint
spearmint, hay
spinach
spinach, Malabar
spinach, New Zealan
squash
strawberries
tomatoes
turnips, greens
walnuts

[FR Doc.76-3374 Filed 2-4-76;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[General Order 13; Docket No. 75-28]

SUBMISSION OF REVENUE AND COST DATA, CONCERNING GENERAL RATE INCREASES AND CERTAIN SURCHARGES FILED BY COMMON CARRIERS, CONFERENCES, AND MEMBER CARRIERS OF RATE AGREEMENTS

Further Enlargement of Time To File Answers

JANUARY 30, 1976.

Notice of proposed rulemaking was published in this proceeding August 11, 1975 (40 F.R. 33688).

Inasmuch as Hearing Counsel have indicated they intend to file a petition to correct their reply to comments in this proceeding, time for filing answers to Hearing Counsel's reply is enlarged to and including February 10, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-3432 Filed 2-4-76;8:45 am]

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

[22 CFR Part 1101]

PRIVACY ACT OF 1974

Rules Concerning Personal Privacy and Rights of Individuals Regarding Their Personal Records

Notice is hereby given that the United States Section, in accordance with the provisions of Section 552a of the Privacy Act of 1974, proposes to adopt the following notices of the existence and character of systems of records which it maintains which contain information about individuals. Public comment is invited on these notices on or before March 15, 1976.

Any person wishing to submit written data, comments, views or arguments on the procedure or routine use of these systems of records should do so by sending same to Special Legal Assistant Frank Fullerton, P.O. Box 20003, El Paso, Texas 79998.

Sec.
1101.1 Purpose and scope.
1101.2 Definitions.
1101.3 Procedures for requests pertaining to individual's records in a record system.
1101.4 Disclosure of requested information to individuals.
1101.5 Special procedures: medical records.
1101.6 Request for correction of or amendment to a record.
1101.7 Agency review of request for correction or amendment of record.
1101.8 Appeal of initial adverse agency determination on correction or amendment.
1101.9 Disclosure of record to person other than the individual to whom it pertains.
1101.10 Fees.
1101.11 Penalties.
1101.12 General exemptions.
1101.13 Specific exemptions.
1101.14 Employee: rules of conduct.
1101.15 Security, confidentiality and protection of records.
1101.16 Accounting for disclosures.
Appendix A.[1] "Project Offices.
Appendix B.[1] "Requests for notification and access to records in person.

AUTHORITY: Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a).

§ 1101.1 Purpose and scope.

The purpose of these rules is to establish policies and procedures for implementing the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). The main objectives are defining the responsibilities of United States Section employees which will assure that personal information about individuals collected by the United States Section is limited to that which is legally authorized and necessary and is maintained in a manner which precludes unwarranted intrusions upon individual privacy. Further, these rules establish procedures by which an individual can: a) Determine if the United States Section maintains records or a system of records which include a record pertaining to the individual and b) gain access to a record pertaining to him for the purpose of review, amendment or correction.

§ 1101.2 Definitions.

For the purpose of these rules:

(a) "The Act" means the Privacy Act of 1974.

(b) "The Section" means the United States Section, International Boundary and Water Commission, United States and Mexico.

(c) "The Commission" means the International Boundary and Water Commission, United States and Mexico.

(d) "Agency" is defined to include any executive department, military department, Government corporation, Government controlled corporation or other establishment in the executive branch of the Government (including the Executive Office of the President, or any independent regulatory agency) (5 U.S.C. 552(e)).

(e) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(f) "Maintain" includes maintain, collect, use, or disseminate.

(g) "Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying means assigned to the individual, such as a finger or voice print or a photograph.

(h) "System of records" means a group of any records under the control of any agency from which information is retrived by the name of the individual or by some identifying number, symbol, or other identifying means assigned to the individual.

(i) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8 (Census data).

(j) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 1101.3 Procedures for requests pertaining to individual's records in a record system.

(a) Any individual may submit an inquiry to the Unietd States Section to ascertain whether a system of records contains a record pertaining to him.

(b) The inquiry should be made either in person or by mail addressed to the Comptroller, United States Section, International Boundary and Water Commission, 4110 Rio Bravo, El Paso, Texas 79902. The Comptroller shall provide assistance to the individual making the inquiry to assure the timely identification of the appropriate system of records. The office of the Comprtoller is located in Room 212 and is open to an individual between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (excluding holidays).

(c) Inquiries submitted by mail should bear the designation "PRIVACY ACT—1974" in capital letters on the address side of the envelope.

(d) The Section has an official form for making inquiries, a facsimile of which is printed as Appendix B hereto. Its use is urged. Copies may be obtained by contacting the Comptroller, Room 212, United States Section, International Boundary and Water Commission, 4110 Rio Bravo, El Paso, Texas 79902. Copies may also be obtained by contacting the Project Offices listed in Appendix A hereto.

(e) Inquiries concerning whether a system of records contains a record pertaining to an individual should contain the following:

(1) Name, address and telephone number (optional) of the individual making the inquiry;

(2) Name, address and telephone number (optional) of the individual to whom the record pertains, if the inquiring individual is either the parent of a minor or the legal guardian of the individual to whom a record pertains;

(3) A certified or authenticated copy of documents establishing parentage or guardianship;

(4) Whether the individual to whom the record pertains is a citizen of the United States or an alien lawfully admitted for permanent residence into the United States;

(5) Name of the system of records, as published in the FEDERAL REGISTER;

(6) Location of the system of records, as published in the FEDERAL REGISTER;

(7) Such additional information as the individual believes will or might assist the Section in responding to the inquiry and in verifying the individual's identity (for example: date of birth, place of birth, names of parents, place of work, dates of employment, position title, etc.);

(8) Date of inquiry; and

(9) Individual's signature.

The Section reserves the right to require compliance with the identification procedures appearing at paragraph (f) of this section where conditions warrant.

(f) The requirements for identification of individuals seeking access to records are as follows:

(1) *In person.* Each individual making a request in person shall be required to present satisfactory proof of identity. The means of proof, in the order of preference and priority, are:

(i) A document bearing the individual's photograph (for example, driver's license, passport or military or civilian identification card);

(ii) A document bearing the individual's signature, preferably issued for participation in a Federally sponsored program (for example, Social Security card, unemployment insurance book, employer's identification card, national credit card and professional, craft or union membership card; and

(iii) A document bearing either the photograph or the signature of the individual, preferably issued for participation in a Federally sponsored program (for example, Medicaid card). In the event the individual can provide no suitable documentation of identity, the Section will require a signed statement asserting the individual's identity and stipulating that the individual understands the penalty provision of 5 U.S.C. 552a(i)(3).

(2) *Not in person.* If the individual making a request does not appear in person before the Comptroller, a certificate of a notary public or equivalent officer empowered to administer oaths must accompany the request. The Section's official form, Appendix B, for requests contains a certificate.

[1] Appendices A and B filed as part of the original document.

(3) *Parents of minors and legal guardians.* An individual acting as the parent of a minor or the legal guardian of the individual or an heir or legal representative of a deceased person to whom a record pertains shall establish his or her personal identity in the manner prescribed in either paragraph (f)(1) or (2) of this section. In addition, such individual shall establish his or her identity in the representative capacity of parent or legal guardian. In the case of the parent of a minor, the proof of identity shall be a certified or authenticated copy of the minor's birth certificate. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the court's order. A parent or legal guardian may act only for a living individual, not for a decedent. A parent or legal guardian may be accompanied during personal access to a record by another individual, provided the requirements of Paragraph (f) of § 1101.4 are satisfied. In the case of an heir or legal representative of a deceased person, the proof of identity shall be a certified copy of the Will, if any; the order of a court of competent jurisdiction admitting the Will to probate; the order of a court of competent jurisdiction appointing an executor, executrix, administrator; a letter of administration; or any other documentary evidence which establishes the identity of the individual as an heir or legal representative of a deceased person.

(g) When the provisions of this part are alleged to have the effect of impeding an individual in exercising his or her right to access, the Section will consider, from an individual making a request, alternative suggestions regarding proof of identiy and access to records.

(h) Any inquiry which is not addressed as specified in paragraph (b) of this section or which is not marked as specified in paragraph (c) of this section will be so addressed and marked by the Section's personnel and forwarded immediately to the Comptroller. An inquiry which is not properly addressed by the individual will not be deemed to have been "received" for purposes of measuring time periods for response until forwarding of the inquiry to the Comptroller has been effected. In each instance when an inquiry so forwarded is received, the Comptroller shall notify the individual that his or her inquiry was improperly addressed and the date when the inquiry was received at the proper address.

(i) Each inquiry received shall be acted upon promptly by the Comptroller. Every effort will be made to respond within ten (10) days (excluding Saturdays, Sundays and holidays) of the date of receipt. If a response cannot be made within ten (10) days, the Comptroller shall send an acknowledgement during that period providing information on the status of the inquiry and asking for such further information as may be necessary to process the inquiry.

(j) An individual shall not be required to state a reason or otherwise justify his or her inquiry.

§ 1101.4 Disclosure of requested information to individuals.

(a) Each request received shall be acted upon promptly by the Comptroller. Every effort will be made to respond within ten (10) days (excluding Saturdays, Sundays and holidays) of the date of receipt. If a response cannot be made within ten (10) days due to unusual circumstances, the Comptroller shall send an acknowledgment during that period providing information on the status of the request and asking for such further information as may be necessary to process the request. "Unusual circumstances" shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultations with other agencies having a substantial interest in the determination of the request are necessary.

(b) *Grant of access.*

(1) *Notification.*

(i) An individual shall be granted access to a record pertaining to him or her except where the record is subject to an exemption under the Act and these rules.

(ii) The Comptroller shall notify the individual of such determination and provide the following information:

(A) The methods of access, as set forth in paragraph (b)(2) of this section;

(B) The place at which the record may be inspected;

(C) The earliest date on which the record may be inspected and the period of time that the records will remain available for inspection. In no event shall the earliest date be later than thirty days from the date of notification;

(D) The estimated date by which a copy of the record could be mailed and the estimate of fees pursuant to § 1101.10. In no event shall the estimated date be later than thirty (30) days from the date of notification;

(E) The fact that the individual, if he or she wishes, may be accompanied by another individual during personal access, subject to the procedures set forth in paragraph (f) of this section; and

(F) Any additional requirements needed to grant access to a specific record.

(2) *Method of Access.* The following methods of access to records by an individual may be available depending on the circumstances of a given situation:

(i) Inspection in person may be made in the office specified by the Comptroller, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (excluding holidays);

(ii) Transfer of records to a Federal facility more convenient to the individual may be arranged, but only if the Comptroller determines that a suitable facility is available, that the individual's access can be properly supervised at that facility, and that transmittal of the records to that facility will not unduly interfere with operations of the Section or involve unreasonable costs, in terms of both money and manpower; and

(iii) Copies may be mailed at the request of the individual, subject to payment of the fees prescribed in § 1101.10. The Section, at its own initiative, may elect to provide a copy by mail, in which case no fee will be charged the individual.

(c) Access to medical records is governed by § 1101.5.

(d) The Section shall supply such other information and assistance at the time of access as to make the record intelligible to the individual.

(e) The Section reserves the right to limit access to copies and abstracts of original records, rather than the original records. This election would be appropriate, for example, when the record is in an automated data media such as tape or disc, when the record contains information on other individuals, and when deletion of information is permissible under exemptions (for example, 5 U.S.C. 552(k)(1)). In no event shall original records of the Section be made available to the individual except under the immediate supervision of the Comptroller or his designee. Title 18 U.S.C. section 2701(a) makes it a crime to conceal, mutilate, obliterate, or destroy a record filed in a public office, or to attempt to do any of the foregoing.

(f) Any individual who requests access to a record pertaining to that individual may be accompanied by another individual of his or her choice. "Accompanied" includes discussion of the record in the presence of the other individual. The individual to whom the record pertains shall authorize the presence of the other individual in writing and shall include the name of the other individual, a specific description of the record to which access is sought, and the date and the signature of the individual to whom the record pertains. The other individual shall sign the authorization in the presence of the Comptroller or his designee. An individual shall not be required to state a reason or otherwise justify his or her decision to be accompanied by another individual during personal access to a record.

(g) *Initial denial of access.*—(1) *Grounds.* Access by an individual to a record which pertains to that individual will be denied only upon a determination by the Comptroller that:

(i) The record is subject to an exemption under the Act and these rules;

(ii) The record is information compiled in reasonable anticipation of a civil action or proceeding;

(iii) The provisions of § 1101.5(b) pertaining to medical records have been temporarily invoked; or

(iv) The individual unreasonably has failed to comply with the procedural requirements of these rules.

(2) *Notification.* The Comptroller shall give notice of denial of access to records

to the individual in writing and shall include the following information:

(i) The Comptroller's name and title or position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate section of the Act and these rules;

(iv) The individual's opportunities for further administrative consideration, including the identity and address of the responsible official;

(v) If stated to be administratively final within the Section, the individual's right to judicial review under 5 U.S.C. 552a(g) (1) and (5).

(3) *Administrative Review.* When an initial denial of a request is issued by the Comptroller, the individual's opportunities for further consideration shall be as follows:

(i) As to denial under paragraph (g) (1) (i) of this section, the sole procedure is a petition for the issuance, amendment, or repeal of a rule under 5 U.S.C. 553(e). Such petition shall be filed with the United States Commissioner, International Boundary and Water Commission, P.O. Box 20003, El Paso, Texas 79998. If the exception was determined by another agency, the Comptroller will provide the individual with the name and address of the other agency and any relief sought by the individual shall be that provided by the regulations of the other agency. Within the United States Section, no such denial is administratively final until such a petition has been filed by the individual and disposed of on the merits by the United States Commissioner.

(ii) As to denial under paragraph (g) (1) (ii), (iii) or (iv) of this section, the individual may file for review with the United States Commissioner, as indicated in the Comptroller's initial denial notification.

(h) If a request is partially granted and partially denied, the Comptroller shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

§ 1101.5 Special procedures: medical records.

(a) In every case of a request by an individual for access to medical records, the Comptroller shall:

(1) Inform the individual that no response to any request for access to medical records will be issued for a period of seven (7) days (excluding Saturdays, Sundays and holidays);

(2) Obtain the name and address of the individual's physician and psychologist, if the individual consents to give them;

(3) Obtain specific, written consent for the Section to consult the individual's physician and psychologist in the event that the Section believes such consultation is advisable. There will be no consultation without the written consent of the individual;

(4) Obtain specific, written consent for the Section to provide the medical records to the individual's physician or psychologist in the event that the Section believes access to the record by the individual is best effected under the guidance of the individual's physician or psychologist; no records will be provided to a physician or psychologist without the written consent of the individual; and

(b) If an individual refuses to give the names and consents set forth in paragraphs (a) (2) through (4) of this section and the Section has determined that disclosure could have an adverse affect upon the individual, the Section shall refuse the individual access to said records.

§ 1101.6 Request for correction of or amendment to a record.

(a) Any individual may submit a request for correction of or amendment to a record to the Section. The request should be made either in person or by mail addressed to the Comptroller who processed the individual's request for access to the record, and to whom is delegated authority to make initial determinations on requests for correction or amendment.

(b) Since the request, in all cases, will follow a request for access under § 1101.3, the individual's identity will be established by his or her signature on the request.

(c) A request for correction or amendment should include the following:

(1) A specific identification of the record sought to be corrected or amended (for example, description, title, date, paragraph, sentence, line and words);

(2) The specific wording to be deleted, if any;

(3) The specific wording to be inserted or added, if any, and the exact place at which it is to be inserted or added; and

(4) A statement of the basis for the requested correction or amendment, with all available supporting documents and materials which substantiate the statement. The statement should identify the standard of the Act being invoked, that is, whether the information in the record is unnecessary, inaccurate, irrelevant, untimely or incomplete.

§ 1101.7 Agency review of request for correction or amendment of record.

(a) (1) Not later than ten (10) days (excluding Saturdays, Sundays and holidays) after receipt of a request to correct or amend a record, the Comptroller shall send an acknowledgement providing an estimate of time within which action will be taken on the request and asking for such further information as may be necessary to process the request. The estimate of time may take into account unusual circumstances as described in § 1101.4(a). No acknowledgment will be sent if the request can be reviewed, processed and the individual notified of the results of review (either compliance or denial) within ten (10) days (excluding Saturdays, Sundays and holidays). Requests filed in person will be acknowledged in writing at the time submitted.

(2) Promptly after acknowledging receipt of a request, or after receiving such further information as might have been requested, or after arriving at a decision within ten (10) days, the Comptroller shall either:

(i) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record or a statement as to the means whereby the correction or amendment was effected in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in an electronic data bank); or

(ii) Inform the individual in writing that his or her request is denied and provide the following information:

(A) The Comptroller's name, title and position;

(B) The date of the denial;

(C) The reasons for the denial, including citation to the appropriate sections of the Act and these rules;

(D) The procedures for appeal of the denial as set forth in § 1101.8.

The term "promptly" in this subparagraph means within thirty (30) days (excluding Saturdays, Sundays and holidays). If the Comptroller cannot make the determination within thirty (30) days, the individual will be advised in writing of the reason therefor and of the estimated date by which the determination will be made.

(b) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the Comptroller shall notify all persons and agencies to which copies of the record had been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record, and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

(c) The following criteria will be considered by the Comptroller in reviewing a request for correction or amendment:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in terms of purpose for which it was collected;

(4) The timeliness and currency of the information in light of the purpose for which it was collected;

(5) The completeness of the information in terms of the purpose for which it was collected;

(6) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(7) The character of the record sought to be corrected or amended; and

(8) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

(d) The Section will not undertake to gather evidence for the individual, but does reserve the right to verify the evidence which the individual submits.

(e) Correction or amendment of a record requested by an individual will be denied only upon a determination by the Comptroller that:

(1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendment in light of the criteria set forth in paragraph (c) of this Section;

(2) The record sought to be corrected or amended was compiled in a terminated judicial, quasi-judicial or quasi-legislative proceeding to which the individual was a party or participant;

(3) The record sought to be corrected or amended is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual in a party or participant;

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or,

(5) The individual unreasonably has failed to comply with the procedural requirements of these rules.

(f) If a request is partially granted and partially denied, the Comptroller shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

§ 1101.8 Appeal of initial adverse agency determination on correction or amendment.

(a) An appeal of the initial refusal to amend a record under § 1101.7 may be requested by the individual who submitted the request. The appeal must be requested in writing, signed by the individual making the request, and received by the Section within sixty (60) days of the date the individual is informed of the Comptroller's refusal to amend a record in whole or in part. The request should be addressed and sent via certified mail to the Commissioner, United States Section, International Boundary and Water Commission, P.O. Box 20003, El Paso, Texas 79998. The processing of appeals will be facilitated if the words "PRIVACY APPEAL" appear in capital letters on both the envelope and the top of the appeal papers. An appeal not addressed and marked as provided herein will be marked by Section personnel when it is so identified and will be forwarded immediately to the Commissioner.

(b) The time for decision on the appeal begins on the date the appeal is received by the Commissioner. The appeal should include any documentation, information or statements advanced for the amendment of the record.

(c) There shall be a written record of the reason for the final determination. The final determination will be made not later than thirty (30) days (excluding Saturdays, Sundays and holidays) from the date the Commissioner receives the appeal; unless for good cause shown, the Commissioner extends such determination beyond the thirty (30) day period.

(d) When the final determination is that the record should be amended in accordance with the individual's request, the Commissioner shall direct the office responsible for the record to comply. The office responsible for the record shall:

(1) Amend the record as directed;

(2) If a distribution of the record has been made, advise all previous recipients of the record of the amendment and its substance;

(3) So advise the individual in writing.

(e) When the final decision is that the request of the individual to amend the record is refused, the Commissioner shall advise the individual:

(1) Of the refusal and the reasons for it;

(2) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the Section;

(3) Of the procedures for filing the statement of disagreement;

(4) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Section, a brief statement by the Section summarizing is reasons for refusing to amend the record;

(5) That prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained; and

(6) Of his or her right to seek judicial review of the Section's refusal to amend the record.

(f) When the final determination is to refuse to amend a record and the individual has filed a statement under paragraph (e)(2) of this section, the Section will clearly annotate the record so that the fact that the record is disputed is apparent to anyone who may subsequently have access to, use, or disclose it. When information that is the subject of a statement of dispute filed by an individual is subsequently disclosed, the Section will note that the information is disputed and provide a copy of the individual's statement. The Section may also include a brief summary of the reasons for not making a correction when disclosing disputed information. Such statements will normally be limited to the reasons given to the individual for not amending the record. Copies of the Section's statement shall be treated as part of the individual's record for granting access; however, it will not be subject to amendment by the individual under these rules.

(g) An appeal will be decided on the basis of the individual's appeal papers and the record submitted by the Comptroller. No personal appearances or hearing on appeal will be allowed.

§ 1101.9 Disclosure of record to person other than the individual to whom it pertains.

(a) The Section will not disclose any information about an individual to any person other than the individual except in the following instances:

(1) Upon written request by the individual about whom the information is maintained;

(2) Prior written consent of the individual about whom the information is maintained;

(3) To parent or legal guardian, heir(s) and their legal representative(s).

(4) When permitted under 5 U.S.C. 552a(b) (1) through (11) which provides as follows:

(i) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(ii) Required under section 552 of Title 5 of the U.S. Code;

(iii) For a routine use as defined in the Act 552a(a)(7);

(iv) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the U.S. Code;

(v) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(vi) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(vii) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(viii) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(ix) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee, and to a Congressman who is acting on behalf of his constituent;

(x) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(xi) Pursuant to the order of a court of competent jurisdiction.

(5) When required by the Act and not covered explicitly by the provisions of 5 U.S.C. 552a(b). These situations include the following:

(i) Dissemination of a corrected or amended record or notation of a disagreement statement (5 U.S.C. 552a(c)(4));

(ii) Disclosure of records to an individual to whom they pertain (5 U.S.C. 552a(d));

(iii) Civil actions by an individual (5 U.S.C. 552a(g));

(iv) Release of records or information to Privacy Protection Study Commission (5 U.S.C. 552—section 5(e)(2));

(v) Fulfill needs of Office of Management and Budget to provide continuing oversight and assistance to the Section in implementation of the Act (5 U.S.C. 552—section 6).

§ 1101.10 Fees.

(a) The Section will charge no fee for the first copy of an individual's personnel record.

(b) The Section will charge a fee of $0.10 per page for copies of documents which are identified by an individual and reproduced at the individual's request for retention, except that there will be no charge for requests involving cost of $1.00 or less, but the copying fees for contemporaneous request by the same individual shall be aggregated to determine the total fee.

(c) Special and additional services provided at the request of the individual, such as certification or authentication, will be charged to the individual in accordance with other published regulations of the Section pursuant to statute (for example, 5 U.S.C. 552—Freedom of Information Act).

(d) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittance shall be made payable to the order of the Treasurer of the United States and delivered to or mailed to the Comptroller, United States Section, International Boundary and Water Commission, 4110 Rio Bravo, El Paso, Texas 79902. The Section will assume no responsibility for cash sent by mail.

(e) A receipt for fees paid will be given only upon request.

§ 1101.11 Penalties.

(a) *Criminal Penalties.* The criminal penalties which have been established for violations of the Privacy Act of 1974 are set forth in 5 U.S.C. 552a(i). These penalties are applicable to any officer or employee of the Section and individuals who commit any of the violations. The three possible violations of the Act are:

(1) Unauthorized disclosure.

(2) Failure to publish a public notice of a system of records subject to these rules.

(3) Obtaining access to information under false pretenses.

(b) *Civil Remedies.* (1) An individual may bring a civil action against the United States Section to correct or amend a record, or where there is a refusal to comply with an individual request or failure to maintain any record with accuracy, relevance, timeliness and completeness, so as to guarantee fairness or failure to comply with other sections of the Act and these rules.

(2) A district court of the United States may order correction or amendment of a record and enjoin the Section from withholding a record and order the production to an individual.

(3) A district court of the United States may assess against the United States reasonable attorney fees and other costs, in any case in which a complaining individual has substantially prevailed.

§ 1101.12 General exemptions.

Individuals may not have access to records maintained by the Section but originating with another agency which has determined by regulations that such information is subject to a general exemption under 5 U.S.C. 552a(j). If such records are within a request for access, the Section will advise the requestor of their existence and of the name and address of the source agency which the requestor must contact for any further information.

§ 1101.13 Specific exemptions.

(a) Pursuant to subsection 3(k)(1) of the Act those records in any of the system of records maintained by the Section which contain any information properly classified under Executive Order 11652 and which are required by the Executive Order to be kept secret in the interest of national defense or a foreign policy are exempt. This exemption which conceivably could be applicable to individual records in any system of records for which the Section has published a systems notice is necessary because certain records in systems not specifically designated could contain isolated items of information which have been properly classified and which can not be disclosed.

(b) Those listed in the Notice of Records.

§ 1101.14 Employee: rules of conduct.

(a) Heads of Divisions, Branches, and the projects shall ensure that all Section personnel subject to their supervision are advised of the provisions of the Privacy Act, including the criminal penalties and civil liabilities provided therein, and that Section personnel are made aware of their responsibilities to protect the security of personal information, to assure its accuracy, relevance, timeliness and completeness, to avoid unauthorized disclosure either orally or in writing, and to ensure that no system of records concerning individuals, no matter how small or specialized, is maintained without public notice.

(b) Section personnel shall:

(1) Collect no information of a personal nature from individuals unless authorized to collect it to achieve a function or carry out a responsibility or function of the Section;

(2) Collect from individuals only that information which is necessary to Section responsibilities or functions;

(3) Collect information, wherever possible, directly from the individual to whom it relates;

(4) Inform individuals from whom information is collected of the authority for collection, the purpose thereof, the uses that will be made of the information, and the effects, both legal and practical, of not furnishing the information;

(5) Neither collect, maintain, use nor disseminate information concerning an individual's religious or political beliefs or activities or his membership in associations or organizations, unless (i) the individual has volunteered such information for his own benefit; (ii) the information is expressly authorized by statute to be collected, maintained, used or disseminated; or (iii) the activities involved are pertinent to and within the scope of an authorized investigation or adjudication activity;

(6) Advise an individual's supervisors of the existence or contemplated development of any system of records which retrieves information about individuals by individual identifier;

(7) Maintain an accounting of all disclosures of information to other than Section personnel;

(8) Disclose no information concerning individuals to other than Section personnel except when authorized by the Act or pursuant to a routine use published in the FEDERAL REGISTER;

(9) Maintain and process information concerning individuals with care in order to ensure that no inadvertent disclosure of the information is made to other than Section personnel; and

(10) Call to the attention of the Comptroller any information in a system maintained by the Section which is not authorized to be maintained under the provisions of the Act, including information on First Amendment activities, information that is inaccurate, irrelevant or so incomplete as to risk unfairness to the individual concerned.

(c) The system of records maintained by the Section shall be reviewed annually by the Comptroller to ensure compliance with the provisions of the Act.

(d) Information which may be used in making determinations about an individual's rights, benefits, and privileges shall, to the greatest extent practicable, be collected directly from that individual. In deciding whether collection of information from an individual, as opposed to a third party source, is practicable, the following criteria, among others, may be considered:

(1) Whether the nature of the information sought is such that it can only be obtained from a third party;

(2) Whether the cost of collecting the information from the individual is unreasonable when compared with the cost of collecting it from a third party;

(3) Whether there is a risk that information requested from the third parties, if inaccurate, could result in an adverse determination to the individual concerned;

(4) Whether the information, if supplied by the individual, would have to be verified by a third party; or

(5) Whether provisions can be made for verification by the individual of information collected from third parties.

(e) Employees whose duties require handling of records subject to the Act shall, at all times, take care to protect the integrity, security and confidentiality of these records.

(f) No employee of the Section may alter or destroy a record subject to the Act unless (1) such alteration or destruction is properly undertaken in the

course of the employee's regular duties or (2) such alteration or destruction is required by a decision of the Commissioner or the decision of a court of competent jurisdiction.

§ 1101.15 Security, confidentiality and protection of records.

(a) The Act requires that records subject to the Act be maintained with appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience or unfairness to any individual on whom information is maintained.

(b) When maintained in manual form (typed, printed handwritten, etc.) records shall be maintained, at a minimum, subject to the following safeguards, or safeguards affording comparable protection:

(1) Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons. The warning shall also summarize the requirements of § 1101.14 and state that the Act contains a criminal penalty for the unauthorized disclosure of records to which it applies.

(2) During working hours: (i) The area in which the records are maintained or regularly used shall be occupied by authorized personnel or (ii) access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(3) During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(4) Where a locked room is the method of security provided for a system, that security shall be supplemented by (i) providing lockable file cabinets or containers for the records or (ii) changing the lock or locks for the room so that they may not be opened with a master key. For purposes of this paragraph, a master key is a key which may be used to open rooms other than the room containing records subject to the Act, unless those rooms are utilized by officials or employees authorized to have access the records subject to the Act.

(5) Personnel handling personal information during routine use will ensure that the information is properly controlled to prevent unintentional or unauthorized disclosure. Such information will be used, held, or stored only where facilities or conditions are adequate to prevent unauthorized or unintentional disclosure.

(c) When the records subject to the Act are maintained in computerized form, safeguards shall be utilized based on those recommended in the National Bureau of Standard's booklet "Computer Security Guidelines for Implementing the Privacy Act of 1974" (May 30, 1975), and any supplements thereto, which are adequate and appropriate to assuring the integrity of the records.

§ 1101.16 Accounting for disclosures.

(a) Each system manager shall establish a system of accounting for all disclosures of records, either orally or in writing made outside the U.S. Section, unless otherwise exempted under this section. Accounting procedures may be established in the least expressive and most convenient form that will permit the Comptroller to advise individuals promptly upon request of the persons or agencies to which records concerning them have been disclosed. Accounting of disclosures made under subsection (b)(7) of the Privacy Act (552a) relating to civil or criminal law enforcement activities shall not be made available to the individual named in the record.

(b) Accounting records, at a minimum, shall include the date, nature, and purpose of each disclosure of a record and the name and address of the person or agency to whom the disclosure was made. Accounting records shall be maintained for at least five years or the life of the record, whichever is longer

(c) Accounting is not required to be kept for disclosure made within the U.S. Section or disclosures made pursuant to the Freedom of Information Act.

(d) If an accounting of the disclosure was made, the Comptroller shall inform any person or other agency about any correction or notation of dispute made by the U.S. Section in accordance with subsection (d) of section 552a of any record that has been disclosed to the person or agency.

FRANK P FULLERTON,
Special Legal Assistant.

[FR Doc.76-3460 Filed 2-4-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[49 CFR Part 840]

RAILROAD ACCIDENTS

Rules Pertaining to Notification

Pursuant to section 304(a)(6) of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169 (49 U.S.C. 1903)), the National Transportation Safety Board (Board) proposes to establish a regulation for notification of railroad accidents which the Board is required to investigate under the Act.

It is recognized that similar notifications of such accidents, by telegram, are presently required by a regulation of the Federal Railroad Administration (49 CFR 225.9). The Administration has agreed to amend its regulation when the Board's proposed regulation becomes effective. The Board has agreed in turn to notify the Administration of those railroad accidents with which it is concerned.

The Board plans to establish a 24-hour communication center to receive notifications of transportation accidents in all modes, to be known as the Federal Accident Reporting Center. The center will become operational on April 1, 1976, and the regulation proposed herein is expected to become effective at that time.

Interested persons or parties are invited to participate in the formulation of the final rule on this subject by submitting written comments to: Office of General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594. All such communications received on or before March 15, 1976, will be considered by the Board before taking action on the proposed rule.

In consideration of the foregoing, it is proposed to establish Part 840 of Chapter VIII, Title 49, Code of Federal Regulations, as follows:

PART 840—RULES PERTAINING TO NOTIFICATION OF RAILROAD ACCIDENTS

Sec.
840.1 Applicability.
840.2 Definitions.
840.3 Notification of railroad accidents.
840.4 Information to be given in notification.

§ 840.1 Applicability.

This part contains the notification requirements for certain railroad accidents which are to be investigated by the National Transportation Safety Board (Board) under the authority of section 304(a)(1)(C) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903).

§ 840.2 Definitions.

As used in this part, the following words or phrases are defined as follows:

(1) "Railroad" means any system of surface transportation of persons or property over rails. It includes, but is not limited to, line-haul freight and passenger-carrying railroads, and rapid transit, commuter, scenic, subway, and elevated railways.

(2) "Accident" means any collision, derailment, fire, explosion, act of God, or other loss-causing event involving railroad trains, locomotives, and cars.

(3) "Joint operations" means rail operations conducted on a track used jointly or in common by two or more railroads subject to this part, or operation of a train, locomotive, or car by one railroad over the track of another railroad.

(4) "Fatality" means the death of a person either at the time an accident occurs or within 24 hours thereafter.

§ 840.3 Notification of railroad accidents.

(a) A railroad shall notify the Board in the manner prescribed by paragraph (c) at the earliest practical moment after the occurrence of an accident which results in—

(1) A fatality;

(2) Damages of $500,000 or more to railroad and nonrailroad property; or

(3) Involvement of a passenger train and $1,750 damage to railroad property.

(b) Accidents involving joint operations must be reported by the railroad responsible for carrying out repairs to,

and maintenance of, the track on which the accident occurred.

(c) Each notification required by paragraph (a) of this section shall be made by (toll-free) telephone to the Board at Area Code 800-424-0201.

§ 840.4 Information to be given in notification.

The notice required by § 840.3 shall include the following information:

(a) Name and title of person reporting.

(b) Name of railroad.

(c) Location of accident (relate to nearest city).

(d) Time and date of accident.

(e) Description of accident.

(f) Casualties—

(1) Fatalities.

(2) Injuries.

(g) Property damage (estimate).

(h) Name and telephone number of person from whom additional information may be obtained.

Signed at Washington, D.C. this 30th day of January, 1976.

[SEAL] JOHN H. REED, *Acting Chairman.*

[FR Doc.76-3421 Filed 2-4-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11969]

UNIFORM NET CAPITAL RULE AND CUSTOMER PROTECTION RULE

Notice of Proposed Amendments

The Securities and Exchange Commission today announced proposed amendments to Rule 15c3-1 [17 CFR 240.15c3-1], the uniform net capital rule, and Rule 15c3-3 [17 CFR 240.15c3-3], the customer protection rule, under the Securities Exchange Act of 1934 ("the Act").

INTRODUCTION

Section 15(c)(3)[1] of the Act requires the Commission to regulate brokers and dealers respecting, inter alia, the custody, carrying and use of customers' funds and securities, and the maintenance of reserves against customers' deposits or credit balances. In 1972,[2] the Commission, acting under Section 15(c)(3), adopted Rule 15c3-3 [17 CFR 240.15c3-3],[3] a customer protection rule. Rule 15c3-3 [17 CFR 240.15c3-3] obliges brokers and dealers to obtain possession or control over fully paid or excess margin customers' securities and, through the Formula for Determination of Reserve Requirements of Brokers and Dealers ("the Reserve Formula"),[4] requires brokers and dealers to maintain reserves with respect to customers' funds and funds realized through the utilization of customers' securities. The Securities Acts Amendments of 1975 amended Section 15(c)(3)[5] to require the Commission to adopt minimum financial responsibility standards for all brokers and dealers. The Commission adopted amendments to Rule 15c3-1 [17 CFR 240.15c3-1] on June 26, 1975.[6] Rule 15c3-1 [17 CFR 240.15c3-1] requires substantially all brokers and dealers to maintain specified levels of net capital computed in accordance with the rule's provisions, which are intended to provide safeguards with respect to the financial responsibility of brokers and dealers. Rule 15c)-1 [17 CFR 240.15c3-1] as amended preserves the traditional aggregate indebtedness concept, but also provides an alternative capital requirement based on aggregate debit items in the Reserve Formula.

The Commission has determined that amendments to Rule 15c3-1 [17 CFR 240.15c3-1] and the Reserve Formula are necessary and appropriate for the protection of investors. First, recent experiences of certain broker-dealers demonstrate the desirability of reducing the exposure of customers' funds and securities which arises when a broker or dealer regularly maintains for extended periods short security positions in fail to receive or stock loan accounts, as well as in special omnibus accounts established under section 4(b) of Regulation T of the Federal Reserve Board [12 CFR 220.4(b)] or otherwise. Accordingly, the Commission proposes amendments to Rule 15c3-1 [17 CFR 240.15c3-1] and the Reserve Formula which effectively would require brokers and dealers to reflect such exposure in the computation of net capital or mark to the market these short positions. Second, experience with the rapidly developing options marketplace suggests the necessity of certain proposed amendments to these rules to reflect more appropriately the risks associated with transactions in options. Finally, the need for certain other proposed amendments to Rule 15c3-1 [17 CFR 240.15c3-1] and the Reserve Formula became apparent during efforts on the part of the Commission and self-regulatory organizations to assist brokers and dealers in understanding and implementing Rule 15c3-1 [17 CFR 240.15c3-1].[7]

PROPOSED AMENDMENTS TO RULE 15c3-1 AND RULE 15c3-3

Pursuant to sections 15(c)(3), 17(a) and 23(a) of the Securities Exchange Act of 1934, the Commission proposes to amend § 240.15c3-1 and § 240.15c3-3 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations as set forth below.

PROPOSED AMENDMENTS WITH RESPECT TO CERTAIN DEFICIT CONDITIONS

The Commission notes that recently certain broker-dealers have engaged in regular and substantial short sales of securities for their own accounts. In one such case, the broker-dealer was able to conceal his short sales through "dummy" customer accounts, representing that the broker-dealer was selling long customer securities. The broker-dealer would, through an agent, borrow securities from an institution to cover its short position. The broker-dealer was able to continue this scheme largely because other broker-dealers and institutions failed to protect themselves by requiring adequate security in the form of marks to market in stock loan and special omnibus accounts, or by allowing fails to receive from the broker-dealer to remain outstanding for extended periods of time. When, in a rising market, the broker-dealer was unable to meet demands for additional collateral or marks to market, a number of brokers and dealers and institutions suffered substantial losses. These practices are inconsistent with the public interest and the protection of investors.

The Commission has determined to propose certain amendments to Rule 15c3-1 [17 CFR 240.15c3-1] and the Reserve Formula to require brokers and dealers to maintain adequate security in stock loan and special omnibus accounts, and to provide for fails to receive. Thus, Rule 15c3-1(c)(2)(iv)(B) [17 CFR 240.15c3-1(c)(2)(iv)(B)] would be amended to require a deduction from net worth for deficits in special omnibus accounts maintained pursuant to section 4(b) of Regulation T [12 CFR 220.4(b)], or similar accounts carried for another broker or dealer, after application of marks to market or other required deposits outstanding five business days or less, as well as a deduction for the excess

[1] 15 U.S.C. § 78o(c)(3) (Supp. IV, 1975).

[2] Securities Exchange Act Release No. 9856 (Nov. 10, 1972), 37 FR 25224 (Nov. 29, 1972).

[3] 17 CFR § 240.15c3-3 (1975). Rule 15c3-3 was adopted pursuant to § 15(c)(3) as it existed prior to the Securities Acts Amendments of 1975. *See* 15 U.S.C. § 78o(c)(3) (1970), *as amended*, 15 U.S.C. § 78o(c)(3) (Supp. IV, 1975).

[4] The Reserve Formula constitutes Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a (1975).

[5] Act of June 4, 1975, Pub. L. No. 94-29, § 11(3), 89 Stat. 126.

[6] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 26, 1975).

[7] Since this rule's adoption on June 26, 1975, the Commission has cooperated with all the self-regulatory organizations in programs and procedures designed to provide brokers and dealers a smooth transition to uniform net capital regulation. The New York Stock Exchange sponsored a series of two-day seminars on the uniform rule in New York, Chicago, Dallas, San Francisco and Los Angeles. Members of the Commission staff participated as panelists at these seminars. The National Association of Securities Dealers sponsored one-day seminars in no less than thirty-four cities from coast to coast. Other self-regulators distributed a great deal of detailed information concerning the uniform net capital rule to their memberships. As a result of this extensive dialogue with the public, the Commission became aware of the need to propose certain technical amendments to Rule 15c3-1, designed to clarify several provisions of the rule. Similarly, comments received from the public and the self-regulatory organizations during the course of this educational process led to the modifications of certain interpretations concerning allocation procedures applicable to computations under the Reserve Formula. *See* 41 FR 5277 (Feb. 5, 1976).

of the market value of stock loaned over the value of any collateral received therefor. Rule 15c3-1(c)(2)(iv)(E) [17 CFR 240.15c3-1(c)(2)(iv)(E)] would be amended to require a deduction from net worth for the excess of the market value over the contract value of securities failed to receive outstanding longer than thirty calendar days. The Reserve Formula would be amended to require inclusion therein of amounts equal to the deductions from net worth stipulated in the proposed amendments to Rule 15c3-1 [17 CFR 240.15c3-1].

1. The proposed amendments to the Reserve Formula are set out later in this release. The text of the proposed amendments to Rule 15c3-1(c)(2)(iv)(B) & (E) [17 CFR 240.15c3-1(c)(2)(iv)(B), (E)] is as follows:

§ 240.15c3-1 [Amended]

* * * * *

(c) * * *

(2) * * *

(iv) * * *

(B) All unsecured advances and loans; deficits in customers' and non-customers' unsecured and partly secured notes; deficits in special omnibus accounts maintained in compliance with the requirements of 12 CFR 220.4(b) of Regulation T under the Securities Exchange Act of 1934, or similar accounts carried on behalf of another broker or dealer, after application of calls for margin, marks to the market or other required deposits which are outstanding 5 business days or less; deficits in customers' and noncustomers' unsecured and partly secured accounts after application of calls for margin, marks to the market or other required deposits which are outstanding 5 business days or less, except deficits in cash accounts as defined in 12 CFR 220.4(c) of Regulation T under the Securities Exchange Act of 1934 for which not more than one extension respecting a specified securities transaction has been requested and granted, and deducting for securities carried in any of such accounts the percentages specified in paragraphs (c)(2)(vi) or (f) of this section or Appendix (A), 17 CFR 240.15c3-1a; the market value of stock loaned in excess of the value of any collateral received therefor; receivables arising out of free shipments of securities (other than mutual fund redemptions) in excess of $5,000 per shipment and all free shipments (including mutual fund redemptions) outstanding more than 7 business days; and collateral deficiencies in secured demand notes as defined in Appendix (D), 17 CFR 240.15c3-1d;

* * * * *

(E) All other unsecured receivables; all assets doubtful of collection less any reserves established therefor; the amount by which the market value of securities failed to receive outstanding longer than thirty (30) calendar days exceeds the contract value of such fails to receive outstanding longer than thirty (30) calendar days, and the funds on deposit in a "segregated trust account" in accordance with 17 CFR 270.27d-1 under the Investment Company Act of 1940, but only to the extent that the amounts on deposit in such segregated trust account exceeds the amount of liability reserves established and maintained for refunds of charges required by Sections 27(d) and 27(f) of the Investment Company Act of 1940; provided, that any amount deposited in the "Special Reserve Bank Account for the Exclusive Benefit of Customers" established pursuant to 17 CFR 240.15c3-3 and clearing deposits shall not be so deducted.

* * * * *

RULE 15c3-1(b)(2)—ALTERNATIVE FINANCIAL RESPONSIBILITY STANDARD FOR FLOOR BROKERS

In Securities Exchange Act Release No. 11624 (Aug. 29, 1975), 40 FR 41520 (Sept. 8, 1975), the Commission adopted paragraph (b)(2) of Rule 15c3-1 [17 CFR 240.15c3-1], an alternative financial responsibility standard for brokers who act solely as floor brokers on a national securities exchange. Rule 15c3-1(b)(2) [17 CFR 240.15c3-1(b)(2)] is predicated on certain exchange rules governing the priority of claims against the proceeds of the sale of an exchange membership. Rule 15c3-1(b)(2) [17 CFR 240.15c3-1(b)(2)] is available only where the value of the exchange membership is not less than $25,000, as of current bid or last sale. Several national securities exchanges have commented that insofar as their membership values are less than this amount, their floor brokers are precluded from operating under Rule 15c3-1(b)(2) [17 CFR 240.15c3-1(b)(2)]. The Commission has determined that it is appropriate to make Rule 15c3-1(b)(2) [17 CFR 240.15c3-1(b)(2)] available to floor brokers of all national securities exchanges who are able to meet financial responsibility standards necessary for the protection of investors. Accordingly, the Commission proposes to amend Rule 15c3-1(b)(2) [17 CFR 240.15c3-1(b)(2)] to allow floor brokers to operate thereunder if the value of their exchange membership is held in escrow by an independent agent.

2. The text of the proposed amendments to Rule 15c3-1(b)(2) is as follows:

* * * * *

(b) * * *

(2) A member in good standing of a national securities exchange who acts as a floor broker (and whose activities do not require compliance with other provisions of this rule) may elect to comply, in lieu of the other provisions of this section, with the following financial responsibility standard: the value of the exchange membership of the member (based on the lesser of the most recent sale price or current bid price for an exchange membership) is not less than $15,000, or an amount equal to the excess of $15,000 over the value of the exchange membership is held by an independent agent in escrow; provided that the rules of such exchange require that the proceeds from the sale of the exchange membership of the member and the amount held in escrow pursuant to this paragraph shall be subject to the prior claims of the exchange and its clearing corporation and those arising directly from the closing out of contracts entered into on the floor of such exchange.

* * * * *

RULE 15c3-1(c)(2)(vi)(M) and (f)(3)(iii)—UNDUE CONCENTRATION

Rule 15c3-1(c)(2)(vi)(M) [17 CFR 240.15c3-1(c)(2)(vi)(M)] essentially provides that, for purposes of computing net capital, an additional deduction from net worth equal to one-half the appropriate haircut shall be taken against all positions of a broker or dealer in the securities of an issuer of a single class or series with a value exceeding ten percent of tentative net capital. A similar provision, Rule 15c3-1(f)(3)(iii) [17 CFR 240.15c3-1(f)(3)(iii)], applies to computations under the alternative net capital requirement. These provisions are intended to provide a hedge against downside market risk, which increases proportionately with the size and consequent possible illiquidity of such substantial positions. Since the adoption of Rule 15c3-1 [17 CFR 240.15c3-1], members of the public have commented that these provisions may not be appropriate as applied to redeemable shares of registered investment companies. Since such securities are fully redeemable, they remain readily convertible into cash. Accordingly, the Commission proposes to amend paragraphs (c)(2)(vi)(M) and (f)(3)(iii) of Rule 15c3-1 [17 CFR 240.15c3-1] to exempt therefrom positions in redeemable securities[8] of investment companies registered pursuant to Section 8 of the Investment Company Act of 1940.[9]

Other proposed amendments to Rule 15c3-1(f)(3)(iii) [17 CFR 240.15c3-1(f)(3)(iii)] would conform this provision to Rule 15c3-1(c)(2)(vi)(M) [17 CFR 240.15c3-1(c)(2)(vi)(M)] by subjecting securities collateralizing a secured demand note to this undue concentration provision, and by excluding positions of relatively small size or value from undue concentration charges.

3. The text of the proposed amendments to Rule 15c3-1(c)(2)(vi)(M) and (f)(3)(iii) [17 CFR 240.15c3-1(c)(2)(vi)(M), (f)(3)(iii)] follows:

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(c) * * *

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(2) * * *

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(vi) * * *

* * * * *

(M) In the case of money market instruments or securities of a single class or series of an issuer, including any option written, endorsed or held to purchase or sell securities of such a single

[8] It is intended that the term "redeemable security" shall carry its statutory meaning. *See* § 2(a)(32) of the Investment Company Act of 1940, 15 U.S.C. § 80a-2(a)(32) (1970).

[9] *Id.* § 80a-8.

class or series of an issuer (other than "exempted securities" and redeemable securities of an investment company registered pursuant to the Investment Company Act of 1940), which are long or short in the proprietary or other accounts of a broker or dealer, including securities which are collateral to secured demand notes defined in Appendix (D), 17 CFR 240.15c3-1d, for more than 11 business days and which have a market value of more than 10 percent of the "net capital" of a broker or dealer before the application of subparagraph (c)(2)(vi) or Appendix (A), 17 CFR 240.15c3-1a, there shall be an additional deduction from net worth and/or the Collateral Value for securities collateralizing a secured demand note defined in Appendix (D), 17 CFR 240.15c3-1d, equal to 50 percent of the percentage deduction otherwise provided by this subparagraph (c)(2)(vi) or Appendix (A), 17 CFR 240.15c3-1a, on that portion of the securities position in excess of 10% of the "net capital" of the broker or dealer before the application of subparagraph (c)(2)(vi) and Appendix (A), 17 CFR 240.15c3-1a. This provision shall apply notwithstanding any long or short position exemption provided for in subdivision (I) or (J) of this subparagraph (except for long or short position exemptions arising out of the first proviso to subdivision (c)(2)(vi)(J)) and the deduction on any such exempted position shall be 15% of that portion of the securities position in excess of 10% of net capital before the application of subparagraph (c)(2)(vi) and Appendix (A), 17 CFR 240.15c3-1a. Provided, that such additional deduction shall be applied in the case of equity securities only on the market value in excess of $10,000 or the market value of 500 shares, whichever is greater, or $25,000 in the case of a debt security. Provided, further, that any specialist which is subject to a deduction required by this subdivision (M), respecting his specialty stock, who can demonstrate to the satisfaction of the Examining Authority for such broker or dealer that there is sufficient liquidity for such specialists' specialty stock and that such deduction need not be applied in the public interest for the protection of investors, may upon a proper showing to such Examining Authority have such undue concentration deduction appropriately decreased, but in no case shall the deduction prescribed in subdivision (J) above be reduced. Each such Examining Authority shall make and preserve for a period of not less than 3 years a record of each application granted pursuant to this subdivision, which shall contain a summary of the justification for the granting of the application. Provided further, that until June 1, 1976, this subparagraph shall not apply to municipal securities.

* * * * *

(f) * * *

(3) * * *

(iii) In the case of money market instruments, or securities of a single class or series of an issuer, including any option written, endorsed or held to purchase or sell securities of such a single class or series of an issuer (other than "exempted securities" and redeemable securities of an investment company registered pursuant to the Investment Company Act of 1940) and securities underwritten (in which case the deduction provided for herein shall be applied after 11 business days) which are long or short in the proprietary or other accounts of a broker or dealer, including securities which are collateral to secured demand notes defined in Appendix (D), 17 CFR 240.15c3-1d, and which have a market value of more than 10 percent of the "net capital" of a broker or dealer before the application of subparagraphs (c)(2)(vi), (f)(3) or Appendix (A), 17 CFR 240.15c3-1a, there shall be an additional deduction from net worth and/or the Collateral Value of securities collateralizing a secured demand note defined in Appendix (D), 17 CFR 240.15c3-1d, equal to 50 percent of the percentage deduction otherwise provided by this section or Appendix (A), 17 CFR 240.15c3-1a (in the case of securities described in subparagraph (f)(3)(i) which receive a 30% deduction or securities described in subparagraph (f)(3)(ii) the deduction required by this subdivision (f)(3)(iii) shall be 15%) on that portion of the securities position in excess of 10 percent of the "net capital" of the broker or dealer before the application of subparagraphs (c)(2)(vi), (f)(3)(i) and (ii) and Appendix (A), 17 CFR 240.15c3-1a. This provision shall apply notwithstanding any long or short position exemption provided for in subparagraphs (c)(2)(vi)(I) or (f)(3)(ii) (except for a long or short position exemption arising out of the first proviso to subparagraph (f)(3)(ii)) and the deduction on any such exemption position shall be 15% of that portion of the position in excess of 10% of net capital before the application of subparagraph (c)(2)(vi), subparagraphs (f)(3)(i) and (ii) and Appendix (A), 17 CFR 240.15c3-1a. Provided that such additional deductions shall be applied in the case of equity securities only on the market value in excess of $10,000 or the market value of 500 shares, whichever is greater, or $25,000 in the case of a debt security. Provided further, that any specialist who is subject to a deduction required by this subdivision (f)(3)(iii) respecting his specialty stock, who can demonstrate to the satisfaction of the Examining Authority for such broker or dealer that there is sufficient liquidity for such specialist's specialty stock and that such deduction need not be applied in the public interest for the protection of investors may on a proper showing to such Examining Authority have such undue concentration deduction appropriately decreased but in no case shall the deduction prescribed in subdivision (f)(3)(ii) above be reduced. Each such Examining Authority shall make and preserve for a period of not less than 3 years a record of each application granted pursuant to this subdivision, which shall contain a summary of the justification for the granting of the application. Provided further, that until June 1, 1976, this subparagraph shall not apply to municipal securities.

* * * * *

RULE 15c3-1(c)(2)(xiii)—INDEBTEDNESS COLLATERALIZED BY EXEMPTED SECURITIES

Rule 15c3-1(c)(2)(xiii) [17 CFR 240.-15c3-1(c)(2)(xiii)] provides that a broker or dealer may, at his option, include indebtedness collateralized by exempted securities in aggregate indebtedness or deduct four percent of such indebtedness from net worth. The proposed amendments to this provision would clarify that the option of deducting four percent of such indebtedness from net worth is available only if the indebtedness would be otherwise includable in aggregate indebtedness.

4. The text of the proposed amendment to Rule 15c3-1(c)(2)(xiii) [17 CFR 240.-15c3-1(c)(2)(xiii)] is as follows:

* * * * *

(c) * * *

(2) * * *

(xiii) Deducting, at the option of the broker or dealer, in lieu of including such amounts in aggregate indebtedness, 4 percent of the amount of any indebtedness secured by exempted securities or municipal securities if such indebtedness would otherwise be includable in aggregate indebtedness. Provided, with respect to indebtedness collateralized by municipal securities, that such option shall be available until June 1, 1976.

* * * * *

RULE 15c3-1(c)(13)—DEFINITION OF "EQUITY"

Rule 15c3-1(c)(13) [17 CFR 240.15c3-1(c)(13)] provides that, for purposes of the deductions from net worth specified in Rule 15c3-1(c)(2)(x) [17 CFR 240.-15c3-1(c)(2)(x)] relative to certain transactions in options, equity shall be computed by adding the credit balance in the account to the current market value of all long positions in the accounts specified in Rule 15c3-1(c)(2)(x) [17 CFR 240.15c3-1(c)(2)(x)], and deducting the debit balance in the account and the current market value of all short positions in such accounts. The Commission proposes to amend Rule 15c3-1(c)(13) [17 CFR 240.15c3-1(c)(13)] to clarify that all securities positions (including listed options positions) in accounts specified in Rule 15c3-1(c)(2)(x) [17 CFR 240.15c3-1(c)(2)(x)] must be haircut pursuant to Rule 15c3-1(c)(2)(vi) [17 CFR 240.15c3-1(c)(2)(vi)], (c)(2)(x) [17 CFR 240.15c3-1(c)(2)(x)], or Appendix A to the rule, as appropriate. The proposed amendments would also reflect the deletion of Rule 15c3-1(c)(2)(xi) [17 CFR 240.15c3-1(c)(2)(xi)] by Securities Exchange Act Release No. 11624 (Aug. 29, 1975), 40 FR 41520 (Sept. 8, 1975).

5. The text of the proposed amendments to Rule 15c3-1(c)(13) [17 CFR 240.15c3-1(c)(13)] is as follows:

* * * * *

(c)(13) For purposes of subparagraph (c)(2)(x) of this section equity shall be computed by adding the credit balance (if any) in the account to the current market value of all securities (including listed options) after the application of subparagraph (c)(2)(vi), (c)(2)(x) (to the extent applicable) or Appendix A, 17 CFR 240.15c3-1a, carried long in the accounts specified in subparagraphs (c)(2)(x) of this section and by deducting the debit balance (if any) in the account and the current market value of all securities (including listed options) after the application of subparagraph (c)(2)(vi), (c)(2)(x) (to the extent applicable) or Appendix A, 17 CFR 240.15c3-1a, carried short in such accounts.

RULE 15c3-1a(c)(8)—HAIRCUTS ON LONG LISTED OPTIONS

Paragraph (c)(8) of Appendix A to Rule 15c3-1 [17 CFR 240.15c3-1a(c)(8)] requires brokers and dealers carrying long listed options for which there is no offsetting security position to apply a thirty percent haircut to the long positions. This provision is intended to provide a sufficient capital cushion against the downside market risk relating to the underlying equity security. Since the market value of an option is a leverage function of the value of the underlying security, the haircut on long listed options positions should be higher than the haircut applied to the underlying equity security in order to secure the needed capital cushion. Since positions in most equity securities are given a thirty percent haircut pursuant to Rule 15c3-1(c)(2)(vi)(J) [17 CFR 240.15c3-1(c)(2)(vi)(J)], it is necessary to provide a higher haircut for a corresponding options position. The Commission has determined that it is appropriate to raise the haircut on long listed options positions not offset by a security position to fifty percent, and proposes to amend paragraph (c)(8) of Appendix A to Rule 15c3-1 [17 CFR 240.15c3-1] accordingly.

6. The text of the proposed amendment to Rule 15c3-1a(c)(8) [17 CFR 240.15c3-1a(c)(8)] is as follows:

APPENDIX A TO RULE 15c3-1, 17 CFR 240.15c3-1a

* * * * *

(c) * * *

(8) Where a broker or dealer is long listed options and there is no offsetting security position, deducting 50 percent of the market value of any net long positions in options in the same underlying security, with the same exercise price and the same expiration date. Where a broker-dealer has a net short position in an option in the same underlying security, with the same exercise price and the same expiration date and for which the broker or dealer does not have a related position in the underlying security or an option position otherwise provided for in this Appendix (A), the deduction shall be determined as provided in subparagraph (c)(1) or (2) of this Appendix (A).

RULE 15c3-3a—RESERVE FORMULA

Since the advent of trading in listed options, brokers and dealers effecting options transactions have developed new methods of financing their margin requirements at the clearing corporation level which were not anticipated when Rule 15c3-3 [17 CFR 240.15c3-3] was adopted. These developments dictate amendments to the Reserve Formula in Exhibit A to Rule 15c3-3 [17 CFR 240.15c3-3], to ensure that the reserve requirements continue to secure the contemplated standard of protection for customers' funds and securities, and to provide an appropriate computational basis for the alternative net capital requirement provided in Rule 15c3-1(f) [17 CFR 240.15c3-1(f)]. Accordingly, the Commission proposes to amend the Reserve Formula to include as a credit item the principal amount of restricted letters of credit obtained by members of the Options Clearing Corporation ("OCC") and collateralized by customers' securities. It is also proposed to amend the Reserve Formula to include as debit items margin deposited with OCC to the extent such margin is represented by cash, proprietary qualified securities, or restricted letters of credit collateralized by customers' fully paid or excess margin securities.

The text of the proposed amendments to the Reserve Formula, including those discussed earlier relating to certain deficit conditions, is as follows:

§ 240.15c3-3a Exhibit A—formula for determination of reserve requirement of brokers and dealers under § 240.15c3-3.

	Credits	Debits
1. Free credit balances and other credit balances in customers' security accounts. (See note A.)	$xxx	
2. Monies borrowed collateralized by securities carried for the account of customers. (See note B.)	xxx	
3. Monies payable against customers' securities loaned. (See note C.)	xxx	
4. Customers' securities failed to receive. (See note D.)	xxx	
5. Credit balances in firm accounts which are attributable to principal sales to customers	xxx	
6. Market value of stock dividends, stock splits and similar distributions receivable outstanding over 30 calendar days	xxx	
7. Market value of short security count differences over 30 calendar days old	xxx	
8. Market value of short securities and credits (not to be offset by longs or by debits) in all suspense accounts over 30 calendar days	xxx	
9. Market value of securities which are in transfer in excess of 40 calendar days and have not been confirmed to be in transfer by the transfer agent or the issuer during the last 40 d	xxx	
10. Debit balances in customers' cash and margin accounts excluding unsecured accounts and accounts doubtful of collection. (See note E.)		$xxx
11. Securities borrowed to effectuate short sales by customers and securities borrowed to make delivery on customers' securities failed to deliver		xxx
12. Failed to deliver of customers' securities not older than 30 calendar days		xxx
13. Margin required and on deposit with the Options Clearing Corporation for all option contracts written or purchased in customer accounts. (See note F.)		xxx
Total		
	$	
14. Excess of total credits (sum of items 1 to 9) over total debits (sum of items 10 to 13) required to be on deposit in the Reserve bank account (sec. 240.15c3-3(e)). If the computation is made monthly as permitted by this section, the deposit shall be not less than 105 pct of the excess of total credits over total debits		

NOTE A. Item 1 shall include all outstanding drafts payable to customers which have been applied against free credit balances or other credit balances and shall also include checks drawn in excess of bank balances per the records of the broker or dealer.

NOTE B. Item 2 shall include the principal amount of Restricted Letters of Credit obtained by members of Options Clearing Corporation which are collateralized by customers' securities.

NOTE C. Item 3 shall include in addition to monies payable against customers' securities loaned the amount by which the market value of securities loaned exceeds the collateral value received from the lending of such securities.

NOTE D. Item 4 shall include in addition to customers' securities failed to receive the amount by which the market value of securities failed to receive and outstanding more than thirty (30) calendar days exceeds their contract value.

NOTE E. (1) Debt balances in margin accounts shall be reduced by the amount by which a specific security (other than an exempted security) which is collateral for margin accounts exceeds in aggregate value 15 percent of the aggregate value of all securities which collateralize all margin accounts receivable; provided, however, the required reduction shall not be in excess of the amounts of the debit balance required to be excluded because of this concentration rule. A specified security is deemed to be collateral for a margin account only to the extent it represents in value not more than 140 percent of the customer debit balance in a margin account.

(2) Debit balances in special omnibus accounts, maintained in compliance with the requirements of Section 4(b) of Regulation T under the Act (12 CFR 220.4(b)) or similar accounts carried on behalf of another broker or dealer, shall be reduced by any deficits in such accounts (or if a credit, such credit shall be increase) less any calls for margin, marks to the market, or other required deposits which are outstanding 5 business days or less.

(3) Debit balances in customers' cash and margin accounts included in the formula under Item 10 shall be reduced by an amount equal to 1 percent of their aggregate value.

NOTE F. Item 13 shall include the amount of margin deposited with Options Clearing Corporation to the extent such margin is represented by cash, proprietary qualified securities, and restricted letters of credit collateralized by customers' fully paid or excess margin securities. The amount of margin secured by restricted letters of credit collateralized by margin securities shall not be included as a debit in Item 13.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

These proposed amendments to Rule 15c3-1 [17 CFR 240.15c3-1] and Rule 15c3-3 [17 CFR 240.15c3-3] are proposed pursuant to the Securities Exchange Act of 1934 (the "Act"), particularly Sections 2, 6, 10, 15, 17 and 23 thereof. The Commission finds that any burden upon competition imposed by the proposed amendments is necessary and appropriate in furtherance of the purposes of the Act, and is necessary and appropriate to implement the Commission's continuing mandate under this Act, and particularly section 15(c)(3) thereof, to provide safeguards with respect to the financial responsibility and related practices of brokers and dealers, and to protect customers' funds and securities.

REQUEST FOR COMMENTS

All interested persons are invited to submit their views and comments on the proposed amendments to Rule 15c3-1 [17 CFR 240.15c3-1], and Rule 15c3-3 [17 CFR 240.15c3-3]. All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than February 29, 1976. Reference should be made to File No. S7-609.

All comments received will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

JANUARY 2, 1976.

[FR Doc.76-3388 Filed 2-4-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

PRIVACY ACT OF 1974

Safeguarding Personal Information in Veterans Administration Records

The Administrator of Veterans' Affairs proposes a regulatory change providing that a request to amend or correct a record pursuant to section 552a (d), title 5, United States Code (Privacy Act of 1974, 88 Stat. 1896), will normally be completed within 30 working days. This action is proposed in accordance with Office of Management and Budget guidelines for the Privacy Act implementation (Circular No. A-108, subsection (d) Access to Records, Actions Required on Requests to Amend Records, 40 FR 28958, July 9, 1975).

Section 1.577(b) of Title 38, Code of Federal Regulations, contains the requirements for an individual to request amendment of any VA record pertaining to him or her. This proposed amendment provides that reviews requested to amend or correct a record normally be completed within 30 days from the receipt of the request (excluding Saturdays, Sundays, and legal public holidays) unless unusual circumstances preclude completing action within that time. Promulgation of such an amendment was recommended by the Office of Management and Budget in a letter of November 28, 1975 following a review of agency rules and notices under the Privacy Act by an Ad Hoc Interagency Task Force on Privacy Act Implementation. Adoption of the proposed amendment will bring § 1.577(b) into closer conformity with the Office of Management and Budget guidelines.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before March 8, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this amendment effective September 27, 1975, the effective date of section 3, Pub. L. 93-579.

In section 1.577, paragraph (b) is revised to read as follows:

§ 1.577 Access to records.

* * * * *

(b) Any individual may request amendment of any Veterans Administration record pertaining to him or her. Not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, the Veterans Administration will acknowledge in writing such receipt. The Veterans Administration will complete the review to amend or correct a record as soon as reasonably possible, normally within 30 days from the receipt of the request (excluding Saturdays, Sundays, and legal public holidays) unless unusual circumstances preclude completing action within that time. The Veterans Administration will promptly either:

* * * * *

Approved: January 30, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN, *Deputy Administrator.*

[FR Doc.76-3458 Filed 2-4-76;8:45 am]

[38 CFR Part 3]

VETERANS BENEFITS

Apportionments

The Administrator of Veterans' Affairs proposes regulatory changes to Part 3 of Title 38, Code of Federal Regulations, resulting from Pub. L. 94-71 (89 Stat. 395) which effected general increases in rates of disability compensation and rates of dependency and indemnity compensation for widows, widowers and children.

Section 3.461 of Title 38, Code of Federal Regulations, specifies the conditions under which awards of dependency and indemnity compensation will be apportioned for children not in the custody of the widow or widower. Paragraph (b) of the section relates to the rates payable as apportionments. Because of the increases in the overall rates payable to widows (widowers) with children, it is proposed to amend subparagraph (1) to increase the share payable to a child as an apportionment from $35 to $40. It is also proposed to revoke subparagraph (4) which provides that when a widow (widower) elects dependency and indemnity compensation instead of death compensation the share for an entitled child will be either the rate of dependency and indemnity compensation or the rate which would be payable as death compensation, whichever is greater. Under the increased rates provided by Public Law 94-71 the death compensation rate cannot be greater than the dependency and indemnity compensation rates payable for children over age 18. Therefore, apportionment will no longer be involved in such cases since the child would be awarded dependency and indemnity compensation in its own right. Since the provision in paragraph (b)(4) constitutes the only exception to the rule that dependency and indemnity compensation will not be apportioned for children over age 18, paragraph (a) is amended to delete the exception stated therein.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A) Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before March 8, 1976 will be considered. All written comments received will be available for public inspection at the above address only, between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number. Notice is given that the amendments to § 3.461 will be effective August 1, 1975, the effective date of Pub. Law 94-71.

1. In § 3.460, paragraphs (a), (b) and (c) are revised to read as follows:

§ 3.460 Death pension.

* * * * *

(a) *Civil and Indian wars; on and after October 1, 1967.*

Widow (Widower)	$54.29
Child	23.84
Each additional child	8.13

(b) *Spanish-American War; on and after October 1, 1967.*

Widow (Widower)	$49.51
Child	28.62
Each additional child	8.13

(c) *Mexican border period, World War I or later war periods.* (1) On and after October 1, 1954, under the laws in effect prior to July 1, 1960 (38 U.S.C. 541), the widow's or widower's share will be:

$37.80—if there is only 1 child
$31.50—if there are 2 or more children

(2) On and after October 1, 1967, under 38 U.S.C. 541, the widow's or widower's share will be:

$56.00—if her (his) annual income will not exceed $1,000
$43.00—if her (his) annual income will not exceed $2,000
$29.00—if her (his) annual income will not exceed $3,000

(3) On and after January 1, 1969, where pension is payable under 38 U.S.C. 541, the shares for the widow or widower and children will be not less than the rate which would be authorized under paragraph (c)(2) of this section. If a greater total rate is available, the additional amount will be payable to the widow (widower) or children or will be divided. See § 3.451.

2. Section 3.461 is revised to read as follows:

§ 3.461 Dependency and indemnity compensation.

(a) *Conditions under which apportionment may be made.* The widow's or widower's award of dependency and indemnity compensation will be apportioned where there is a child or children under 18 years of age and not in the custody of the widow or widower. The widow's or widower's award of dependency and indemnity compensation will not be apportioned under this condition for a child over the age of 18 years.

(b) *Rates payable.* (1) The share for each of the children under 18 years of age, including those in the widow's (widower's) custody as well as those who are not in her (his) custody, will be $40 per month. The share for the widow (widower) will be the difference between the children's shares and the total amount payable. In the application of this rule, however, the widow's (widower's) share will not be reduced to an amount less than 50 percent of that to which she (he) would otherwise be entitled.

(2) The additional amount of aid and attendance, where applicable, will be added to the widow's (widower's) share and not otherwise included in the computation.

(3) Where the widow (widower) has elected to receive dependency and indemnity compensation instead of death compensation, the share of dependency and indemnity compensation for a child or children under 18 years of age will be whichever is the greater:

(i) The apportioned share computed under paragraph (b)(1) of this section; or

(ii) The share which would have been payable as death compensation but not in excess of the total dependency and indemnity compensation.

(4) [Revoked]

Approved: January 30, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-3412 Filed 2-4-76;8:45 am]

[38 CFR Part 3]

VETERANS BENEFITS

Annual Income

The Administrator of Veterans' Affairs proposes regulatory changes to Part 3 of Title 38, Code of Federal Regulations, relating to income of claimants.

Section 3.251(a) of Title 38, Code of Federal Regulations, currently contains the maximum annual income limitations permitting payment of dependency and indemnity compensation to a parent or parents. Section 3.252 (a) and (b) contains the maximum annual income limitations for payment of pension to veterans, widows, widowers and children. The specific rates of dependency and indemnity compensation and disability and death pension payable are not incorporated in the regulations. The statutory provisions prescribing the rates payable and the maximum annual income limitations permitting payments are incorporated in Title 38, United States Code. Statutory changes in rates and income limitations are effected by amendments to the appropriate provisions in this Title. For Veterans Administration purposes these statutory rates and annual income limitations are incorporated in published rate schedules which are updated whenever statutory changes are effected. For this reason, incorporating maximum income limitations in the regulations is a duplication which is of little benefit. Therefore, it is proposed to delete the specific dollar amounts of income limitations from the regulations by amending §§ 3.251 and 3.252 as shown below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271 A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before March 8, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that these amendments would be effective January 1, 1976.

1. In § 3.251, paragraph (a) is revised to read as follows:

§ 3.251 Income of parents; dependency and indemnity compensation.

(a) *Annual income limitations and rates.* (1) Dependency and indemnity compensation is not payable to a parent or parents whose annual income exceeds the limitations set forth in 38 U.S.C. 415 (b), (c) or (d).

(2) Where there is only one parent, and the parent has remarried and is living with his or her spouse, dependency and indemnity compensation will be paid under either the formula in 38 U.S.C. 415 (b)(1) or the formula in 38 U.S.C. 415 (d), whichever will provide the greater monthly rate of dependency and indemnity compensation. The total combined annual income of the parent and spouse will be counted. (38 U.S.C. 415)

(3) Where the claim is based on service in the Commonwealth Army of the Philippines, or as a guerrilla or as a Philippine Scout under section 14, Public Law 190, 79th Congress, the income limitation will be computed at a rate in Philippine pesos equivalent of $0.50 for each dollar. See § 3.100(b). (38 U.S.C. 107)

(4) If the remarriage of a parent has been terminated, or the parent is separated from his or her spouse, the rate of dependency and indemnity compensation for the parent will be that which would be payable if there were one parent alone or two parents not living together, whichever is applicable.

(5) Where there are two parents living and only one parent has filed claim, the rate of dependency and indemnity compensation will be that which would be payable if both parents had filed claim.

* * * * *

2. § 3.252, paragraphs (a) and (b) are revised to read as follows:

§ 3.252 Annual income; pension; Mexican border period and later war periods.

(a) *Annual income limitations; protected pension.* Where the right to pension under laws in effect on June 30, 1960, is protected under § 3.956, pension is not payable to a veteran, widow or widower or child whose annual income exceeds the income limitations prescribed by Section 4 of Pub. L. 90-275 (82 Stat. 64), as amended.

(b) *Annual income and net worth limitations; Pub. L. 86-211.* Pension is not payable to a veteran, widow or widower or child whose annual income exceeds the limitations set forth in 38 U.S.C. 521, 541 or 542; or to a veteran, widow or widower or child if it is reasonable that some part of the claimant's estate be consumed for his or her maintenance. Where a veteran and spouse are living together, the separate income of the spouse will be

considered as the veteran's income as provided in § 3.262(b). (38 U.S.C. 543)

* * * * *

Approved: January 30, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN, *Deputy Administrator.*

[FR Doc.76-3411 Filed 2-4-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 433]

PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Final Notice of Proposed Amendment to Trade Regulation Rule

On November 18, 1975, the Commission published in the FEDERAL REGISTER (40 FR 53530) an Initial Notice of a proposed amendment to the Trade Regulation Rule "Preservation of Consumers' Claims and Defenses", pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.7, et seq., and § 553 of Subchapter II, Chapter 5, title 5 of the U.S. Code (Administrative Procedure). [Correction of a text error in the proposed amendment was published in the FEDERAL REGISTER on February 2, 1976 (41 FR 4817).]

Now, pursuant to the same authority and more specifically to the authority of § 1.12 of the Commission's Procedures and Rules of Practice, the undersigned duly appointed Presiding Officer for this proceeding hereby gives Final Notice of proposed rulemaking, incorporating by reference the contents of the Initial Notice described above, including the proposed amendment contained therein. [Note that for most purposes the proposed amendment must be read in conjunction with the final Trade Regulation Rule "Preservation of Consumers' Claims and Defenses" also published November 18, 1975 (40 FR 53506).]

WRITTEN COMMENTS

All interested persons are hereby notified that they may continue to submit written data, views or arguments on any issue of fact, law, policy or discretion which may have some bearing upon the proposed amendment. Such comments should be submitted to C. W. Keller, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, no later than February 20, 1976. To assure prompt consideration comments should be identified as "Holder in Due Course Comment" and submitted, if possible, in five copies. Comments previously submitted in response to the Initial Notice need not be resubmitted.

PUBLIC HEARINGS

Notice is also given that public hearings on the proposed amendment will be held commencing April 5, 1976, at 10 a.m. in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at 6th Street, NW., Washington, D.C. Persons who wish to present their views orally should so inform the following Commission representative not later than March 15, 1976:

David H. Williams, (202) 523-3596, Federal Trade Commission, Bureau of Consumer Protection, Division of Special Projects, Washington, D.C. 20580.

INSTRUCTIONS FOR WITNESSES

All prospective witnesses are advised that reasonable limitations upon the length of time allotted to any person may be imposed and that these time periods may vary from witness to witness, depending upon all the circumstances, including the needs of each witness, the complexity of the expected testimony, the number of parties represented by each witness and the cumulative nature of expected testimony. Witnesses will be expected to stay within the time allotted for their remarks, and the Presiding Officer may allocate additional time for questioning. To the extent that individual views are not thereby limited, individual members of interested groups are encouraged to make their views known through group representatives. As a general rule, witnesses are expected to confine their remarks to twenty minutes or less, unless an exception has been made, and to develop their testimony at greater length through their written submissions.

Persons wishing to deliver prepared statements are required to file such statements with Mr. Williams at the address listed above no later than March 15, 1976. If at all possible, witnesses should furnish five copies of their statements. Any witness not intending to deliver a statement fully prepared in advance is required to file with Mr. Williams no later than March 15, 1976, a written comprehensive outline explaining the nature of his expected testimony including, but not limited to, a statement of each important fact, observation, conclusion, or opinion he anticipates presenting.

Advance submittal of statements and exhibits is required to apprise other interested parties of expected testimony so they may determine the need for examination or rebuttal submissions. Such submittals will be made available for viewing in the Commission's Division of Legal and Public Records, Room 132, Federal Trade Commission Building, Pennsylvania Avenue at 6th Street, NW., Washington, D.C.

The Presiding Officer retains the discretion to require that any oral presentation be submitted in writing in advance of presentation and to deny the right to present oral testimony to any person who fails to file appropriate statements or otherwise comply with the advance notification requirements of this Notice.

A prospective witness who plans to introduce documents or other written evidence as exhibits must furnish such documents or written evidence, properly identified with the witness' name and sequential number (i.e., Jackson Exhibit-1), by March 15, 1976, to Mr. Williams, unless for good cause shown the witness can demonstrate why the exhibit could not be timely submitted.

DESIGNATED ISSUES OF FACT

Based on the material contained in the public record of these proceedings, including comments received subsequent to publication of the Initial Notice on November 18, 1975, the Presiding Officer has determined that there are no disputed issues of fact which meet the criteria of § 1.13(d)(1)(i) of the Commission's Procedures and Rules of Practices for consideration in accordance with § 1.13(d) (5) and (6) of those procedures and rules. Accordingly, no such issues are designated in this Notice.

The Presiding Officer may at any time, on his own motion or pursuant to a written petition by interested persons, designate issues of disputed fact which meet the criteria of § 1.13(d)(1)(i) of the Commission's Procedures and Rules of Practice. No such petition shall be considered unless good cause is shown why such issue was not proposed during the time specified in the Initial Notice. The only issues which will be considered in response to such petitions are disputed issues of fact which are material and necessary to resolve.

In the event issues of disputed fact are subsequently designated, testimony with respect to such issues may entitle designated representatives or other interested parties to conduct or have conducted such cross examination as the Presiding Officer may determine to be appropriate and to be required for a full and true disclosure with respect to any issue so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any such issue may be achieved through rebuttal submission or the presentation of additional oral or written statements. Interested parties must promptly notify the Presiding Officer in writing of their particular interest with respect to each such issue, including a general statement of their position with respect to such issues. Requests to examine, including to cross examine or to present rebuttal submissions, shall be accompanied by a specific justification therefor.

In the event such issues of disputed fact are designated, the Presiding Officer will promptly identify groups of persons with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of examination or rebuttal submissions, and if they are unable to agree, the Presiding Officer may select a representative of each such group. Any member of a group who is unable to agree upon group representation after a good faith effort to do so and who seeks to present substantial and relevant issues which will not be adequately presented by the group representative may be allowed to conduct or have conducted any examination, including cross examination or rebuttal submissions, to which he is entitled on issues designated for con-

sideration in accordance with this Notice.

SUMMARY OF CLOSING DATES

All written comments: February 20, 1976. Requests to testify, witnesses' prepared statements, summaries of anticipated testimony and exhibits: March 15, 1976. Public hearings commence: April 5, 1976.

Issued: February 5, 1976.

CHRISTOPHER W. KELLER,
Presiding Officer.

[FR Doc.76-3414 Filed 2-4-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

FEDERAL MARITIME COMMISSION

[Docket No. 76-3]

LOUIS H. FEDER ET AL.

Filing of Complaint

JANUARY 30, 1976.

Notice is hereby given that a complaint filed by Louis H. Feder d.b.a. Pioneer Institutional Trading Company ("PITC") against Elder Dempster Lines, Ltd., was served January 29, 1976. Complainant alleges in brief that respondent has violated sections 17 and 18(b) of the Shipping Act, 1916, by virtue of paying an exhorbitant customs fine to Ivory Coast customs authorities, levied on complainant's shipment of used shorts.

Hearing in this matter shall commence on or before July 29, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-3433 Filed 2-4-76;8:45 am]

[Agreements Nos. 8210-29, 7770-13]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Intention To Approve Conditionally

Agreement No. 8210-29 is an agreement among the members of the Continental North Atlantic Westbound Freight Conference to amend the Conference's organic agreement to provide for two classes of membership designated as Class A and Class AA for the purpose of establishing a two-tier rate system based on differences in the overall service characteristics of the two classes of members. It was filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, on May 23, 1975, and notice thereof was published in the FEDERAL REGISTER at 40 FR 23929-23930 on June 3, 1975. As initially filed, it read as follows:

(1) Full members of the Conference shall be divided into two categories designated as Class A and Class AA. All full members shall be equally bound to the provisions of the agreement and shall enjoy equal rights thereunder; provided, however, that rates and charges published in Section II of the Conference tariff shall be applicable to Class AA members only.

Agreement No. 7770-13 is an identical agreement among the members of the North Atlantic French Atlantic Freight Conference. It was filed with the Commission on August 9, 1975, and notice thereof was published in the FEDERAL REGISTER at 40 FR 39552 on August 28, 1975. All statements made herein relative to Agreement No. 8210-29 apply equally to Agreement No. 7770-13.

The Conference claims the reason for establishing two classes of Conference membership is to provide the basis for independent breakbulk/semi-container operators in the trade to join the Conference. Currently, Conference tariff rates, rules and regulations are primarily structured to the requirements and characteristics of the premium services of the containership and Ro-Ro operators who make up the membership of the Conference. However, because of the serious disruptive threat posed by several independent breakbulk/semi-container carriers in the trade, the members wish to make membership attractive to those carriers in order to make the Conference a more comprehensive vehicle for the resolution of tradewide problems. The two-class membership system is designed to do this through the establishment of two levels of rates on certain commodities the lower of which may be charged by Class AA members only who would be the breakbulk/semi-container operators. The Class AA membership would be open to any carrier who meets the criteria for such membership.

Shortly after Agreement No. 8210-29 was filed, the Commission's staff advised Conference Counsel that the proposed amendment obviously did not constitute the complete agreement of the Conference, inasmuch as there must also be agreement as to the exact criteria for Class A and Class AA membership and other rules and regulations necessary to the implementation and operation of the system. During the next several months the Commission's staff discussed the issue with the Conference Counsel and the Commission met with the National Association of Alcoholic Beverage Importers, the sole protestant, and carrier representatives of the Conference to develop the precise details as to these understandings and the trade conditions which prompted the two-class proposal. As a result of the information developed and an extensive meeting between Commission staff and Conference Counsel, Agreement No. 8210-29 (and Agreement No. 7770-13) as set forth below constitutes the complete agreement of the Conference lines with respect to the membership criteria and the method of implementing the two-class system. The following explanation and clarifying language does not alter the fundamental system of two tiers of rates based on different quality of service as published at 40 FR 23929. Rather, these clarifying provisions merely explain in greater detail the workings of the proposed system. The amendment reads as follows:

AMENDMENT TO CNAWFC AND NAFAFC AGREEMENTS

(1)(a) Full members of the Conference shall be divided into two categories designated as Class A and Class AA. All full members shall be equally bound to the provisions of the Agreement and shall be entitled to equal rights and assume equal obligations thereunder. Provided, however, that with respect to containerizable cargo, as defined in the Conefrence tariff, Class AA members may during the first year of this Agreement, quote rates not more than 8½ percent below equivalent rates of Class A members and, during the second year, not more than 6½ percent below such rates and further provided that Class AA members may, during both such years, pay freight forwarder compensation up to 1 percent over the level paid by Class A members (except on non-containerizable cargo to French ports).[1] Said second year provisions to remain in effect for such further period as this Agreement shall continue in force unless otherwise agreed by the parties and approved by the Federal Maritime Commission.

(b) Class AA status shall be determined on the basis of vessel configuration, utilization, service frequency and space allocation as specified in Annex I of this Agreement and in the Conference tariff and no change in such Annex and tariff provisions shall be implemented without advance notice to, and prior consent of, the Federal Maritime Commission. Said tariff shall also plainly show the current membership status of each member line and the rates applicable to each membership class. All members of the Conference not eligible for Class AA status shall quote rates applicable to Class A members.

(c) In the event a Class AA member fails, at any time, to meet the requirements for such status, it shall operate as a Class A member as soon thereafter as such facts are established and applicable tariff filings take effect except that in the event of excess vessel utilization not resulting in a change of membership status, a full report thereof shall be provided to the Federal Maritime Commission. The members shall establish adequate procedures to insure adherence to these provisions.

(d) Except as otherwise amended and approved, the provisions of subparagraphs (1)(a-c) of Article of this Agreement shall remain in effect for a period of forty-two (42) months from the date of approval thereof unless the members shall agree to, and the Federal Maritime Commission shall approve, an extension of such duration.

SPECIFIC DETAILS OF CLASS AA MEMBERSHIP STATUS TO BE PUBLISHED IN ANNEX TO CONFERENCE AGREEMENTS AND IN CONFERENCE TARIFFS

A. At least 50 percent of the aggregate under deck cubic cargo capacity of the Line's multi-purpose ships must be noncellular and utilized for common carrier operations. Cellular space shall be calculated by multiplying the number of

[1] NAFAFC Agreement No. 7770 only.

twenty-foot equivalent (TEU) container slots by 1,280 cubic feet.

B. The total TEU capacity under or on-deck, of any vessel or part thereof allocated to the Conference trade by the Line shall not exceed 550.

C. The Line allocates no more than 2,400 TEU's/month, non-cumulative, to the Conference trade.

D. The Line may have a maximum of two sailings/month in the Conference trade with fully cellularized and/or Ro-Ro and/or LASH/Seabee vessels.

E. When the Line employs a Ro-Ro vessel in the Conference trade, not more than 30 percent of the under-deck cubic cargo space shall be allocated to non-containerizable cargo.

F. The Line shall have a maximum of 13 sailings per calendar quarter in the Conference trade.

With respect to Agreement No. 8210-29, the National Association of Alcoholic Beverage Importers, Inc. (NAABI) filed a protest against approval of this amendment on the grounds that it believes the proposed membership scheme will result in the elimination of all non-conference competition in the Conference trade thereby leaving shippers with no options to Conference rates and services. NAABI did not request a hearing and has indicated that it will not participate in one.

Upon development of the amendment, the Commission's staff furnished NAABI a copy and requested its comments. In response, NAABI states that it objects to the clarified provisions and additionally requests that "details of this new class of membership, and the conditions thereof" should be published in the FEDERAL REGISTER in order that the public is aware of them.

Subsequently, Conference Counsel advised the Commission staff that owing to an error, Item C of the Specific Details of Class AA Membership Status to be Published in Annex to Conference Agreements and in Conference Tariffs was submitted incorrectly and should read as follows:

C. The Line may allocate no more than 2,400 TEU/month, cumulative, 7,200 TEU/quarter, non-cumulative, to the conference trade.

The Commission believes that the two-class membership amendment (as corrected) constitutes the complete understanding and intent of the Conference lines involved and that it sets forth with sufficient specificity and detail the criteria for Class A and Class AA membership and the manner of implementing such system. The membership and rate differentials justification is based upon vessel configuration and utilization, which bases also include the overall inland through movement capability of Class A members as opposed to Class AA members. It is the opinion of the Commission that these differentials are fully justified on these bases.

It is the Commission's opinion that the proposed two-class membership system may be a practical means of accommodating both modern container operators and traditional breakbulk operators in the same conference. It would also appear that it is a legitimate attempt to resolve a serious transportation problem in the trades involved. Based on recent reports of declining trade and continuing increase in carrier services and capacity in the U.S. Atlantic/European trades, it would seem that competition, especially from state-owned non-conference carriers, may be posing a serious threat to the stability of the trades involved. After having given due consideration to NAABI's reasons for protesting Agreement No. 8210-29, we do not find sufficient basis on this record to justify at this time an evidentiary hearing. NAABI's concern that all non-conference service may be eliminated from the trade is purely speculative. Furthermore, the possibility of such an eventuality exists with respect to every approval of a conference agreement. We believe trade conditions on the North Atlantic warrant a strong and viable conference system. We believe the proposed amendments may help assure continuation of such a system. Therefore, we hereby give notice of our intent to approve conditionally Agreements Nos. 8210-29 and 7770-13 as revised unless NAABI or any other interested person is able to come forward with a clear, concise statement of material matters upon which it desires to adduce evidence and a statement of facts which, if so adduced, could result in disapproval.

Furthermore, the Commission intends to condition its approval if granted, on the modification of Agreements Nos. 8210-29 and 7770-13 as follows, a complete text of which is set forth in the appendix hereto:

1. In paragraph (i)(a), line 15, after the word "level" add the words "permitted to be."

This change is intended to clarify that Class AA members may pay freight forwarder compensation of up to 1 percent over the permissible level paid by Class A members.

2. In paragraph (i)(b), line 5, change the word "notice" to "application" and the word "consent" to "approval."

This condition is to make it perfectly clear that any changes in the service criteria for Class AA status require prior Commission approval pursuant to Section 15.

3. In paragraph (i)(c):

a. In line 1, after the word "meet" add the words "any one or more of."

b. Modify from line 5 to the end of the paragraph to read "of allocations in excess of that provided in Annex I, Item C, not resulting in a change of membership status, a full report thereof shall be provided to the Federal Maritime Commission justifying the determination not to make the change in membership status within 15 days of the last day of the month in which such excess allocation occurs."

These changes are intended to clearly show that all of the specified service criteria must continue to be met to retain Class AA status except that slight overcarriage of containerized cargo above the monthly and quarterly limits will be tolerated without causing a change in membership status provided the amount of such overcarriage and the reasons for not requiring a change in status are promptly reported to the Commission. This would allow the Commission to monitor the degree and frequency of overcarriage to determine that this exception is not being abused.

4. In paragraph (i)(d), line 3, change the duration of the A/AA provisions from "forty-two (42) months" to "twenty-four (24) months."

The limitation of the duration of this amendment to 24 months is premised on a lack of showing by the moving parties of any adequate transportation need for the maintenance of this system beyond 24 months. Based on the information presently available to this Commission, it is, therefore, the conclusion of the Commission that any duration beyond that justified—i.e., 24 months—would be contrary to the public interest. Additionally, this limitation has the salutary effect of permitting early review of the system by the Commission in order to fulfil the statutory obligation of this Commission to exercise continuing regulatory jurisdiction over such agreements.

5. In the Annex, amend Item C to read as follows:

The Line may allocate no more than 2,400 TEU's/month, cumulative, or 7,200 TEP's/quarter, non-cumulative, to the conference trade.

This is to incorporate the correction to the clarifying provisions submitted by the Conference Counsel.

6. In the Annex, Item D, change the period to a comma and add the clause "*Provided, however,* That the conditions in Item C shall apply."

This is to assure that even if a member has two sailings per month with a fully containerized, Ro-Ro or LASH/Seabee vessel, it must still allocate no more than the total TEU's permitted in Item C of the Annex.

7. In the Annex, Item E, line 3, insert the words "of the vessel" after the word "space."

This is to make it clear that the percentage limitation applies to the particular vessel employed.

Any person submitting a statement as to why Agreements Nos. 8210-29 and 7770-13, as modified as indicated herein, should not be approved, should submit such matter on or before February 23, 1976.

Therefore, it is ordered, That a copy of this Notice of Intention to Approve Conditionally be published in the FEDERAL REGISTER.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX

COMPLETE TEXT OF AGREEMENTS NOS. 8210-29 AND 7770-13 AS MODIFIED BY THE COMMISSION'S ORDER TO APPROVE CONDITIONALLY

(1)(a) Full members of the Conference shall be divided into two categories designated as Class A and Class AA. All full mem-

bers shall be equally bound to the provisions of the Agreement and shall be entitled to equal rights and assume equal obligations thereunder. *Provided, however,* That with respect to containerizable cargo, as defined in the Conference tariff, Class AA members, may during the first year of this Agreement, quote rates not more than 8½ percent below equivalent rates of Class A members and, during the second such year, not more than 6½ percent below such rates: *And further provided,* That Class AA members may, during such years, pay freight forwarder compensation up to 1 percent over the level permitted to be paid by Class A members (except on non-containerizable cargo to French ports.)[1]

Said second year provisions to remain in effect for such further period as this Agreement shall continue in force unless otherwise agreed by the parties and approved by the Federal Maritime Commission.

(b) Class AA status shall be determined on the basis of vessel configuration, utilization, service frequency and space allocation as specified in Annex I of this Agreement and in the Conference tariff and no change in such Annex and tariff provisions shall be implemented without advance application to, and prior approval of, the Federal Maritime Commission. Said tariff shall also plainly show the current membership status of each member line and the rates applicable to each membership class. All members of the Conference not eligible for Class AA status shall quote rates applicable to Class A members.

(c) In the event a Class AA member fails, at any time, to meet any one or more of the requirements for such status, it shall operate as a Class A member as soon thereafter as such facts are established and applicable tariff filings take effect except that in the event of allocations in excess of that provided in Annex I, Item C, not resulting in a change of membership status, a full report thereof shall be provided to the Federal Maritime Commission justifying the determination not to make the change in membership status within 15 days of the last day of the month in which such excess allocation occurs.

(d) Except as otherwise amended and approved, the provisions of subparagraphs (1) (a–c) of Article of this Agreement shall remain in effect for a period of twenty-four (24) months from the date of approval thereof unless the members shall agree to, and the Federal Maritime Commission shall approve, an extension of such duration.

SPECIFIC DETAILS OF CLASS AA MEMBERSHIP STATUS, AS MODIFIED BY THE COMMISSION'S ORDER TO APPROVE CONDITIONALLY, TO BE PUBLISHED IN ANNEX TO CONFERENCE AGREEMENTS AND IN CONFERENCE TARIFFS

A. At least 50 percent of the aggregate under-deck cubic cargo capacity of the Line's multi-purpose ships must be non-cellular and utilized for common carrier operations. Cellular space shall be calculated by multiplying the number of twenty foot equivalent (TEU) container slots by 1,280 cubic feet.

B. The total TEU capacity under or on-deck, of any vessel or part thereof allocated to the Conference trade by the Line shall not exceed 550.

C. The Line may allocate no more than 2,400 TEU's/month, cumulative, or 7,200 TEU's/quarter, non-cumulative, to the Conference trade.

D. The Line may have a maximum of two sailings/month in the Conference trade with fully celularized and/or Ro-Ro and/or LASH/Seabee vessels, provided, however, that the conditions in Item C shall apply.

E. When the Line employs a Ro-Ro vessel in the Conference trade, not more than 30 percent of the under-deck cubic cargo space of the vessel shall be allocated to non-containerizable cargo.

F. The Line shall have a maximum of 13 sailings per calendar quarter in the Conference trade.

[FR Doc.76-3431 Filed 2-4-76;8:45 am]

[1] NAFAFC Agreement No. 7770 Only.

JAMAICA MERCHANT MARINE LTD. AND DELTA STEAMSHIP LINES, INC.

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 NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 25, 1976. 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.

Notice of agreement filed by:

Thomas E. Stakem, Esquire, Macleay, Lynch, Bernhard & Gregg, Commonwealth Building, 1625 K Street NW., Washington, D.C. 20006.

Agreement Number 10218, between Jamaica Merchant Marine Limited (JMM) and Delta Steamship Lines, Inc. (Delta), is an agency agreement whereby JMM appoints Delta as its husbanding agent for its vessels at all United States Gulf of Mexico ports where JMM vessels call.

Dated: January 30, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-3429 Filed 2-4-76;8:45 am]

OLAND PACKING & CRATING, INC. ET AL

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Oland Packing & Crating, Inc., 8386 NW. 56 Street, Miami, Florida 33166, Officers: Orlando Fernandez, President; Magali Fernandez, Vice President.

Atlantic Carribean Shipping Co., 7100 NW. 12th Street, Miami, Florida 33126. Officers: Oscar Fernandez, President; Julio Fernandez, Jr., Vice President; and Nora Fernandez, Secretary/Treasurer.

B.W.S. Trade Coordinators Inc., 400 Delancy Street, Newark, N.J. 07105, Officers: Dr. A. A. Borras, President, and N. J. Behrens, Secretary/Treasurer.

EMO Trans Inc., 177-25 Rockaway Blvd., Jamaica, N.Y. 11434. Officers: Eckart Moltmann, Chairman of Board: J. H. Frigger, President; Karin Frigger, Vice President; and Paul G. Bayes, Vice President.

Dachser Transport of America Inc., 149-35, 177th Street, Jamaica, N.Y. 11434. Officers: Thomas Simon, President; Kurt Gudzent, Director; Hans Bicker, Director; Joerg M. Richter, Officer; and Henry J. Weller, Secretary.

Aid Forwarding, Marion Adrian Clark d/b/a 741 Terri Ann Drive, West Covina, California 91971.

Dumitru Constantin Florescu, 34-15 74th Street, Apt. 6H, Jackson Heights, New York 11372.

Allied Overseas Shippers, Inc., 1525 Chase Avenue, Elk Grove Village, Illinois 60007. Officers: Donald Terry, President; Gordon Terry, Vice President; Albert E. Rose, Vice President; Lucille Hertel, Vice President; and Richard Burke, Assistant Secretary.

Norvanco, Inc., Pier 56, Seattle, Washington 98101. Officers: Henry L. Norton, Jr., President; Richard M. Van Sant, Vice President; Mavis A. Norton, Director; and Joy M. Van Sant, Director.

Iran International Shipping Company, Iran Enterprise Inc. d/b/a, 427 West 5th Street, Los Angeles, California 90013. Officers: Asad O. Ferasat, President; and Jalal Bollorchi, Vice President.

Metro Freight Forwarding Services, 21120 Trolley Industrial Drive, Taylor, Michigan 48180. Officer: Paul W. Chipman, President.

Caltrex Forwarding Corp., Intl. City Bldg., 4471 NW 36 Street (POB 355 Hialeah), Miami Springs, Florida. Officers: Hector Gonzalez, President; Hitchkley Espallat, Vice President; Sergio T. Calero, Secretary; and Fernando Trespalacios, Treasurer.

Richard L. Sharp, 1219 Thistlewood Lane, West Chester, Pa. 19380.

Dated: January 30, 1976.

By the Federal Maritime Commission,

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-3430 Filed 2-4-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 3-4951; (59-5)]

CENTRAL AND SOUTH WEST CORP. ET AL.

Order for Hearing

JANUARY 30, 1976.

On February 16, 1945, (*The Middle West Corporation, et al.*, 18 SEC 296 (1945)) the Commission found that the electric utility system of Central and South West Corporation ("CSW"), 300 Delaware Avenue, Wilmington, Delaware 19899 was an integrated electric public utility system, as defined in Section 2(a)(29) of the Public Utility Holding Company Act of 1935 ("Act"), and that, subject to certain adjustments which have long since been effected, CSW complied with the requirements of Section 11(b)(1) of the Act. CSW has been and is a registered holding company. The order of February 16, 1945, is in full force and effect.

On March 26, 1974, the Oklahoma Cities of Altus, Frederick, Cordell and Mannford and Verdigris Valley Electric Cooperative and Indian Electric Cooperative, Inc. ("Complainants"), all wholesale customers of Public Service Company of Oklahoma ("PSO"), one of the subsidiaries of CSW, complained to the Commission that CSW had ceased to operate as an integrated electric utility system and requested, among other things, that the order of February 16, 1945, be modified or revoked. In response, CSW acknowledged that extensive changes had occurred in its operations since 1945 but urged that it still met the requirements of the Act with respect to integration. CSW stated that it was undertaking an extensive engineering study directed to this question.

CSW has now filed the report of an independent consultant, Power Technologies, Inc. ("PTI"), evaluating four alternative modes of operation by the CSW system over the 20-year period 1976–1995. Three of those modes assume operation of all of the electric utility properties controlled by CSW under normal conditions as a single interconnected and coordinated system, as contemplated by the Act. The report indicates that very substantial potential savings are likely to accure from such synchronous operations as compared with separate operation of the two Texas subsidiaries of CSW, which the system has generally followed in recent years. Certain contingencies, however, are involved in the selection of the appropriate mode of operation for this system.

The Act requires that the electric utility properties of an integrated system be physically connected or capable of physical interconnection and operation as a single coordinated system. It appears that conditions today are substantially different from those in 1945 and that it is necessary to review the conclusion then reached in the light of current conditions and of CSW's plans for the future.

1. CSW is incorporated under the laws of Delaware. It maintains its principal offices in the City of Dallas, Texas. CSW is an electric utility holding company registered as such under Section 5 of the Act.

2. CSW owns all of the outstanding shares of common stock of the following operating electric utility companies ("operating companies"):

Central Power and Light Company ("CP&L")
Public Service Company of Oklahoma ("PSO")
Southwestern Electric Power Company ("SWEPCO")
West Texas Utilities Company ("WTU")

CP&L and WTU operate in portions of south and west central Texas, respectively; PSO operates in portions of eastern and southwestern Oklahoma; and SWEPCO operates in portions of east Texas, western Arkansas and northwestern Louisiana. PSO owns all of the outstanding stock of Transok Pipe Line Company ("Transok"), an intrastate gas pipeline company from which PSO purchases all of the natural gas used by it for fueling its electric generating stations. CSW has a wholly owned service company subsidiary, CSR Services, Inc., which performs various accounting, tax and other services for CSW and the operating companies. Together, the utility businesses of CSW's operating companies ("CSW System") are conducted within the four states of Arkansas, Louisiana, Oklahoma and Texas comprising an area of 152,000 square miles with an estimated population of 3,000,000.

3. As of December 31, 1974, the property account of the CSW System was as follows:

Property plant and equipment including intangibles	$2,166,304,000 [1]
Less reserves for depreciation	515,326,000
Net property, plant and equipment including intangibles	$1,650,978,000

4. At December 31, 1974, the operating companies furnished electric service to 1,118,171 customers in 767 communities and adjacent areas located in 112 counties in Texas, 46 counties in Oklahoma, 13 counties in Arkansas and three parishes in Louisiana. In addition, they supplied electric energy at wholesale to 15 municipalities, one on a standby basis, and to 38 rural electric cooperatives. The largest cities served by the operating companies at retail are Corpus Christi, Abilene, Laredo, San Angelo, and Longview in Texas, Tulsa and Lawton in Oklahoma, Shreveport and Bossier City in Louisiana, and Texarkana in Texas and Arkansas.

5. During the 12 months ended December 31, 1974, the operating companies sold 34,515 bilion kWh of electric energy, including intrasystem transactions. They generated 93.4% and purchased approximately 6.6% of the total kWh sold. Of the total kWh sales, 28.2% were made by CP&L, 33.9% by PSO, 27.3% by SWEPCO, and 10.6% by WTU. Consolidated gross operating revenues of the CSW System for the year ended December 31, 1974, amounted to $595,049,000, derived from sales of electricity: 37.5% from sales by CP&L, 27.6% from PSO, 24.3% from SWEPCO, and 10.6% from WTU.

6. The electric energy to meet the requirements of the CSW System in 1974 was supplied from generating stations with the following effective capability (summer rating), substantially all of which stations were steam electric:

	Megawatts	Percent
C.P. & L.	2,670	34.7
PSO	2,252	29.2
Swepco	1,919	24.9
WTU	863	11.2
Total	7,704	100.0

7(a). CP&L owns and operates facilities for the generation, transmission and distribution of electricity for sale in southern Texas. Its service area comprises about 44,000 square miles, and at the end of 1974 it served 351,946 customers. In 1974, its total energy sales amounted to 9,744,571,000 kWh. Gross operating revenues of CP&L in 1974 amounted to $223,595,000; its gross utility plant at year end 1974 amounted to $719,865,000. Net system installed capability was 2,670 MW to serve a 1974 net system maximum demand of 1,942 MW, giving a reserve margin of 728 MW (37.5%) over the last experienced maximum peak hour load.

7(b). PSO owns and operates facilities for the generation, transmission and distribution of electricity for sale in eastern and southwestern Oklahoma. Its service area comprises about 30,000 square miles, and it served 348,108 customers at the end of 1974. In 1974 its total energy sales amounted to 11,699,668,000 kWh. Gross operating revenues of PSO in 1974 amounted to $175,647,101; its gross utility plant at the end of 1974 amounted to $700,841,000. System peak demand for 1974 was 2,070 MW and net system capability at the time of system peak was 2,402 MW, resulting in a reserve margin of 332 MW (16.0%) of system peak demand.

7(c). SWEPCO owns and operates facilities for the generation, transmission and distribution of electricity for sale in northwestern Louisiana, northeastern Texas, and western Arkansas. Its service area comprises about 25,000 square miles, and at the end of 1974 it served 287,449 customers. In that year its total energy sales amounted to 9,415,636,000 kWh. Gross revenues of SWEPCO in 1974 amounted to $145,760,000; its gross utility plant at yearend amounted to $511,220,430. System peak demand was 1,932 MW in 1974, and the system net capability at the time of peak was 2,163 MW, leaving an installed reserve margin of 231 MW (12.0%) of system peak.

7(d). WTU owns and operates facilities for the generation, transmission and

[1] Includes $148,847,000 construction work in progress.

distribution of electricity for sale in west and central Texas. Its service area comprises 52,380 square miles, and it served 130,674 customers at the end of 1974. During 1974 its total electric energy sales amounted to 3,654,173,000 kWh. Its gross operating revenues in 1974 amounted to $65,773,000; its gross utility plant at the end of 1974 amounted to $234,377,874. Net system maximum demand was 712 MW in 1974, and system net capability was 879 MW, leaving a reserve margin of 167 MW or 23.5%.

8(a). Physically, the CSW System comprises roughly three quarters of a circle with the center at north central Texas. The CSW subsidiaries are interconnected end to end around this arc, extending from CP&L in south Texas, between the Rio Grande and the Gulf of Mexico, through a relatively narrow corridor in west Texas (the northern division of WTU) to interconnect with PSO. PSO connects in eastern Oklahoma with SWEPCO, whose service area includes portions of eastern Texas and adjacent portions of Arkansas and Louisiana.

8(b). Texas Utilities Company ("TU"), a nonaffiliated exempt intrastate holding company, serves through three subsidiaries the central portion of this area, including the Dallas-Ft. Worth metropolitan area. It is comparable in size to CSW and adjoins SWEPCO on the east, PSO on the north and CPL and WTU on the west and southwest. A separate portion of TU's service area lies west of the northern division of WTU. Houston Lighting and Power Company ("HLP"), a nonaffiliated operating company, serves the south central portion of Texas, adjoining CP&L on the southwest. Various municipal, cooperative and smaller investor-owned electric utilities are also found in this general area.

8(c). The three TU subsidiaries, HLP, two CSW subsidiaries, CP&L and WTU, the cities of Austin and San Antonio and the Lower Colorado River Authority operate in electric synchronization as the Texas Interconnected System ("TIS"). The interchange agreements among the members of TIS, including contracts by such members with their respective wholesale customers, in effect preclude direct or indirect exchange of electric energy between TIS and generating and electric utilities outside of the State of Texas. Accordingly, electric utility companies such as SWEPCO or PSO whose interconnected system extends in part or in whole beyond Texas are not included in TIS. TIS does not operate in synchronization with interconnected systems in other parts of the country.

8(d). When CP&L and WTU joined TIS, they ceased to interchange electric energy with PSO and SWEPCO, except for a special arrangement under which the northern division of WTU, adjacent to the Oklahoma border, may operate alternately with PSO or with TIS so long as simultaneous interconnection is avoided. PSO and SWEPCO continue to operate in synchronization with each other and with the nonaffiliated members of the Southwest Power Pool.

8(e). The PTI report examines, as alternatives to the present mode of operation (mode 1), mode 2 in which all CSW subsidiaries would operate in synchronization and interchange energy with electric utility companies not members of TIS, but cease to be connected with the other TIS members or their customers; and modes 3 and 4 in which all TIS members would operate in synchronism with the Southwest Power Pool.

Mode 3 assumes that the other TIS members would continue to limit their interchange of energy to the two Texas subsidiaries of CSW, becoming involved in energy flow from out of state sources only indirectly through interconnections by those CSW subsidiaries with their associate companies which in turn would be synchronized with other electric systems. This mode would require CSW to supply all necessary interconnections and to design its system to serve as a bridge between TIS and the rest of the country.

Mode 4 assumes interchange of energy by the other TIS members without geographical restriction, including direct interchanges between TU and CSW's adjacent subsidiaries, PSO and SWEPCO, rather than by a detour via CP&L and WTU. The mode 4 study was limited to the effect of such unrestricted interchange on the CSW system, and does not consider in depth the effect upon members of TIS (other than CP&L and WTU) of interconnections between all TIS members and their neighbors.

8(f). Economies and efficiencies of the kind examined in the PTI report derive principally from the ability to modify plans for construction of new generating plants and transmission facilities to take advantage of aggregate regional resources. The report focuses on long-range savings in capital and fuel costs. Accordingly, significant potential savings commence several years in the future under modes 3 or 4 but are expected to continue at a growing rate as the full effect of the changes is realized.

It appears to the Commission that the following issues require consideration, but without prejudice to the presentation of additional matters and questions upon further examination:

1. Whether the electric utility facilities of the subsidiaries of CSW, supplemented as planned or proposed, are capable of being economically operated as a single integrated and coordinated system;

2. Whether the proposals presented by CSW and its subsidiaries, with any amendments or modifications which may be developed during the proceeding, represent a reasonable prospect of achieving such economical operation, and what contingencies if any, may affect carrying out any of such proposals.

It is ordered accordingly that a hearing be held and that evidence be adduced with respect to the foregoing issues.

It is further ordered that CSW and its subsidiaries and any other person who appears in the proceeding shall, pursuant to Rule 7 of the Commission's Rules of Practice, file with the Secretary of the Commission on or before March 2, 1976, answers to the allegations set forth in the Notice and Order herein and state their positions on the above issues. Copies of answers and other pleadings filed by persons (other than CSW and its subsidiaries) shall be served upon counsel for these companies.

It is further ordered that the hearing be held at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, at a date to be designated by the hearing officer in such room as may be designated by the hearing room clerk.

It is further ordered that an Administrative Law Judge, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all power granted to the Commission under Section 18(c) of the Act and to the hearing officer under the Commission's Rules of Practice.

It is further ordered that the Secretary of the Commission shall serve by certified mail a copy of this Notice and Order upon counsel for CSW and its subsidiaries, Isham, Lincoln & Beale, One First National Plaza, Suite 4200, Chicago, Illinois 60603, and upon counsel for the Complainants, Wheatley & Miller, 2600 Virginia Avenue, N.W., Washington, D.C. 20037; and that notice to other interested persons shall be given by general release of the Commission and by publication of this Notice and Order in the FEDERAL REGISTER. Persons desiring to participate shall comply with Rule 9 of the Commission's Rules of Practice.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-3390 Filed 2-4-76;8:45 am]

[Rel. No. 9141; (811-1418)]

COLONIAL EQUITIES, INC.

Application for an Order

JANUARY 30, 1976.

Notice is hereby given that Colonial Growth Shares, Inc. ("Growth"), an open-end management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 29, 1975, pursuant to Section 8(f) of the Act on behalf of Colonial Equities, Inc. ("Equities"), 75 Federal Street, Boston, Mass., 02110, an open-end management investment company registered under the Act on August 15, 1966, for an order of the Commission that Equities has ceased to be an investment company and that its registration as an investment company has ceased to be in effect. 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.

On August 7, 1975, Equities entered into an Agreement of Merger and Plan of Reorganization ("the Agreement") with Colonial Ventures, Inc. ("Ventures") and Growth, both registered

open-end, diversified, management investment companies, pursuant to which Equities and Ventures would be merged into and with Growth, and Growth would be the surviving corporation. The Agreement was approved by the shareholders of Equities, Ventures and Growth, and the merger was consummated on November 21, 1975 (the "Effective Date"). An amendatory order of the Commission under Section 17(b) of the Act and pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder was issued on October 20, 1975, pertaining to the merger and the transactions incident thereto.

The Articles of Merger were filed with the Secretary of the Commonwealth of Massachusetts on November 21, 1975, and, accordingly, the separate corporate existence of Equities for all purposes of the laws of Massachusetts ceased as of the Effective Date. As of the Effective Date and thereafter Equities had no assets or liabilities or creditors, all of its assets having been transferred to and its liabilities and obligations assumed by Growth pursuant to the merger.

As of the Effective Date Growth registered in the name of each holder of record of shares of Equities' stock (except with respect to such shares as were automatically converted into cash, without any action on the part of such holder) the number of shares of Growth common stock into and for which shares of Equities' stock registered in the name of such recordholder had been converted pursuant to the Agreement.

Colonial Management Associates, Inc. ("CMA"), the investment adviser to and principal underwriter of Equities immediately prior to the Effective Date has agreed to assume and be solely responsible for all the expenses incurred by Equities incident to the merger provided for in the Agreement. Pursuant to the Agreement, Growth, among other things, is deemed to have assumed and shall be liable for all liabilities and obligations of Equities in the same manner and to the same extent as if Growth had itself incurred such liabilities or obligations.

Growth submits on behalf of Equities that Equities is not an investment company within the meaning of Section 3(a) of the Act and that its registration as an investment company should cease to be in effect.

Section 8(f) of the Act states, among other things, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 25, 1976, 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, 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 should 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 Equities at the address 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.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-3393 Filed 2-4-76;8:45 am]

[Rel. No. 9140; (811-1579)]

COLONIAL VENTURES, INC.

Application for an Order

JANUARY 30, 1976.

Notice is hereby given that Colonial Growth Shares, Inc. ("Growth"), an open-end management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 29, 1975, pursuant to Section 8(f) of the Act on behalf of Colonial Ventures, Inc. ("Ventures"), 75 Federal Street, Boston, Massachusetts 02110, an open-end management investment company registered under the Act on January 2, 1968, for an order of the Commission that Ventures has ceased to be an investment company and that Ventures' registration as an investment company has ceased to be in effect. 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.

On August 7, 1975, Ventures entered into an Agreement of Merger and Plan of Reorganization ("the Agreement") with Colonial Equities, Inc. ("Equities") and Growth, both registered open-end, diversified, management investment companies, pursuant to which Equities and Ventures would be merged into and with Growth, and Growth would be the surviving corporation. The Agreement as approved by the shareholders of Equities, Ventures and Growth, and the merger was consummated on November 21, 1975 (the "Effective Date"). An amendatory order of the Commission under Section 17(b) of the Act and pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder was issued on October 20, 1975, pertaining to the merger and the transactions incident thereto.

The Articles of Merger were filed with the Secretary of the Commonwealth of Massachusetts on November 21, 1975, and, accordingly, the separate corporate existence of Ventures for all purposes of the laws of Massachusetts ceased as of the Effective Date. As of the Effective Date and thereafter Ventures had no assets or liabilities or creditors, all of its assets having been transferred to and its liabilities and obligations assumed by Growth pursuant to the merger.

As of the Effective Date Growth registered in the name of each holder of record of shares of Ventures' stock (except with respect to such shares as were automatically converted into cash, without any action on the part of such holder) the number of shares of Growth common stock into and for which shares of Ventures' stock registered in the name of such recordholder had been converted pursuant to the Agreement.

Colonial Management Associates, Inc. ("CMA"), the investment adviser to and principal underwriter of Ventures immediately prior to the Effective Date has agreed to assume and be solely responsible for all of the expenses incurred by Ventures incident to the merger provided for in the Agreement. Pursuant to the Agreement, Growth, among other things, is deemed to have assumed and shall be liable for all liabilities and obligations of Ventures in the same manner and to the same extent as if Growth had itself incurred such liabilities or obligations.

Growth submits on behalf of Ventures that Ventures is not an investment company within the meaning of Section 3(a) of the Act and that its registration as an investment company should cease to be in effect.

Section 8(f) of the Act states, among other things, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 25, 1976, 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, 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 should 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 Ventures at the address 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.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-3391 Filed 2-4-76;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP.

Suspension of Trading

JANUARY 30, 1976.

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 February 1, 1976 through February 10, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-3394 Filed 2-4-76;8:45 am]

[Rel. No. 9142; (812-3891)]

FINANCIERA BANCOMER, S.A.

Filing of Application

JANUARY 30, 1976.

Notice is hereby given that Financiera Bancomer, S.A. ("Applicant"), Venustiano Carranza No. 44, Sixth Floor, Mexico 1, D. F., Mexico, a Mexican credit institution, filed an Application on December 22, 1975, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the Application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was incorporated on October 8, 1945, as an Institucion Financiera y Fiduciaria ("Financiera") pursuant to Mexican law. A Financiera is an integral part of the Mexican banking system, having as its principal function the making of loans to Mexican enterprises and to agencies and departments of the Mexican government. Applicant is the largest private Financiera in Mexico, having at December 31, 1974, aggregate assets of approximately $1,900,000,000.

Applicant intends to make a public offering in the United States of its Certificates of Deposit with maturities ranging from six to 24 months pursuant to a registration statement on Form S-1 under the Securities Act of 1933 which will be filed with the Commission.

Applicant represents that its organization and operation are closely supervised by the Mexican Ministry of Finance, the Bank of Mexico, and the Comision Nacional Bancaria y de Seguros ("National Banking and Insurance Commission").

A Financiera may be organized only after specific approval of the Ministry of Finance, acting in consultation with the Bank of Mexico and the National Banking and Insurance Commission. Applicant states that in addition to specifying minimum capital, Mexican regulatory authorities limit the ratio that liabilities of a Financiera may bear to capital and capital reserves. They also establish deposit reserve requirements with the Bank of Mexico which are adjusted from time to time. Under existing reserve requirements, Financieras must deposit and maintain unencumbered with the Bank of Mexico specified percentages of new funds raised through the sale of debt instruments. Specified portions of funds not required to be used for deposit reserves are loaned to or invested with industries specified by the Bank of Mexico while the remaining funds may be loaned or invested without specific limitation other than as provided by law.

Applicant further states that Financieras are also subject to reporting requirements and other supervision, including monthly publication of a balance sheet in a newspaper of general circulation and monthly financial reports to the National Banking and Insurance Commission. The National Banking and Insurance Commission may also conduct unannounced audits of the operations of Financieras. In certain instances, if transactions do not conform with legal requirements or there are other irregularities in operations affecting the stability or solvency of a Financiera, the National Banking and Insurance Commission may appoint an "interventor-gerente" who is granted powers normally vested in the Board of Directors and has full powers concerning the operations of the Financiera. Mexican law also provides for the annual election of one or more "shareholders' examiners" who are charged with observing the conduct of Applicant's business and reporting to the shareholders annually. Such examiners can call a shareholders' meeting whenever they believe such meeting to be in the interest of the shareholders. Approval of the Ministry of Finance is also required to establish, change the location of or close an office of a Financiera, or for the merger or transfer of the assets and liabilities of a Financiera.

Applicant further states that the activities in which it may engage are subject to other specific requirements or restrictions embodied in Mexican law, including (a) limitations on the purchase and sale of foreign currency required to meet a Financiera's obligation in foreign currency; (b) limitations on the percentage of assets that may be allocated to specific types of loans; (c) specifications of types of collateral which must be obtained in certain instances; (d) regulation of the purchases of securities; (e) limitations on the maximum amount that may be loaned to any one debtor or group of related debtors, and other matters. Business transactions by Applicant with its Directors, principal shareholders or their close family members in excess of specified amounts are not permitted unless approved by disinterested Directors.

When Applicant's registration statement has been declared effective, Applicant will become subject to the reporting requirements of Section 15(d) of the Securities Exchange Act of 1934. The Certificates of Deposit will be issued pursuant to a trust indenture with a substantial bank located in the United States (the "Trustee"). The Trustee will prepare a Statement of Eligibility and Qualification under the Trust Indenture Act of 1939 and the indenture will comply with the provisions of the Trust Indenture Act of 1939. In addition to the customary provisions contained in an indenture relating to a debt instrument, it is anticipated that the indenture will provide that in the event of default, the Trustee may notify the National Banking and Insurance Commission with respect thereto and request such Commission to take appropriate action in order to cure the default. If a holder of a Certificate of Deposit to be offered in the United States obtains a judgment in the United States against Applicant in a suit arising out of the sale and distribution of the instrument, or in the event of default under the indenture, Applicant fails upon demand to satisfy the judgment, the Trustee will, at the request of the certificate holder, obtain Mexican counsel to obtain execution of the judgment in Mexico. At all times that Certificates are outstanding, Applicant will appoint an agent for service of process in the United States.

Section 6(c) of the Act, as here pertinent, authorizes the Commission by order upon application, conditionally or unconditionally, to exempt any person or any class or classes of persons from any provision or provisions of 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 policies and provisions of the Act.

Applicant states that its capital structure and operations are closely supervised and regulated. Full disclosure with respect to Applicant and the Certificates

of Deposit will be made in the registration statement to be filed by it pursuant to the Securities Act of 1933. Thereafter, it will be subject to the reporting requirements of section 15(d) of the Securities Exchange Act of 1934. The appointment of an Authorized Representative in the United States and the provisions of the indenture will provide certificate holders access to a remedy for any default by Applicant. Under the circumstances, Applicant states that the purposes and polices of the Act will be satisfied and application of the requirements of the Act to Applicant would under such circumstances by unnecessary and burdensome.

Notice is further given that any interested person may, not later than February 25, 1976, 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, the reason for such requests and the issues 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 shall be addressed to: 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 beiing served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the 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 application will be issued by the Commission 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.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-3392 Filed 2-4-76;8:45 am]

[File No. 20-2134A1]

KENTUCKY CRUDE OIL & GAS, INC.

Temporary Suspension Order and Opportunity for Hearing

In the Matter of the following offering sheet(s) filed by Kentucky Crude Oil & Gas, Inc.:

(File No. 20-2134A1) on November 11, 1975, covering non-producing working interests in the Kentucky Crude Oil & Gas, Inc.—Kentucky, Crude-Koehn No. 1.

Kentucky Crude Oil & Gas, Inc. having filed the above offering sheet with the Securities and Exchange Commission pursuant to Regulation B of the general rules and regulations under the Securities Act of 1933 as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheet that:

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(ii) (17 CFR 230.306(a)(2)) because Petco Oil & Gas, Inc., an affiliate of the offeror, was restrained and enjoined temporarily on October 10, 1975, by the District Court of the State of Oklahoma, in and for the County of Oklahoma, from offering or selling securities in the form of fractonal undivided working interests in oil and gas leases, without complying with sections 201 and 01 of the Oklahoma Securiteis Act.

2. No exemption is available for this offering under Regulation B according to Rule 306(a)(vi) (17 CFR 230.306(a)(6)) because Petco Oil & Gas, Inc., an affiliate of the offeror, is and has been subject to an order of temporary suspension issued by the Commission on December 17, 1975.

3. No exemption is available for this offering under Regulation B because the offering sheet used failed to comply with Rules 330(a) and 330(b) of Regulation B (17 CFR 230.330(a) and (b)) by failing to disclose that on October 10, 1975, Petco Oil & Gas, Inc., an affiliate of the offeror, was restrained and enjoined temporarily by the District Court of the State of Oklahoma, in and for the County of Oklahoma from offering or selling securities within and from the State of Oklahoma, including securities in the form of fractional undivided working interests in oil and gas leases, without complying with Sections 201 and 301 of the Oklahoma Securities Act.

4. No exemption is available for this offering under Regulation B because the offering sheet used failed to comply with Rules 330(a) and 330(b) of Regulation B (17 CFR 230.330(a) and (b)) by failing to disclose that Petco Oil & Gas, Inc., an affiliate of the offeror, is and has been subject to an order of temporary suspension issued by the Commission on December 17, 1975.

It is ordered, Pursuant to Rule 334(a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's rules of practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-3402 Filed 2-4-76;8:45 am]

[File No. 20-2134A2, 20-2134A3, 20-2134A4]

KENTUCKY CRUDE OIL & GAS, INC.

Temporary Suspension Order and Opportunity for Hearing

In the Matter of the following offering sheet(s) filed by Kentucky Crude Oil & Gas, Inc.:

(File No. 20-2134A2) on November 11, 1975, covering non-producing working interests in the Kentucky Crude Oil & Gas, Inc.—Kentucky, Crude-Eck "B" No. 1.

(File No. 20-2134A3) on November 21, 1975, covering non-producing working interests in the Kentucky Crude Oil & Gas, Inc.—Kentucky, Crude-Federal NE 1-7.

(File No. 20-2134A4) on November 21, 1975, covering non-producing working interests in the Kentucky Crude Oil & Gas, Inc.—Kentucky, Crude-Federal NW 1-7.

Kentucky Crude Oil & Gas, Inc. having filed the above offering sheets with the Securities and Exchange Commission pursuant to Regulation B of the general rules and regulations under the Securities Act of 1933 as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheets that:

1. No exemption is available for this offering sheet under Regulation B according to Rule 306(a)(ii) (17 CFR 230.306(a)(2)) because Petco Oil & Gas, Inc., an affiliate of the offeror, was restrained and enjoined temporarily on October 10, 1975, by the District Court of the State of Oklahoma, in and for the County of Oklahoma, from offering or selling securities in the form of fractional

undivided working interests in oil and gas leases, without complying with sections 201 and 301 of the Oklahoma Securities Act.

2. No exemption is available for this offering under Regulation B according to Rule 306(a)(vi) (17 CFR 230.306(a)(6)) because Petco Oil & Gas, Inc., an affiliate of the offeror, is and has been subject to an order of temporary suspension issued by the Commission on December 17, 1975.

It is ordered, Pursuant to Rule 334(a) of the general rules and regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under Section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's rules of practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary*.

[FR Doc.76-3403 Filed 2-4-76;8:45 am]

[Release No. 34-12034; File No. SR-NYSE-76-3]

NEW YORK STOCK EXCHANGE, INC.

Proposed Rule Change; Self-Regulatory Organizations

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 January 19, 1976, 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 CHANGES

The proposed rule changes referred to herein are designed to define and limit the responsibility that the Exchange has under the Securities Exchange Act of 1934 as amended, to surveil certain categories of "persons associated with a member." The proposed rule changes are as follows: (additions are in italic; deletions are in [brackets]:

I. TEXT OF RULE 335—APPROVAL OF ASSOCIATED PERSONS

(a) Each member or member organization shall promptly report to the Exchange on the existence of, and its relationship to, any person which controls, is controlled by (other than any employee thereof) or is under common control with such member or member organization.

(b) Except as otherwise permitted by the Exchange, no member or member organization shall become associated with any person described in subparagraph (a) above, if such member, or member organization knows, or in the exercise of reasonable care should know, that such person is subject to any statutory disqualification defined in the Securities Exchange Act of 1934. * * *

SUPPLEMENTARY MATERIAL

For the purposes of this rule, the term associated with shall have the same meaning as the term person associated with a member as defined in section 3(a)(21) of the Securities Exchange Act of 1934.

TEXT OF AMENDMENTS TO RULE 311

Rule 311. (a) All shares of stock issued by a member corporation (other than any share which is a freely transferable security) shall be held of record and beneficially by a party approved by the Exchange.

(b) All debt instruments issued by a member organization and subordinated to the claims of general creditors of such organization (other than any debt instrument which is a freely transferable security) shall be held of record and beneficially by a party approved by the Exchange.

(c) A member who proposes to form a member organization or who proposes to become a general partner or a holder of voting stock in an organization for which application is made for approval as a member organization, or who proposes the admission of any party in a member organization as:

(1) A member.
(2) An allied member.
(3) An approved person.
(4) A limited partner.
(5) Any other party approval of whom is required by paragraph (a) or (b) of this Rule shall notify the Exchange in writing before any such formation or admission, and shall submit such information as may be required by the Exchange.

(d) Any person who is a director of a member corporation but not a member or allied member, [and any party who owns beneficially 5% or more of the outstanding voting stock of a member corporation but is not a member or allied member,] *or who controls a member organization but is not an employee or a member or alied member or a person subject to Rule 389* shall apply for approval by the Board of Directors as an approved person of such member [corporation] *organization* by furnishing the Exchange with such information with respect to such applicant, its history and business, its [stockholders] *equityholders*, officers, *partners* and directors, any parent of such applicant, and such other information as the Exchange may from time to time require. Each such applicant shall [sign a statement in which he pledges that he shall agree with the Exchange as required by Rule 313.25(3), shall agree to comply with Rule 312(c) and 313(b), shall agree promptly to notify the Exchange, so long as such applicant remains an approved person, of any acquisition or disposition by it of any security of such member corporation, and shall further agree during such period of time to abide by such provisions of the Constitution and Rules of the Board of Directors relating to approved persons as shall from time to time be in effect.] *agree in writing with the Exchange:*

(i) *To supply the Exchange with information concerning such applicant's dealings or relationship with any security listed on the Exchange, or any member organization, or person associated with any member or member organization, as the Exchange may reasonably require;*

(ii) *To supply the Exchange with information relating to the existence of any statutory disqualification, enumerated in the Securities Exchange Act of 1934, to which the applicant is subject;*

(iii) *To promptly report to the Exchange whenever such applicant becomes subject to any matter requiring reporting to the Exchange under .10 of the supplementary material hereunder;*

(iv) *To abide by such provisions of the Constitution and rules of the Board of Directors relating to approved persons as shall from time to time be in effect;*

(v) *To permit examination by the Exchange, or any person designated by it, at any time or from time to time, of its books and records to verify the accuracy of the information required to be supplied hereunder; and*

(vi) *To appear before, and give testimony to the Exchange, or any committee or person designated by it, upon any matter under investigation by the Exchange pertaining to a security traded on the Exchange, or to a member, member organization, or to a person associated with a member, or member organization of the Exchange.*

(e) *If any person required to enter into the agreement referred to above fails to enter into such agreement, any member or member organization with which such person is associated may be denied the privileges of a member or*

member organization, or may be subject to any other disciplinary sanction as may be provided in the Exchange Constitution and Rules for any violation thereof.

(f) *If any person required to enter into the agreement referred to above breaches such agreement, the Exchange may withdraw its approval of such person, or may impose upon such person or any member or member organization with which such person is associated any other disciplinary sanction as may be provided in the Exchange Constitution and Rules for any violation thereof.*

* * * Supplementary Material:

.10(i) Each member, allied member, approved person or member organization shall promptly report to the Exchange whenever such person becomes the subject of:

(a) *A proceeding by any securities industry regulatory body;*

(b) *A refusal of registration, injunction, expulsion, suspension, censure or other disciplinary action taken by any securities industry regulatory body;*

(c) *Any litigation, as a defendant, involving alleged violation of any agreement with or provision of a securities industry regulatory body's rules or any securities law or regulation;*

(d) *Any indictment or conviction for any felony or misdemeanor (i) involving the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any such offense; (ii) arising out of the conduct of the business of a broker, dealer, municipal securities dealer, investment adviser, bank, insurance company or fiduciary; (iii) involving larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent conversion, or misappropriation of funds or securities, or (iv) involving the violation of sections 152, 1341, 1342, or 1343 or chapters 25 or 47 of title 18, United States Code.*

[(a) an investigation or proceeding by any governmental or insurance industry self-regulatory body;

(b) a refusal of registration, injunction, expulsion, suspension, censure or other disciplinary action taken by any governmental or securities or insurance self-regulatory body;

(c) any litigation, as a defendant, involving alleged violation of any agreement with or provision of a securities industry self-regulatory body's constitution, by-laws or rules or any securities or insurance law or regulation;

(d) any bankruptcy or contempt proceeding, cease and desist order or injunction;

(e) any arrest, summons, arraignment, indictment or conviction for a criminal offense (other than minor traffic violations);

(f) a major complaint by a customer of a member organization or another broker-dealer in securities.]

(ii) In addition, each member organization shall inform the Exchange whenever any member, or allied member [or approved person] of such member organization has:

(a) been the subject of a disciplinary action by the member organization;

(b) violated any provision of the Exchange Constitution or rules or any securities or insurance law or regulation;

(c) violated any agreement with the Exchange; or

(d) conducted himself (herself) in a way which may be inconsistent with just and equitable principles of trade; detrimental to the interest and welfare of the Exchange, or contrary to an established practice of the Exchange.

TEXT OF AMENDMENT TO RULE 2

Rule 2. The terms "member," "membership," "member firm," "allied member," "non-member," and "member corporation" shall have the meanings specified in Section 3 of Article I of the Constitution [¶1003] and the terms "approved person," "freely transferable security," "voting stock" and "non-voting stock," when used with respect to a member corporation, shall also have the meanings specified in Section 3 of Article I of the Constitution [¶1003].

The term "member organization" includes "member firm" and "member corporation."

The "parent" of another party means any party who has the power to exercise controlling influence over the management or policies of such other party, unless such power is solely the result of an official position with such other party.

Any party who owns beneficially, either directly or indirectly, more than 25 percent of the voting securities of a first corporation or more than 25 percent of the outstanding voting securities of any other corporation which directly or through one or more subsidiaries owns beneficially more than 25 percent of the outstanding voting securities of the first corporation, shall be presumed to be the first corporation's parent. Any party who does not so own more than 25 percent of the voting securities of a corporation shall be presumed not to be such corporation's parent. Any such presumption may be rebutted by evidence but shall continue until a determination to the contrary has been made by the Board of Directors.

A person shall be presumed to control another person if such person has a right to participate to the extent of more than 25% in the profits of such other person, or owns beneficially, directly or indirectly, more than 25% of the voting securities or more than 25% of the total capitalization of such person. Any person who does not so participate in profits, or who does not so own voting securities or total capitalization of another person, shall be presumed not to control such other person. Such presumption may be rebutted by evidence, but shall continue until a determination to the contrary has been made by the Exchange.

The term "State" shall mean any state of the United States, the District of Columbia, Puerto Rico, the Canal Zone, the Virgin Islands, or any other possession of the United States.

TEXT OF AMENDMENT TO ARTICLE I—SECTION 3(g)—APPROVED PERSON

(g) The term "approved person" means a party who is not an employee, a member or an allied member of a member *firm or member* corporation, who has become an approved person as provided in Article IX and who [is a director of member corporation, or who beneficially owns 5% or more of the outstanding voting stock of a member corporation] *controls a member firm or member corporation, or who is a director. The term control as used herein shall be defined in the Rules of the Board of Directors.*

TEXT OF AMENDMENT TO ARTICLE IX, SECTION 7(b)(3)—CONDITIONS OF APPROVAL OF MEMBER CORPORATION

(b) The Board of Directors shall not approve a corporation as a member corporation unless:

(3) every party who [owns beneficially 5% or more of the outstanding voting stock of] *controls* such corporation is a member, allied member or approved person, and . . . .

TEXT OF AMENDMENT TO ARTICLE IX—SECTION 7(g)—FREELY TRANSFERABLE SECURITIES—OWNERSHIP

(g) Each share of stock of a member corporation which is not a freely transferable security and each properly subordinated debt instrument of such member corporation which is not a freely transferable security shall be owned by a party approved by the Board of Directors of the Exchange. In addition, whenever a party who is required to be approved by the Board as a member, allied member or approved person fails or ceases to be so approved, each member corporation having outstanding any shares of stock which are freely transferable securities shall promptly redeem or convert to a fixed income security such of its outstanding freely transferable securities as may be necessary to reduce such party's ownership of voting stock in the member corporation below [5% of the corporation's outstanding voting stock] *that level which enables such party to exercise controlling influence over the management or policies of such member corporation.*

TEXT OF AMENDMENT TO ARTICLE IX—SECTION 11—APPROVED PERSON

A. Any person who is a director of a member corporation but not a member or allied member [and any party who owns beneficially 5 percent or more of the outstanding voting stock of a member corporation but is not a member or allied member] *or who controls a member firm* or member corporation but is not an employee thereof or a member or allied member or a person acting as a broker or dealer in securities associated with a member firm or member corporation or employee thereof, shall become an approved person by filing such application and executing such agreements with the Exchange as the Board of Directors may from time to time prescribe.

2. PURPOSE OF PROPOSED RULES

Section 3(a)(21) of the Securities Acts Amendments of 1975 defines the term "person associated with a member" to include "* * * any person directly or indirectly controlling, controlled by, or under common control with such member, or any employee of such member." This definition, if interpreted literally, when read in conjunction with the obligations imposed upon exchanges under the Act, would impose an enormous and unnecessary regulatory burden upon the Exchange.

At the same time, the broad definition of "person associated with a member," clearly suggests that Congress did intend to require some expansion of the exchanges' regulatory jurisdiction. With a view to appropriately limiting such expansion, the Exchange proposes:

(1) That each member organization notify the Exchange of any relationship it has with any entities controlling, controlled by, or under common control with the member organization. This would provide the Exchange with information needed to fulfill its redefined regulatory responsibilities over member organizations.

(2) That member organizations obtain Exchange approval prior to becoming associated with any person, if it knows, or in the exercise of reasonable care, should know, that such person is subject to a statutory disqualification.

(3) That each person who directly or indirectly controls a member organization disclose to the Exchange pertinent information about its relationship with the member organization and any information relating to any of the statutory disqualifications enumerated in the Act, and furthermore that such person be required to agree with the Exchange:

(a) to supply the Exchange with information with respect to its dealings with any security listed on the Exchange, and

(b) to permit the Exchange to examine its books and records to verify the accuracy of any such information.

(4) That all subsidiaries and affiliates of a member organization continue to be required to comply with Exchange Rules 321 or 322 when, for example, the member organization wishes its officers or employees to perform dual functions.

This approach is consistent with that now used in handling the applications of approved persons, except that it would strengthen the Exchange's authority to examine or investigate situations involving a parent's relationship with a member organization, or a person associated with a member organization.

The proposed changes would eliminate the present requirement that members (other than members, allied members or employees of the member corporation) who own beneficially 5 percent or more of the outstanding voting stock of a member corporation, must register with the Exchange as approved persons even if they are not in a control relationship with the member corporation. The elimination of this requirement is consistent with the definition of the term "person associated with a member" in the Securities Exchange Act of 1934 as amended.

The above stated purposes have been accomplished by:

(1) Rule 335 which establishes procedures to be followed by member organizations which propose to become associated with certain types of subsidiary and affiliate companies;

(2) Amendments to Rule 2 and Article I, Section 3(g), and Article IX, Sections 7(b)(3), 7(g) and 11 of the Exchange Constitution, redefining the term, "approved person", along lines of control, and

(3) An Amendment to Rule 311 setting forth the registration requirements to which all "approved persons" will be subject.

3. BASIS UNDER THE ACT FOR THE PROPOSED AMENDMENTS

Rule 335 and amendments to Rules 2 and 311 are based on the recent amendments to sections 6(b)(1) and 19(g)(1)(A) of the Exchange Act of 1934 (34 Act) which require exchanges, effective December 1, 1975, to enforce compliance with the 34 Act and their own rules with respect to "persons associated with a member". Section 3(a)(21) of the 34 Act defines this new category to include any person directly or indirectly controlling, controlled by, or under common control with a member or member organization and covers entities such as subsidiaries, sister affiliates and parents as well as individuals. The amendments to Rule 2, and to the various sections of the Constitution are based on this definition.

The proposed rules and amendments relate to the Exchange's capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members with the Act and the rules and regulations thereunder by (1) requiring each member or member organization to notify the Exchange of the existence of and relationship to any entity which controls, is controlled by or is under common control with such member or member organization; (2) prohibiting a member or member organization from becoming associated with persons if the member or member organization knows, or in the exercise of reasonable care should know, that such persons are subject to one of the statutory disqualifications referred to in section 3(a)(39) of the Act; (3) redefining the term "approved person" along the lines of control referred to in section 3(a)(21) of the Act; and (4) subjecting parents of Exchange members to the jurisdiction of the Exchange.

The proposed rules and amendments relate to the ability of any registered broker or dealer to become a member of the Exchange and the ability of any person to become associated therewith by providing that without the prior approval of the Exchange no member or member organization shall become associated with any person if such member, or member organization knows, or in the exercise of reasonable care should know, that such person is subject to any statutory disqualification defined in the 34 Act.

The proposed rules and amendments relate to the Exchange's ability to prevent fraud and manipulative acts and practices, promote just and equitable principles of trade and protect investors and the public by enabling the Exchange to obtain information pertinent to the issue of whether a person is qualified to become a member or associated with a member. Furthermore, these rules and amendments will enable the Exchange to exert substantially greater regulatory authority over persons who control Exchange member organizations.

The proposed rules and amendments relate to the Exchange's ability to discipline persons associated with members for violations of the provisions of the Act by requiring that "approved persons" enter into an agreement with the Exchange subjecting themselves to the jurisdiction of the Exchange.

4. COMMENTS RECEIVED FROM MEMBERS PARTICIPANTS OR OTHERS ON PROPOSED RULES

No comments were solicited or received with respect to the subject amendments.

On or before March 11, 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 February 26, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 22, 1976.

[FR Doc.76-3395 Filed 2-4-76;8:45 am]

PRIVACY ACT OF 1974

Amendments to Systems of Records

The Privacy Act of 1974, Pub. L. 93–579, amends Title 5 of the United States Code, by adding after Section 552 thereof, a new section 552a which became effective on September 27, 1975. 5 U.S.C. 552a(e)(4) requires each agency to publish at least annually in the FEDERAL REGISTER a notice of the existence and character of each "system of records" as that term is defined in 5 U.S.C. 552a(a)(5), that it maintains. In addition, 5 U.S.C. 552a(e)(11) requires each agency to publish in the FEDERAL REGISTER notice of any new use of the information contained in a system of records and to provide an opportunity for interested persons to submit written data, views, or arguments to the agency concerning such use. Such notice shall be published thirty days prior to the intended use in order to give such interested persons reasonable opportunity to comment.

Pursuant to these provisions, the Securities and Exchange Commission, on August 27, 1975, published its notices of the existence and character of the systems of records that it maintains. 40 FR 39253. The Commission is hereby giving notice that it intends to amend certain of those systems of records, which became effective as of September 27, 1975, to include some additional routine uses with respect to the records and information contained in the records of the systems specified. Some of these additional routine uses are new, while others are designed to clarify the scope of routine uses that already have been published.

These additional routine uses are specified below together with reference to those systems as to which they will apply. The numbers of the systems indicated correspond to the number of those systems as published on August 27, 1975. A listing of those systems with the appropriate numbers is attached as Exhibit A. Persons are referred to the notices that were published on August 27, 1975, for information concerning the categories of individuals and the categories of records included within particular systems. Those notices also set forth the authority for the maintenance of such systems.

The Commission hereby proposes that the following routine uses will be applicable to the systems of records indicated:

(1) In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including, but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

This routine use will be applicable to the following numbered systems of records: 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 56, 57, 58, 60, and 61–99.

The Commission considers this routine use to be necessary in order to clarify its authority to disclose information in the above systems to those self-regulatory organizations that have been designated by the Congress to have regulatory and enforcement responsibilities under the Federal securities laws, as well as to state or foreign organizations or agencies that have enforcement or regulatory responsibilities with respect to securities or related laws or policies.

In addition, the Securities Acts Amendments of 1975, Pub. L. No. 94–29, June 4, 1975, mandates the creation of a Municipal Securities Rulemaking Board, which will have some self-regulatory responsibilities with respect to the adoption of rules respecting municipal securities brokers and dealers Those amendments also provide that the Federal banking authorities shall have some shared authority with this Commission in connection with the investigation and enforcement of the Federal securities laws with respect to certain municipal securities dealers, transfer agents, and clearing agencies.

In order effectively to carry out the mandate of these amendments, it is necessary that the Commission and the Municipal Securities Rulemaking Board and the Federal banking authorities cooperate closely and share appropriate information. For much the same reason, it is necessary to effective administration of the Securities Investor Protection Act of 1970 that the Commission disclose certain types of information to the Securities Investor Protection Corporation in connection with the Corporation's responsibilities under that latter Act. Although information from the foregoing systems will not generally be made available to these self-regulatory organizations and state or foreign agencies as a matter of course, the Commission believes that it is necessary in appropriate circumstances to make information or records within the systems available as the need arises.

(2) Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g)) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

This routine use will be applicable to the following numbered systems: 1, 2, 3, 4, 5, 6, 7, 12, 13, 14, 16, 17, 19, 20, 21, 23, 24, 25, 26, 27, 33, 35, 36, 37, 38, 41, 42, 43, 44, 45, 46, 55, 56, 57, 58, and 60–99

In connection with enforcement actions brought by it for violations of the Federal securities laws, the Commission often seeks, as ancillary relief, the appointment of a receiver special counsel, or other individual to assist in obtaining effective relief to prevent further violations of the Federal securities laws. For example, in a number of cases, a special counsel has been appointed to investigate past activities of a corporate defendant or to formulate appropriate procedures to avoid such difficulties in the future. In some administrative proceedings, the parties have agreed to the appointment of an independent person to review a respondent's current practices and to recommend appropriate remedial procedures to avoid difficulties in the future. In other cases, where there is an indication of violations, the Commission encourages persons to adopt voluntary, self-corrective measures that include, among other things, the appointment of independent persons to review practices and procedures. In order effectively to perform their functions, such persons may require access to certain information contained in the systems of records described above.

In addition, trustees often are appointed by courts pursuant to the Securities Investor Protection Act of 1970 to liquidate certain broker-dealers and, where appropriate, to institute court actions against debtors and others. Although the Commission believes that access to information in the systems described above may now be available under published routine uses, it believes that it is desirable specifically to provide for such disclosure.

(3) Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

This routine use will be applicable to the following numbered systems: 1, 2, 3, 4, 5, 6, 7, 8, 12, 14, 16, 17, 18, 12, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 36, 37, 38, 42, 43, 44, 45, 46, 47, 49, 50, 54, 55, 56, 57, 58, 60, and 61–99.

This routine use is intended to clarify the fact that, in connection with investigations into possible violations of the Federal securities laws or in connection

with civil litigation, the Commission's staff in its discretion may disclose information pertaining to an individual to any other person if the staff believes that such disclosure may assist it in its investigatory or litigation efforts by providing additional information that may be relevant to the subject matter of the original inquiry of the matters in issue. From time to time, for example, investors register complaints with the Commission's staff about the performance of broker-dealers and other registered persons. In order to investigate such complaints, the Commission's staff often must disclose the information received from the individual to the subject of the complaint.

With respect to many of the systems noted above, the Commission has published routine uses relating to its staff's utilization of records in the course of investigations and legal proceedings. This routine use merely would clarify the fact that the Commission may disclose information, as a routine use, in situations such as that described above.

(4) A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

This routine use will be applicable to the following numbered systems: 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 14 17, 18, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46, 55, 56, 57, 58, 60, and 61–99.

In connection with its enforcement and regulatory responsibilities, the Commission, from time to time, has occasion to utilize the services of an outside contractor to reproduce, by typing or photocopy or other means, records that are within the Commission's systems of records. For example, in connection with a court enforcement action, it may be necessary to have parts of the Commission's investigatory files reproduced in order to be made available to the court and to counsel for some or all of the parties. Also, from time to time, it is necessary for the Commission to retain temporary help for typing and other ministerial functions where, incidental to those functions, some disclosure of records or information contained in the Commission's systems of records must necessarily be made to such persons.

(5) Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

This routine use will be applicable to the following numbered systems: 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 35, 36, 37, 38, 41, 42, 44, 45, 46, 56, 58, 60 and 61–99.

Pursuant to the provisions of the Federal securities laws, the Commission has authority, among other things, to publish the results of investigations conducted by it. See, e.g., sections 15(c)(4) and 21(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78o(c)(4) and 78u(a). The Commission also has been directed by the Congress from time to time to conduct studies of particular subjects and to make recommendations to the Congress for appropriate legislative changes or additions. For example, in the Securities Acts Amendments of 1975, the Commission is directed by section 11A(e) to conduct a study of the securities activities of all those persons and entities that are not included within the definition of the term "broker" and "dealer" as defined in the Securities Exchange Act of 1934.

In connection with such investigations or studies, it may be necessary to include information pertaining to an individual that is included in one of the Commission's systems of records. Certainly this is more likely to be the case in connection with the report of an investigation but there may be situations where, in connection with a Congressionally mandated study, such information must also be included.

Although the notices of some of the systems of records already include such disclosures as a routine use, the Commission wants to make clear its view that the Privacy Act did not abrogate the Commission's authority to publish reports of investigation and other matters under the Federal securities laws.

(6) Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

This routine use shall apply to the following numbered systems: 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46, 55, 56, 57, 58, and 60–99.

From time to time, the Commission determines to create, or the Congress instructs it to create, advisory committees to provide advice and recommendations to the Commission, and in some cases, to Congress, with respect to particular matters involving the administration of the Federal securities laws. The creation of such committees usually is pursuant to provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I, and the operations of such committees are subject to the provisions of that Act. The Securities Acts Amendments of 1975, for example, direct the Commission to create a fifteen-member advisory committee to be called the National Market Advisory Board, to render advice and recommendations to the Commission concerning, among other things, the development of a national market system for the trading of securities in the United States. In directing the creation of this Board, the Congress specifically indicated that the Commission should provide whatever support services are necessary to enable the Board to carry out its functions. Although the necessity for access by the Board to specific information contained within systems of records that are maintained by the Commission will likely be minimal, it is not unlikely that the Board, in order effectively to perform its functions, might require access to some information that is contained in the Commission's systems of records. Similar access may also be necessary in the case of other advisory committees that may be created by the Commission.

(7) Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785–1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

This routine use shall be applicable to the following numbered systems: 1, 2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 46, 55, 56, 57, 58, and 60–99.

From time to time, individuals who have agreed to be bound by the Commission's Rules of Conduct which prohibit, among other things, the disclosure of nonpublic information acquired in connection with their functions at the Commission, may be exposed to certain nonpublic information in connection with the activities they perform while associated with the Commission. For example, consultants or experts who are retained by the Commission may have access to information in the specified systems of records to aid in the performance of their assigned tasks. Also, from time to time, individuals render services to the Commission on a part-time basis, without compensation. The purpose of this routine use is to clarify that disclosure of such information may be made to such individuals without obtaining the consent of the persons as to whom the information pertains

(8) Disclosure may be made to a congressional Office from the record of an individual in response to an inquiry from the congressional Office made at the request of that individual.

This routine use will be applicable to systems numbered: 1–99.

This routine use is included upon the request of the Office of Management and Budget. The purpose of this routine use is to allow the Commission to respond to inquiries by Members of Congress on behalf of their constituents. There cur-

rently is some dispute whether a constituent must specifically authorize disclosure of information pertaining to him to a Member of Congress where the constituent has asked the Member to look into a particular matter. The above routine use will make it clear that, if the request from the Member is based on the request from the constituent, no separate written authorization is required from the constituent. This routine use, however, will not authorize the disclosure of information to a Member of Congress of information pertaining to a person other than the person requesting the information.

(9) The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

This routine use will be applicable to the following numbered systems of records: 9, 29, 46, 48, 49, 50, 53, 54.

This routine use also is included at the request of the Office of Management and Budget. The purpose of this routine use is to permit the Commission to transmit legislative information to OMB in connection with private relief legislation. Although the Commission has not had occasion to seek such legislation many times in the past, it has done so and may do so in the future.

Interested persons are invited to submit any views, data or arguments with respect to these proposed routine uses. Submission should be sent to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and marked "System of Notice Amendment" to insure expeditious consideration. Comments, data, views, and arguments should be received on or before March 8, 1976, in order to be given consideration by the Commission prior to determining whether to implement the proposed routine uses.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

FEBRUARY 2, 1976.

APPENDIX A

COMMISSION'S SYSTEMS OF RECORDS

(FEDERAL REGISTER Vol. 40, No. 167, Wednesday, August 27, 1975)

(1) Registration Statements Filed Pursuant to Provisions of the Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

(2) Applications for Registration/Exemption under the Securities Exchange Act of 1934, Investment Advisers Act of 1940, and Investment Company Act of 1940.

(3) Notification of Exemption from Registration under the Securities Act of 1933.

(4) Acquisition, Tender Offer, and Solicitation Records Filed under the Securities Exchange Act of 1934.

(5) Ownership Reports and Insider Trading Transaction Records Filed under the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

(6) Periodic Reports Filed under The Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940 and Investment Advisers Act of 1940.

(7) Proposed Sale of Securities Records Filed under the Securities Act of 1933.

(8) Proxy Soliciting Material Filed under the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

(9) Administrative Audit System.

(10) Administrative Law Judge Assignments and Dispositions of Administrative Proceedings.

(11) Administrative and Litigation Release System.

(12) Administrative Proceedings.

(13) Administrative Proceedings Record Cards.

(14) Applications for Relief From Disqualification Filed Under the Securities Act of 1933 and the Commission's Rules of Practice.

(15) Comments on Commission and Securities Self-Regulatory Organization Rules Changes.

(16) Complaint Processing System.

(17) Correspondence Files Pertaining to Registered Broker-Dealers.

(18) Correspondence Files Pertaining to Registered Investment Advisers.

(19) Correspondence Files Pertaining to Registered Investment Companies.

(20) Defendant Index.

(21) Division of Corporate Regulation Bankruptcy Act Records.

(22) Division of Corporation Finance Branch Working Files.

(23) Division of Corporation Finance Index for Filings on Schedule 13D and Filings under Regulations A and B.

(24) Division of Enforcement Investigative Working Files.

(25) Division of Enforcement Liaison Working Files.

(26) Division of Enforcement Preliminary Market Surveillance Inquiries.

(27) Division of Investment Management Regulation Correspondence and Memoranda Files.

(28) Employee Photograph File.

(29) Employees Current Card File.

(30) Equal Employment Opportunity Complaints.

(31) Executive/Congressional Personnel Referrals.

(32) Freedom of Information Act Requests.

(33) General Correspondence Files.

(34) Hearings, Proceedings and Studies.

(35) Investigations and Actions Index System.

(36) Investigatory Files.

(37) Investor Service Complaint Index.

(38) Litigation Files (Civil and Criminal).

(39) Mailing Address Labels (MAL).

(40) Manpower Reporting System (MPR).

(41) Minutes Regarding Action Taken by the Commission.

(42) Name-Relationship Index System (MRS).

(43) No-action and Interpretative Letters.

(44) Office of the Chief Accountant Working Files.

(45) Office of General Counsel Work Files.

(46) Office of Opinions and Review Working Files.

(47) Office of Personnel Code of Conduct and Employee Performance Files.

(48) Office of Personnel Employee Listings.

(49) Office of Personnel Employment and Staffing Files.

(50) Office of Personnel Position Classification Files.

(51) Office of Personnel Training Files.

(52) Office of Public Information Records.

(53) Pay and Leave System.

(54) Personnel Security Files.

(55) Public Utility Regulation Branch Files.

(56) Rule 2(e) of the Commission's Rules of Practice—Appearing or Practicing Before the Commission.

(57) SECO Files.

(58) Securities Violations Records and Bulletin.

(59) Staff Transfer and Promotion Records.

(60) Subject File Index.

(61) Atlanta Regional Office General Index of Files.

(62) Atlanta Regional Office Investigative Files.

(63) Boston Regional Office Investigation Index File.

(64) Boston Regional Office Investigative Files.

(65) Chicago Regional Office Index Cards.

(66) Chicago Regional Office Investigative Files.

(67) Cleveland Branch Office Broker-Dealer Files.

(68) Cleveland Branch Office Index Cards.

(69) Cleveland Branch Office Investigatory Files.

(70) Cleveland Branch Office Investment Adviser Files.

(71) Denver Regional Office Investigative Files.

(72) Denver Regional Office Regulation A Control Cards.

(73) Denver Regional Office and Salt Lake Branch Office Cross Reference Index Cards.

(74) Detroit Branch Office Broker-Dealers Files.

(75) Detroit Branch Office Index Cards.

(76) Detroit Branch Office Investigatory Files.

(77) Detroit Branch Office Investment Adviser Files.

(78) Fort Worth Regional Office and Houston Branch Office General Indices.

(79) Fort Worth Regional Office Investigative Files.

(80) Houston Branch Office Investigative Files.

(81) Los Angeles Regional Office Broker-Dealer Files.

(82) Los Angeles Regional Office Investigative Files.

(83) Los Angeles Regional Office Investment Adviser Files.

(84) Miami Branch Office General Index of Files.

(85) Miami Branch Office Investigative Files.

(86) New York Regional Office Index of Complaints.

(87) New York Regional Office Investigative Files.

(88) New York Regional Office Master Card Index.

(89) New York Regional Office Regulation A Work File.

(90) Philadelphia Branch Office Investigative Files.

(91) St. Louis Branch Office, Inquiry, Complaint and General Reference Files.

(92) St. Louis Branch Office Investigative Files.

(93) Salt Lake City Branch Office Investigative Files.

(94) San Francisco Branch Office Investigative Files.

(95) San Francisco Branch Office Regulation A Files.

(96) Seattle Regional Office Master Card Index and Related Regulatory, Investigatory, and Legal Files System (MCI System).

(97) Washington Regional Office Investigatory Files.

(98) Washington Regional Office and Philadelphia Branch Office, Administrative Proceedings Files.

(99) Washington Regional Office and Philadelphia Branch Office Litigation Files.

[FR Doc.76-3386 Filed 2-4-76;8:45 am]

PRIVACY ACT OF 1974

Corrections and Changes to Systems of Records

Pursuant to the requirements of sections 3(e) (4) and (11) of the Privacy Act of 1974 (5 U.S.C. 552a, 88 Stat. 1896), the Securities and Exchange Commission gave notice of the maintenance of its systems of records (40 FR 39255 through 39319) on August 27, 1975.

The changes listed below do not constitute changes in the Commission's systems of records but are being published to correct errors in the first notice and to reflect the redesignation of offices.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

JANUARY 30, 1976.

SEC—16

System name: Complaint Processing System (CMP)—SEC.

System manager(s) and address: Delete "Director, Office of Registrations and Reports" and change to "Director, Office of Reports and Information Services."

SEC—31

System name: Executive/Congressional Personnel Referrals—SEC.

System manager(s) and address: Delete "Director of Personnel" and substitute "Executive Director."

SEC—32

System name: Freedom of Information Act Requests—SEC.

System manager(s) and address: Delete "Director, Office of Public Information" and substitute "Director, Office of Reports and Information Services."

SEC—37

System name: Investor Service Complaint Index—SEC.

System manager(s) and address: Delete "Director, Office of Registrations and Reports" and change to "Director, Office of Reports and Information Services."

SEC—40

System name: Manpower Reporting System (MPR)—SEC.

System manager(s) and address: Delete "Director, Office of Personnel" and substitute "Comptroller."

SEC—47

System name: Office of Personnel Code of Conduct and Employee Files—SEC.

Authority for maintenance of the system: Delete "Title 5, United States Code" and substitute "5 CFR."

Record source categories: Line 11 is corrected to delete "Rules 206 and 9010" and changed to "Rules 2-9 and 9-10."

SEC—49

System name: Office of Personnel Employment and Staffing Files—SEC.

Authority for maintenance of the system: Delete "Title 5, United States Code" and substitute "5 CFR."

SEC—50

System name: Office of Personnel Position Classification Files—SEC.

Authority for maintenance of the system: Delete "Title 5, United States Code" and substitute "5 CFR."

SEC—51

System name: Office of Personnel Training Files—SEC.

Authority for maintenance of the system: Delete "Title 5, United States Code" and substitute "5 CFR."

SEC—61

System name: Atlanta Regional Office General Index of Files—SEC.

System location: Delete "Atlanta Regional Office, Suite 140, 1371 Peachtree Street, N.E., Atlanta, George 30309" and change to "Atlanta Regional Office, Suite 788, 1375 Peachtree Street, N.E., Atlanta, George 30309."

SEC—62

System name: Atlanta Regional Office Investigative Files—SEC.

System location: Delete "Atlanta Regional Office, Suite 140, 1371 Peachtree Street, N.E., Atlanta, Georgia 30309" and change to "Atlanta Regional Office, Suite 788, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309."

[FR Doc.76-3396 Filed 2-4-76;8:45 am]

[File No. 20-2098A9]

RIO GRANDE OIL CO.

Temporary Suspension Order and Opportunity for Hearing

In the Matter of the following offering sheet(s) filed by Rio Grande Oil Company:

(File No. 20-2095A9) on December 17, 1975, covering non-producing working interests in the Rio Grande Oil Company—O'Brien #18 Lease.

Rio Grande Oil Company having filed the above offering sheet with the Securities and Exchange Commission pursuant to Regulation B of the general rules and regulations under the Securities Act of 1933 as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheet that:

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(ii) (17 CFR 230.306(a)(2)) because Rio Grande Oil Company was restrained from selling securities in or from the state of Texas by a state court in Harris County, Texas, on December 15, 1975.

2. No exemption is available for this offering under Regulation B because the offering sheet failed to comply with Rules 330(a) and 330(b) (17 CFR 230.330 (a) and (b)) by: (a) Failing to disclose that Thomas J. Norton, a controlling stockholder of Rio Grande Oil Company, is presently a defendant in a lawsuit filed by the Commission in May 1975, alleging violations of the federal securities laws; (b) failing to disclose that Lawrence Gardner, a salesman for Rio Grande Oil Company, was indicted on January 22, 1975, by a grand jury in Harris County, Texas, on charges of violating the Texas Securities Act; (c) making an untrue statement of a material fact by stating in the offering sheet that there was no pending litigation, when Rio Grande Oil Company had no reasonable grounds to believe that such statement was substantially correct.

It is ordered, Pursuant to Rule 334(a) of the general rules and regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that if such a person does request a hearing pursuant to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's rules of practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-3397 Filed 2-4-76;8:45 am]

[File No. 20-2095A4, 20-2095A7]

RIO GRANDE OIL CO.

Temporary Suspension Order and Opportunity for Hearing

In the Matter of the following offering sheet(s) filed by Rio Grande Oil Company:

(File No. 20-2098A4) on July 14, 1975 and refiled November 4, 1975, covering non-producing working interests in the Rio Grande Oil Company—Pearmon #1 Lease.

(File No. 20-2095A7) on November 17, 1975, covering non-producing working interests in the Rio Grande Oil Company—J. C. Mitchell #1 Lease.

Rio Grande Oil Company having filed the above offering sheets with the Securities and Exchange Commission pursuant to Regulation B of the general rules and regulations under the Securities Act of 1933 as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheets that:

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(ii) (17 CFR 230.306(a)(2)) because Rio Grande Oil Company was restrained from selling securities in or from the state of Texas by a state court in Harris County, Texas, on December 15, 1975.

2. No exemption is available for this offering under Regulation B because Rio Grande Oil Company failed to comply with Rule 310(b) (17 CFR 230.310(b)) by failing to deliver the offering sheet to prospective investors at or prior to the time of the initial offer.

3. No exemption is available for this offering under Regulation B because Rio Grande Oil Company failed to comply with Rule 310(d) (17 CFR 230.310(d)) by failing to deliver the offering sheet to investors at least 48 hours before sales were made.

4. No exemption is available for the offering under Regulation B because Rio Grande Oil Company failed to comply with Rule 318(b) (17 CFR 230.318(b)) by utilizing, in addition to the offering sheet, prohibited sales literature in connection with the offering.

5. No exemption is available for this offering under Regulation B because the offering sheet failed to comply with Rules 330(a) and 330(b) (17 CFR 230.-330(a) and (b)) by:

a. Failing to disclose that Thomas J. Norton, a controlling stockholder of Rio Grande Oil Company, is presently a defendant in a lawsuit filed by the Commission in May 1975, alleging violations of the federal securities laws,

b. Failing to disclose that Lawrence Gardner, a salesman for Rio Grande Oil Company, was indicted on January 22, 1975, by a grand jury in Harris County, Texas, on charges on violating the Texas Securities Act,

c. Failing to disclose that on December 15, 1975, a state court in Harris County, Texas, entered a temporary restraining order against Rio Grande Oil Company, which order restrained the sale of securities in or from the state of Texas,

d. Making an untrue statement of a material fact by stating in the offering sheet that there was no pending litigation, when Rio Grande Oil Company had no reasonable grounds to believe that such statement was substantially correct.

6. No exemption is available for this offering under Regulation B according to Rule 334(a)(iv) (17 CFR 230.334(a)(4)) because Rio Grande Oil Company has failed to cooperate with and has obstructed and refused to permit the making of an investigation by the Commission in connection with the offering.

It is ordered, Pursuant to Rule 334(a) of the general rules and regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's Rules of Practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-3398 Filed 2-4-76;8:45 am]

[File No. 20-2095A1, 20-2095A2, 20-2095A3, 20-2095A5]

RIO GRANDE OIL CO.

Temporary Suspension Order and Opportunity for Hearing

In the Matter of the following offering sheet(s) filed by Rio Grande Oil Company:

(File No. 20-2095A1) on May 16, 1975, covering non-producing working interests in the Rio Grande Oil Company—#1 Hastings Lease.

(File No. 20-2095A2) on May 22, 1975 and refiled on August 20, 1975, covering non-producing working interests in the Rio Grande Oil Company—Avis #1 Lease.

(File No. 20-2095A3) on June 18, 1975 and refiled September 2, 1975 and September 23, 1975, covering non-producing working interests in the Rio Grande Oil Company—#1 Beasley Lease.

(File No. 20-2095A5) on July 21, 1975, covering non-producing working interests in the Rio Grande Oil Company—Judy #1 Lease.

Rio Grande Oil Company having filed the above offering sheets with the Securities and Exchange Commission pursuant to Regulation B of the general rules and regulations under the Securities Act of 1933 as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheets that:

No exemption is available for this offering under regulation B because the offering sheet failed to comply with Rules 330(a) and 330(b) (17 CFR 230.330(a) and (b)) by: (a) Failing to disclose that Thomas J. Norton, a controlling stockholder of Rio Grande Oil Company, is presently a defendant in a lawsuit filed by the Commission in May 1975, alleging violations of the federal securities laws; (b) failing to disclose that Lawrence Gardner, a salesman for Rio Grande Oil Company, was indicted on January 22, 1975, by a grand jury in Harris County, Texas, on charges of violating the Texas Securities Act; (c) making an untrue statement of a material fact by stating in the offering sheet that there was no pending litigation, when Rio Grande Oil Company had no reasonable grounds to believe that such statement was substantially correct.

It is ordered, Pursuant to Rule 334(a) of the general rules and regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under section 3(b) of said act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing, thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an

officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's rules of practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary*.

[FR Doc.76-3399 Filed 2-4-76;8:45 am]

[File No. 20-2095A8]

RIO GRANDE OIL CO.

Temporary Suspension Order and Opportunity for Hearing

In the Matter of the following offering sheet(s) filed by Rio Grande Oil Company:

(File No. 20-2095A8) on December 10, 1975, covering non-producing working interests in the Rio Grande Oil Company—Hoegmeyer #1.

Rio Grande Oil Company having filed the above offering sheet with the Securities and Exchange Commission pursuant to Regulation B of the general rules and regulations under the Securities Act of 1933 as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheet that:

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(iii) (17 CFR 230.306(a)(2)) because Rio Grande Oil Company was restrained from selling securities in or from the state of Texas by a state court in Harris County, Texas, on December 15, 1975.

2. No exemption is available for this offering under Regulation B because the offering sheet failed to comply with Rules 330(a) and 330(b) (17 CFR 230.330 (a) and (b)) by: (a) Failing to disclose that Thomas J. Norton, a controlling stockholder of Rio Grande Oil Company, is presently a defendant is a lawsuit filed by the Commission in May 1975, alleging violations of the federal securities laws; (b) failing to disclose that Lawrence Gardner, a salesman for Rio Grande Oil Company, was indicted on January 22, 1975, by a grand jury in Harris County, Texas, on charges of violating the Texas Securities Act; (c) making an untrue statement of a material fact by stating in the offering sheet that there was no pending litigation, when Rio Grande Oil Company had no reasonable grounds to believe that such statements was substantially correct.

3. No exemption is available for this offering under Regulation B according to Rule 334(a)(iv) (17 CFR 230.334(a)(4)) because Rio Grande Oil Company has failed to cooperate with and has obstructed and refused to permit the making of an investigation by the Commission in connection with the offering.

It is ordered, Pursuant to Rule 334(a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under Section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters, that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's rules of practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary*.

[FR Doc.76-3400 Filed 2-4-76;8:45 am]

[File No. 20-2095A6]

RIO GRANDE OIL CO.

Temporary Suspension Order and Opportunity for Hearing

In the Matter of the following offering sheet(s) filed by Rio Grande Oil Company:

(File No. 20-2095A6) on August 20, 1975 and refiled December 12, 1975, covering non-producing working interests in the Rio Grande Oil Company—Louvier #1 Lease.

Rio Grande Oil Company having filed the above offering sheet with the Securities and Exchange Commission pursuant to Regulation B of the general rules and regulations under the Securities Act of 1933 as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheet that:

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(ii) (17 CFR 230.306(a)(2)) because Rio Grande Oil Company was restrained from selling securities in or from the state of Texas by a state court in Harris County, Texas, on December 15, 1975.

2. No exemption is available for this offering under Regulation B because the offering sheet failed to comply with Rules 330(a) and 330(b) (17 CFR 230.330(a) and (b)) by:

a. Failing to disclose that Thomas J. Norton, a controlling stockholder of Rio Grande Oil Company, is presently a defendant in a lawsuit filed by the Commission in May 1975, alleging violations of the federal securities laws,

b. Failing to disclose that Lawrence Gardner, a salesman for Rio Grande Oil Company, was indicted on January 22, 1975, by a grand jury in Harris County, Texas, on charges of violating the Texas Securities Act,

c. Failing to disclose that on December 15, 1975, a state court in Harris County, Texas, entered a temporary restraining order against Rio Grande Oil Company, which order restrained the sale of securities in or from the state of Texas,

d. Making an untrue statement of a material fact by stating in the offering sheet that there was no pending litigation, when Rio Grande Oil Company had no reasonable grounds to believe that such statement was substantially correct.

It is ordered, Pursuant to Rule 334(a) of the General Rules and Regulations premulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under section 3(b) of said Act with respect to said offering shall be, and hereby is, temporarily suspended pending a final hearing, thereon with respect to the objections hereinbefore enumerated.

It is further ordered, That each person, on whose behalf said offering sheet was filed, be, and hereby is, given notice

that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

It is further ordered, Pursuant to Rule 7 of the Commission's Rules of Practice, that if such a person does request a hearing pursuant to Rule 336 of Regulation B that such person shall file an answer to the allegations contained in this order within 15 days of requesting such a hearing.

Notice is directed to Rule 7(c) of the Commission's rules of practice which provides that any allegation not denied shall be deemed to be admitted.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-3401 Filed 2-4-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[TMK-2-R:E:R]

DULONG FRERES & FILS

Notice of Application for Recordation of Trade Name

Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 12 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name DULONG FRERES & FILS used by Dulong Freres & Fils, a corporation organized under the laws of France, located at 29 Rue Jules-Guesde, Floriac pres Bordeaux, France.

The application states that the trade name is applied to wine, manufactured in France. The application states further that no foreign person, partnership, association or corporation is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments, submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received on or before March 8, 1976.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

JANUARY 29, 1976.

[SEAL]

[FR Doc.76-3418 Filed 2-4-76;8:45 am]

[T.D. 76-40; TMK-2-P:E:R]

MARKETING PLANNING ASSOCIATES, INC.

Notice of Recordation of Trade Name

JANUARY 30, 1976.

On October 17, 1975, there was published in the FEDERAL REGISTER (40 FR 48702) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Marketing Planning Associates, Inc., used by Marketing Planning Associates, Inc. The notice advised that prior to final action on the application, filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received on or before March 8, 1976. No responses were received in opposition to the application.

The name "Marketing Planning Associates, Inc." is hereby recorded as the trade name of Marketing Planning Associates, Inc., a corporation organized under the laws of the State of California, located at 9701 Wilshire Boulevard, Seventh Floor, Beverly Hills, California 90210, when applied to articles of clothing, including male and female undergarments manufactured in Brazil and Denmark. No foreign person, parent or subsidiary company under common ownership or control, or other business entity is authorized to use the trade name.

[SEAL] LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

[FR Doc.76-3417 Filed 2-4-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEPARTMENT OF DEFENSE MATERIALS SHORTAGES STEERING COMMITTEE

Meeting—Workshop on Government Policies and Programs Affecting Materials Availability

FEBRUARY 2, 1976.

Individuals are invited to participate in a Government sponsored Workshop entitled "Government Policies and Programs Affecting Materials Availability" which will be held 24-26 February 1976 at the Sheraton Inn and International Conference Center, Reston, Virginia.

The Workshop is sponsored by the Department of Defense (DOD) Materials Shortages Steering Committee. This group was established by the Director, Defense Research and Engineering and the Assistant Secretary of Defense for Installations and Logistics to implement a strong working level coordinating activity between the DoD and other agencies in addressing problems of materials availability.

The purpose of the Workshop is to provide industry with an opportunity to learn and comment on Federal policies and programs in materials and such related areas as energy, the economy, the industrial base and the environment as they affect materials availability and utilization.

The concept of the Workshop adopted by the DoD Materials Shortages Steering Committee is to spend the first two days in general sessions where participants attend presentations by Government representatives. The third day will be organized into an industry and Government manned series of panels which will be requested to address their reactions to the Government policies and programs as well as their recommendations for others.

There is no charge for this Workshop. However, for planning purposes, it is requested that you confirm your participation at the Workshop with the Workshop Executive Secretary:

Mr. Edward J. Dyckman
Code 2803
Naval Ship R&D Center
Annapolis, Maryland 21402
Tel: 301/267-3854 or 2534

CHARLES P. DOWNER,
Deputy Director, Production Resources, OASD (I&L).

[FR Doc.76-3403 Filed 2-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

LAND RECORDS FOR CERTAIN INDIAN-OWNED LANDS IN THE STATE OF OKLAHOMA

Transfer of Custody

JANUARY 15, 1976.

This notice is published in accordance with 25 CFR 120 and in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by Chapter 1, Part 230 of the Departmental Manual which was published beginning on page 32111 of the September 5, 1974, FEDERAL REGISTER (39 FR 32111).

Effective March 1, 1976, the official custody of all land records and title documents pertaining to Indian owned trust or restricted lands under the jurisdiction of the Anadarko Area Office and the Miami Agency, Oklahoma, whether within or outside the boundaries of any Indian reservation or other designated entity, is transferred from the Southwest Title Plant, Albuquerque, New Mexico, to the newly established Anadarko Title Plant, Bureau of Indian Affairs, Federal Building, Anadarko, Oklahoma 73005. The Anadarko Title Plant is thereafter the official office of record for the recording and maintenance of these records.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-3425 Filed 2-4-76;8:45 am]

Bureau of Land Management

[NM 27417]

NEW MEXICO

Proposed Withdrawal and Reservation of Lands

JANUARY 29, 1976.

The Bureau of Reclamation, U.S. Department of the Interior, has filed application NM 27417 for the withdrawal of land described below, from all forms of appropriation under the public land laws, but not from the general mining or mineral leasing laws, except that drilling will be restricted to special stipulations approved by the Bureau of Reclamation. The applicant desires the land for use in connection with the Brantley Reservoir Project.

On or before March 8, 1976, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, P.O. Box 1449, Santa Fe, New Mexico.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 26 E.,
Sec. 16, SW¼NW¼.

The area desbribed contains 40 acres in Eddy County.

MICHAEL T. SLOAN,
Chief, Division of Technical Services.

[FR Doc.76-3442 Filed 2-4-76;8:45 am]

[Wyoming 53553]

WYOMING

Application

JANUARY 29, 1975.

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

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 58 N., R. 100 W.,
Sec. 20.

The pipeline will convey natural gas from a well in the NW¼SW¼ of sec. 20 to an existing gathering system in sec. 30, T. 58 N., R. 100 W., Park 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 119, Worland, Wyoming 82401.

HAROLD G. STINCHCOMB,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-3441 Filed 2-4-76;8:45 am]

[Wyoming 53530]

WYOMING

Application

JANUARY 29, 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. 30 N., R. 113 W.,
Sec. 28.

The pipeline will convey natural gas from a well in the SE¼NW¼, sec. 28, to an existing gathering system in the NW¼NE¼ of sec. 28, T. 30 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 Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-3446 Filed 2-4-76;8:45 am]

[Wyoming 53531]

WYOMING

Application

JANUARY 29, 1976.

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 30 N, R. 113 W.,
Sec. 21.

The pipeline will convey natural gas from a well to an existing gathering system, both in the SW¼SW¼ of sec. 21, T. 30 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 Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-3447 Filed 2-4-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M76-80]

ITMANN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Itmann Coal Company has filed a petition to modify the application of 30 CFR 75.1710-1 to its Itmann Nos. 1, 2 and 3 Mines, Wyoming County, West Virginia.

30 CFR 75.1710-1 provides:

> Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face falls. The requirements of this paragraph (a) shall be met as follows:
>
> (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
>
> (2) On and after January 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
>
> (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
>
> (4) On and after January 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
>
> (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
>
> (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

In support of its petition, Petitioner states:

1. By Memorandum to all District Managers dated September 20, 1973, the MESA Acting Assistant Administrator further interpreted these sections to

mean that the mining heights listed in 30 CFR 75.1710–1 were "the distance from the floor to the finished roof *less 12 inches*." (Emphasis added.)

2. Petitioner's Itmann Nos. 1, 2 and 3 Mines each have an unadjusted average coalbed height of under 48". The specific coalbed height at each of the subject mines is as follows:

Mine:	*Average coalbed height* (inches)
Itmann No. 1	40–45
Itmann No. 2	45
Itmann No. 3	40–47

3. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will allow the operator proper visibility for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will clear the top in areas where the equipment must operate in these mines.

5. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will allow the operator to rapidly escape the confines of such cabs or canopies in the event of an emergency.

6. Petitioner has experimented with various cab and canopy designs on the electrical face equipment presently in use but has not been able to find an effective and safe configuration which will allow proper visibility for the operator, prevent "roofing" caused by operation over uneven bottom or under uneven top, or which will allow the operator to rapidly escape from under the cab or canopy in the event of an emergency.

7. Petitioner has been unable to discover any form of prefabricated cab or canopy which can be fitted to the present electrical face equipment in a manner to remove or reduce the visibility, "roofing" and entrapment dangers. Petitioner has been unable to discover any design for construction of a cab or canopy for the present electrical face equipment in the coalbed heights shown which will remove or reduce these dangers.

8. Numerous UMW members employed at Petitioner's mines have complained that installation of cabs or canopies on the present electrical face equipment in the coalbed heights shown will reduce safety. In some cases, UMW members have threatened to stop work if they are required to operate electrical face equipment hampered by a cab or canopy which reduces visibility bumps or catches the top or prevents rapid escape from its confines.

9. Petitioner contends that application of 30 CFR 75.1710 and 1710–1(a)(5) to its present electrical face equipment in the coalbed heights shown in paragraph 4 at its Itmann Nos. 1, 2, and 3 Mines will result in a diminution of safety in the operation of said equipment.

Petitioner's Alternate Method. Petitioner proposes the following alternative method for maintenance of safe roof and rib conditions in connection with operation of its presently used electric face equipment at the subject mines:

1. Petitioner will replace its present electrical face equipment as that equipment wears out with new redesigned smaller equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the human and physical engineering problems identified in paragraphs 5, 6, and 7 above.

2. Petitioner will continue to perform research in order to enable experimental design of a cab or canopy for each piece of electric face equipment which will overcome or alleviate the human and physical engineering problems outlined in paragraphs 5, 6, and 7 of this petition.

3. If a workable design is discovered by Petitioner's engineers, said design will be implemented on an experimental basis for evaluation by Petitioner, MESA and UMW personnel under actual working conditions. If said experimental operation is successful, Petitioner will retrofit those pieces of electrical face equipment with the form of cab or canopy for which successful evaluation has been made.

4. Petitioner will affirmatively seek ideas from UMW personnel as to design for cabs and canopies for use in low coal.

5. Petitioner will, by letter, advise MESA's local District Manager with jurisdiction over the subject mines of the progress being made if requested by the District Manager.

6. In addition to complying with the roof control plan in effect at each of the subject mines, Petitioner will reinstruct all face workers and section supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: January 28, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76–3450 Filed 2–4–76;8:45 am]

[Docket No. M76–67]

MAPLE MEADOW MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Maple Meadow Mining Company has filed a petition to modify the application of 30 CFR 75.326 to its Maple Meadow Mine, Cannelton, West Virginia.

30 CFR 75.326 provides:

> In any coal mine opened after March 30, 1970, the entries used as intake and return air courses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to March 30, 1970, which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through such entries, (a) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate, active working places, and (b) when the belt haulage entries are not necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane.

Petitioner requests that, in lieu of the foregoing mandatory standard, it be permitted to modify its ventilation system as outlined hereinafter and in support thereof states:

1. The Maple Meadow Mine was opened in 1974 by sinking a concrete-lined shaft approximately 730 feet deep and a 2,880-foot slope into the low volatile Beckley coal seam. The coal seam averages 66 inches in thickness locally and the cover ranges from 600 to about 1,730 feet.

2. Petitioner's mining projections include six entries in each of four sets of mains, consisting of three return air entries, a belt entry, a track entry used as an intake air entry and an additional intake air entry. Additional entries in each set of mains were not projected and have not been constructed because of extreme roof control problems which would create greater hazards for the miners in the mine.

3. In the Beckley coal seam in the area of Petitioner's Maple Meadow Mine, great quantities of methane are entrapped in the coal seam and adjacent strata. The porosity of the coal seam is quite high whereas the permeability is quite low. This condition requires large volumes of air to dilute and carry away large amounts of methane liberated during mining and from mine surfaces after mining. The high rate of methane liberation dictates that Petitioner have at certain times as much as 25,000 cubic feet of air a minute to ventilate each working face, whereas the Act only requires 3,000 cubic feet of air a minute.

4. The Maple Meadow Mine, which is is in the development stage, is liberating 430,000 cubic feet of methane in a 24-hour period. Adjacent mines in the Beckley coal seam, which are in partial production, are liberating from 1 million to

2 million cubic feet of methane in a 24-hour period. Accordingly, it is expected that the Maple Meadow Mine will liberate methane in the range of 1,125,000 to 15 million cubic feet of methane in a 24-hour period when a full production level is achieved.

5. Because the quantity of air required at each working face may reach 25,000 cubic feet a minute, more than two intake air entries are required to limit the methane content on each section. The inherent roof conditions in the Maple Meadow Mine prevents the development of needed additional airways.

6. At the present time, the quantity of air on the track entry is not limited at 30 CFR 75.327-1 to 250 cubic feet of air a minute because the track entries do not have trolley wires or trolley feeder wires. Track haulage is battery powered and such entries are used for intake air together with the other intake air entries. However, because of severe grades in the track entry, Petitioner has determined that its battery-powered track haulage system must be supplemented by a trolley haulage system which requires installation of trolley wires and trolley feeder wires. Conversion to a trolley haulage system will limit air in the track entry to not more than 250 feet a minute. When the conversion is effected, Petitioner will apply to the Coal Mine Safety District Manager for approval of a higher velocity pursuant to the provision of 30 CFR 75.327-1.

7. The entries used as intake and return air courses in the Maple Meadow Mine are required by 30 CFR 75.326 to be separated from belt haulage entries. This requirement necessitates the construction of permanent-type stoppings between the belt entry and other entries used as intake and return air courses. Also, when the track haulage entry is converted to trolley haulage, such entry may be limited to 250 cubic feet per minute of air by 30 CFR 75.327-1 and must be separated from belt haulage by permanent-type stoppings unless a higher velocity is approved by the Coal Mine Safety District Manager. Because of the amount of methane liberated in the Maple Meadow Mine, and based upon experience of adjacent operators, it is anticipated that construction of stoppings and the limitations of velocity of air in the belt entries will create risks of pockets of methane in dead air spaces in the area of the belt entries, particularly in areas adjacent to stoppings.

8. Because of all the foregoing, Petitioner has determined that application of the above-quoted mandatory safety standard at Petitioner's mine will result in a diminution of safety to the miners in the mine. Petitioner proposes an alternative method which will better achieve the purposes sought to be achieved by such standard, which alternative method will at all times guarantee no less than the same measure of protection that would be afforded the miners of its mine by the application of such standards. Such alternative method is as follows:

(a) Petitioner will in lieu of 30 CFR 75.326 utilize its belt entries as intake air entries. Such intake air entries will be in addition to the present intake air entries.

(b) The belt haulage and track haulage entries used as intake air entries will be isolated as a unit from other intake air entries and return air entries by the erection of permanent stoppings. This practice will maintain an escapeway ventilated with intake air and separated from the belt entries and any trolley haulage entries pursuant to provisions of 30 CFR 75.1707.

(c) Petitioner will continue to use approved flame-resistant belts in its belt haulage entries, provide each belt drive with an automatic deluge system and fire sensor devices at 100-foot intervals along the belt haulage entries, provide high pressure water lines along the belt haulage entries and outlets at 300-foot intervals along these lines and provide fire hoses, nozzles and other fittings at strategic locations. Petitioner will also provide other safeguards when necessary to control dust and to prevent mine fires.

(d) Petitioner will, under the supervision of MESA, install a carbon monoxide detection system in all sections of the mine comparable to systems utilized by others in the mining industry under the supervision of MESA.

9. The alternative method set forth hereinabove will provide no less than the same measure of protection to the miners at Petitioner's Maple Mine than that sought to be afforded by 30 CFR 75.326.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

JANUARY 29, 1976.

[FR Doc.76-3453 Filed 2-4-76;8:45 am]

[Docket No. M76-74]

ROCHESTER & PITTSBURGH COAL CO. AND HELVETIA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Rochester & Pittsburgh Coal Company and Helvetia Coal Company have filed a petition to modify the application of 30 CFR 75.1710-1 to the following mines located in Indiana County, Pennsylvania:

ROCHESTER & PITTSBURGH COAL COMPANY

Emilie Mine, Jane 1 and 2 Mine, Margaret 7 Mine, Margaret 11 Mine, Urling No. 1 Mine, Urling No. 2 Mine, and Urling No. 3 Mine.

HELVETIA COAL COMPANY

Lucerne No. 6 Mine, Lucerne No. 8 Mine, and Lucerne No. 9 Mine.

30 CFR 75.1710-1 in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

In support of its petition, Petitioners states:

1. Petitioners asserts that the installation of canopies on its electric face equipment, including shuttle cars, in its mines will create a hazard to personnel operating such equipment as well as to fellow workers. Listed are the mining heights for each of the mines contained in the Petition:

(a) Emilie Mine—36 inches to 46 inches.

(b) Jane Nos. 1 and 2 Mine—44 inches to 62 inches.

(c) Margaret No. 7 Mine—37 inches to 49 inches.

(d) Margaret No. 11 Mine—36 inches to 42½ inches.

(e) Urling Nos. 1, 2, and 3 Mines will be in operation in 1976.

Anticipated mining heights are as follows:

(1) Urling No. 1 Mine—40 inches to 60 inches.

(2) Urling No. 2 Mine—39 inches to 44 inches.

(3) Urling No. 3 Mine—40 inches to 60 inches.

2. The coal seams in Petitioners' mines undulate resulting in ascending and descending grades.

3. Roof conditions in Petitioners' mines frequently vary requiring extra supports, cross beams, etc., thereby reducing overhead clearances.

4. Due to the type of coal being mined and the seam heights, Petitioners do not experience any rib falls or rib rolls.

5. Petitioners do not encounter face falls or face rolls in its mines by reason of the type of continuous mining machines used and seam conditions.

6. Operators of face equipment, including shuttle car operators, are under MESA approved plan for permanently supported roof at all times. These supports consist of roof bolts and/or cross bars of wood or steel and such roof support is considered satisfactory for all other face employees, including helpers on face equipment.

7. Equipment in one of Petitioners' subsidiary company mines, having similar seam heights, was unusable with canopies installed.

8. Petitioners' newly purchased low coal equipment, factory equipped with MESA approved canopies, are not usable due to seam heights.

9. Petitioners believe that application of the mandatory standard will result in a diminution of safety to miners for the following reasons:

(a) The installation of canopies on equipment purchased prior to the Act for Jane Nos. 1 and 2 Mines severely limits the operators' visibility, thereby endangering said operators and the workers. The same problem will result at other mines if Petitioners are required to install canopies on the equipment in those mines.

(b) Petitioners have also had rejection of a canopy by the Pennsylvania Department of Environmental Resources.

(c) Operators of canopied equipment have complained of cramped conditions therein which induce fatigue and, therefore, an impairment of alertness and safety. In addition, the convenience to the operators has been known to induce them to attempt to operate equipment from outside, thereby exposing themselves and fellow workers to further hazard.

(d) Because of reduced visibility, operators have and may continue to lean out of the cab while in motion, thereby exposing themselves to danger.

(e) In traveling over undulating surfaces, the operators strike their heads on the top of the canopy. Other injuries have also occurred involving the use of canopies.

(f) Equipment with canopies, in one of Petitioners' mines having approximately same seam height as Emilie, Margaret No. 7, and Margaret No. 11 was shearing off roof bolts, creating hazardous roof conditions.

10. MESA's Technical Support Group has been unable to provide Petitioners with suggestions or methods of alleviating the hazards referred to above.

11. Petitioners are willing to install canopies when same are available which do not diminish safety and to obtain replacement in due course if the same is available which does not diminish safety.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 8, 1976. Such requests or comments must be filed with the Office of the Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JANUARY 28, 1976.

[FR Doc.76-3451 Filed 2-4-76;8:45 am]

[Docket No. M76-73]

ROCHESTER & PITTSBURGH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 US.C. 861(c) (1970), Rochester & Pittsburgh Coal Company has filed a petition to modify the application of 30 CFR 77.1914(a) to its Urling No. 3 Mine, Indiana County, Pennsylvania.

30 CFR 77.1914(a) provides:

> Electric equipment employed below the collar of a slope or shaft during excavation shall be permissible and shall be maintained in a permissible condition.

Petitioner seeks modification of § 77.1914(a) to permit the use of an open, dry type transformer, for the following reasons:

1. The slope will be approximately 2,600 feet in length, through rock, from the surface to the coal bed and is being constructed by use of a Jarva boring machine with a 14-foot diameter cutting head.

2. The electrical equipment to which § 77.1914(a) is applicable, and for which Petitioner's application for relief is made, is a 750 KVA Ensign-open, dry type transformer.

3. The slope is actually an intake airway with the ventilation (intake air) passing over the transformer then to the boring head of the Jarva machine from whence it is exhausted through a 24-inch diameter tubing utilizing an exhaust fan located on the surface. The quantity of air being exhausted is approximately 14,300 cubic feet per minute.

4. A methane monitor is installed on the boring machine. However, no methane is liberated from the rock strata being penetrated.

5. The transformer is, at all times, located at least 150 feet from the face.

6. Petitioner is unable to operate the boring machine with the transformer located on the surface by reason of the heavy voltage loss which would result in overloading the motors on the borer, resulting in damage to the motors and power cables.

7. Petitioner's proposal for driving the slope, including plans for roof support, ventilation and electrical installations, were all approved by the Department of Environmental Resources, Office of Deep Mine Safety of the State of Pennsylvania.

8. By virtue of the transformer's being adequately ventilated at all times by intake air down the slope, miners are guaranteed at all times no less than the same measure of protection as would be afforded by application of the standard in question.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

JANUARY 27, 1976.

[FR Doc.76-3452 Filed 2-4-76;8:45 am]

[Docket No. M76-82]

SOUTHERN OHIO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Southern Ohio Coal Company has filed a petition to modify the application of 30 CFR 75.1700 to its Martinka Mine, Marion County, West Virginia.

30 CFR 75.1700 provides:

> Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

Southern Ohio Coal Company seeks modification of that portion of 30 CFR 75.1700 which stipulates:

> * * * [s]uch operator shall establish and maintain barriers around such oil and gas wells * * *.

In support of its petition, Petitioner states:

1. In lieu of the provision to establish and maintain barriers around oil and gas wells, it is proposed that the Lower Kittanning Coal Seam be sealed from surrounding strata at the wells to be plugged as hereinafter described and that such system will at all times provide no less than the same degree of safety as intended by the Act.

2. To provide no less than the same measure of protection intended by the Department regulations, Petitioner proposes to do the following:

1. Plug the wells in Martinka Mine using a proven technique developed through a series of cooperative agreements between the United States Bureau of Mines, the Energy Research and Development Administration, the Mining Enforcement and Safety Administration, and the coal industry. The attached, Exhibit "A",[1] shows this technique which will be used at each well in a manner acceptable to the Mining Enforcement and Safety Administration. Plugs will be placed in the wellbore below the base of the Lower Kittanning coalbed which will prevent any natural gas from entering the mine after the well is mined through. Before the well is filled to the Lower Kittanning coalbed, Southern Ohio Coal Company may run a directional survey on the well to determine the exact location of the wellbore in the coalbed; but if it does not, and if it does not penetrate the wellbore in mining. Southern Ohio Coal Company shall continue mining until the well is located. Gamma ray neutron and caliper logs shall be run in the well to determine the exact depth of the coalbed, the most competent formation for setting a mechanical bridge plug if needed, and the wellbore diameter for calculating the cement requirements. An automatic tracer injector unit of sulfur hexafluoride may be placed in the well. The well will be plugged back to the base of the Lower Kittanning coalbed using an expandable cement and fly-ash-gel water slurry. A 50 percent fly-ash-cement mix will be used to fill the wellbore from the base of the Lower Kittanning coalbed to the surface.

2. Southern Ohio Coal Company shall mine through and remove segments of the wells between the mine pavement and roof during its normal mining cycle. Southern Ohio Coal Company in cooperation with Mining Enforcement and Safety Administration, shall monitor the mine atmosphere during such mine and for a period of six (6) months thereafter for traces of gas.

A Federal Mine Inspector shall be present during the mining through operations. Southern Ohio Coal Company will cooperate with Mining Enforcement and Safety Administration to sample for gas before, during and after mining through each well.

Southern Ohio Coal Company shall instruct all personnel in the affected area to proceed with caution when mining into and through the well-supported pillar, and especially diligent efforts shall be made to assure a gas-free atmosphere in the affected areas. In addition to the methane testing procedures in Part 75, Title 30, Code of Federal Regulations, a fireboss date-board shall be placed in the area and methane examinations made at least one per shift by a qualified person during development and retreat work using an approved methane detector, recording the date and the time of the examination on the date-board.

The alternate proposal as above described will at all times provide no less than or a greater measure of safety than intended by the Act, as the alternate proposal will effect:

(1) The elimination of possible gas flow path,

(2) The simplification of the mine ventilation system, and

(3) The improvement of subsidence control in second mining.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

JANUARY 29, 1976.

[FR Doc.76-3448 Filed 2-4-76;8:45 am]

[1] Exhibit A is available for inspection at the address contained in the last paragraph of the notice.

[Docket No. M 76-81]

VALLEY CAMP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), The Valley Camp Coal Company has filed a petition to modify the application of 30 CFR 75.305 to its No. 1 Mine, Shrewsbury, West Virginia.

30 CFR 75.305 in pertinent part provides:

> In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return air course in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas.

In support of its petition, Petitioner states:

1. Section 75.305 of the Departmental regulations requires that certified personnel designated by the operator must examine for hazardous conditions, including tests for methane and for compliance with the mandatory health or safety standards at least once each week in * * * at least one entry of each * * * return air course in its entirety * * *. It is only this provision of § 75.305 that the Petitioner seeks to modify as it pertains to the return air course located from the inby side of West Main Butts off Main South Faces to 300 feet outby 7 South off East Main Butts.

2. There is no mining activity whatsoever conducted in the designated return air course and, therefore, no personnel are exposed to any portion of this area and is not used for travel or any function other than a return air course.

3. The examination of this return air course in its entirety as contemplated by § 75.305 would prove more hazardous to personnel conducting the examination because of a deteriorating roof condition existing along the entire distance of the return air course.

4. In order to properly conduct monitoring and examination for hazardous conditions, including tests for methane in this return air course, the Petitioner intends to establish three check points located at various intervals along this return air course and designated as:

> Check Point 1: Inby side of West Main Butts.
>
> Check Point 2: At the entrance of 1 South off East Main Butts.
>
> Check Point 3: Approximately 300 feet outby 7 South off East Main Butts.

The areas surrounding the designated check point stations will be maintained in a safe condition including assurances that the roof conditions in these areas are properly maintained so that no personnel would be subject to any hazards or danger who is performing any examination function at these various check point stations.

5. The examination at the various check point stations will be in accordance with all statutory and regulatory provisions as established and required in § 75.305 and other relevant provisions.

6. That the modification of this safety standard would at all times guarantee no less than the same measure of protection afforded the personnel of such mine by the imposition of such standard, and to the contrary a safer condition exists if the Petition for Modification is sustained in that the application of such standard to such areas in the mine would result in a diminution of safety to personnel in this return air course.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 8, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

JANUARY 29, 1976.

[FR Doc.76-3449 Filed 2-4-76;8:45 am]

National Park Service

BECKER'S OCEAN RESORT

Notice of Intention to Extend Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is

hereby given that on or before March 8, 1976, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Becker's Ocean Resort, Inc. authorizing it to provide concession facilities and services for the public at Olympic National Park for a period of one (1) year from January 1, 1976, through December 31, 1976.

An assessment of the environmental impact of this proposed action has been made, and it has been determined that it will not significantly affect the quality of the environment and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Regional Office, Pacific Northwest Region, Fourth and Pike Building, Seattle, Washington.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1975, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 8, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 29, 1976.

PHILIP D. STEWART,
Acting Associate Director,
National Park Service.

[FR Doc.76-3404 Filed 2-4-76;8:45 am]

OREGON INLET FISHING CENTER, INC.

Intention To Extend Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before March 8, 1976, the Department of the Interior, through the Director, National Park Service, proposes to extend a concession contract to Oregon Inlet Fishing Center, Inc., authorizing it to provide concession facilities and services for the public at Cape Hatteras National Seashore for a period of one (1) year from January 1, 1976, through December 31, 1976.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Regional Office, Southeast Regional Office, 1895 Phoenix Boulevard, Atlanta, Georgia 30337.

The foregoing concessioner has performed its obligations under an expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 8, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 29, 1976.

PHILIP D. STEWART,
Acting Associate Director,
National Park Service.

[FR Doc.76-3405 Filed 2-4-76;8:45 am]

Bureau of Reclamation

[Public Announcement No. 29, Amendment 5]

COLUMBIA BASIN PROJECT, WASHINGTON

Public Announcement of the Sale of Full-Time Farm Units

Public announcement of the sale of farm units in the Quincy-Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated September 15, 1958, published in the FEDERAL REGISTER and subsequently amended, is further amended by deleting in its entirety Section 16.d. *Residence Requirements* as applicable to Farm Unit 106, Irrigation Block 89. This amendment does not apply to other farm units sold under Public Announcement No. 29.

The purchaser acquired Unit 106 on October 30, 1962, and has fulfilled the development requirement and has resided on the unit in temporary housing for more than 12 months. The purchaser has since acquired a home in Moses Lake and has been commuting a distance of 8 miles to the farm unit. The purpose of this amendment is to waive the residence requirements so a needless financial burden would not be placed on the purchaser.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.76-3384 Filed 2-4-76;8:45 am]

ARAPAHO NATIONAL FOREST, COLORADO

Order of Transfer of Administrative Jurisdiction of Land

By virtue of the authority vested in the Secretary of the Interior by Section 7(c) of the act of July 9, 1965, (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966, (31 F.R. 3426), jurisdiction over those lands which lie within or adjacent to the exterior boundaries of the Arapaho National Forest, Colorado, and which have been acquired or withdrawn or are hereafter acquired or withdrawn by the Bureau of Reclamation in the development of Green Mountain Reservoir, Colorado-Big Thompson Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest system purposes. Lands over which the Secretary of Agriculture shall assume such jurisdiction are described as follows, to wit:

Those lands within the "takeline" shown upon Green Mountain Reservoir Right-of-Way map number 245-700-490, marked Exhibit "A", Revised October 23, 1975, containing 4,232.68 acres, more or less, in the following sections:

T. 2 S., R. 79 W., sixth principal meridan, Summit County, Colo.
Sections 7, 17, 18, 19, 20, 21, 27, 28, 29, 30, 33, 34, and;
T. 2 S., R. 80 W., sixth principal meridan, Summit County, Colo.
Sections 3, 9, 10, 11, 12, 13, 14, 15, 24.

Except those lands reserved unto the Bureau of Reclamation for the operation and maintenance of Green Mountain Dam, and appurtenant works described as follows:

All that portion of Section 15, and consisting of the east half (E½) and the northeast quarter of the northwest quarter (NE¼NW¼) of said Section 15 except for tracts "A" and "B" hereinafter described and which are to be transferred to the Forest Service. The bearings used consider the east line of the southeast quarter of said Section 15 as bearing north 00°19′ west, as shown on Bureau of Land Management Plat dated June 29, 1951.

Tract "A"—Beginning at a point on the east line of said Section 15, whence the southeast corner of said Section bears south 00°19′ east, 1,355.0 feet; said point being also on the southerly right-of-way boundary of county road; thence following said right-of-way north 58°26′ west, 100.0 feet; thence south 27°30′ west, 266.0 feet; thence north 89°50′ west, 525.0 feet; thence north 13°41′ east, 665.0 feet; thence north 82°00′ east, 578.0 feet; thence south 00°19′ east, 554.0 feet to the true point of beginning and containing 9.492 acres, more or less.

Tract "B"—Beginning at the northeast corner of said Section 15; thence south 00°05′ east, 2,455.9 feet; thence north 85°15′ west, 646.0 feet; thence north 64°20′ west, 555.0 feet; thence north 34°20′ west, 2,700.0 feet to the north quarter corner of said Section 15; thence along the north line of the northeast quarter (NE¼) of said Section 15, south 88°33′ east, 2,664.7 feet to the true point of beginning and containing 100.689 acres, more or less.

Legal descriptions of lands acquired or withdrawn by the Bureau of Reclamation within the above said sections will be on file in the office of the Regional Director, Lower Missouri Region, Bureau of Reclamation, Denver, Colorado 80225, and the office of the Regional Forester, Rocky Mountain Region, U.S. Forest Service, Denver, Colorado 80225.

Pursuant to said Section 7(c) of the aforesaid act of July 9, 1965, the above described lands shall become National

Forest lands. PROVIDED, that all lands and waters within the Green Mountain Reservoir area needed or used for the operation of the project or for other reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective February 15, 1976.

GILBERT G. STAMM,
Commissioner of Reclamation.

[FR Doc.76-3385 Filed 2-4-76;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER:

Temporary Instruction No. Appendix 1-17—Rescisison of Temporary Instruction No. Appendix 1-3.
Temporary Instruction No. Appendix 1-18/619-4—Suspension of Report of Manpower Inventory (SSS Form 116) and Termination of Accountability for Registrants Born in 1955.
Temporary Instruction No. Appendix 1-19—File Copies of Operations Reports.
Temporary Instruction No. 621-8—Termination of Registrant Processing.

BYRON V. PEPITONE,
Director.

FEBRUARY 2, 1976.

[Temporary Instruction No. Appendix 1-17]

RESCISSION OF TEMPORARY INSTRUCTION NO. APPENDIX 1-13

Temporary Instruction No. Appendix 1-13 entitled "Social Security Account Number" is rescinded and should be withdrawn from the Registrants Processing Manual and destroyed.

This Temporary Instruction will terminate upon implementation.

Issued: November 14, 1975.

[Temporary Instruction No. Appendix 1-18/619-4]

SUSPENSION OF REPORT OF MANPOWER INVENTORY (SSS FORM 116) AND TERMINATION OF ACCOUNTABILITY FOR REGISTRANTS BORN IN 1955

1. The Report of Manpower Inventory (SSS Form 116) is suspended until further notice following submission of the report for December 1975, which is due at National Headquarters by January 16, 1976.

2. 1955 YOB registrants will be carried on the SSS Form 116 in their current classifications throughout the remainder of 1975, even though file folders are being transferred to the Federal Records Centers (FRC) in November and December 1975.

3. No reclassification action will be taken with respect to a 1955 LOB registrant after his file folder has been transferred to an FRC. On January 1, 1976, all 1955 YOB registrants will automatically enter Class 1-H, in accordance with paragraph 5 of Section 622.-19 of the RPM. Printed labels stating this fact will be distributed for placing on the cover of each binder containing SSS Forms 102 for registrants born in 1955, in accordance with paragraph 2(c) of Section 603.13 of the RPM. It is not necessary to replace the existing labels on binder covers if no 1955 YOB registrants are included on SSS forms 102 in that particular binder.

4. OCR forms will not be submitted to RIB for any registrants born prior to 1956.

5. After transfer of the file folders from the Area Office, information received prior to January 1, 1976, from or about 1955 YOB registrants, such as address changes, changes of status, etc., will be retained in Selective Service Number order in a special folder labeled "1955 YOB Registrants", in the front of the registrant file folder section of the uniform national filing system. Forms received such as DD Forms 4, 44, 53, 62 or 214 will also be filed in this folder after an appropriate entry is made in the SSS Form 102 opposite the registrant's name. This special file folder and the contents will be transferred to the FRC after January 1, 1976, in accordance with paragraph 2(a) of Section 603.13, RPM.

This Temporary Instruction will terminate on January 31, 1976.

Issued: November 25, 1975.

[Temporary Instruction No. Appendix 1-19]

FILE COPIES OF OPERATIONS REPORTS

The requirement for submitting reports on the following forms has been suspended. (Reference: RPM Current Forms Check List and Index):

Availability of Registrants (SSS Form 117).

Monthly Report of Availability of 1-O Registrants (SSS Form 157).

Monthly Activity Report of Class 1-O Registrants (SSS Form 158) (State Headquarters only).

Inductions and Medical Determinations (SSS Form 205).

All local board copies of submitted reports on these forms are to be destroyed, as the six month retention period has elapsed since the last report was submitted. All copies of completed State Headquarters and local board reports on these forms which are on file at the State Headquarters shall be destroyed immediately.

The requirement for submitting the report of Manpower Inventory (SSS Form 116) is suspended following submission of the December 1975 report (Reference: Temporary Instruction No. Appendix 1-18/619-4). Local board and State Headquarters copies of SSS Form 116 reports for all months prior to October 1975 shall be destroyed immediately. Copies of SSS Form 116 reports for October through December 1975 shall be destroyed thirty days after submission of the December 1975 report.

Record copies of State and National reports are retained at National Headquarters.

This Temporary Instruction will terminate on February 15, 1976.

Issued: December 5, 1975.

[Temporary Instruction No. 621-8]

TERMINATION OF REGISTRANT PROCESSING

1. Effective immediately, all registrant processing will terminate, including: a. Issuance of replacement Status Cards, b. Classification actions of any kind, c. Action by area offices regarding non-registrants or late registrants, d. Submission of OCR Forms to RIB.

2. Registration remains suspended, and the annual registration plans will not be implemented.

3. The attached form letter may be used for replying to inquiries, and shall be locally reproduced as required.

4. All previous Temporary Instructions are hereby rescinded.

5. This Temporary Instruction will terminate on December 31, 1976.

Issued: January 27, 1976.

To: DATE:
Dear

This acknowledges your recent communication, which was received at this office on _____.

The Selective Service System is currently in a deep Standby posture. Consequently, records formerly maintained have been destroyed or stored at the appropriate Federal Records Center in accordance with guidelines set up by the National Archivist.

The statement checked below responds to your communication:

- ☐ The information you submitted is returned, since all classification actions are suspended.
- ☐ You are no longer required to have in your possession a Status Card as evidence of your registration or classification.
- ☐ Registration has been suspended and any future registration requirement will be widely publicized.
- ☐ Brochures or pamphlets relating to the Selective Service System are not available.
- ☐ We are unable to furnish the information requested because: _____
- ☐ The information you seek may be available at: _____ _____
- ☐ We will comply with your request; however, in order to readily locate your records, we will need to know your Selective Service Number. If you are unable to furnish your Selective Service Number, please furnish your date of birth and the city and state where your local board was located.
- ☐ We will comply with your request and furnish you such information after it has been obtained from the appropriate Federal Records Center.

Yours very truly,

_____
Authorized Signature

[FR Doc.76-3415 Filed 2-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COOPERATIVE WESTERN SPRUCE BUDWORM PEST MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for control of the western spruce budworm in Oregon and Washington, USDA-FS-R6-DES (ADM)-76-7.

The environmental statement concerns a proposed treatment of the western spruce budworm on 291,000 acres of infested Federal, State, and private lands in Washington and Oregon during the spring and summer of 1976 with either carbaryl, trichlorfon, or malathion to suppress the western spruce budworm.

This draft environmental statement was transmitted to CEQ on January 30, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 97204.
Okanogan National Forest, 219 Second Avenue South, Okanogan, Washington 98840
Wenatchee National Forest, 301 Yakima Street, Wenatchee, Washington 98801
Bureau of Indian Affairs, 1425 N.E. Irving, Portland, Oregon 97232
Washington State Department of Natural Resources, Public Lands Building, Room 201, Olympia, Washington 98504

A limited number of single copies are available upon request to Regional Forester, T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the draft environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from the State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by March 30, 1976 in order to be considered in the preparation of the final environmental statement.

Dated: January 30, 1976.

CURTIS L. SWANSON,
Regional Environmental Coordinator Planning, Programming and Budgeting.

[FR Doc.76-3427 Filed 2-4-76;8:45 am]

Forest Service

1976 DRAFT ENVIRONMENTAL STATEMENT COOPERATIVE SPRUCE BUDWORM SUPPRESSION PROJECT—MAINE 1976

Availability of Draft Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service has prepared a Draft Environmental Statement for the 1976 Cooperative Spruce Budworm Suppression Project in Maine, USDA-FS-NA (Adm.) NA-76-02.[1]

The Draft Statement concerns a proposed cooperative aerial spray project on a maximum of 3,500,000 acres of State and private woodlands in Aroostook, Piscataquis, Penobscot, Somerset, and Washington Counties, Maine, to protect forest resources from unacceptable damage by the spruce budworm. To accomplish these objectives, the registered insecticides carbaryl and trichlorfon would be applied by aircraft.

This Draft Statement was filed with CEQ on January 30, 1976.

Copies are available for inspection during regular working hours at the following locations.

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, 6816 Market Street, Upper Darby, Pa. 19082.

A limited number of single copies are available upon request to:

Robert D. Raisch, Director, Northeastern Area, State and Private Forestry, 6816 Market Street, Upper Darby, Pennsylvania 19082.

Copies of the Draft Environmental Statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Robert D. Raisch, Director, U.S. Forest Service, Northeastern Area, State and Private Forestry, 6816 Market Street, Upper Darby, Pennsylvania 19082. Telephone: 215/596-1660. Comments must be received by March 29, 1976 in order to be considered in preparation of the Final Statement.

Dated: January 29, 1976.

WENDELL M. DOTY,
Acting Director, Northeastern Area, State and Private Forestry.

[FR Doc.76-3462 Filed 2-4-76;8:45 am]

CRADLE OF FORESTRY IN AMERICA ADVISORY COMMITTEE

Meeting

The Cradle of Forestry in America Advisory Committee will meet at 9 a.m., March 3, 1976, at the Cradle of Forestry Visitor Center, near Brevard, North Carolina. The purpose of this meeting is to review current progress, obtain advice on the visitor programs, and discuss long-range plans.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor, National Forests in North Carolina, B. Level Plateau Building, 50 South French Broad Avenue, P.O. Box 2750, Asheville, North Carolina 28802. The telephone number is 704-355-2671. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: The public may submit written comments or questions to the Forest Supervisor after the meeting.

F. LEROY BOND,
Regional Forester.

JANUARY 30, 1976.

[FR Doc.76-3463 Filed 2-4-76;8:45 am]

TWELVEMILE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Twelvemile Planning Unit, Salmon National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-76-10.

A draft environmental statement has been prepared on the proposed land use plan of the Twelvemile Planning Unit on the Salmon National Forest, Lemhi County, Idaho. Approximately 54,500 acres are involved and have been divided into two management areas. The plan sets forth the allocation of land to various uses and activities; establishes objectives; and documents management direction, decisions, and coordination.

This draft environmental statement was transmitted to CEQ on January 30, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324-25th Street, Ogden, Utah 84403.
Forest Supervisor, Salmon National Forest, Forest Service Building, P.O. Box 729, Salmon, Idaho 83467.
District Forest Ranger, Salmon Ranger District, Salmon, Idaho 83467.

A limited number of single copies are available upon request to Forest Supervisor John L. Emerson, Salmon National Forest, P.O. Box 729, Salmon, Idaho 83467.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor John L. Emerson, Salmon National Forest, P.O. Box 729, Salmon, Idaho 83467 by March 30, 1976, in order to

[1] Filed as part of the original document.

be considered in the preparation of the final environmental statement.

Dated: January 30, 1976.

P. M. REES,
Director,
Regional Planning and Budget.

[FR Doc.76-3464 Filed 2-4-76;8:45 am]

Office of the Secretary

OFFICE OF THE GENERAL COUNSEL

Statement of Organization, Functions, Delegations of Authority, and Availability of Information

Pursuant to the authority delegated to the General Counsel by the Secretary of Agriculture in 7 CFR 2.7 and 2.31, and the requirements of 7 CFR 1.4, the following Statement of Organization, Functions, Delegations of Authority, and Availability of Information is made:

ORGANIZATION AND FUNCTIONS

Sec. 1. General. The Office of the General Counsel (OGC) renders advice and assistance in connection with the legal aspects of the activities of the U.S. Department of Agriculture (Department). This function includes representation in administrative law proceedings before the Judicial Officer and Administrative Law Judges of the Department, and, where authorized, before other administrative and regulatory bodies and in the courts. In all other legal actions OGC is responsible for presenting the Department's case to the Department of Justice and, upon request, assisting that Department in the preparation and presentation of such cases at trial or upon appeal. In addition OGC represents the Department in connection with legal issues which arise in its relations with the Congress, the General Accounting Office, or other agencies of Government. The rendering of legal advice and assistance includes the preparation or review of various documents, papers, and administrative rules and regulations; drafting of proposed legislation; preparation and interpretation of contracts, mortgages, leases, deeds, and similar documents; prosecution of patent applications by employees of the Department; examination and approval of titles to land which is being acquired by the Department; the disposition of claims by and against the United States arising out of the Department's activities; and providing legal advice and assistance in connection with defense and pre-emergency and emergency periods.

Sec. 2. (a) *Central Office.* The central office of OGC is located in the South Building of the Department at 14th Street and Independence Avenue, Washington, D.C. 20250.

(b) *Field Offices.* OGC has field offices, comprised of Regional Offices and Branch Offices located as follows:

REGIONAL OFFICE	BRANCH OFFICE
Harrisburg, PA.	Santurce, PR.
Atlanta, GA.	Milwaukee, WI.
Chicago, IL.	Albuquerque, NM.
Temple, TX.	Little Rock, AR.
Shawnee Mission, KS.	Stillwater, OK.
Denver, CO.	Missoula, MT.
San Francisco, CA.	Ogden, UT.
Portland, OR.	Juneau, AK.

Sec. 3. *The General Counsel.* The General Counsel, is chief law officer of the Department and is responsible for supervising and directing all legal work of the Department. In fulfilling this responsibility he exercises all authority delegated to him by the Secretary in 7 CFR 2.7 and 2.31. He is assisted in the central office by the Deputy General Counsel, four Assistant General Counsels, and eleven Division Directors, each of whom is delegated responsibility for a portion of the legal work of the Department. He is also assisted by eight Regional Attorneys and eight Attorneys-in-Charge of Branch Offices who are responsible for designated legal work in their assigned areas.

Sec. 4. *Deputy General Counsel.* The Deputy General Counsel serves as Acting General Counsel during the General Counsel's absence or inability to act. He also exercises overall general supervision of the OGC field offices. In addition, he handles special assignments as directed by the General Counsel.

Sec. 5. *Assistant General Counsel, Legislation, Litigation, Research and Operations.* The Assistant General Counsel, Legislation, Litigation, Research and Operations reports to the General Counsel. He exercises general supervision over the Legislative Division, the Litigation Division, and the Research and Operations Division.

Sec. 6. *Director, Legislative Division.* The Director, Legislative Division, is under the general supervision of the Assistant General Counsel, Legislation, Litigation, Research and Operations. He is responsible for the supervision and direction of the Legislative Division, which:

(a) Provides legal services to the Department through analysis, interpretation, preparation and review of proposed legislation which affect the Department's programs and activities;

(b) Coordinates the legal review of all Departmental legislative reports;

(c) Coordinates the Department's response to Congressional requests for Departmental participation in committee hearings; and

(d) Coordinates the drafting of proposed legislation and other legislative materials in response to requests from Congress or within the Department.

Sec. 7. *Director, Litigation Division.* The Director, Litigation Division, is under the general supervision of the Assistant General Counsel, Legislation, Litigation, Research and Operations. He is responsible for the supervision and direction of the Litigation Division, which is responsible for all matters pertaining to litigation in the appellate stage, environmental proceedings before other federal agencies, and such other litigation as the General Counsel may determine to be of major importance.

Sec. 8. *Director, Research and Operations Division.* The Director, Research and Operations Division, is under the general supervision of the Assistant General Counsel, Legislation, Litigation, and Research and Operations. He is responsible for the supervision and direction of the Research and Operations Division, which performs legal work arising from:

(a) Activities of the Offices reporting to the Assistant Secretary for Administration.

(b) Activities of the Economic Research Service, Statistical Reporting Service, Extension Service, Farmer Cooperative Service, Economic Management Support Center, Agricultural Research Service, Cooperative State Research Service, National Agricultural Library; Office of Communication, Office of Investigation, and Office of Intergovernmental Affairs.

(c) Activities of all Departmental agencies relating to budget and fiscal matters, administration, personnel and civil rights.

(d) Procurement contract matters for the Department, including appeals from decisions of Departmental contracting officers, but excluding all matters relating to procurement of agricultural commodities.

(e) Patents, trade-mark and copyright matters;

(f) Settlement, or referral for adjudication of claims against Department for property damage and personal injury.

(g) Labor-management agreements including proceedings before other federal agencies.

(h) Overall Department responsibility under the Freedom of Information Act and the Privacy Act, and being of counsel to other OGC divisions on such matters.

Sec. 9. *Assistant General Counsel, Community Development and Natural Resources.* The Assistant General Counsel, Community Development and Natural Resources reports to the General Counsel. He exercises general supervision over the Natural Resources Division, the Electric and Telephone Division, and the Community Development Division.

Sec. 10. *Director, Natural Resources Division.* The Director, Natural Resources Division, is under the general supervision of the Assistant General Counsel, Community Development and Natural Resources. He is responsible for the supervision and direction of the Natural Resources Division, which performs legal work relating to:

(a) The Forest Service;

(b) The Soil Conservation Service;

(c) Overall Departmental reponsibility for land acquisition and disposal; water rights and water resources; and being of counsel to other OGC divisions on such matters.

(d) Overall Departmental responsibility for environmental matters, and being of counsel to other OGC divisions on environmental matters.

Sec. 11. *Director, Electric and Telephone Division.* The Director, Electric and Telephone Division, is under the general supervision of the Assistant General Counsel, Community Development and Natural Resources. He is responsible for the supervision and direction of the Electric and Telephone Division, which performs legal work arising from the activities of the Rural Electrification Administration and the Rural Telephone Bank.

Sec. 12. *Director, Community Development Division.* The Director, Community Development Division, is under the general supervision of the Assistant General Counsel, Community Development and Natural Resources. He is responsible for the supervision and direction of the Community Development Division, which performs legal work arising from the activities of the Farmers Home Administration and the Rural Development Service.

Sec. 13. *Assistant General Counsel, Regulatory and Marketing.* The Assistant General Counsel, Regulatory and Marketing reports to the General Counsel. He exercises general supervision over the Packers and Stockyards Division, the Marketing Division, and the Animal and Plant Health Inspection Service Division.

Sec. 14. *Director, Packers and Stockyards Division.* The Director, Packers and Stockyards Division, is under the general supervision of the Assistant General Counsel, Regulatory and Marketing. He is responsible for the supervision and direction of the Packers and Stockyards Division, which performs legal work arising from the activities of the Packers and Stockyards Administration and for matters subject to the Packers and Stockyards Act which arise under the Agricultural Fair Practices Act.

Sec. 15. *Director, Marketing Division.* The Director, Marketing Division, is under the general supervision of the Assistant General Counsel, Regulatory and Marketing. He is responsible for the supervision and direction of the Marketing Division which performs legal work arising from the activities of the Agricultural Marketing Service, except transportation activities under section 201 of the Agricultural Adjustment Act of 1938, and section 203(j) of the Agricultural Marketing Act of 1946, matters under the Perishable Agricultural Commodities Act and Produce Agency Act, surplus removal and diversion programs, and commodity procurements under section 6 of the National School Lunch Act.

Sec. 16. *Director, Animal and Plant Health Inspection Service Division.* The Director, Animal and Plant Health Inspection Service Division is under the general supervision of the Assistant General Counsel, Regulatory and Marketing. He is responsible for the supervision and direction of the Animal and Plant Health Inspection Service Division which performs legal work arising from the activities of the Animal and Plant Health Inspection Service.

Sec. 17. *Assistant General Counsel, Production Distribution and Assistance.* The Assistant General Counsel, Production Distribution and Assistance reports to the General Counsel. He exercises general supervision over the Food and Nutrition Division and the Foreign Agricultural and Commodity Stabilization Division.

Sec. 18. *Director, Food and Nutrition Service Division.* The Director, Food and Nutrition Division, is under the general supervision of the Assistant General Counsel, Production Distribution and Assistance. He is responsible for the supervision and direction of the Food and Nutrition Division, which performs legal work arising from the activities of the Food and Nutrition Service, plus matters under the Perishable Agricultural Commodities Act and Produce Agency Act, and transportation activities under section 201 of the Agricultural Adjustment Act of 1938, and section 203(j) of the Agricultural Marketing Act of 1946.

Sec. 19. *Director, Foreign Agricultural and Commodity Stabilization Division.* The Director, Foreign Agricultural and Commodity Stabilization Division is under the general supervision of the Assistant General Counsel, Production Distribution and Assistance. He is responsible for the supervision and direction of the Foreign Agricultural and Commodity Stabilization Division, which performs legal work arising out of the activities of:

(a) The Foreign Agricultural Service;

(b) The Agricultural Stabilization and Conservation Service;

(c) The Federal Crop Insurance Corporation;

(d) The Commodity Credit Corporation;

(e) The Sales Manager;

(f) Surplus removal and diversion programs under section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)); and

(g) Commodity procurements under section 6 of the National School Lunch Act (42 U.S.C. 1755).

Sec. 20. *Regional Attorneys and Attorneys in Charge:*

(a) Regional Attorneys are under the general supervision of the Deputy General Counsel. Regional Attorneys are responsible for the supervision and direction of their Regional Office. Each Regional Attorney to whom a Branch Office is assigned will exercise general supervision over that Branch Office. Regional Offices have responsibility for all legal matters performed in the following geographical areas:

Regional office	U.S. Department of Agriculture legal matters exclusive of Forest Service	Forest Service
Atlanta, Ga	Federal region 4	FS region 8.
Chicago, Ill	Federal region 5	FS region 9.
Denver, Colo	Federal region 8 plus FmHA in Nevada.	FS regions 1, 2, and 4.
Harrisburg, Pa	Federal regions 1, 2, and 3	
Portland, Oreg	Federal region 10	FS regions 6 and 10.
San Francisco, Calif	Federal region 9 except FmHA in Nevada.	FS region 5.
Shawnee Mission, Kans	Federal region 7	
Temple, Tex	Federal region 6	FS region 3, Texas national forests.

(b) Attorneys-in-Charge are under the general supervision of a Regional Attorney. Attorneys-in-Charge are responsible for the supervision and direction of their Branch Office. Branch Offices have responsibility for all legal work performed in the following geographical areas.

Branch office	U.S. Department of Agriculture legal matters exclusive of Forest Service	Forest Service
Milwaukee, Wis	SCS work in Federal Region 5	FS region 9.
Missoula, Mont	State of Montana	FS region 1.
Ogden, Utah	State of Utah plus FmHA in Nevada.	FS region 4.
Santurce, P.R	Puerto Rico and Virgin Islands	Caribbean National Forest.
Juneau, Alaska	State of Alaska	FS region 10.
Albuquerque, N. Mex	State of New Mexico	FS region 3.
Little Rock, Ark	States of Arkansas and Louisiana	Louisiana national forests.
Stillwater, Okla	State of Oklahoma	Oklahoma national forests.

DELEGATIONS OF AUTHORITY

Sec. 21. *Authority to serve as Acting General Counsel.* (a) When the General Counsel is absent or unable to perform his duties, the Deputy General Counsel is designated to serve as Acting General Counsel.

(b) When both the General Counsel and the Deputy General Counsel are absent or unable to perform their duties, the Assistant General Counsels, in the order named, are designated to serve as Acting General Counsel:

(1) Assistant General Counsel, Regulatory and Marketing;

(2) Assistant General Counsel, Production Distribution and Assistance;

(3) Assistant General Counsel, Community Development and Natural Resources;

(4) Assistant General Counsel, Legislation, Litigation, Research and Operations.

(c) In an extreme emergency which prevents the General Counsel, the Deputy General Counsel, and the Assistant General Counsels from assuming the responsibilities of the General Counsel, Regional Attorneys, in the order in which they have taken office as a Regional Attorney are designated to serve as Acting General Counsel until such time as the General Counsel, or one of the above-designated alternates, is capable of serving as General Counsel.

Sec. 22. *General Delegations of Authority.* Pursuant to 7 CFR 2.7 and 2.31, the following general delegations of authority are made:

(a) *Deputy General Counsel.* The Deputy General Counsel is delegated authority to perform all of the duties and exercise all the powers and functions which are now, or which may hereafter be, vested in the General Counsel;

(b) *Assistant General Counsels.* The Assistant General Counsels are delegated authority to take any action necessary to carry out their assigned responsibilities which have not been reserved to the General Counsel. In carrying out this delegation, Assistant General Counsels shall keep the General Counsel informed of any significant matters.

(c) *Division Directors.* Division Directors are delegated authority to take any action necessiry to carry out their assigned responsibilities which have not been reserved to the General Counsel or a respective Assistant General Counsel. In carrying out this delegation, Division Directors shall keep the Assistant General Counsel they report to informed of any significant matters.

(d) *Regional Attorneys and Attorneys-in-Charge.* Regional Attorneys and Attorneys-in-Charge are delegated authority to take any action necessary to carry out their assigned responsibilities which have not been reserved to the General Counsel. In carrying out this delegation, Regional Attorneys shall keep the Deputy General Counsel and Attorneys-in-Charge shall keep their respective Regional Attorney informed of any significant matters.

(e) Regional Attorneys and Attorneys-in-Charge are authorized to deal directly with the Central Office of OGC, including OGC divisions, administrative personnel of USDA, and the Department of Justice and United States Attorneys in the matters within their area of responsibility.

Sec. 23. *Specific Delegations of Authority.* Pursuant to 7 CFR 2.7 and 2.31, the following specific delegations of authority are made:

(a) To each Assistant General Counsel and Division Director:

(1) Certify documents as true copies of those on file in the Department pursuant to 28 U.S.C. 1733.

(b) To the Assistant General Counsel, Legislation, Litigation, Research and Operations, and the Director, Research and Operations Division:

(1) Consider, ascertain, adjust, determine, compromise, and settle claims pursuant to the Federal Tort Claims Act, as amended (28 U.S.C. 2671–2680), and the regulations of the Attorney General contained in 28 CFR Part 14.

(2) Determine, settle, and pay claims submitted by employees of the Department under the Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 240–243).

(3) Sign releases of claims of the United States against private persons for damage to or destruction of property of the Department.

(4) Make determinations under 41 CFR 1–2.406–3 and 1–2.406–4 relating to correction of mistakes in bids disclosed before and after award of procurement contracts; and make determinations in the various types of bidders' mistakes cases set forth in decision of the Comptroller General, B–125189, dated October 3, 1955; except for mistakes which the contracting officer is authorized to correct in accordance with 41 CFR 1–2.406–2.

(5) Make determinations as to whether employees of the Department may retain commercial rights in inventions; prepare patent applications and prosecute the same before the Patent Office.

(c) To Regional Attorneys and Attorneys-in-Charge:

(1) Consider, ascertain, adjust, determine, compromise, and settle claims pursuant to the Federal Tort Claims Act, as amended (28 U.S.C. 2671–2680), where the matter involves a claim for $10,000 or less.

(2) Determine, settle, and pay claims submitted by employees of the Department for $10,000 or less under the Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 240–243).

(3) Sign releases of claims of the United States against private persons for damage to or destruction of property of the Department.

(4) Examine and approve titles to land being acquired by the Department.

Sec. 24. *Redelegations of Authority.* Subject to their continuing responsibility for the proper discharge of delegations made to them, the officers to whom delegations are made in this notice may provide for the redelegation of their authority to approve and sign documents to senior attorneys who are fully conversant with their assigned area of work. Any such redelegation is not intended to relieve the officer of final responsibility for the content and effect of documents approved or signed.

Sec. 25. *Reservations of Authority.* The following is reserved to the General Counsel to approve:

(a) Correspondence to be signed in the Secretary's Office;

(b) Promotions;

(c) Incentive awards;

(d) Travel, travel vouchers and advancement of travel funds for Deputy General Counsel, Assistant General Counsels and Division Directors;

(e) Travel for field attorneys outside the geographic areas assigned to their offices;

(f) Travel outside of continental U.S.;

(g) Travel on an actual expense basis;

(h) Training;

(i) Personnel authorizations, assignments and reassignments;

(j) Recommending appeals of matters in litigation which are of significant importance;

(k) Leave without pay or annual leave in excess of 30 days;

(l) Advance of sick or annual leave;

(m) Transfer of duty stations;

(n) Requests for furniture, equipment and supplies costing $100 or more.

AVAILABILITY OF INFORMATION

Sec. 26. *General.* Sections 26 through 29 are issued in accordance with the regulations of the Secretary of Agriculture, 7 CFR 1.1 through 1.16 and Appendix A, implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations, as implemented by the regulations herein govern the availability of records of OGC to the public.

Sec. 27. *Public Inspection and Copying.* 5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying, and that a current index of these materials be published quarterly or otherwise made available. OGC does not maintain any materials within the scope of this requirement.

Sec. 28. *Requests for Records.* (a) Requests for records of OGC under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a) and addressed to the Division Director having responsibility for the program to which the record relates, or to a Regional Attorney or Attorney-in-Charge for records within their possession, as set forth in this Notice. Authority is hereby delegated to these officials to make determinations regarding such requests in accordance with 7 CFR 1.4(c).

(b) Requests to the Central Office shall be addressed to the appropriate Division Director, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250.

(c) Requests to the Field Offices shall be addressed to the appropriate Regional Attorney or Attorney-in-Charge in the cities listed in section 2 of this Notice. Addresses of each office are listed in the telephone directory of the respective city under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

(d) If any person wishing to request records of OGC is unable to determine the appropriate official to whom such request should be addressed, he shall send it to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Room 2321–S, Washington, D.C. 20250. The Director shall forward the request to the appropriate person for response—provided the date of receipt of such requests shall be the date received by the official who is to make the response.

Sec. 29. *Appeals*. Any person whose request for records under § 28 is denied may appeal that denial in accordance with 7 CFR 1.3(e). All appeals shall be addressed to: General Counsel, U.S. Department of Agriculture, Room 2031-S, Washington, D.C. 20250.

This Notice supersedes the Notice of Organization, Functions, and Availability of Information of the Office of the General Counsel published in the FEDERAL REGISTER on September 29, 1970 (35 FR 15166).

This Notice shall become effective on February 5, 1976.

Done at Washington, D.C., this 30th day of January, 1976.

JAMES D. KEAST,
General Counsel.

[FR Doc.76-3483 Filed 2-4-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census
SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the "Current Population Reports"—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since July 1, 1975, for which tabulations were completed between December 1, 1975, and January 31, 1976.

Dated: January 30, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

State and place or special area	County	Date of census	Population
Arizona:			
Chino Valley, town	Yavapai	Sept. 29, 1975	2,020
Clarkdale, town	do	Nov. 4, 1975	1,067
Flagstaff, city	Coconino	Oct. 2, 1975	31,370
Gilbert, town	Maricopa	Oct. 15, 1975	3,603
Paradise Valley, town	do	do	9,121
Prescott, city	Yavapai	Sept. 26, 1975	16,888
Snowflake, town	Navajo	Oct. 17, 1975	2,573
Wickenburg, town	Maricopa	Oct. 6, 1975	2,908
Yuma, city	Yuma	Oct. 28, 1975	30,081
Arkansas:			
Crossett, city	Ashley	Sept. 29, 1975	6,295
Flippin, city	Marion	Oct. 6, 1975	1,026
Jacksonville, city	Pulaski	Oct. 2, 1975	24,391
Leachville, city	Mississippi	Oct. 8, 1975	1,884
Illinois:			
Du Page County (unincorporated area only)		Sept. 2, 1975	119,690
Loves Park, city	Winnebago	Oct. 7, 1975	12,198
Macomb, city	McDonough	Sept. 24, 1975	23,495
McLean County (unincorporated area only)		Sept. 22, 1975	20,940
Mount Prospect, village	Cook	Oct. 20, 1975	48,975
Oak Brook, village	Du Page	Sept. 23, 1975	5,251
Orland Park, village	Cook	Oct. 15, 1975	13,137
Willow Springs, village	do	Sept. 29, 1975	3,551
Indiana:			
Greenwood, city	Johnson	Oct. 7, 1975	16,097
Iowa:			
Ames, city	Story	Sept. 12, 1975	43,561
Balltown, town	Dubuque	Oct. 8, 1975	107
Cedar Rapids, city	Linn	July 14, 1975	108,987
Clive, city	Polk	Oct. 9, 1975	4,347
Dubuque, city	Dubuque	Sept. 30, 1975	61,728
Goose Lake, city	Clinton	Oct. 23, 1975	248
Hiawatha, city	Linn	Oct. 21, 1975	3,734
Milford, city	Dickinson	Nov. 13, 1975	1,744
Montrose, city	Lee	Oct. 21, 1975	870
Muscatine, city (annexed areas only)	Muscatine	Oct. 20, 1975	761
Urbandale, city	Polk	Oct. 7, 1975	16,410
Minnesota:			
Apple Valley, village	Dakota	do	15,315
Bloomington, city	Hennepin	Sept. 2, 1975	79,119
East Grand Forks, city	Polk	Sept. 30, 1975	8,397
French, township	St. Louis	Oct. 1, 1975	356
North Mankato, city	Nicollet	Oct. 14, 1975	8,071
Missouri:			
Des Peres, city	St. Louis	Oct. 7, 1975	7,130
Mississippi:			
Cleveland, city	Bolivar	Oct. 22, 1975	14,043
North Da ota:			
Thompson, city	Grand Forks	Oct. 8, 1975	532
Pennsylvania:			
Barnesboro, borough	Cambria	Oct. 6, 1975	2,757
South Whitehall, township	Lehigh	Sept. 25, 1975	14,594
Upper Gwynedd, townsnip	Montgomery	Oct. 2, 1975	8,767
Yeadon, borough	Delaware	Sept. 9, 1975	12,058
Tennessee:			
Cookeville, town	Putnam	Oct. 30, 1975	17,070

[FR Doc.76-3409 Filed 2-4-76;8:45 am]

Domestic and International Business Administration

LICENSING PROCEDURES SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, March 16, 1976, at 2:00 p.m. in Room 3814B, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. section 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was initially established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export license applications within the Office of Export Administration and recommend areas where improvements can be made.

The agenda for the meeting is:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of format for the Computer System Parameters.

(4) Discussion of company certification process.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information

Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-967-4196.

Dated: February 2, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-3407 Filed 2-4-76;8:45 am]

Maritime Administration

[Docket No. S-486]

INGRAM OCEAN SYSTEMS, INC.

Application

Notice is hereby given that Ingram Ocean Systems, Inc., a Delaware Corporation, has filed an application, dated October 1, 1975, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1975, unless further extended, to operate two integrated tug-barges, M/V MARTHA R. INGRAM/BARGE IOS 3301 and the M/V CAROLE G. INGRAM/BARGE IOS 3302, of 33,545 and 33,500 deadweight tons respectively, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.). Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294. For purposes of section 605(c) of the Act, it should be assumed that, should the Board grant the requested approval, the two vessels named above will engage in the described trades, on a full-time basis, during the indicated time period. Under such approval each voyage must be approved for subsidy assistance prior to its commencement and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must on or before February 17, 1976, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described is one, with respect to the vessels to be operated in an essential service, served by citizens of the U.S. which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: February 2, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-3490 Filed 2-4-76;8:45 am]

[Docket No. S-484]

MOBIL OIL CORP.

Application

Notice is hereby given that Mobil Oil Corporation, 150 East 42nd Street, New York, New York 10017, has filed an application dated December 30, 1975, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1976, to operate the SS's MOBIL AERO, 31,905 deadweight tons; MOBIL ARCTIC, 129,017 deadweight tons; MOBIL LUBE, 31,145 deadweight tons; and MOBIL MERIDIAN, 49,298 deadweight tons, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.). Dry and liquid bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessels named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before February 17, 1976, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive relevant to (1) whether the application herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: January 30, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-3492 Filed 2-4-76;8:45 am]

[Docket No. S-485]

SUN TRANSPORT, INC.

Amended Notice of Application

Notice of Application for Sun Transport, Inc., identified as Docket No. S-478, was published in the FEDERAL REGISTER on December 10, 1975 (40 FR 57510). Such Notice indicated that Sun Transport, Inc., had filed an application dated November 14, 1975, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1975, unless further extended, to operate the S/Ts AMERICA SUN, PENNSYLVANIA SUN, and TEXAS SUN in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics(U.S.S.R.). Dry and liquid bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

The application was not approved prior to December 31, 1975, which precluded an extension. Such Notice is now being republished to delete the passage "to expire December 31, 1975, unless further extended" and inserting in place thereof, "to expire December 31, 1976."

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that, should the Board grant the requested approval, the vessels named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval each voyage must be approved for subsidy assistance prior to its commencement and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before February 17, 1976 notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: February 2, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

JAMES S. DAWSON, Jr.
Secretary.

[FR Doc.76-3488 Filed 2-4-76;8:45 am]

[Docket No. S-483]

SUN TRANSPORT, INC.

Amended Application

Notice is hereby given that Sun Transport, Inc., has amended its application of November 14, 1975, with respect to aspects involving section 805(a) of the Merchant Marine Act, 1936, as amended (the Act). It was anticipated at the time the application was originally filed that any approval for operating-differential subsidy would expire on December 31, 1975, unless further extended, or until completion of voyages in progress on that date. However, since no action on the application was taken prior to the end of calendar year 1975, any approval for operating-differential subsidy will now terminate on December 31, 1976, or upon completion of voyages in progress on that date.

Notice of applicant's original application for written approval pursuant to section 805(a) of the Act was published in the FEDERAL REGISTER on December 10, 1975 (40 FR 57509). By letter dated January 6, 1976, Sun Transport, Inc., filed an amended application because the original application did not include a request for written permission under section 805(a) of the Act to cover vessels owned or operated by a related party of Sun Transport. The information which follows is in addition to those vessels included in the previously published notice.

Sun Transport, Inc., states that the following vessels are owned or operated by a related party and may engage in the domestic intercoastal and coastwise trades of the United States:

Vessel	*Owner and/or Charterer*
Joseph D. Potts	Kee Leasing Co.
Ponce de Leon	Sun Leasing Co.
Great Land	Totem Ocean Trailer Express, Inc.
Eric Holzer	650 Leasing Co.
Sohio Intrepid	652 Leasing Co.
Sohio Resolute	653 Leasing Co.
Notre Dame Victory	660 Leasing Co.
Fortaleza	663 Leasing Co.
El Taino	666 Leasing Co.
Puerto Rico	670 Leasing Co.
Great Land	673 Leasing Co.
Caribe Sun	Puerto Rico Sun
Island Sun	Puerto Rico Sun
Puerto Rico Sun	Puerto Rico Sun

In addition, Sun Shipbuilding & Dry Dock Company holds a 100 percent stock interest in GTS Venture Corporation which is a 50 percent participant with Export Venture Corporation in Sunexport Company, a joint venture which is bareboat charterer of the *Admiral William M. Callaghan*, subchartered to the Military Sealift Command. Sun Shipbuilding & Dry Dock Company also holds small minority stock interests in TTT, Inc., which bareboat charters the *El Taino* and bareboat supbcharters the *Fortaleza*, and in Ecological Shipping Corporation, which bareboat subchar'ers the *Notre Dame Victory*.

Written permission is now required under section 805(a) notwithstanding the fact that voyages of the *America Sun*, *Pennsylvania Sun*, and *Texas Sun* in the proposed service on which the vessel engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the applications must, by close of business on February 17, 1976, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Assistant Secretary for Maritime Affairs.

Dated: January 30, 1976.

JAMES S. DAWSON,
Secretary.

[FR Doc.76-3491 Filed 2-4-76;8:45 am]

CONSTRUCTION OF CONTAINERSHIPS, MA DESIGN C8-S-85d

Computation of Foreign Costs; Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of containerships, MA Design C8-S-85d. This notice supersedes the "Notice of Intent" dated May 14, 1975, for the same vessel, which was published in the FEDERAL REGISTER of May 16, 1975.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on March 17, 1976, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: February 2, 1976.

By order of the Maritime Subsidy Board Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-3489 Filed 2-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Public Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 that a meeting of the Communications Committee of the National Advisory Council on Extension and Continuing Education will be held on February 23, 1976 in the conference room at the Council office, 425 13th Street NW., Suite 529, Washington, D.C. The meeting will begin at 9 a.m. and adjourn at 4:30 p.m.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Communications Committee will be open to the public, but because of the limited space available in the Council office, anyone wishing to attend the meeting should inform the Council's staff office (376-8888) no later than February 17, 1976. The purpose of the meeting will be to prepare a final draft of the Tenth Annual Report of the Council. All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th Street, NW., Washington, D.C.

JAMES A. TURMAN,
Executive Director.

JANUARY 30, 1976.

[FR Doc.76-3469 Filed 2-4-76;8:45 am]

Food and Drug Administration

[Docket No. 75N-0050]

LIST OF FIRMS APPROVED TO MARKET DRUG PRODUCTS HAVING KNOWN OR POTENTIAL BIOEQUIVALENCE PROBLEMS

Notice of Availability

The Food and Drug Administration (FDA) announces the public availability of a list of drug firms holding approved new drug applications (NDA's) or abbreviated new drug applications (ANDA's), or who are named as distributors in NDA's, ANDA's, or supplemental applications for drug products listed in the notice published in the FEDERAL REGISTER of June 20, 1975 (40 FR 26164) as having known or potential bioequivalence problems.

The Commissioner of Food and Drugs proposed in the June 20 notice procedures for establishing bioequivalence requirements. The preamble to the proposed regulation contains a list of drug products having known or potential bioequivalence problems. The list includes (1) all drug products for which any positive evidence has ever been developed that a bioinequivalent product has been produced by one or more manufacturers, and (2) all drug products that have, in the opinion of FDA, a potential for bioinequivalence on the basis of chemical structure, physicochemical features, and/or pharmacokinetic properties. Drug products are included on the list if there is any question about their potential for bioinequivalence. Such a liberal inclusion policy has been adopted to provide advance notice to drug producers and the scientific community of the drug products being considered by FDA to be covered by the proposed bioequivalence regulations. Current evidence indicates that only 20 to 25 drug entities have had documented bioequivalence problems. Nevertheless, it is the Commissioner's view that bioequivalence problems will be more promptly resolved if the list includes, at the start, all drug products with any potential for bioinequivalence than if drug products were added later in a piecemeal fashion. The Commissioner believes that it is necessary for manufacturers, the public, and experts in biopharmaceutics to understand FDA views in applying the criteria set forth in the proposed regulation for the selection of drug products having known or potential bioequivalence problems before commenting on the proposed regulation.

The Commissioner emphasizes that a drug product's inclusion on the list does not necessarily imply that FDA has positive evidence of bioinequivalence among the various brands currently on the market. The Commissioner is concerned about the effect the list of drug products in the preamble of the proposed bioequivalence regulation may be having on drug procurement programs. Apparently some State agencies, individual pharmacists, and physicians have interpreted the list as a final official compilation of noninterchangeable drug products and have refused to purchase generic products of any listed drug. The Commissioner advises that such an over-reaction and misuse of the list is not warranted. The Commissioner also advises that the list of drug products does not include all marketed drug products that are subject to an approved NDA or ANDA. The list includes only those drug products marketed before October 10, 1962, that have known or potential bioequivalence problems. Purchasers should not interpret the list as being a total listing of drug products that FDA has approved for marketing.

For a number of years, FDA has required bioavailability data on all antibiotics and on virtually all of the multisource drug products listed in the June 20 notice. Consequently, drug companies that hold approved NDA's or ANDA's have, for the most part, already submitted bioavailability data on their products to FDA. The principal exceptions are those drug products for which testing methodology is not available. The Commissioner recommends that, until bioequivalence requirements are established under the procedures set forth in the proposed bioequivalence regulation for the drug products on the list, persons charged with procuring these drug products purchase the products from firms holding approved NDA's or ANDA's, or that are named as distributors in NDA's, ANDA's, or supplemental applications.

To aid purchasers, FDA has prepared, and will make available on written request by any interested person, a list of all firms that are authorized in an approved NDA, ANDA, or supplemental application to manufacture, package, and/or distribute the drug products listed in the preamble to the proposed bioequivalence regulation. A copy of the list may be requested by writing to the Assistant Director for Regulatory Affairs (HFD-35DA), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

The list of firms includes the names and addresses of each holder of an approved NDA or ANDA for each of the drug products listed in the preamble to the proposed bioequivalence regulation in the June 20 notice. The list of firms also includes the name and location of each firm that is named as a distributor in one or more approved NDA's, ANDA's, or supplemental applications. The dosage form and strength of all drug products

that are the subject of the approved NDA, ANDA, or supplemental application also are included in the list. However, the list specifies only conventional dosage form, i.e., oral tablets and capsules, of the listed drug products; the list does not include enteric-coated drug products or controlled-release dosage forms such as timed-release capsules.

The distributors on the list are those that purchase their drug products from a holder of an approved NDA or ANDA and that are named in an approved NDA, ANDA, or supplemental application. Such approval permits the distributor to market only the drug product purchased from the holder of the approved NDA or ANDA. Such approval does not permit a distributor to market the drug product purchased from any other holder of an approved NDA or ANDA, unless the distributor is named in the NDA, ANDA, or supplemental application. Nor does such approval permit the distributor to market the drug product purchased from a firm that does not hold an approved NDA or ANDA.

The Commissioner advises that any new drug product listed in the preamble to the proposed bioequivalence regulation may not lawfully be marketed unless the product is the subject of an approved NDA or ANDA. Any such drug product and any person marketing such a product that is not the subject of an approved NDA or ANDA are subject to regulatory action to enforce section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355). FDA is taking action to remove such products from the market on a priority basis.

The Commissioner also advises, however, that several of the drug products listed in the preamble to the proposed bioequivalence regulation have not in the past been considered to be new drugs subject to section 505 of the act. There are no holders of approved NDA's or ANDA's for these drug products. These drug products are: digitoxin tablets, digitoxin powder, digoxin tablets, gitalin tablets, lanatoside C tablets, and phenytoin sodium (formerly diphenylhydantoin sodium) capsules. Except for digoxin tablets, the Commissioner makes no recommendation regarding the purchasing of these drug products. At the time a bioequivalence requirement is established for each of these drug products, all persons marketing these drug products will be required to demonstrate the bioequivalence of their product. Until then, it is the agency's policy to remove from the market any lot of these drug products for which there is evidence of bioinequivalence.

The Commissioner issued in the FEDERAL REGISTER of January 22, 1974 (39 FR 2471), a regulation (21 CFR 310.500) establishing conditions for marketing digoxin products. These conditions include a certification program requiring that manufacturers demonstrate that, before release for distribution, each batch of digoxin tablets meets an in vitro dissolution test that has been correlated with the in vivo bioavailaiblity of digoxin. Under the certification program the agency has assured that manufacturers are demonstrating that each batch of digoxin tablets meets the in vitro dissolution test. As a result of this ongoing certification program, all marketed digoxin tablets can be purchased with assurance that they meet the same standards. The list of firms includes those manufacturers of digoxin tablets that have met the requirements of the certification program. The list does not include the names of own-label distributors who purchase digoxin tablets from these manufacturers. The Commissioner advises purchasers of digoxin tablets from own-label distributors to assure that these drug products are manufactured by one of the manufacturers that are included on the list.

The list of firms that FDA is making available was prepared after a search of the agency's new drug application files. The Commissioner advises that FDA has not removed from the list those firms that may have gone out of business or stopped marketing the drug product since approval of the NDA, ANDA, or supplemental application. Therefore, the list may include both out-of-business firms and drug products that are not currently being marketed. The Commissioner requests that any person who wishes to correct an error in the list direct his inquiry to the Associate Director for Drug Monographs (HFD-500), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. Such inquiries should be in quintuplicate and should contain the following information, as applicable:

1. Name and address of firm.
2. Name and title of individual (in firm) to whom response or followup action should be directed.
3. The established name of the drug product concerned and the page number of which it appears in the list.
4. The NDA or ANDA number associated with the product in question.
5. The National Drug Code (NDC) number for the involved product.
6. An exhibit of how the corrected version should appear utilizing the same format employed in the list of firms.

The list of firms that are approved to manufacture, package, and distribute the drug products listed in the preamble to the proposed bioequivalence regulation will be revised periodically to reflect corrections as well as newly approved NDA's, ANDA's, and supplemental applications. Persons who request copies of the original list will automatically receive revisions of the list as such revisions become available.

Dated: January 30, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-3380 Filed 2-4-76;8:45 am]

Public Health Service

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Mental Retardation Facilities and Community Mental Health Centers

Pursuant to section 401 (i) and (j) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended, hereinafter sometimes referred to as "the Act" (42 U.S.C. 2691 (i) and (j)), and the Joint Resolution of June 30, 1974 (Pub. L. 93-324), as amended, the following Federal percentages for community mental health center construction projects supported with fiscal year 1975 funds are hereby promulgated for the fiscal year beginning July 1, 1975. (Note: While under section 401(j)(1) of the Act the percentages are also made applicable to the next succeeding fiscal year such percentages are, in effect, limited to the fiscal year beginning July 1, 1975, because the fiscal year 1975 funds remain available for obligation by the States only through the end of the fiscal year beginning July 1, 1975.)

Prior to the enactment of the Community Mental Health Centers Amendments of 1975 (Title III of Pub. L. 94-63) on July 29, 1975, section 401(h) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (42 U.S.C. 2691(h)), provided that the Federal share (i.e., that portion of the cost of construction of a project to be paid by the Federal Government) for any community mental health centers construction project within a State could not exceed 66⅔ per centum of the cost of construction or the State's Federal percentage, whichever was lower. Section 401(j) of the Act requires the Secretary to promulgate the Federal percentage for each State (calculated under the formula set forth in section 401(i)) between July 1 and September 30 of each even numbered year. These percentages were not promulgated between July 1 and September 30, 1974, due to the uncertainty concerning the availability of a fiscal year 1975 appropriation for grants for the construction of community mental health centers. The subsequent availability and allotment of the fiscal year 1975 funds to the States under the Community Mental Health Centers Act prior to its amendment by Pub. L. 94-63 necessitates the promulgation of the Federal percentages which are applicable to determinations of the maximum Federal share for the construction of projects funded from that allotment during the fiscal year beginning July 1, 1975 (the fiscal year 1975 allotment is available for obligation only through the end of the fiscal year beginning July 1, 1975). These percentages are not applicable to such funds as may be appropriated and allotted pursuant to the Community Mental Health Centers Act as amended by Pub. L. 94-63. The Federal percentages applicable to those funds will be promulgated by the Secretary between October 1

and December 31 of each even-numbered year as required by section 221(b)(4)(B) of the Community Mental Health Centers Act, as amended by Pub. L. 94-63 (42 U.S.C. 2689i).

These percentages have been determined in the manner specified by section 401(i) of the Act and are based on the per capita income of the several States and the United States for 1971, 1972, and 1973, the three most recent consecutive years for which satisfactory data is available from the Department of Commerce.

Alabama	61.84
Alaska	41.59
Arizona	53.14
Arkansas	62.44
California	44.48
Colorado	49.83
Connecticut	40.45
Delaware	42.42
Florida	51.32
Georgia	56.61
Hawaii	43.67
Idaho	57.95
Illinois	42.91
Indiana	51.39
Iowa	51.20
Kansas	49.46
Kentucky	60.12
Louisiana	60.85
Maine	59.59
Maryland	45.20
Massachusetts	46.96
Michigan	45.54
Minnesota	51.03
Mississippi	65.27
Missouri	52.26
Montana	54.79
Nebraska	50.33
Nevada	42.57
New Hampshire	53.03
New Jersey	41.22
New Mexico	61.48
New York	42.18
North Carolina	57.86
North Dakota	51.46
Ohio	49.66
Oklahoma	57.45
Oregon	52.30
Pennsylvania	50.22
Rhode Island	50.87
South Carolina	61.69
South Dakota	57.33
Tennessee	59.47
Texas	55.03
Utah	59.21
Vermont	59.05
Virginia	51.89
Washington	49.29
West Virginia	60.49
Wisconsin	52.81
Wyoming	53.42
District of Columbia	36.45
Trust Territory of the Pacific	66.66
America Samoa	66.
Guam	66.66
Puerto Rico	66.66
Virgin Islands	66.66

Dated: January 28, 1976.

JAMES D. ISBISTER,
Administrator, ADAMHA.

[FR Doc.76-3468 Filed 2-4-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76008]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard isnpection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 29, 1975 to December 1, 1975 (List No. 27-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

MARINE BUOYANT DEVICE

Approval No. 160.064/1021/0, adult, Model No. 63165, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/1022/0, adult, Model No. 63165, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/1025/0, adult, Model No. 208 or 209, cloth covered unicellular plastic foam "Flotation Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, effective November 14, 1975.

Approval No. 160.064/1026/0, adult, Model No. 208 or 209, cloth covered unicellular plastic foam "Flotation Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, effective November 14, 1975.

Approval No. 160.064/1027/0, adult, Model No. 208 or 209, cloth covered unicellular plastic foam "Flotation Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, effective November 14, 1975.

Approval No. 160.064/1028/0, adult, Model No. 208 or 209, cloth covered unicellular plastic foam "Flotation Jacket," manufactured by Ero Industries, Inc., U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, effective November 14, 1975.

Approval No. 160.064/1029/0, adult, Model No. 63198 or 63199, cloth covered unicellular plastic foam "Flotation Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/1030/0, adult, Model No. 63198 or 63199, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/1031/0, adult, Model No. 63198 or 63199, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/1032/0, adult, Model No. 63198 or 63199, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue (Chicago, Illinois 60947, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/1033/0, child medium, Model No. 505, cloth covered

unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective November 14, 1975.

Approval No. 160.064/1034/0, adult, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective November 14, 1975.

Approval No. 160.064/1035/0, child small, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective November 14, 1975.

Approval No. 160.064/1039/0, child medium, Model No. HP-30, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc,. P.O. Box 487, Marblehead, Massachusetts 01945, effective November 14, 1975.

Approval No. 160.064/1040/0, adult, Model No. HP-40, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective November 14, 1975.

Approval No. 160.064/1041/0, child medium, Model No. 57811, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/1042/0, adult, Model No. 57815, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/1043/0, adult, Model No. 57815, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/1044/0, adult, Model No. 57815, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/1045/0, adult, Model No. 57815, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/1046/0, adult, Model No. ACG601, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for American Marine Products, 240 Shore Drive, Hinsdale, Illinois 60521, effective November 24, 1975.

Approval No. 160.064/1047/0, adult, Model No. ACG701, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for American Marine Products, 240 Shore Drive, Hinsdale, Illinois 60521, effective November 24, 1975.

Approval No. 160.064/1048/0, adult, Model No. ACG801, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for American Marine Products, 240 Shore Drive, Hinsdale, Illinois 60521, effective November 24, 1975.

Approval No. 160.064/1050/0, adult, Model No. SKV-2A, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 65, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for Nova Products, Inc., 205 Johnson Avenue, Carrollton, Georgia 30117, effective November 21, 1975.

Approval No. 160.064/1051/0, adult, Model No. SKV-3A, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 65, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for Nova Products, Inc., 205 Johnson Avenue, Carrollton, Georgia 30117, effective November 21, 1975.

Approval No. 160.064/1052/0, adult, Model No. SKV-4A, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 65, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for Nova Products, Inc., 205 Johnson Avenue, Carrollton, Georgia 30117, effective November 21, 1975.

Approval No. 160.064/1053/0, adult, Model No. SKV-5, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 65, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, for Nova Products, Inc., 205 Johnson Avenue, Carrollton, Georgia 30117, effective November 21, 1975.

Approval No. 160.064/1057/0, adult, Model No. 7720A, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Post Office Box 1061, Tolono, Illinios 61880, for Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, effective November 21, 1975.

Approval No. 160.064/1058/0, adult, Model No. 7715A, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Post Office Box 1061, Tolono, Illinois 61880, for Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, effective November 21, 1975.

Approval No. 160.064/1059/0, adult, Model No. 7710A, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Post Office Box 1061, Tolono, Illinois 61880, for Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, effective November 21, 1975.

Approval No. 160.064/1060/0, adult, Model No. 7705, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD

report file No. MQ 38, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Post Office Box 1061, Tolono, Illinois 61880, for Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, effective November 21, 1975.

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/137/2, style HNA-MS-55 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1200 p.s.i. primary service pressure rating, 650° F. maximum temperature, sizes 1½", 2", 3" and 4", new drawing showing new style test clamp and spring covers, revised center-to-face inlet dimension of 4L6, ANSI flanges, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective October 29, 1975. (It supersedes Approval No. 162.001/137/1 dated October 5, 1970.)

Approval No. 162.001/138/2, style HNA-MS-56 carbon steel body pop safety valve, flanged nozzle type, exposed string fitted with spring cover, 1200 p.s.i. primary service pressure rating, 750° F. maximum temperature, sizes 1½", 2", 2½", 3" and 4", new drawing showing new style test clamp and spring covers, revised center-to-face inlet dimension of 4L6, ANSI flanges, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective October 29, 1975. (It supersedes Approval No. 162.001/138/1 dated October 5, 1970.)

Approval No. 162.001/139/2, style HNA-MS-57 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1200 p.s.i. primary service pressure rating, 900° F. maximum temperature, sizes 1½", 2", 2½", 3" and 4", new drawing showing new style test clamp and spring covers, revised center-to-face inlet dimension of 4LC, ANSI flanges, manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective October 29, 1975. (It supersedes Approval No. 162.001/139/1 dated October 5, 1970.)

Approval No. 162.001/140/2, style HNA-MS-58 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring covers, 1200 p.s.i. primary service pressure rating, 1000° F. maximum temperature, sizes 1½", 2", 2½", 3" and 4", new drawing showing new style test clamp and spring covers, revised center-to-face inlet dimension of 4LC, ANSI flanges, manufactured by Crosby Valve and Gage Company, Wrentham, Masachusetts 02093, effective October 29, 1975. (It supersedes Approval No. 162.001/140/1 dated October 5, 1970.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/130/0, Bendix flame arrester assembly B175-57 with C177-16 aluminum element strips and ¾" thick Scott filter foam air cleaner over the arrester inlet held by a stamped sheet metal frame, flame arresting elements identical to those in Bendix Assembly B175-46, U.S.C.G. Approval No. 162.041/119/0, manufactured by Bendix Corporation, Fuel Devices Division, 696 Hart Avenue, Detroit, Michigan 48214, effective November 5, 1975. (It is an extension of Approval No. 162.041/130/0 dated December 8, 1970.)

Approval No. 162.041/131/0, Bendix flame arrester assembly B175-58 with C177-15 aluminum element strips and ¾" thick Scott filter foam air cleaner over the arrester inlet held by a stamped sheet metal frame, flame arresting elements identical to those in Bendix Assembly B175-45, U.S.C.G. Approval No. 162.041/121/0, manufactured by Bendix Corporation, Fuel Devices Division, 696 Hart Avenue, Detroit, Michigan 48214, effective November 5, 1975. (It is an extension of Approval No. 162.041/131/0 dated December 8, 1970.)

Approval No. 162.041/132/0, Bendix flame arrester assembly B175-59 with C177-15 aluminum element strips and ¾" thick Scott Filter foam air cleaner over the arrester inlet held by a stamped sheet metal frame, flame arresting elements identical to those in Bendix Assembly B175-47, U.S.C.G. Approval No. 162.041/120/0, manufactured by Bendix Corporation, Fuel Devices Division, 696 Hart Avenue, Detroit, Michigan 48214, effective November 5, 1975. (It is an extension of Approval No. 162.041/132/0 dated December 8, 1970.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/73/0, "Asahi Marilite P" inorganic composition board type bulkhead panel identical to that described in Underwriters Laboratories, Inc. report R7709-1(75NK3921) dated September 24, 1975, approved as meeting Class B-15 requirements in a 19mm thickness, joint detail No. 1 *may* and joint detail No. 2 *may not* be used as component in A-60 construction, dwg. forms a part of this approval, manufactured by Asahi Asbestos Company, Ltd., 10-6, 7-Chome, Ginza, Chuo-Ku, Tolyo 104, Japan, effective November 13, 1975. (It supersedes Approval No. 164.008/73/0 dated October 21, 1975 to show change in certificate wording.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/88/1, "American Bestoglas" woven combination Grade AAA asbestos and fibrous glass (2.5% lubricant or less) cloth type incombustible material identical to that described in American Asbsetos Textile Corporation letters dated 9 and 17 September 1965, approved in weights of ½ through 2½ pounds/square yard, Plant Meredith, New Hampshire, manufactured by American Asbestos Textile Corporation, 1032 Stanbridge Street, Norristown, Pennsylvania 19404, effective November 6, 1975. (It is an extension of Approval No. 164.009/88/1 dated December 10, 1970.)

Approval No. 164.009/189/0, "1000 Semediate Service Board (I-S Board)", fibrous glass insulation incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2197:FR3734 dated September 27, 1970 and Owens-Corning letter dated May 15, 1970 approved in a density of 3 pounds per cubic foot in a thickness from 1-2½ inches inclusive, manufactured by Owens-Corning Fiberglas Corporation, Toledo, Ohio 43659, effective November 6, 1975. (It is an extension of Approval No. 164.009/137/0 dated December 3, 1970.)

Approval No. 164.009/189/0, "1000 Series Spin-Glas Board", a glass fiber type incombustible insulation identical to that described in National Bureau of Standards test report No. 3912 dated November 25, 1975 approved in a nominal density of 3 pounds per cubic foot, 1" thru 8" thickness, Plant location: Richmond, Indiana, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, effective December 1, 1975.

Approval No. 164.009/190/0, "1001 Spin-Glas Blanket Filler", a glass fiber type incombustible insulation identical to National Bureau of Standards test report No. 3912 dated November 25, 1975 approved in a density of 3 pounds per cubic foot, 1" thru 6" thickness, plant location: Richmond, Indiana, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, effective December 1, 1975.

Dated: February 2, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-3439 Filed 2-4-76;8:45 am]

[CGD 76007]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 31, 1975 to November 24, 1975 (List No. 26-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect

to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/146/2, Type 20-20F mechanical davit, straight-boom sheath screw; approved for a maximum working load of 5,800 lbs. per set (2,900 lbs. per arm), using 2 or 6 part falls; identified by general arrangement drawings D1-F-288 dated July 18, 1975 and 5014-1D, Alteration C dated January 30, 1963, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective November 13, 1975. (It supersedes Approval No. 160.032/146/1 dated November 15, 1972 to show design change.)

LIFEBOATS

Approval No. 160.035/102/8, 24.0′ x 8.0′ x 3.5′ steel, motor-propelled lifeboat without radio cabin or searchlight (Class 1), 37-person capacity, identified by general arrangement and construction dwg. No. 24-002-04, Rev. A dated November 12, 1970, this boat is built with a wooden or fibrous glass reinforced plastic (FRP) removable interior, 46 CFR 160.035-13 (c) Marking, Weights: Condition "A"= 4,390 pounds; Condition "B"=11,420 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, New York 11231, effective November 6, 1975. (It is an extension of Approval No. 160.-035/102/8 dated December 9, 1970.)

Approval No. 160.035/439/7, 12.0′ x 4.42′ x 1.75′ oar-propelled F. R. P. lifeboat, 4-person capacity, identified by construction and arrangement drawing 12-5, Rev. G dated March 23, 1970, alternate arrangements identified by general arrangement drawing No. 12-5-SL, Rev. C dated August 24, 1973, or general arrangement drawing No. T-12-5-SL, dated August 22, 1975, 46 CFR 160.035-13(c) Marking, Weights: Condition "A" =319 pounds; Condition "B"=1,071 pounds, approved for use on vessels in bays, sounds, and lakes; and river service, approved for 6-person capacity as replacement lifeboat, manufactured by Marine Safety Equipment Corporation, Foot of Wyckoff Road, Farmingdale, New Jersey 07727, effective October 31, 1975. (It supersedes Approval No. 160.035/439/6 dated September 10, 1973 to show alternate construction.)

Approval No. 160.035/464/1, 24.0′ x 8.0′ x 3.5′ aluminum, motor-propelled, Class 1 lifeboat, 37-person capacity, identified by general arrangement and construction dwg. No. 24-002-02, Rev. A dated November 12, 1970, this boat is built with a wooden or fibrous glass reinforced plastic (FRP) removable interior, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=3,600 pounds; Condition "B"=10,620 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, New York 11231, effective November 6, 1975. (It is an extension of Approval No. 160.035/464/1 dated December 7, 1970.)

DESALTER KITS, SEA WATER, FOR MERCHANT VESSELS

Approval No. 160.058/3/0, desalter kit, sea water; cylindrical container and contents identified by dwg. B-0010, dated October 20, 1965, and Bill of Materials (sheets 1 to 5), dated December 13, 1965, manufactured by Ionac Chemical Company, Birmingham Road, Birmingham, New Jersey 08011, effective November 5, 1975. (It is an extension of Approval No. 160.058/3/0 dated December 11, 1970.)

MARINE BUOYANT DEVICE

Approval No. 160.064/308/0, adult small, Model 6260, cloth covered PVC foam, flotation jacket, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975. (It supersedes Approval No. 160.064/308/0 dated March 23, 1972, to show change of address of manufacturer and factory locations.)

Approval No. 160.064/309/0, adult medium, Model 6260, cloth covered PVC foam, flotation jacket, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975. (It supersedes Approval No. 160.064/309/0 dated March 23, 1972 to show change of address of manufacturer and factory locations.)

Approval No. 160.064/316/0, adult large, Model 6260, cloth covered PVC foam, flotation jacket, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975. (It supersedes Approval No. 160.064/316/0 dated March 23, 1972 to show change of address of manufacturer and factory locations.)

Approval No. 160.064/317/0, adult X-large, Model 6260, cloth covered PVC foam, flotation jacket, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975. (It supersedes Approval No. 160.064/317/0 dated March 23, 1972 to show change of address of manufacturer and factory locations.)

Approval No. 160.064/609/0, child small, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective Novembr 21, 1975. (It supersedes Approval No. 160.064/609/0 dated April 11, 1974 to show change of address of manufacturer and factory locations.)

Approval No. 160.064/610/0, child medium, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975. (It supersedes Approval No. 160.064/610/0 dated April 11, 1974 to show change of address of manufacturer and factory locations.)

Approval No. 160.064/611/0, adult small, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975. (It supersedes Approval No. 160.064/611/0 dated April 11, 1974 to show change of address of manufacturer and factory locations.)

Approval No. 160.064/612/0, adult medium, Model No. B-V1, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975. (It supersedes Approval No. 160.064/612/0 dated April 11, 1974 to show change of address of manufacturer and factory locations.)

Approval No. 160.064/613/0, adult large, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest",

manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975. (It supersedes Approval No. 160.064/613/0 dated April 11, 1974 to show change of address of manufacturer and factory locations.)

Approval No. 160.064/614/0, adult X-large, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975. (It supersedes Approval No. 160.064/614/0 dated April 11, 1974 to show change of address of manufacturer and factory locations.)

Approval No. 160.064/615/0, adult XX-large, Model BV-1, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975. (It supersedes Approval No. 160.604/615/0 dated April 11, 1974 to show change of address of manufacturer and factory locations.)

Approval No. 160.064/977/0, child small, Model No. 63131, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/978/0, child medium, Model No. 63131, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/979/0, adult, Model No. 63135, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/980/0, adult, Model No. 63135, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective November 24, 1975.

Approval No. 160.064/982/0, child small, Model No. BV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975.

Approval No. 160.064/983/0, child medium, Model No. BV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975.

Approval No. 160.064/984/0, adult, Model No. BV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975.

Approval No. 160.064/985/0, adult, Model No. BV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975.

Approval No. 160.064/986/0, adult, Model No. BV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975.

Approval No. 160.064/987/0, adult, Model No. BV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975.

Approval No. 160.064/988/0, adult, Model No. BV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-28, factory locations: Highway 80 West, Mineola, Texas 75773 and 802½ W. Erwin Street, P.O. Box 1103, Tyler, Texas 75701, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, effective November 21, 1975.

Approval No. 160.064/989/0, child small, Model No. BV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective November 21, 1975.

Approval No. 160.064/990/0, child medium, Model No. BV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective November 21, 1975.

Approval No. 160.064/991/0, adult, Model No. BV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective November 21, 1975.

Approval No. 160.064/992/0, adult, Model No. BV-2, cloth covered unicellular foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective November 21, 1975.

Approval No. 160.064/993/0, adult, Model No. BV-2, cloth covered unicellu-

lar plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective November 21, 1975.

Approval No. 160.064/994/0, adult, Model No. BV-2, cloth covered unicellular plastic form "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive., Dallas, Texas 75236, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective November 21, 1975.

Approval No. 160.064/995/0, adult, Model No. BV-2, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, Texas 75236, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective November 21, 1975.

Approval No. 160.064/1004/0, child small, Model No. LD 100, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box Station A, Greenville, South Carolina 29604, effective November 14, 1975.

Approval No. 160.064/1005/0, child small, Model No. LD 200, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box Station A, Greenville, South Carolina 29604, effective November 14, 1975.

Approval No. 160.064/1007/0, 20-inch, Model No. A-20, vinyl dipped unicellular plastic foam "Ring Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 247, factory location: 1633 N. Milwaukee Avenue, Chicago, Illinois 60647, Type IV PFD, manufactured by The Massolite Company, Box 214, Winnetka, Illinois 60093, effective November 14, 1975.

Approval No. 160.064/1016/0, adult, Model No. ACG 601, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 174, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, effective November 14, 1975.

Approval No. 160.064/1017/0, adult, Model No. ACG 701, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 174, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, effective November 14, 1975.

Approval No. 160.064/1018/0, adult, Model No. ACG 81, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 174, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, P.O. Box 1061, Tolono, Illinois 61880, effective November 14, 1975.

Approval No. 160.064/1019/0, adult, Model No. 206, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, effective November 14, 1975.

Approval No. 160.064/1020/0, adult, Model No. 206, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60947, effective November 14, 1975.

Dated: February 2, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-3440 Filed 2-4-76;8:45 am]

[CGD 76-016]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Open Meeting

The Chemical Transportation Industry Advisory Committee will conduct an open meeting on February 25-26, 1976 in room 8236 of the NASSIF Building, 400 Seventh Street SW., Washington, D.C. The meeting is scheduled to begin at 9:30 a.m. both days.

The agenda for this meeting of the Chemical Transportation Industry Advisory Committee is as follows:

FEBRUARY 25, 1976

1. Call to order.
2. Opening Remarks.
3. Committee Organization and Operating Procedures.
4. Committee Project Status Reports.
5. Coast Guard Actions and Plans.
6. Committee Comments and Recommendations.
7. Miscellaneous.
8. Adjournment.

FEBRUARY 26, 1976

Discussion of Annex II (Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk) of the International Convention for the Prevention of Pollution from Ships.

The Chemical Transportation Industry Advisory Committee was established to provide advice and consultation to the Marine Safety Council with respect to the water transportation of hazardous materials.

Members of this committee serve voluntarily without compensation from the Federal Government for either travel or per diem.

Interested persons may seek additional information by writing:

Mr. William McConnaughey, Commandant (G-MHM/83), U.S. Coast Guard, Washington, D.C. 20590.

or by calling: 202-426-2306.

This Notice is issued under section 10 (a) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I).

Dated: February 2, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-3437 Filed 2-4-76;8:45 am]

[CGD 76-013]

NATIONAL OFFSHORE OPERATION INDUSTRY ADVISORY COMMITTEE

Open Meeting

The Mobile Offshore Unit Work Group of the National Offshore Operations Industry Advisory Committee will conduct an open meeting 24, 25, 26, February 1976, at the downtown Holiday Inn, 801 Calhoun St., Houston, Texas. The meeting is scheduled to begin at 9 a.m.

The agenda for this meeting of the Mobile Offshore Work Group is as follows:

(1) Review proposed 46 CFR 107 regulations.

(2) Review Coast Guard comments on 46 CFR 107-109.

(3) Review Coast Guard comment on amendment, Subchapter F & J, Chapter I, 46 CFR.

The Coast Guard National Offshore Operation Advisory Committee was established to provide advice and consultation to the Marine Safety Council with respect to offshore operations and the coastal environment including, but not limited to, offshore oil and mineral exploitation, transmission of energy resources, and support activities.

Public members of this committee serve voluntarily without compensation from the Federal Government for either travel or per diem.

Interested persons may obtain additional information or the summary of the minutes of the meeting by writing to:

Captain G. K. Greiner, Jr., Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590.

or by calling 202-426-1477.

This Notice is issued under section 10 (a) of the Federal Advisory Committee

Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App. I).

Dated: February 2, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76–3438 Filed 2–4–76;8:45 am]

[CGD 76–017]

TOWING INDUSTRY ADVISORY COMMITTEE

Open Meeting

The Towing Industry Advisory Committee will conduct an open meeting 4–5 March 1976, Edgewater Inn, Seattle, Washington. The meeting is scheduled to begin at 9:00 a.m.

The agenda for this meeting of the Towing Industry Advisory Committee is as follows:

(1) Air Pollution Vapor Recovery Systems.
(2) Visual Identification of Barges.
(3) Towing Vessel Operations Manual.
(4) Tank Barge Design Changes for Pollution Abatement.
(5) Tank Barge Repair Study.
(6) Revision of 33 CFR 154–156 Vessel Design and Operation.
(7) Marine Sanitation Devices.
(8) Towing Vessel Stability.
(9) Tankerman Certification.
(10) Civil Penalties Appeal Procedures.
(11) OSHA.
(12) Casualty Reporting Requirements.
(13) "CHRIS" Information Paper.
(14) FCC Proposed Regulations Concerning VHF Radio—Information Paper.
(15) Review of Existing Regulations.
(16) Vessel Traffic Services.

The Coast Guard Towing Industry Advisory Committee was established to provide advice and consultation to the Marine Safety Council with respect to the safe operation of towing vessels and barges on the rivers, inland waters, along the coast and upon the oceans.

Members of this committee serve voluntarily without compensation from the Federal Government for either travel or per diem.

Interested persons may obtain additional information or the summary of the minutes of the meeting by writing to:

Captain G. K. GREINER, Jr.
Commandant (G–CMC/81)
U.S. Coast Guard
Washington, D.C. 20590

or by calling 202–426–1477.

This Notice is issued under section 10 (a) of the Federal Advisory Committee Act (P.L. 92–463, 86 Stat. 770, 5 U.S.C. App. I).

Dated: February 2, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76–3436 Filed 2–4–76;8:45 am]

Materials Transportation Bureau

[Docket No. HM–126]

HAZARD INFORMATION SYSTEMS

Postponement of Date for Filing Comments

On June 25, 1975, the Hazardous Materials Regulations Board published a Notice (40 FR 26688) under Docket No. HM–126 soliciting comments concerning the merits of various hazard information systems. The closing date for filing comments was November 5, 1975. On September 26, 1975, the date for filing comments in Docket HM–126 was extended from November 5, 1975 to February 5, 1976 (40 FR 44336).

Several requests have been received from potential commenters who have asked for additional time to make complete presentations based on information and views obtained at various meetings. Since the purpose of the Notice was to obtain as much information and as many viewpoints as possible, we believe that additional time should be allowed for such a purpose. In consideration of the foregoing, the date for filing comments on the Notice under Docket HM–126 is changed from February 5, 1976 to March 25, 1976.

(18 U.S.C. 831–835; 49 U.S.C. 1472(h)(1), 49 CFR 1.53 (g) and (h) and paragraphs (a)(1) and (a)(3) of App. A to Part 102)

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

ALAN I. ROBERTS,
Director, Officer of Hazardous Materials Operations.

[FR Doc.76–3480 Filed 2–4–76;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75–30; Notice 2]

MASTER TRUCK

Petition for Exemption From Federal Motor Vehicle Safety Standard

This notice grants the petition by Master Truck, a division of Hallamore, Inc., Fountain Valley, California, for an exemption from Federal Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, 49 CFR 571.121, on the basis that compliance would cause it substantial economic hardship. The exemption expires July 1, 1976.

Notice of the petition was published on November 20, 1975 (40 FR 54023), and an opportunity afforded for comment.

Petitioner produced "less than 200 trucks" in 1974. The company manufacturers a line of diesel-powered refuse trucks. The city of Los Angeles had contracted to buy 145 trucks from it. Because of the imminence of Standard No. 121 and California emission standards, performance under the contract became impossible and petitioner was forced to cancel it after partial performance. This left 56 Rockwell FF 921 P X 56 front axle assemblies in inventory at a cost of $42,000. Rockwell has informed Master Truck that the axles cannot be rated in excess of 10.800 pounds GAWR. Master Truck does not offer a product which could utilize an axle of that rating. The axles apparently cannot be resold as they were made to Master Truck's specifications "including a wider than standard track and large brakes." Petitioner argued that an exemption would not compromise safety since actual highway use of refuse trucks is limited to traveling to and from collection areas and dump sites. The company (Hallamore, Inc.) has had a cumulative net loss of almost $3,000,000 over its last 4 fiscal years. While its other motor vehicle product lines conform to Standard No. 121, it has suffered hardship because of the cancellation of the contract and its inability to use the 56 axles in inventory.

Two comments were received on the petition, from White Motor Corporation and International Harvester, both of which opposed it. Each opponent is a competitor with Master Truck for sale of refuse trucks to the City of Los Angeles, and argues that an exemption would place it at a disadvantage. White suggests that any exemption be limited in scope, and not include "wheel lock, air supply volume and timing, parking brake, etc." Harvester questions whether petitioner has attempted in good faith to bring the vehicles in question into compliance with Standard No. 121.

In determining whether to grant the exemption on the basis presented by the petitioner, the Administrator must find that compliance would cause it substantial economic hardship, that it has in good faith attempted to comply with the standard from which it asks to be excused, and that the exemption is consistent with the public interest and traffic safety objectives. In this instance it is considered that a petitioner with a cumulative net loss exceeding $3,000,000 in its last 4 fiscal years has shown that a further loss of $42,000 would cause it substantial economic hardship within the meaning of the statute. Since the refuse trucks were not designed to conform with Standard No. 121 it is also evident that a restricted temporary exemption such as White requests would also create hardship for Master Truck by causing it to incur additional development and production costs. While the NHTSA is not unmindful of the competitive effects of its decision, a cost "advantage", as the commenters term it, is inherent in any exemption. White and Harvester, whose resources are many times those of Master Truck, appear better able to absorb a competitive "disadvantage" than Master Truck who would be the disadvantaged party should the exemption be denied. Even with its limited resources, however, Master Truck has brought all its remaining vehicles into compliance with Standard No. 121 as of its effective date, a sufficient showing of good faith upon which an exemption may be granted. Because of the small number of trucks involved (56), the exemption should not detract significantly from traffic safety.

In consideration of the foregoing, Master Truck is hereby granted NHTSA Ex-

emption No. 75-30 from 49 CFR 571.121, Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, expiring July 1, 1976.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on February 2, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76-3481 Filed 2-4-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Land and Water Resources (Program Analysis), Office of the Assistant Secretary—Land and Water Resources, Office of the Secretary.

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

[FR Doc.76-3376 Filed 2-4-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Administrator for Energy Projects, Office of the Deputy Assistant Administrator for Energy Projects, Office of the Assistant Administration for Energy Resource Development.

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

[FR Doc.76-3377 Filed 2-4-76;8:45 am]

DEPARTMENT OF INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service two additional positions of Deputy Under Secretary, Office of the Under Secretary, Office of the Secretary.

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

[FR Doc.76-3378 Filed 2-4-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 10:30 p.m. on February 26, 1976, Sheraton Wayfare Inn, Manchester, New Hampshire.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is a discussion of proposed bilingual/bicultural program and progress report on other activities.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 2, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-3475 Filed 2-4-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THAILAND

Establishing Import Control Levels

FEBRUARY 2, 1976.

On March 24, 1975, there was published in the FEDERAL REGISTER (40 FR 13025) a letter dated March 19, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textile products, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on April 1, 1975. These levels of restraint were established to implement certain provisions of the Bilateral Cotton Textile Agreement of March 16, 1972, as amended, between the Governments of the United States and Thailand.

On December 29, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Thailand concluded a comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from Thailand to the United States over a three-year period beginning on January 1, 1976 and extending through December 31, 1978. Among the provisions of the new agreement are those establishing specific export limitations for Categories 45/46/47, 219, 221, 222, 224, and 229 for the agreement year which began on January 1, 1976.

There is published below a letter of February 2, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton and man-made fiber textile products in Categories 45/46/47, 219, 221, 222, 224, and 229, produced or manufactured in Thailand, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning on January 1, 1976 be limited to the designated levels. The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

On September 26, 1975, the Chairman of the Committee for the Implementation of Textile Agreements issued a directive, pursuant to Article 3 of the Arrangement Regarding International Trade in Textiles, limiting imports of man-made fiber textile products in Categories 219 and 229 from Thailand for the twelve-month period which began on July 31, 1975. The letter published below also cancels and supersedes that directive.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant, Secretary for Resources and Trade Assistance, Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS
Department of the Treasury,
Washington, D.C. 20229.

FEBRUARY 2, 1976.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive issued to you on March 19, 1975 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of cotton textile products in certain specified categories, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on April 1, 1975. It also cancels and supersedes the directive of September 26, 1975 concerning imports of man-made fiber textile products in Categories 219 and 229, produced or manufactured in Thailand.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 29, 1975, between the Governments of the United States and Thailand, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on February 5, 1976 and for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 45/46/47 and man-made fiber textile products in Categories 219, 221, 222, 224, and 229, produced or manufactured in Thai-

land, in excess of the following levels of restraint:

Category:		12-mo level of restraint [1]
45/46/47		[2] 1,500,000
219	dozen	871,460
221	do	46,196
222	do	280,899
224	pounds	423,077
229	dozen	180,606

[1] The levels of restraint have not been adjusted to reflect any entries made after Dec. 31, 1975.

[2] Square yards equivalent.

Textile products in Categories 45/46/47, 219, 221, 222, 224, and 229, produced or manufactured in Thailand and exported to the United States before February 1, 1976, shall not be subject to this directive.

Textile products in Categories 221, 222, and 224 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future, pursuant to the provisions of the bilateral agreement of December 29, 1975, between the Governments of the United States and Thailand which provide, in part, that: (1) levels of restraint in Group I may be increased by 10 percent and in Group II, by seven percent; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 4010), as amended on December 31, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton and man-made fiber textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.76-3420 Filed 2-4-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 486-2]

ADMINISTRATOR'S PESTICIDE POLICY ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Administrator's Pesticide Policy Advisory Committee.

Date: February 19-20, 1976.

Place: Environmental Protection Agency, 401 "M" Street SW., Washington, D.C., Waterside Mall, Room 2117 (19th); Room 3803 (20th).

Time: 9 a.m.-4 p.m. (approximately).

Proposed Agenda:

Time	Topic	Speaker
FEB. 19		
9 to 9:30 a.m.	Call to order, opening remarks	Mr. Wallace Johnson.
9:30 a.m. to noon	Subcommittee meetings	
Noon to 1 p.m.	Lunch	
1 to 2 p.m.	Discussion on the Strategy Review Subcommittee's program	Mr. William Ahlem.
2 to 3 p.m.	Discussion of the Risk/Benefit Subcommittee's program	Dr. Joseph Headley.
3 to 4 p.m.	Discussion of the Pesticide Use and Exposure Subcommittee's program	Dr. William Lawrence.
Evening session	Optional for each subcommittee	
FEB. 20		
8 to 11 a.m.	Individual subcommittee meetings	
11 a.m. to noon	Full committee question and answer session	Mr. Wallace Johnson.
Noon	Adjourn	
Afternoon	Optional subcommittee meetings	

This meeting is open to the public and up to one hour may be allotted for the public to address the Committee. People interested in addressing the Committee must register at least one week in advance of the meeting by calling or writing the Executive Secretary, David K. Sabock, EPA, 401 "M' Street SW., (WH-556), Washington, D.C. 20460, or 202-755-0405. Registration must include either a synopsis of the statement or, at the least, a statement on the subject to be discussed. This Committee's function is to consider pesticide policy questions; public participation, therefore, should be geared towards policy and not operational program matters. Depending on the number of people registering, maximum time limits may be established for each person's statement.

To obtain additional information on the Committee or to place your name on the mailing list for Committee minutes, reports, etc., please contact the Executive Secretary.

Dated: January 29, 1976.

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

[FR Doc.76-3372 Filed 2-4-76;8:45 am]

[FRL 486-5; OPP-00023]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a two day meeting of the State-Federal FIFRA Implementation Advisory Committee (SFFIAC) will be held from 8:30 a.m. to 4:30 p.m. on Wednesday, March 10, and from 8:30 a.m. to approximately 12:30 p.m. on Thursday, March 11. The meeting will be held in Room 3906-3908, Waterside Mall, 401 M Street SW., Washington, D.C.

This is the fourth meeting of the full Committee. A complete agenda has not, as yet, been developed. However, the agenda will contain items relating to implementation of key sections of the amended FIFRA. A considerable portion of the available time will also be devoted to Regional reports and to reports by the chairmen of the five Working Groups responsible to SFFIAC. In addition, the Chairman of the Working Group on Training, responsible primarily to the Extension Committee on Organization and Policy, will present his report.

The meeting will be open to the public. All communications regarding this meeting should be addressed to P. H. Gray, Jr., Acting Chief, Program Support and Special Projects Branch, Operations Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-8053.

Dated: January 30, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-3373 Filed 2-4-76;8:45 am]

[FRL 486-6]

ENVIRONMENTAL RADIATION PROTECTION FOR NUCLEAR POWER OPERATIONS

Deferral of Public Hearing

On January 6, 1976, the Agency announced a public hearing to be held in Washington, D.C., commencing on February 17, 1976, for the purpose of providing an additional opportunity for interested parties to comment and/or

to provide additional information bearing on its proposed standards specifying environmental protection requirements for normal operations of the uranium fuel cycle (41 FR 1124). Supplementary technical materials that were announced at that time were made available in single copies to interested parties commencing on January 16. That notice also requested parties interested in participating in public hearings in San Francisco or Denver to so inform the Agency by January 15, 1976.

Only minimal interest was expressed in prospective hearings in San Francisco or Denver. Because of this, the Agency has decided not to hold supplementary hearings at those locations.

A number of prospective participants have requested that commencement of the Washington hearing be deferred in order to provide additional time for their consideration of the supplementary material and for preparation of testimony for the hearing.

Although the Agency does not believe that a substantial delay is warranted, since these proposed standards have been available for public consideration since May 29, 1975, the Agency has decided to defer the commencement of these hearings until March 8, 1976, at 10 a.m. to assure that information submitted at the hearing is as complete as possible. The deadline for notification of the Agency of intent to participate and other particulars specified in item 8 of the January 6, 1976, notice of public hearing is extended to February 17, 1976. All other particulars specified in the original notice of public hearing remain unchanged.

Dated: January 30, 1976.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.76-3495 Filed 2-4-76;8:45 am]

[FRL 486-7]

POLICY STATEMENT ON USE OF THE CONCEPT OF PHOTOCHEMICAL REACTIVITY OF ORGANIC COMPOUNDS IN STATE IMPLEMENTATION PLANS FOR OXIDANT CONTROL

Notice of Availability

Notice is hereby given of the availability of a document entitled, "Policy Statement on Use of the Concept of Photochemical Reactivity of Organic Compounds in State Implementation Plans for Oxidant Control."

The statemnet briefly outlines previous experimental work on classifying organic compounds according to their photochemical reactivity and how the concept of using differences in this reactivity might be used to reduce the formation of photochemical oxidants. Recent experimental work shows that the earlier data leads to erroneous conclusions. Almost all organic compounds are photochemicaly reactive. The policy statement, therefore, declares that the ultimate goals of State Implementation Plans must be to reduce emissions of all nonmethane organic compounds in a region to the degree necessary to meet the NAAQS for oxidant. Substitution of "low" reactivity compounds for "high" reactivity compounds is acceptable and required as an interim control measure where other control techniques will not enable the region to attain the NAAQS in the required time.

Copies of the policy statement can be obtained from:

EPA Public Information Center,
ATTN: Dick Fandel (PM 215)
401 M Street, S.W.
Washington, D.C. 20460

Dated: January 30, 1976.

ROGER STRELOW,
Assistant Admnistrator for Air and Waste Management.

[FR Doc.76-3496 Filed 2-4-76;8:45am]

[FRL 486-8; OPP-00022]

GUIDELINES FOR REGISTERING PESTICIDES IN THE UNITED STATES

Clarification Regarding Future Availability from Government Printing Office

The Environmental Protection Agency (EPA) published in the FEDERAL REGISTER of June 25, 1975 (40 FR 26802), proposed "Guidelines for Registering Pesticides in the United States" (40 CFR Part 162.40 through 162.96). On September 9, 1975 (40 FR 41788), the EPA promulgated certain regulations pertaining to registration procedures, specifically, 40 CFR Part 162.41 through 162.51 (162.48–162.51 were reserved). The EPA gave notice in the preamble to the regulations promulgated September 9, that, *once final*, the Guidelines, Appendices, and subsequent amendments to the entire package would be available on a subscription basis from the Government Printing Office.

The Superintendent of Documents, Government Printing Office, has already received a number of subscription requests from the public for the Guidelines. However, the Guidelines have not, to date, been promulgated. When these final regulations are published, a notice of availability of the Guidelines and Appendices will also appear in the FEDERAL REGISTER. Until that time, neither the Government Printing Office nor EPA can satisfy requests for quantities of or subscriptions to the Guidelines. The public's cooperation in refraining from forwarding subscription requests to the Government Printing Office at this time would be appreciated.

Dated: February 2, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-3497 Filed 2-4-76;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1976-15]

COMPLIANCE PROCEDURE REGULATIONS

Hearings Cancelled

The Federal Election Commission Hearings scheduled for Wednesday, February 11, 1976, to consider proposed Compliance Procedure Regulations have been cancelled pending further notice.

The Commission will inform all interested parties should hearings be rescheduled.

Dated: February 3, 1976.

THOMAS E. HARRIS,
Commissioner.

[FR Doc.76-3527 Filed 2-4-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will meet Monday, February 23, 1976, at 9:30 a.m., Central City Room, Brown Palace Hotel, 321 17th Street, Denver, Colorado.

The Committee was established to provide the Administrator, FEA, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The agenda for the meeting is as follows:

1. Decontrol of Prices and Allocation at the Retail and Wholesale Level by Product
2. Refiner Marketing/Jobber Pricing Methods—Salary Operated vs. Independent Dealer Operated Stations
3. Small Refiner Rule
4. New Business
5. Remarks from the Floor (10-Minute Rule)

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the

Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on January 30, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-3368 Filed 2-2-76;9:02 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive December 16, 1975

In accordance with § 271.5 of its rule regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on December 16, 1975.[1]

The information reviewed at this meeting suggests that output of goods and services—which had increased very sharply in the third quarter—is expanding more moderately in the current quarter. In November the rise in industrial production and in nonfarm payroll employment slowed further. The dollar volume of retail sales rose again, however, and residential construction activity expanded, reflecting recent substantial increases in private housing starts. The unemployment rate—which had risen 0.3 percentage points to 8.6 percent in October—fell back to 8.3 percent in November, reflecting a sizable decline in the civilian labor force. The increase in average wholesale prices of industrial commodities, although below that in October, was still relatively large; prices of farm products declined appreciably, following 2 months of large increases. The advance in average wage rates in November was again substantial.

The exchange value of the dollar against leading foreign currencies has risen somewhat since mid-November. The net outflow of bank-reported private capital appears to have declined from the high rate reported for October. In October the U.S. foreign trade surplus remained substantial.

M_1—which had declined in October—rose sharply in November. Growth in M_2 and M_3 was substantial, as inflows of consumer-type time and savings deposits to banks strengthened while inflows to nonbank thrift institutions remain relatively favorable. Long-term interest rates have fluctuated in a narrow range in recent weeks, while short-term market rates have risen somewhat.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions that will encourage continued economic recovery, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to maintain prevailing bank reserve and money market conditions over the period immediately ahead, provided that monetary aggregates appear to be growing at about the rates currently expected.

By order of the Federal Open Market Committee, February 2, 1976.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.76-3381 Filed 2-4-76;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of December 16, 1975, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

BOATMEN'S BANCSHARES, INC.

Acquisition of Bank

Boatmen's Bancshares, Inc., St. Louis, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Raytown Bank, Raytown, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 27, 1976.

Board of Governors of the Federal Reserve System, January 29, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-3471 Filed 2-4-76;8:45 am]

OFFERLE INVESTMENT CO., INC. AND LIEBL INSURANCE AGENCY

Proposed Retention of Assets

Offerle Investment Co., Inc., Offerle, Kansas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets of Liebl Insurance Agency, Offerle, Kansas. Notice of the application was published on November 27, 1975 in *The Kinsley Mercury*, a newspaper circulated in Kinsley, Kansas.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 27, 1976.

Board of Governors of the Federal Reserve System, January 29, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-3473 Filed 2-4-76;8:45 am]

TOWN FINANCIAL CORP. AND BANK COMPUTER SERVICES, INC.

Proposed Acquisition

Town Financial Corporation, Hartford City, Indiana, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire 100 per cent of the outstanding shares of Bank Computer Services, Inc., Hartford City, Indiana. Notice of the application was published on November 15 and November 17, 1975, respectively, in the Hartford City News-Times, a newspaper circulated in Hartford City, Indiana, and The Courier-Times, a newspaper circulated in New Castle, Indiana.

Applicant states that the proposed subsidiary would engage in the following activities: Providing data processing services for the holding company and its subsidiaries and other financial institutions, and storing and processing other economic data, such as performing payrolls, etc. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 1, 1976.

Board of Governors of the Federal Reserve System, January 30, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-3472 Filed 2-4-76;8:45 am]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Notice of Meetings

Pursuant to the notice published in the FEDERAL REGISTER on January 9, 1976, further notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on February 19, 20, and 21, 1976 at the Hilton Inn, Seattle-Tacoma International Airport, S. 176th and Pacific Highway South, Seattle, Washington.

The Commission and Committee will meet together from 11 a.m. to 5 p.m. on February 19, from 9 to 5 p.m. on February 20, and from 9 a.m. to 1 p.m. on February 21, to discuss and consider the status of activities and problems affecting marine mammals including matters relating to:

(1) Taking of porpoises incidental to commercial yellowfin tuna fishing;

(2) The review of permit applications to take marine mammals for research purposes and/or public display;

(3) International efforts affecting the protection and conservation of marine mammals including, but not limited to, the International Whaling Commission, cooperative arrangements with Canada, Mexico, and the USSR, and the International Commission for Northwest Atlantic Fisheries;

(4) Applications for waivers of the moratorium including that of the State of Alaska and that of the State of California;

(5) The killer whale populations of Puget Sound;

(6) The competitive relationship which exists between certain marine mammal populations and certain fisheries; and

(7) The results of ongoing research projects presently supported by the Commission.

These sessions of the meeting will be open to the public, and seating will be available to accommodate interested participants and observers. Interested persons will be invited to present information and comments during the afternoon session on February 19 and the morning session on February 20.

The remainder of the meeting will consist of executive sessions of the Commission and Committee. These sessions will be devoted to the review of memoranda, and exchange of opinions and deliverations concerning internal operations, budget, personnel, policy, interagency liaison, and the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications and competence of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence.

Executive sessions will be held as follows:

February 19, from 9 a.m. to 10:40 a.m.;
February 19, from 4 p.m. to 5 p.m. and
February 21, from 1 p.m. to 6 p.m.

These sessions are concerned with matters listed in 5 U.S.C. 552(b) (2), (3), (4), (5), and (6), and therefore will not be open to the public.

JOHN R. TWISS, Jr.,
Executive Director,
Marine Mammal Commission.

FEBRUARY 3, 1976.

[FR Doc.76-3637 Filed 2-4-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSIC ADVISORY PANEL (PLANNING/ORCHESTRA)

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Music Advisory Panel (Planning/Orchestra) to the National Council on the Arts will be held on February 24-27, 1976 from 9:00 a.m.-5:30 p.m. in the Columbia Plaza Consul Meeting Room, 2400 Virginia Avenue NW., Washington, D.C.

A portion of this meeting will be open to the public on February 26 from 9:00 a.m.-12:00 noon on a space available basis. Accommodations are limited. During the open session, Policy matters and Orchestra Program Guidelines will be discussed.

The remaining sessions of this meeting on February 24, 25, and 27 from 9:00 a.m.-5:30 p.m. and February 26 from 12:00 noon-5:30 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-3470 Filed 2-4-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-452]

AIRCRAFT ACCIDENT

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:30 a.m. (local time) on March 9, 1976, in the main ballroom of the Howard Johnson's Motor Lodge, 135-30 140 Street (JFK Airport) Jamaica, New York 11436.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving an Overseas National Airways, Inc., DC-10-30 of United States Registry N1032F, which occurred November 12, 1975, at the John F. Kennedy International Airport, Jamaica, New York.

RUDOLF KAPUSTIN,
Hearing Officer.

JANUARY 27, 1976.

[FR Doc.76-3422 Filed 2-4-76;8:45 am]

[N-AR 76-6]

CIVIL AVIATION SAFETY STATISTICS; RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

Preliminary Summary of U.S. Civil Aviation Safety Statistics for 1975. A first-time issuance of these annual preliminary statistics under cover of a press release was made by the National Transportation Safety Board on January 24, 1976. In the release, the Safety Board reports that for 1975 U.S. air carriers compiled the best safety record in recent history, with only 42 total accidents, 3 fatal accidents, and 124 fatalities. The 42 total and 3 fatal accidents were the lowest numbers recorded in the 27-year period, 1949-1975. The 1975 safety record of general aviation operations—all non-air-carrier flying—also improved in 1974, with a decrease in fatal accidents and a decrease in fatalities, although the total number of accidents increased. The Board's records are compiled and presented in two separate categories: (1) "air carrier operations" and (2) "general aviation operations," representing all non-air-carrier aviation.

The 1975 U.S. air carrier statistics include, for the first time, "commercial operators of large aircraft," a category

classified previously under general aviation operations. In U.S. general aviation in 1975, 4,575 total accidents occurred, compared to 4,425 in 1974—the second year in a row that total accidents increased. At the same time, however, fatal accidents decreased from 729 in 1974 to 662 in 1975. Fatalities also decreased from 1,438 in 1974 to 1,324 in 1975. Detailed statistical information on U.S. civil aviation operations is contained in the 11 separate tables attached to the press release. Final civil aviation statistics will be released later this year in the "Annual Review of Aircraft Accident Data" for both air carrier and general aviation. (Press Release No. SB 76-4.)

Railroad Safety Recommendations. Expedited regulatory action is sought by the Safety Board in the first five recommendations issued this year to the Federal Railroad Administration. These recommendations, Nos. R-76-1 through 5, resulted from the Board's investigation of the collision of two Texas and Pacific Railway freight trains at Meeker, Louisiana, May 30, 1975. The Board recommends that FRA (1) expedite the final rulemaking procedures regarding Radio Standards and Procedures (proposed Part 220, FRA Docket No. RSOR-5); (2) require that Texas and Pacific Railway employees comply with FCC regulations pertaining to radio operation. (3) promulgate regulations to require an adequate backup system for mainline freight trains to insure that a train is controlled as required by the signal system if the engineer fails to do so; (4) expedite final rulemaking regarding "Stop and Proceed Procedures" (proposed Part 217.17, FRA Docket No. RSOR-2)—rules prescribing the aspect that must be displayed by each automatic block signal when the block is occupied by a train or when the signal circuit is interrupted by an open switch, broken rail, or track obstruction, and procedures to be followed when trains proceed into the block; and (5) enforce regulations pertaining to maintenance of train braking systems.

Responses to Safety Recommendations. Regarding recommendations A-75-35 through 38, the Federal Aviation Administration has provided a followup letter, dated January 21, to its June 17, 1975 letter (40 FR 30163). In the followup letter, FAA states that the Department of Defense has tentatively accepted the FAA position that establishment of Terminal Radar Service Areas (TRSAs) offer a practicable alternative to military Terminal Control Areas. "After a trial period, however," FAA continues, "they would propose Part 93 action at specific locations if hazards created by nonparticipating aircraft proved unacceptably high. As a result, we plan to implement TRSAs at selected military airfields that are experiencing unique traffic problems." FAA also comments, "We believe the establishment of TRSAs and implementation of Stage III radar service at certain military airfields may be the most realistic approach toward reduction of the midair collision potential, since evidence indicates that TRSAs are providing a high level of safety."

Concerning recommendation H-75-46, issued by the Board December 23, 1975 (41 FR 15), the American Trucking Associations, Inc., replied January 19 that member companies are encouraged to train their drivers to fight actual motor vehicle fires, using vehicles which have been scrapped or have been classified as obsolete. The Associations' Director of Safety comments that they have "an active Fire Protection Committee as part of its Council of Safety Supervisors, and that the Committee recently voted for activity that parallels the recommendation of the Board." At its December 1975 meeting, the Committee considered the need of motor carriers for dynamic fire prevention and firefighting programs and voted to promote the concept of providing actual training to all trucking industry employees in the use of fire extinguishers furnished in their respective work places, including vehicles. The Committee also hopes to develop a series of slides covering firefighting and fire prevention in terminal facilities as well as on vehicles. Additionally, the Associations have published a Truck Drivers Handbook (a copy is attached to the letter) in conjunction with a committee of safety directors of some of the country's major truck lines, and have developed a series of truck driver training slides on subjects of major importance. The letter also notes that over the years the fire situation has been dealt with in safety posters, in driver's letters, and as a subject of the Trucking Industry Safety Program which receives wide distribution through affiliated State associations.

The press release and the recommendation letter are available to the general public; single copies may be obtained without charge. Copies of recommendation response letters may be obtained on request; a $4.00 user-service charge will be made for each request for copies, in addition to a charge of 10¢ per page for reproduction. Requests must be in writing, identified by report and/or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 3169, 2172 (49 U.S.C. 1903, 1906))

MARGARET L. FISHER,
Liaison Officer.

FEBRUARY 2, 1976.

[FR Doc.76-3423 Filed 2-4-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on February 21, 1976 in Room 1046, 1717 H Street, N.W., Washington, D.C. 20555. The purpose of this meeting is to discuss various phenomena associated with emergency core cooling, current experimental programs related to these phenomena, interpretation of data and scaling of results.

The agenda for the subject meeting shall be as follows: Saturday, February 21, 1976, 8:30 a.m. until conclusion of business. The Subcommittee with any of its consultants who may be present will meet in open session to hear presentations by the NRC Staff and by representatives of various reactor vendors concerning the phenomena associated with emergency core cooling, the related experimental programs, the interpretation of data and the scaling of results to different size systems.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters discussed have been adequately covered and whether the Subcommittee should recommend to the full Committee further ACRS consideration. During the session Subcommittee members and consultants will discuss their opinions and recommendations. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to this closed deliberative session, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while the closed Executive Session is in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than February 14, 1976 to Mr. T. G. McCreless, ACRS, NRC,

Washington, D.C. will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on February 20, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 1, 1976 at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after May 21, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: January 26, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-2983 Filed 2-4-76;8:45 am]

[Docket No. 50-269]

DUKE POWER CO.

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-38, issued to Duke Power Company (the licensee) for operation of the Oconee Nuclear Station, Unit 1 (the facility), located in Oconee County, South Carolina.

The amendment would modify operating limits in the Technical Specifications based on analyses conducted for the Oconee Unit 1 cycle 3 core reload.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 8, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Mr. Troy B. Conner, Conner & Knotts, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, seen the application for amendment dated December 1, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of January 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-3095 Filed 2-4-76;8:45 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company (the licensee), for operation of the Point Beach Nuclear Plant, Unit 2, located in the Town of Two Creeks, Manitowac County, Wisconsin.

The amendment would revise the provisions in the Technical Specifications relating to the fuel residence time limit and allow an increase in normal operating reactor coolant system pressure and the core power distribution limits would also be modified to allow operation of Unit 2 in core Cycle 3, in accordance with the licensee's application for amendment, dated December 22, 1975.

Prior to issuance of the proposed license amendment, the Commission will

have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By March 8, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Bruce Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, Barr Building, 910 17th Street NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated December 22, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the University of Wisconsin, Stevens Point Library, Document Department, ATTN: Mr. Arthur M. Fish, Stevens Point, Wisconsin 54481. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 26th day of January 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.76-3096 Filed 2-4-76;8:45 am]

PRIVACY ACT OF 1974

Routine Uses

On September 26, 1975, the Nuclear Regulatory Commission (NRC) published in the FEDERAL REGISTER (40 FR 44535) two proposed additional routine uses for the Facility Operator Licensees Records File (10 CFR Part 55) (NRC-16) and three proposed additional routine uses for the Payroll Accounting Records (NRC-21). The routine uses proposed to be added to record system NRC-16 involve the transmittal of test and examination materials to researchers for test validation purposes and to contractors for developing and preparing facility operator license examinations. The routine uses proposed to be added to record system NRC-21 involve the transmittal of payroll data to the Energy Research and Development Administration for preparing computer tapes, providing the Civil Service Commission with retirement and life insurance information, and transmitting information to state agencies for unemployment purposes.

Interested persons were invited to submit written comments by October 28, 1975, on the additional routine uses proposed for record systems NRC-16 and NRC-21. No comments have been received on the additional routine uses. Accordingly, the Nuclear Regulatory Commission has adopted the additional routine uses as proposed.

In view of the adoption of NRC systems 37, 39, and 40, NRC systems 24, 25, and 29 are deleted to avoid duplication.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 552a of Title 5 of the United States Code, as amended, notice of the deletion of NRC Systems of records NRC-24, NRC-25 and NRC-29 and of the adoption of the following additional routine uses for record systems NRC-16—Facility Operator Licensees Records File (10 CFR Part 55) and NRC-21 Payroll Accounting Records is published as a document subject to publication in the annual compilation of Privacy Act documents.

1. The Routine Use section of the system of records named "Facility Operator Licensees Records File (10 CFR Part 55)" as published on October 1, 1975 (40 FR 45332 and 45339, FR Doc. 75-25763) is amended by deleting the word "and" after the semicolon at the end of paragraph (a), by changing the period at the end of paragraph (b) to a semicolon, and by adding two new paragraphs (c) and (d) to read as follows:

NRC-16

System Name: Facility Operator Licensees Records File (10 CFR Part 55)—NRC.

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: * * *

a. To determine if the individual meets the requirements of 10 CFR Part 55 to take an examination or to be issued an operator's license;

b. For any of the routine uses specified in the Prefatory Statement, except paragraph number 3;

c. To provide researchers with information for statistical evaluations related to selections, training and examination of facility operators; and

d. To provide for examination and testing material and obtain results from contractors.

In addition, information related to the application, certification of competency, and license or denial letter will routinely be made available in the NRC's Public Document Room.

* * * * *

2. The Routine Use section of the system of records named "Payroll Accounting Records NRC-21" as published on October 1, 1975 (40 FR 45332 at 45341-45342, FR Doc. 75-25763) is amended by deleting the word "and" after the semicolon at the end of paragraph (i), by changing the period at the end of paragraph (j) to a semicolon, and by adding three new paragraphs (k), (l), and (m), to read as follows:

NRC-21

System name: Payroll Accounting Records—NRC.

* * * * *

Routine Uses of records maintained in the system, including categories of users and the purposes of such uses: * * *

* * * * *

i. For transmittal to the Office of Management and Budget for review of budget requests;

j. For any of the routine uses specified in the Prefatory Statement;

k. For transmittal of data to the Energy Research and Development Administration for preparing computer material for NRC's transmittal of data to the U.S. Treasury;

l. For withholding of retirement and life insurance to the U.S. Civil Service Commission; and

m. For transmittal of information to state agencies for unemployment purposes.

* * * * *

3. Systems of records NRC-24, NRC-25, and NRC-29 are deleted.

Effective date. The routine uses specified in paragraphs c. and d. of the Routine Uses section of the notice for record system NRC-16 and in paragraphs k., l., and m. of the Routine Use section of the notice for record system NRC-21 shall become effective on February 5, 1976.

Dated at Bethesda, Maryland this 14th day of January 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76-3533 Filed 2-4-76;8:45 am]

PRIVACY ACT OF 1974

Notices of Systems of Records

On September 26, 1975, as required by 5 U.S.C. 552a(e)(4), enacted into law by section 3 of the Privacy Act of 1974 (Pub-L. 93-579), the Nuclear Regulatory Commission (NRC) published in the Federal Register (40 FR 44532-44534) seven notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by use of an individual identifier. The published notice for each system of records stated the name and location of the record system, the authority for and manner of its operation, the categories of individuals which it covered, the types of records which it contained, the source of information for the records, and the proposed "routine uses" of the record system.

The notice invited interested persons to submit written comments by October 28, 1975 on the routine uses proposed for each system of records. No comments have been received on the proposed routine uses described in the notices of systems of records. For purposes of clarification and accuracy, a number of minor changes have been made in the notices of systems of records as previously published. These minor editorial revisions are more particularly described as follows:

1. In notice NRC-36 and NRC-38, under the paragraph entitled "System manager(s) and address:" The words "Office of Administration" are added following "Director, Division of Administrative Operations".

2. In the paragraph relating to exemptions in notices NRC-37, NRC-39 and NRC-40, the words "the Commission proposes to exempt portions" are changed to read "the Commission has exempted portions," and the words "The exemption rule is contained in proposed Section 9.95" are changed to "The exemption rule is contained in Section 9.95."

3. In notice NRC-39, under the paragraph entitled, "Routine uses . . ." "ty-oard" is corrected to read "ty Board."

4. In notice NRC-40, the following paragraph heading and sentence are added following the paragraph entitled "Routine Uses of records . . . :".

NRC-40

* * * * *

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders and on related forms.

* * * * *

Notice is hereby given that the Nuclear Regulatory Commission has adopted the following notices of systems of records, including the routine uses specified in those notices. This notice supplements the notice of October 1, 1975 (40 FR 45332-45347) by listing seven additional systems of records.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 552a of Title 5 of the United States Code, the following notices of NRC Systems of Records are published as a document subject to publication in the annual compilation of Privacy Act documents.

NOTICES OF SYSTEMS OF RECORDS

NRC SYSTEMS OF RECORDS

34. Advisory Committee on Reactor Safeguards (ACRS) Correspondence Index and Associated Records—NRC.
35. Division of Technical Review Employee Work Schedule File—NRC.
36. Employee Locator Records Files—NRC.
37. Information Security Files and Associated Records—NRC.
38. Mailing Lists—NRC.
39. Personnel Security Files and Associated Records—NRC.
40. Protection Support Files and Associated Records—NRC.

* * * * *

Effective date. The routine uses specified in the notices of systems of records identified as NRC-34 through NRC-40 inclusive shall become effective on February 5, 1976.

Dated at Bethesda, Maryland, this 14th day of January, 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76-3532 Filed 2-4-76;8:45 am]

PRIVACY ACT OF 1974

Notices of Systems of Records: Proposed Amendments of Certain Routine Uses

On October 1, 1975, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (40 FR 45332) notices of those systems of records maintained by the NRC which contain personal information about individuals and from which such information can be retrieved by an individual identifier. The notices were published as a document subject to publication in the anual compilation of Privacy Act documents.

The proposed amendments of the NRC Systems of Records set forth below would establish the following as a routine use for all of the NRC systems:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

This proposed amendment is intended to assure that implementation of the Privacy Act does not have the unintended effect of denying individuals the benefit of Congressional assistance which they request. This amendment would obviate the written consent of the individual in those cases where the individual requests assistance of a Member of Congress which would entail a disclosure of information pertaining to the individual within a system of records.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 552a of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to the Commission's Notices of Systems of Records is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by March 10, 1976. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. The NRC Systems of Records are amended by adding the following General Routine Use to the Prefatory Statement of General Routine Uses:

PREFATORY STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to each system of records notice set forth below which specifically references this Prefatory Statement.

* * * * *

5. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

2. The Routine Use section of NRC-2 is amended as follows: the word "and" is deleted at the end of paragraph a.; the period is changed to a semicolon and the word "and" is added at the end of paragraph b.; and a new paragraph c. is added to read as follows:

c. For the routine use specified in paragraph number 5. of the Prefatory Statement.

3. The Routine Use section NRC-4 is amended as follows: the word "and" is deleted at the end of paragraph b.; the period is changed to a semicolon and the word "and" is added at the end of paragraph c.; and a new paragraph d. is added to read as follows:

d. For the routine use specified in paragraph number 5. of the Prefatory Statement.

4. The Routine Use section of NRC-15 is revised to read as follows:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be used:

a. To provide information to persons or agencies requesting this information; and

b. For the routine use specified in paragraph number 5. of the Prefatory Statement.

5. The Routine Use section of NRC-18 is amended by adding a new paragraph m. to read as follows:

m. A record in the system of records may be disclosed for the routine use specified in paragraph number 5. of the Prefatory Statement.

6. The Routine Use section of NRC–19 is amended by designating the routine use described therein as paragraph a. and by adding the following routine use as paragraph b.:

b. A record in the system of records may be disclosed for the routine use specified in paragraph number 5. of the Prefatory Statement.

7. The Routine Use sections of NRC–30 and NRC–33 are amended by deleting the word "None." and by adding the following routine use:

A record in the system of records may be disclosed for the routine use specified in paragraph number 5. of the Prefatory Statement.

Dated at Bethesda, Maryland this 22nd day of January 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76-3535 Filed 2-4-76;8:45 am]

[Docket Nos. 70-8; et al.]

NATURAL RESOURCES DEFENSE COUNCIL, INC.

Filing of Petition

Notice is hereby given that the Natural Resources Defense Council, Inc. (NRDC), 917 15th Street NW., Washington, D.C., has filed with the Nuclear Regulatory Commission a petition under 10 CFR Part 2.206 dated February 2, 1976.

The petitioner requests that the Commission immediately devise and implement emergency safeguard measures to protect from theft strategic quantities of special nuclear material now held or transported by licensees. NRDC further requests that, if such measures cannot be effected immediately, that licenses or portion of licenses that permit such possession or transport be revoked.

The Commission has instructed the Director, Office of Nuclear Material Safety and Safeguards to consider the petition and all comments provided thereon in response to this notice. In the interim, the staff will continue the comprehensive review of safeguards measures at facilities possessing special nuclear material which is already underway, and will continue to take any actions deemed necessary to meet regulatory responsibilities. Additionally, the Commission will be promptly informed whether any special regulatory action is warranted prior to a determination of the merits of the petition.

All interested persons who desire to submit written comments or suggestions concerning the petition should send their comments to Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before February 20, 1976.

A copy of the petition is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. However, in view of the short comment period afforded, the text of the petition, without attachments, is set forth below.

Dated at Washington, D.C. this 4th day of February, 1976.

SAMUEL J. CHILK,
Secretary of the Commission.

LICENSEES AUTHORIZED TO HOLD OR TRANSPORT STRATEGIC QUANTITIES OF SPECIAL NUCLEAR MATERIALS

NATURAL RESOURCES DEFENSE COUNCIL PETITION FOR ADOPTION OF EMERGENCY SAFEGUARD MEASURES OR, ALTERNATIVELY, FOR REVOCATION OF LICENSES

Petitioner Natural Resources Defense Council, Inc., hereby requests the Nuclear Regulatory Commission and, as appropriate, the Director of Nuclear Material Safety and Safeguards to act immediately to implement emergency safeguard measures which can assure that strategic quantities of special nuclear material (SNM) currently held or transported by licensees are protected, with an ample margin of safety, against the maximum credible threat of theft.[1] Alternatively, if such emergency safeguards cannot be devised or implemented effectively and immediately, either generally or with regard to particular facilities, petitioner requests, except in those instances where considerations of national defense require otherwise, that licenses or portions of licenses authorizing the possession or transportation of strategic quantities of special nuclear material be revoked forthwith and that federal authorities take immediate possession of such special nuclear material.

In support of this request, petitioner states as follows:

1. Numerous private corporations currently hold materials licenses and other licenses from the Nuclear Regulatory Commission which authorize the possession and transportion of strategic quantities of unirradiated special nuclear materials within the United States. Certain of these licenses are identified in Attachment A to this petition. Pursuant to these licenses, thousands of kilograms of plutonium and highly enriched uranium are now held, processed and transported within the United States by private corporations.

2. Under the Atomic Energy Act and the rules and decisions thereunder, the Commission can issue a license authorizing the possession of special nuclear material only upon making a "definitive finding" that safeguards to prevent the theft of such materials are adequate to protect against the maximum credit threat of theft. In *Power Reactor Development Co.* v. *Electrical Union*, 367 U.S. 396, 398, 407 (1961), the Supreme Court noted that the Commission's obligation to protect the health and safety of the public requires that the agency make a "definitive finding of safety" at the time it autthorizes operation of nuclear power reactors. An analogous obligation is imposed in the context of licenses to possess special nuclear materials by 42 U.S.C. § 2077, which requires that the Commission "shall not" issue an SNM license which "would be inimical to the common defensea nd security or would constitute an unreasonable risk to the health and safety of the public." *See also* 10 CFR § 70.31–32. The responsibility to protect the public has been consistently interpreted by the Commission as requiring that licensed nuclear facilities and activities be conservatively designed and operated to withstand maximum credible events. *See, e.g.*, 39 FR 30964 (August 27, 1974), where the Commission states as follows:

"In the approach to safety reflected in the Commission's regulations, postulated accidents, for purposes of analysis, are divided into two categories—"credible" and "incredible". The former ("credible") are considered to be within the category of design basis accidents. Protective measures are required and provided for all those postulated accidents falling within that category, and proposed sites are evaluated by taking into account the conservatively calculated consequences of a spectrum of severe postulated accidents. Those accidents falling within the "incredible" category are considered to be so improbable that no such protective measures are required."

Further, the Atomic Energy Act provides for revocation, suspension or modification of licenses whenever any ". . . fact or any report, record or inspection or other means [exists] which would warrant the Commission to refuse to grant a license on an original application. . . ." 42 U.S.C. § 2236(a). *See also* 10 CFR § 70.61(b).

3. Numerous studies have been recently conducted assessing the nature and size of the threat that might confront a licensee holding special nuclear materials. One such study is the Security Agency Study required by Section 204(b)(2)(C) of the Energy Reorganization Act of 1974, the draft Executive Summary of which states as follows:

"Congressional concern for adequate safeguards was heightened as a result of a special safeguards study done for the Atomic Energy Commission in 1974. That study, by David Rosenbaum and others, . . . described a variety of potential problems and short comings in the area of nuclear safeguards and made recommendations for their solution. . . .

"The Rosenbaum report expressed concern about the adequacy of protection afforded SNM by the private industrial security systems of licensees. One aspect of concern was the level of threat to facilities and SNM. The authors postulated a maximum credible threat consisting of 15 highly trained men, three of whom might be "insiders", employed by the licensee target firm."

* * * * *

"Threats to nuclear facilities and material can come from external or internal sources. External threats would include overt acts of theft and sabotage. They span a scale ranging from mischief and minor nuisance through coordinated attacks, which at some point would take on the character of civil war. Internal threats are most often postulated as being covert and might involve diversion of material, the perpetration of hoaxes and, perhaps, sabotage. They span a scale from minor pilferage by individuals, through collusion, all the way through revolutionary conspiracies, in which entire plants might be covertly controlled.

* * * * *

"To estimate the credible threat, the office of Nuclear Materials Safety and Safeguards

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[1] The scope of this petition is limited to those facilities and activities covered by 10 CFR § 73.1 and not exempt under 10 CFR § 73. Strategic quantities of special nuclear material as used herein is defined in Attachment A to this petition.

researched 19 revelant studies and conducted 9 interviews with individuals and groups of professional analysts from the FBI, the intelligence community, the Department of Defense and State and local law enforcement agencies.

"What emerged from this was a consensus estimate that an external threat group will probably number about 6–8 persons and very likely not exceed 12 persons. . . .

"Interviews and studies yielded less upon which to base estimates of threats internal to the industry. In general, the internal threat was characterized as follows:

One person operating alone will probably remain undetected.

Instances of collusion involving 2–3 persons have been encountered in industry.

Most hijackings involve internal collusion.

Key internal persons can be influenced by threats against their families or other forms of blackmail."

"As a result, a credible internal threat, for safeguards purposes, is estimated to consist of 2–3 persons in collusion."

Similarly, the January 19, 1976, memorandum of Carl H. Builder, Director, Division of Safeguards, to Ronald A. Brightsen, Assistant Director for Licensing, Division of Safeguards, states:

"The design threats in the safeguards supplement to GESMO are divided into an internal (diversion) and an external (assault) threat. Many parameters or considerations must be taken into account in describing or specifying such threats. To simplify these descriptions, we have assumed that all of these parameters (e.g., motivation, training, arms, equipment, employment position, etc.) are fixed at worst-case values with respect to safeguards, and that the only remaining variable is the number of people involved in the threat. For a nominal or baseline threat, as a point of departure, we have assumed that the internal and external threats are two and six persons, respectively. The range of numbers suggested by threat researchers, expert opinion, and partisan comments generally lie within a factor of two, up and down, from this baseline specification."

In sum, these studies indicate that an attempt to steal plutonium or highly enriched uranium from licensed facilities or while in transit by a group of 12–15 armed outsiders or 3–4 industry employees in collusion should be considered a credible possibility. Review and assessment of these studies and other studies may indicate that the maximum credible threat is in fact significantly larger or otherwise more serious.

4. The January 19, 1976, memorandum of Carl H. Builder, referenced in paragraph 3 *supra* and attached hereto as Attachment B, assesses the adequacy of the safeguards now applied at currently licensed facilities as follows:

"Over the past six months, I have been questioned several times as to the adequacy of current safeguards. I have replied that I was not in a position to judge current safeguards as adequate or inadequate until we had logically structured both the safeguards problem and our approach to solutions. Only then, I argued, would we understand the measures by which we could judge the adequacy of safeguards.

* * * * *

"If safeguards are not adequate against the lowest levels of design threat that have been suggested, then we must logically conclude that such safeguards are inadequate, quite apart from the uncertainty we may accept about what constitutes adequate safeguards. *I am concerned that some or even many of our currently licensed facilities may not have safeguards which are adequate against the lowest levels of design threat we are considering in GESMO.*

* * * * *

"The lowest levels of design threat being considered in GESMO are, for an internal threat, one person and, for an external threat, three persons. I don't know of any serious suggestion that these levels are too high and that we should consider even lower levels as design threats for adequate safeguards." (Emphasis supplied.)

Thus, the principal source of Commission expertise on the question of safeguards has indicated that he is "not in a position" to make a definitive finding that currently licensed facilities are adequately safeguarded and, indeed, that he is "concerned that some or even many currently licensed facilities" are not protected against even very small threats—threats far less serious than the maximum credible threat.

5. The concerns expressed in the Builder Memorandum regarding the inadequacy of current safeguard practices confirm the conclusions of numerous independent experts. Thus, Dr. Theodore B. Taylor, a safeguards authority and consultant to the NRC, testified in his December 10, 1975, statement before the Committee on Energy and Diminishing Materials of the California State Assembly as follows:

"Present U.S. safeguards applied to commercial plutonium and highly enriched uranium are not adequate to prevent theft by heavily armed groups with resources and motivation comparable to the Brinks gang and other groups of professional criminals that have carried out successful major robberies in the past. Though not routinely recycled in power plants, plutonium for commercial R&D purposes is now stored and transported in substantial quantities, annual shipments amounting to at least several hundred kilograms per year."

Similarly, the Special Safeguards Study ("Rosenbaum Report") prepared by Atomic Energy Commission consultants and released April 29, 1974, concluded:

"In recent years the factors which make safeguards a real, imminent and vital issue have changed rapidly for the worse. Terrorists groups have increased their professional skills, intelligence networks, finances and level of armaments throughout the world."

* * * * *

"The factors involved in preventing the illegal acquisition of special nuclear material and the subsequent manufacture of nuclear weapons have received a great deal less attention than those associated with power plant accidents. *The relevant regulations are far less stringent and we feel they are entirely inadequate to meet the threat.* The seriousness of the problem demands a clear commitment by the AEC to bring the risk to the public from safeguards problems down to the level of public risk associated with the operation of nuclear power plants." (Emphasis supplied.)

6. The possibility that nuclear weapons materials now held by U.S. corporations under NRC licenses might be stolen and used is real and substantial. Terrorist activity and other forms of anti-social violence are an almost daily occurrence. In the present age of sophisticated criminal organizations, bombs and bomb threats, of aircraft hijacking, of the ransom of diplomats and the murder of Olympic athletes, the risks of nuclear theft, blackmail and terrorism should not be minimized. A criminal or terrorist group, using information and equipment that are widely available, could design and build a crude nuclear bomb which could be carried in an automobile and could explode with a yield equal to at least 100 tons of high explosive. A recent report to the NRC by the Mitre Corporation, *The Threat To Licensed Nuclear Facilities* (MTA–7022, September 1975), reached the following conclusions:

"The only prudent prediction is that there will continue to be international operations by most of the presently active terrorist organizations throughout the world; that new ones will spring into existence, sometimes without any warning before their first dramatic strike; and that some of these groups, driven by ideology, need for political leverage on the United States, or desperation, may choose the United States, and perhaps licensed nuclear facilities, as a target."

* * * * *

"Organized crime in the United States has demonstrated the capacity to execute complicated actions with planning, coordination, secrecy, patience, and whatever level of force and armament is necessary to accomplish the job. They are interested solely in acquiring more money and power for themselves and there is no evidence that they have or ever had any motivation such as patriotism. They are involved in almost all the hijacking that goes on in the United States, and have been able to exert considerable control over substantial parts of industry, labor, and government. Their business is often international and they have longstanding and secure links in Europe, the Middle East, Latin America, and the Far East. There is little question that, for a sufficient amount of money, members of organized crime would take a contract to acquire special nuclear material for another party. [A] large proportion of their operations involve cooperation from people inside their target. . . ."

7. In light of the foregoing, the Commission should conclude that an adequate basis does not now exist for finding that currently applied safeguards are adequate to protect against the theft of strategic quantities of plutonium and highly enriched uranium now in the possession of licensees. Both the Director of the NRC's Safeguards Division and the agency's consultants are unable to make a definitive finding that current safeguards are adequate. Yet, unless the Commission can make such a definitive finding of safety regarding these licenses, the Commission's obligation to the public requires that such licenses be revoked forthwith. Accordingly, petitioner urges the Commission and, as appropriate, the Director of Nuclear Material Safeguards and Safety:

(a) To review immediately the safeguard programs of all facilities licensed to possess strategic quantities of special nuclear material in order to identify all such facilities for which existing safeguards are inadequate to protect, with an ample margin of safety, against the maximum credible threat of theft. The determination of an ample margin of safety is essential in light of existing uncertainties regarding the upper limit of the maximum credible threat. This review might reveal that all such facilities are inadequately safeguarded.

(b) To develop and implement on an expedited basis emergency safeguards which can assure with an ample margin of safety that strategic quantities of special nuclear material held by licensees are protected against the maximum credible theft threat. Such emergency safeguards might include, among others, the following:

(1) Immediate dispatchment of forces from the U.S. Marshals Service to appropriate fixed sites;

(2) Curtailment of relevant licensee activities at fixed sites where consistent with national defense considerations;

(3) Elimination of all transportation of strategic quantities of special nuclear mate-

rial other than that essential to national defense; and

(4) Where transportation of such special nuclear material is essential to national defense, use of forces from the U.S. Marshals Service to accompany shipments.

(c) To revoke outstanding licenses which authorize the possession of strategic quantities of special nuclear material, and to recover such material immediately, if safeguards meeting the standard set out in subparagraph (b) supra are not now in place and (1) cannot be devised or implemented quickly and effectively or (2) can be implemented only with undue difficulty or expense.

8. The Natural Resources Defense Council (NRDC) is a nonprofit corporation organized under the laws of the State of New York. It is a national environmental protection organization with more than 20,000 members in 50 states. One of NRDC's major objectives is to protect its members and the public from the risks and other consequences of nuclear power development, including the risks associated with the theft or diversion of special material from licensed facilities or with attacks directed against such facilities. NRDC's interests and those of its members and the public are adversely affected by the activities of private corporations carried out pursuant to the licenses referred to herein.

For the foregoing reasons, petitioner respectfully urges that the requests made herein be granted without delay.

Respectfully submitted,

Dated: February 2, 1976.

J. G. SPETH,
Natural Resources Defense Council, 917 Fifteenth Street NW., Washington, D.C. 20005. (202) 737-5000. Attorney for Petitioner.

Of Counsel:
Anthony Z. Roisman
1712 N Street NW.
Washington, D.C. 20036

[FR Doc.76-3730 Filed 2-4-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 29, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Investigation of possible Non-Compliance of Motor Vehicles with Federal Emission Standards, on occasion, motor vehicle owners of suspect non-complying vehicles, Lowry, R. L., 395-3772.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Humanities Journalism, Fellows Questionnaire, single-time, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Departmental and other:
Personal History Statement for Possible Nomination to an Advisory Committee, CD-555, on occasion, individual experts, specialists, and leaders from the public, Harry B. Sheftel, 395-5870.
Bureau of Census, Census of Governments: Listing Sheet (Certainty Properties), GP-22, single-time, local assessing offices, Sunderhauf, M. B., 395-6140.
Census of Governments: Listing Sheet, GP-23-1, GP-23-7, single-time, local assessing offices, Sunderhauf, M. D., 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control:
Industrial Burns Study, CDCNIOSHO102, single-time, management and workers in burn hazard establishments, Ellett, C. A., 395-5867.
Investigations of Health Hazards in Painting Trades, CDCNIOSHO929, single-time, members of International Brothers of Painters and Allied Trades, Ellett, C. A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Application for Reduction, Government Life Insurance, 29-339, on occasion, insured veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, National Nosoomial Infections Study, CDC 4.275, CDC 4.276, monthly, participating hospitals, Richard Eisinger, 395-6140.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-3646 Filed 2-4-76;8:45 am]

REQUESTS FOR CLEARANCE

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 30, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Farm Building and Fencing Material Price Survey, annual, lumber dealers and farm supply outlets, Hulett, David, 395-4730.

STATISTICAL REPORTING SERVICE

Interview Questionnaire for Bargaining Association Managers, single-time, managers of fruit and vegetable bargaining associations, Sheftel, H. B., 395-5870.

DEPARTMENT OF COMMERCE

Bureau of the Census:
National Longitudinal Surveys, Survey of Work Experience of Mature Men—1976 Questionnaire and Advance Letter, LGT-181, LGT-183, Strasser, Arnold, 395-5867.
1977 Census of Transportation (National Travel Survey Pretest), NTS-1MX, NTS-2MX, NTS-1PX, single-time, Strasser, Arnold, 395-5867.

NATIONAL FIRE DATA CENTER

NFPCA Incident Form, NFPCA Casualty Form, 902F, 902G, other, Ellett, Charles, 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
Survey of Health Occupations Training Programs in Hospitals, 1975, single-time, Richard Eisinger, 395-6140.
Attitudinal Acceptance of a Children's Incremental Dental Care Plan, HRABHM 1201, single-time, Sunderhauf, Milo, 395-6140.
Evaluation of the Dissemination of Professional Information from HRA Program Activities, HRAOPEL 1209, single-time, Reese, B. F., 395-3211.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Factors Affecting the Training and Employment Demands for Physicians Assistants—Part Two, HRABHM 1208, other (see SF-83), physicians, hospital and nursing home administrators, Richard Eisinger, 395-6140.
Social Security Administration, Representative Payee Report—Completed by Banks, Hospitals or other Institutions Having Custody of Beneficiaries, SSA-624, on occasion, banks, hospitals and other institutions, Caywood, D. P., 395-3443.
Food and Drug Administration, Study of Medical X-Ray Equipment Operators, FDABRHO328, other (see SF-83), technologists in institutions and private practices, Richard Eisinger, 395-6140.

EXTENSIONS

RAILROAD RETIREMENT BOARD

Application for Widows or Widowers Insurance Annuity (Previous Applicants), AA-17A, on occasion, applicant for benefits under Railroad Retirement Administration, Marsha Traynham, 395-4529.

Application for Widows or Widowers Insurance Annuity (New Applicants), AA-17, on occasion, Marsha Traynham, 395-4529.

GENERAL SERVICES ADMINISTRATION

Application of Eleemonsynary Institution (Requesting Assignment of Forfeited Distilled Spirits, Etc.), GSA-18, on occasion, charitable institutions, Harry B. Sheftel, 395-5870.

NATIONAL SCIENCE FOUNDATION

Supplementary Report (Personal Information—Applicants for all NSF Fellowships), 320, annually, applicants, Marsha Traynham, 395-4529.

Institutional Nomination and Endorsement-NATO Dr. Fellowships, NSF-361, on occasion, applicants, Marsha Traynham, 395-4529.

Fellowship Termination Certificate, 453, annually, applicants, Marsha Traynham, 395-4529.

Application Forms (for all NSF Fellowships), NSF 281, annually, applicants, Marsha Traynham, 395-4529.

Office Cards (Applicants for all NSF Fellowships), NSF 40, NSF 289, NSF 291, NSF 293, NSF 294, annually, applicants, Marsha Traynham, 395-4529.

Reference Report (all NSF Fellowship Applicants), NSF 299, annually, applicants, Marsha Traynham, 395-4529.

RAILROAD RETIREMENT BOARD

Request for Additional Information . . . Deceased Employee, G-3272A, on occasion, railroad employers, Marsha Traynham, 395-4529.

Request to Non-Railroad Employer for Information about Annuitant's Work and Earnings (field use), RL-231-F, on occasion, non-railroad employers, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Lender's Application for Insurance Claim on Federally Insured Student Loan, OE 1207, on occasion, lending institutions, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-3647 Filed 2-4-76;8:45 am]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Proposed Additional Routine Use

Notice is hereby given that the Veterans Administration is considering adding a new statement to describe an additional routine use for certain systems of VA records which were set forth on pages 38095-38127 of the FEDERAL REGISTER of August 26, 1975 and adopted by notice published on page 47980 of the FEDERAL REGISTER of October 10, 1975.

For two of the systems of records, the VA has identified an additional routine use which was not described in the original notice. This proposed use is not a new use for the systems involved; rather it was overlooked in the preparation of the initial notice. The proposed statement which follows involves the routine uses of records in these systems including categories of users and the purposes of such uses. Its adoption will obviate the need for written consent of an individual in every case which would involve a disclosure of information pertaining to that individual.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before March 8, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the comments are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description effective September 27, 1975, the effective date of section 3, Pub. L. 93-579.

Approved: January 30, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

NOTICE OF SYSTEMS OF RECORDS

1. In the system, "Veterans and Beneficiaries Guardianship Records—VA," appearing at 40 FR 38112, the following routine use is added to read as follows:

System name: Veterans and Beneficiaries Guardianship Records—VA.

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * *

Relevant information from this system of records may be disclosed, as a routine use: in the course of presenting evidence to a court, magistrate, or administrative tribunal in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

* * * * *

2. In the system, "Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA," appearing at 40 FR 38117, the following routine use is added to read as follows:

System name: Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA.

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * *

Relevant information from this system of records may be disclosed, as a routine use: in the course of presenting evidence to a court, magistrate, or administrative tribunal, in matters of guardianship, inquests, and commitments; to private attorneys representing veterans rated incompetent in conjunction with issuance of Certificates of Incompetency; and to probation and parole officers in connection with Court required duties.

* * * * *

[FR Doc.76-3459 Filed 2-4-76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. NORMAN M. MORRIS CORP. ET AL

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16(b)-(h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Southern District of New York in Civil Action No. 76 Civ. 495, *United States of America* v. *Norman M. Morris Corporation, et al.* The complaint in this case alleges that the Swiss producers of Omega and Tissot watches, Omega Louis Brandt Et Frere S.A., Chs Tissot Et Fils S.A. and Societe Suisse Pour L'Industrie Horlogere Management Services S.A., have conspired with the United States distributors of such watches, Norman M. Morris Corporation and Norman M. Morris Associates, Inc., to allocate customers and markets for the sale of Omega and Tissot watches and to prevent the importation into the United States of such watches by persons other than the United States distributors.

The proposed judgment prohibits the defendants from allocating or dividing customers, markets or territories and from limiting or restricting imports to the United States or exports from the United States of Omega and Tissot watches. The judgment also prohibits the defendants from attempting, by threats or coercion, to restrict the supplies of such watches from third party importers attempting to compete with the United States distributors and assures such potential importers a foreign source of supply of Omega and Tissot watches by requiring the Swiss producers to make Omega and Tissot watches available which comply with United States Customs marking requirements. Public comment is invited on or before April 7, 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to the United States Department of Justice, Attention: Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Washington, D.C. 20530.

Dated: February 2, 1976.

THOMAS E. KAUPER,
Assistant Attorney General
Antitrust Division.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. Norman M. Morris Corporation, Norman M. Mor-

ris Associates, Inc., Omega Louis Brandt et Frere S. A., CHS Tissot et Fils S.A., and Societe Suisse Pour L'Industrie Horlogere Management Services S.A., Defendants. Civil Action No. 76 Civ 495. Filed: January 30, 1976. Entered:

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendants and by filing that notice with the Court.

(2) In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this and any other proceeding.

For the Plaintiff: Thomas E. Kauper, *Assistant Attorney General*, Baddia Rashid, Charles S. B. McAleer, Elliott H. Moyer, Joel Davidow, Douglas E. Rosenthal, Robert E. Williams, *Attorneys, Antitrust Division, U.S. Department of Justice.*

For the Defendants: Gerard Mandelbaum, *Attorney for Defendants, Omega Louis Brandt et Frere S.A., CHS Tissot Et Fils S.A., Societe Suisse Pour L'Industrie, Horlogere Management Services S.A.*

VERNER, LIIPFERT, BERNHARD, MCPHERSON AND ALEXANDER

Ronald D. Goodman, *A member of the firm, Attorneys for Defendants, Norman M. Morris Corporation, Norman M. Morris Associates, Inc.*

Stipulation approved for filing.

Dated:_____

RICHARD OWEN,
U.S. Department of Justice.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. Norman M. Morris Corporation, Norman M. Morris Associates, Inc., Omega Louis Brandt et Frere S.A., CHS Tissot et Fils S.A., and Societe Suisse Pour l'Industrie Horlogere Management Services S.A. Defendants. Civil Action No. 76 Civ 495. Filed: January 30, 1976. Entered:

FINAL JUDGMENT

Plaintiff, United States of America having filed its Complaint herein on January 30, 1976 and defendants having submitted themselves to the jurisdiction of this Court, and plaintiff and defendants, by their respective attorneys having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by any party with respect to any such issue:

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

I. This Court has jurisdiction of the subject matter of this action and of the defendants with respect to this action, this Final Judgment and all proceedings hereunder, and of the plaintiff. The Complaint states a claim upon which relief may be granted against the defendants under Section 1 of the Act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act, as amended (15 U.S.C. § 1).

II. As used in this Final Judgment:

(A) "Person" shall mean any individual, corporation, partnership, association, firm or other business or legal entity;

(B) "Watch" shall mean any timing mechanism designed to be worn or carried on an individual, including the movement with or without a case, and any case, part or component of or for such mechanism, manufactured or distributed by any defendant or defendants; and when related to any trademark associated with such a mechanism, any bracelet, strap, band, chain buckle, box, case or accessory manufactured or distributed by any defendant or defendants; and

(C) "United States" shall mean the United States of America, its territories, possessions, and other places under the jurisdiction of the United States.

III. The provisions of this Final Judgment shall apply to each defendant and to each of its officers, directors, agents-at-law, employees, affiliates, subsidiaries, successors and assigns, and to all other Persons in active concert or participation with any of them who shall receive actual notice of this Final Judgment by personal service or otherwise. For the purpose of this Final Judgment each defendant, together with its wholly-owned subsidiaries, a parent wholly-owning it or a 100 percent affiliate, along with each of its officers, directors and employees, when acting in such capacity solely for such defendant, shall be deemed to be one Person.

Except for sales to the plantiff or any agency or instrumentality thereof, Sections IV (A), (B), (C), and (D), V (A), (B), (C), and (F) and VI of this Final Judgment shall not apply to activities of any defendant outside the United States which do not affect the foreign or domestic commerce of the United States, provided such defendant, in connection with sales or distribution of Watches outside United States domestic or foreign commerce, must notify in writing all its non-United States customers that resales may be made into the United States.

IV. Each defendant is enjoined and restrained from in any manner with any other Person, including any other defendant, directly or indirectly, entering into, maintaining, enforcing or claiming any right under any combination, agreement, plan, program or concert of action to:

(A) Fix, limit, allocate, divide, restrict or determine the location or locations at or from which; or the territory or territories, or market or markets, in, for or to which; or the Person or Persons to whom, any Watch or Watches may be resold; or

(B) Pay, receive, or impose or require or provide that any Person pay, receive or impose any payment or penalty conditioned on the location or locations at or from which; or the Person or Persons to whom; or the territory or territories, market or markets in, for or to which, any Watch or Watches are resold; or

(C) Limit or restrict the exportation from the United States of Watches; or

(D) Limit or restrict the importation into the United States of Watches other than undertakings for lawful distribution arrangements which do not involve any restrictions on resales.

V. Each defendant is enjoined and restrained from in any manner, directly or indirectly:

(A) Taking or threatening to take any coercive or disciplinary action against any Person whether by fine, penalty, discrimination, failure to renew any franchise, license or distribution agreement, or otherwise, because of the customers to whom; or the locations at or from which; or the territories or markets within, to or for which, such Person has resold or intends to resell Watches; or

(B) Prohibiting, limiting or otherwise restricting or attempting to prohibit, limit or restrict any Person from importing Watches into the United States other than undertakings for lawful distribution arrangements which do not involve any restrictions on resales, or from exporting Watches from the United States; or

(C) Coercing, threatening or attempting to coerce or threaten, any Person to refrain from purchasing Watches from any other Person owning such Watches; or

(D) Purchasing or agreeing to purchase Watches imported into the United States and retailed by any Person other than another defendant other than in a bona fide search for counterfeit copies of Watches or for unfair or deceptive trade practices; or

(E) Except as ancillary to a *bona fide* arm's length sale of the assets and business associated with any trademark, assigning or otherwise transferring such a trademark for the purpose of attempting to prevent or to prevent, or with the effect of preventing, the importation of Watches into the United States pursuant to the Tariff Act of 1930, 19 U.S.C. § 1526; or

(F) Refusing or causing any Person to refuse to honor a guarantee by any defendant on a Watch because of where or from whom such Watch was purchased, including but not limited to a prior purchaser.

VI. Each manufacturer defendant shall supply upon request of any Person to whom such manufacturer defendant directly sells or supplies Watches, Watches marked or impressed with the designations and information required by agencies of the United States Government for importation into the United States in the manner and form required for such importation, without discrimination in favor of or against such Person as to time or conditions, and without charge or penalty beyond the reasonable and necessary costs to the manufacture defendants of rendering such marks or impressions. For the purpose of fulfilling such requests each manufacturer defendant during the course of each year in addition to Watches scheduled for its United States distributors, shall have available Watches so marked or impressed equal to at least 10% of the previous year's shipments of such Watches to its United States distributors.

VII. Each defendant is ordered and directed to:

(A) Take all necessary and appropriate action to inform each of its present and future officers and directors, and those present and future employees and agents having marketing responsibilities, of the provisions and requirements of this Final Judgment and that they are required to comply therewith; and to furnish within 90 days of the entry hereof a copy of this Final Judgment to each of its present officers and directors, and those present employees and agents having marketing responsibilities, and upon election or engagement to furnish a copy of this final judgment to each of its future officers and directors, and to each of its future employees and agents having marketing responsibilities; and

(B) Deliver, within 90 days from the date of entry of this Final Judgment, a copy of this Final Judgment to each distributor which is a Watch customer of such defend-

ant, and to accompany such copy delivered to any non-United States customer of any such defendant a copy of a letter in the form annexed as Appendix A, and to any Virgin Island or duty-free zone Watch customer of any such defendant a copy of a letter in the form attached as Appendix B; and

(C) Deliver, within 90 days from the date of entry of this Final Judgment, to each retail dealer which is a Watch customer of such defendant a letter in the form annexed as Appendix C.

(D) File with the plaintiff within one hundred and twenty (120) days from the date of the entry of this Final Judgment and on each anniversary date of this Final Judgment for a period of five (5) years, a report setting forth the steps which such defendant has taken during the prior period to comply with this Final Judgment and to advise such defendants' offices, directors, agents and employees of its and their obligation under this Final Judgment.

VIII. For the purpose of securing or determining compliance with this Final Judgment, and subject to any legally recognized privilege:

(A) Any authorized representative or representatives of the Department of Justice shall upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division or of an authorized agent of either and upon reasonable notice to any defendant at its principal place of business or upon notice as provided by Section VIII (E) hereof be permitted:

(1) Access during the office hours of such defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession of or under the control of such defendant that relate to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant, and without restraint or interference from it, to interview officers or employees of defendant, who may have counsel present, regarding any matters contained in this Final Judgment;

(B) Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division or of an authorized agent of either, made to any defendant at a principal place of business of such defendant, or made as provided by Section VIII (E) hereof, such defendant shall submit, under oath if requested, such reports in writing, including authenticated copies of documents described in Section VIII (A) (1), with respect to any matters contained in this Final Judgment which from time to time may be requested;

(C) Any defendant incorporated in and having its principal place of business in a foreign country shall not be required to bring to the United States any books or other records or copies thereof from such place of business, nor to permit access by representatives of the Department of Justice to any such defendant's books, ledgers, accounts, correspondence, memoranda and other records and documents in such foreign country pursuant to subparagraph A(1) above, nor to permit interviews in such foreign country pursuant to subparagraph A(2) above, when such action is prohibited by the laws of such country applicable to such defendant and such defendant has exercised good faith efforts to obtain permission of the appropriate authorities but such permission has not been secured;

(D) Each defendant shall promptly notify plaintiff of any change of address of its principal office.

(E) Each defendant incorporated in or having its principal place of business in a foreign country shall appoint and maintain continuously a representative within the Southern District of New York duly authorized to receive service of process or of requests or notices, under this Section VIII or Section IX, to any defendant having its principal place of business in a foreign country, and upon receipt of such a written request from the Attorney General or the Assistant Attorney General, or his agent, such representative shall notify such consenting defendants and, within 60 days of the receipt of such request by the representative, such consenting defendants shall provide duly authenticated copies of such documents at the Department of Justice in Washington, D.C.

Gerard Mandelbaum, 516 5th Avenue, New York, New York 10036 shall act as such a representative to be succeeded immediately upon death, disappearance or unavailability, or in the discretion of such defendants upon notice duly given, by C T Corporation System, 277 Park Avenue, New York, New York 10017 which is hereby designated as his successor, provided, however, that such defendants shall have the right to appoint a successor corporate representative different from C T Corporation System, as long as such successor is a corporation incorporated under the laws of some state within the United States and such successor corporation is acceptable to the plaintiff. The appointment of any such representative shall not be terminated except with the appointment of a successor acceptable to the plaintiff and notice to the Court.

No information obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any Person other than duly authorized representatives of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

IX. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction of or carrying out of this Final Judgment, for the amendment or modification of any provision contained herein, for the enforcement of compliance therewith, and for the punishment of the violation of any of the provisions contained herein.

X. Entry of this Final Judgment is in the public interest.

UNITED STATES DISTRICT JUDGE

Dated:_____

APPENDIX A

Dear———:

Norman M. Morris Corporation, Norman M. Morris Associates, Omega Louis Brandt Et Frere S.A., CHS Tissot Et Fils S.A., Societe Suisse Pour L'Industrie Horlogere Management Services S.A. and the United States Department of Justice have agreed to the entry of a Consent Judgment, a copy of which is enclosed, in *United States* v. *Norman M. Morris Corp., et al.*, Civil Action No. (S.D.N.Y.).

Pursuant to the terms of the judgment, you are free to sell or offer for sale in or to the United States any watches purchased by you from the undersigned or any of the undersigned.

The judgment was entered with the mutual consent of all of the parties thereto without testimony having been taken and without the judgment constituting evidence or an admission by any of the parties.

If you wish any information with regard to the above, please do not hesitate to call upon the undersigned.

Very truly yours,

———

APPENDIX B

Dear———:

Norman M. Morris Corporation, Norman M. Morris Associates, Omega Louis Brandt Et Frere S.A., CHS Tissot Et Fils S.A., Societe Suisse Pour L'Industrie Horlogere Management Services S.A. and the United States Department of Justice have agreed to the entry of a Consent Judgment, a copy of which is enclosed, in *United States* v. *Norman M. Morris Corp., et al.*, Civil Action No. (S.D.N.Y.).

Pursuant to the terms of the judgment, youa re free to purchase Omega and Tissot watches from any supplier including, but not limited to, Norman M. Morris Corp. and Norman M. Morris Associates, Inc.

The judgment was entered with the mutual consent of all of the parties thereto without testimony having been taken and without the judgment constituting evidence or an admission by any of the parties.

If you have any information with regard to the above, please do not hesitate to call upon the undersigned.

Very truly yours,

———

APPENDIX C

Dear———:

The Norman M. Morris Corporation, Norman M. Morris Associates, Omega Louis Brandt Et Frere S.A., CHS Tissot Et Fils S.A., Societe Suisse Pour L'Industrie Horlogere Management Services S.A. and the United States Department of Justice have agreed to the entry of a Consent Judgment, in *United States* v. *Norman M. Morris Corp., et al.*, Civil Action No. (S.D.N.Y.). The decree clarifies existing legal requirements applicable to distribution relationships between the manufacturers and the distributors and the retailers.

Under the Consent Judgment and under Federal law, the above companies may not agree to allocate or divide territories or customers in or for which watches may be resold nor may they agree to limit the importation into the United States by third persons or the exportation from the United States by any person of Omega or Tissot watches. Nor may any company take any threatening or coercive action against any person because of the reseller from whom he buys watches or because of the customers to whom or the markets in which watches are resold. Nor may any of these companies attempt to prevent any person from importing watches into the United States.

Under the terms of the judgment no defendant may preclude any retailer from purchasing Omega and Tissot watches from any reseller or selling such watches to others.

The Consent Judgment was entered with the mutual consent of all of the parties thereto without testimony having been taken and without the judgment constituting evidence or an admission by any of the parties.

If you have any questions with regard to this or if you would like to receive a copy of this judgment please do not hesitate to call us.

Very truly yours,

———

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. Norman M. Morris Corporation, Norman M. Morris Associates, Inc., Omega Louis Brandt et Frere S.A., CHS Tissot et Fils S.A., and Societe Suisse Pour l'Industrie Horlogere Management Services S.A., Defendants. Civil Action No. 76 Civ 495. Filed: January 30, 1976. Entered:

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. Sections 16(b)-(h), Pub. L. 93-528 (December 21, 1974)], the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I. NATURE AND PURPOSE OF THE PROCEEDING

The Department of Justice has filed a civil antitrust suit against the Swiss producers of Omega and Tissot watches and their United States distributors alleging an unlawful combination and conspiracy in restraint of trade in violation of Section 1 of the Sherman Act as amended (15 U.S.C. § 1). The complaint names as defendants, Norman M. Morris Corporation and Norman M. Morirs Associates, Inc. (Morris), the New York City based distributors of Omega and Tissot watches, and Omega Louis Brandt et Frere S.A. (Omega), CHS Tissot et Fils S.A. (Tissot) and Society Suisse Pour L'Industrie Horlogere Management Services S.A. (SSIH Management), the manufacturers of Omega and Tissot Watches and their management affiliate (the Manufacturers).

The substantial terms of the conspiracy alleged in the complaint are that:

(a) The defendants allocated customers in the sale of Omega and Tissot watches within the United States, with sales to duty free shops going to the Manufacturers and sales to all other United States outlets to Morris;

(b) The defendants agreed to and attempted to prevent the importation of Omega and Tissot watches into the United States by third parties; and

(c) To induce the Manufacturers to work toward elimination of importation by third parties into the United States, Morris agreed not to sell watches outside of the United States in competition with the Manufacturers or their foreign distributors.

II. PRACTICES AND EVENTS GIVING RISE TO THE ALLEGED VIOLATIONS OF THE ANTITRUST LAWS

The watches which are sold in the United States each year range in type from conventional jewel lever mechanisms to "non-conventional" solid-state, quartz or electronic mechanisms and range in price from inexpensive watches selling at retail from between 10 and 30 dollars to luxury watches, encased in fine jewelry, which retail for over 1,000 dollars.

The United States is the largest consumer of watches in the world and is also one of the world's leading watch producing nations. However, for historical, economic and social reasons the people of the United States presently purchase and own more Swiss watches than American watches. In 1972, of the total number of watches sold in the United States, only 33% were manufactured in this country, while 55% were manufactured in Switzerland. Switzerland is both the world's largest manufacturer and the world's largest exporter of watches, traditionally exporting over 95% of its watch production.

Of the vast quantities of Swiss watches imported into the United States each year, (over 14 million units in 1972) a significant number bear the trademarks Omega and Tissot and are manufactured by these defendants. Omega and Tissot are two of the manufacturing arms of the large Swiss holding company Societe Suisse Pour L'Industrie Horologere S.A. (SSIH). The third Swiss defendant SSIH Management provides management services for several manufacturing subsidiaries of SSIH including Omega and Tissot.

Omega and Tissot watches are currently sold on a worldwide basis through a network of exclusive distributors each assigned to a specific territory. Morris is the exclusive distributor of Omega and Tissot watches, movements and parts in the United States. Even before incorporation in 1946 Morris was the exclusive distributor in the United States for Omega watches. The relationship was formalized in exclusive distribution agreements (Agreements) executed in New York in 1973. It is these Agreements and conduct taken in accordance with them that make up the conspiracy in restraint of trade alleged in the Government's complaint.

Pursuant to the Agreements the Manufacturers sell Omega and Tissot watches to Morris. The parties then agreed that Morris would resell the watches only within the exclusive territory of the United States but that even within this territory the Virgin Islands and duty free shops would be allocated to the Manufacturers. In exchange for this concession Morris receives a monetary payment. The Agreements further provide that all parties will work toward an elimination of the importation of Omega and Tissot products by third parties and that to aid the Manufacturers in their worldwide distribution network Morris agreed to refrain from selling Omega and Tissot products outside of its exclusive territory, or for distribution outside such exclusive territory, in competition with Omega and Tissot watches sold in other parts of the world.

The Government contends that in order to carry out the above contractual provisions, both Morris and the Manufacturers took affirmative steps to prevent importation of Omega and Tissot watches into the United States by parties other than Morris. The Department of Justice also would have been prepared to prove that the defendants harassed both third party importers of Omega and Tissot watches and those retail dealers who buy from such third parties. Furthermore, the Department contends that the defendants have conspired to trace and restrict the third parties' sources of supply in Europe. Finally, the Government would have been prepared to introduce evidence at trial to show that for several years Omega and Tissot Watches were sold at retail in United States markets at prices significantly in excess of retail prices in certain European markets, even assuming United States import duty is added in.

III. THE PROPOSED RELIEF

The proposed consent judgment provides a number of measures to dissipate the anticompetitive effects of the conspiracy. The significant and material provisions of the consent judgment are outlined below:

(A) The decree would prohibit the defendants from allocating or dividing markets or customers. This provision is intended to help restore the operation of free market forces to the Virgin Islands and to other United States duty free shops by once again allowing Morris and other resale distributors to compete with the Manufacturers for these markets.

(B) The decree would also prohibit the defendants from agreeing to limit or restrict exports or imports of Omega or Tissot watches. It is anticipated that this provision will permit greater competition in the sale of Omega and Tissot watches in the United States because such watches may be imported by parties other than Morris. This provision would also allow Morris freely to export Omega and Tissot watches from the United States to foreign markets.

(C) The proposed judgment would prohibit any of the defendants from attempting, by threats or coercion, either to cut off the supplies of Omega and Tissot watches from third parties attempting to compete with Morris or to discourage any retailer from purchasing Omega or Tissot watches from third parties attempting to compete with Morris.

(D) The decree would prohibit the Manufacturers from assigning their Omega or Tissot trademarks to a person or company in the United States for the purpose of preventing the importation of Omega or Tissot watches into the United States. Under regulations issued pursuant to the Tariff Act of 1930, 19 U.S.C. § 1526 an independent owner of a trademark may record his mark registered under the Trademark Act, 15 U.S.C. § 1505 *et seq.* with the Secretary of the Treasury and claim protection against the importation by unrelated third parties of foreign merchandise bearing the trademark. By assigning its trademark to Morris the Manufacturers might have improperly prevented any imports into the United States.

The Tariff Act, 19 U.S.C. § 1526, provides that it shall be unlawful to import into the United States merchandise of foreign manufacture bearing a trademark owned by a United States citizen, association or corporation if the trademark is properly registered with the Secretary of the Treasury. In the past this provision has been used by some foreign manufacturers to maintain an exclusive distribution system for their products in the United States market by assigning the trademark to a United States citizen or corporation who, in turn, registers the trademark for the purpose of preventing the competitive importation of products bearing those trademarks. Such a practice has been held to violate the antitrust laws. *See United States* v. *Guerlain, Inc.*, 155 F. Supp. 77 (S.D.N.Y. 1957), *judgment vacated and remanded on Government's motion sub nom. Guerlain, Inc.* v. *United States*, 358 U.S. 915 (1958), *complaint dismissed*, 172 F. Supp. 1455 (S.D.N.Y. 1958). The judgment would prohibit trademark assignments in all cases except in connection with a *bona fide* sale by the Manufacturers of the assets and business associated with their Omega and Tissot trademarks. Such a sale would be governed by general law.

(E) The proposed judgment would also prohibit defendants from refusing to honor guarantees given by any defendant on Omega and Tissot watches. The provision is directed toward preventing conduct which might perpetuate the prohibited activities and discourage imports of Omega and Tissot watches.

(F) Finally, the decree would require the Manufacturers to make a significant number of Omega and Tissot watches, which conform to United States Customs labeling requirements, available through Omega's and

Tissot's foreign channels of distribution so that such watches may be purchased abroad by those parties who may wish to import them into the United States in competition with Morris. The labeling requirements of the tions currently require that specified information be inscribed on a watch before it may be imported into the United States, information more extensive then is required in foreign markets, the Omega and Tissot factories operate a separate assembly line for watches which will be sold to Morris and only these watches are inscribed in accordance with United States Customs requirements. Parties which purchase Omega and Tisso watches abroad would be prohibited from importing into the United States such watches until they were labeled correctly. This provision would allow such third parties to purchase abroad, on the same terms and conditions as Morris, Omega and Tissot watches marked correctly for the United States market. Otherwise, third parties might be excluded or hindered from selling watches competitively into the United States.

For the purpose of determining compliance with the proposed judgment, provisions are included requiring Morris to make its books, records, and personnel available and to submit progress reports on steps taken to comply with the final judgment to representatives of the Department of Justice. These same provisions are applicable to the defendant Manufacturers located in Switzerland except when such action is prohibited by Swiss law.

In evaluating the anticipated effects on competition of the proposed relief, it is intended that the above requirements not only put an end to the anticompetitive restrictions and practices set forth above, but also have the result of increasing intrabrand competition within the Omega and Tissot product lines both within the United States and in United States foreign commerce. Under these provisions third parties would now be free to import Omega and Tissot watches and offer them for resale in the United States in competition with Morris. Furthermore, Morris would be free to compete with the Manufacturers and other Omega distributors not only in the Virgin Islands and duty free shops but also anywhere throughout the world.

IV. REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies that they would have had were the proposed consent decree not entered. However, pursuant to Section 5(a) of the Clayton Act (15 U.S.C. Section 15(a)), as amended, this judgment may not be used as prima facie evidence in private litigation.

V. PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment is subject to a stipulation by and between the United States and the consenting defendants, which provides that the United States may withdraw its consent to the proposed judgment at any time until the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed consent judgment provides for the Court's retention of jurisdiction of this action in order, among other reasons, to permit either of the parties thereto to apply to the Court for such orders as may be necessary or appropriate for the modification of the final judgment.

As provided by Section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. Section 16(b)), any persons wishing to comment upon the proposed judgment may, for a sixty-day period prior to the effective date of the proposed judgment, submit written comments to the United States Department of Justice, Attention Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Washington, D.C. 20530, which will file with the Court and publish in the FEDERAL REGISTER such comments and its response to them. The Department of Justice will evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

VI. DETERMINATIVE DOCUMENTS

There are no materials or documents which the Government considered determinative in formulating this proposed consent judgment. Therefore, none is being filed along with this competitive impact statement.

VII. ALTERNATIVES TO THE PROPOSED CONSENT JUDGMENT CONSIDERED BY THE UNITED STATES

With the exception of the relatively minor provisions outlined below, the Department of Justice has not considered any significantly different form of relief than that which is proposed in this final judgment. The relief proposed here is similar to the relief which the Department would have requested had the case proceeded to a trial ending in a finding of a violation of Section 1 of the Sherman Act.

First, the Department considered a provision that would have prohibited the assignment of the Omega or Tissot trademarks to a United States person or corporation in order to prevent the importation into the United States of Omega or Tissot watches pursuant to the Tariff Act of 1930, 19 U.S.C. § 1526. Originally this was proposed in the form of an absolute prohibition. However, the Department later modified its position to allow such an assignment in connection with a bona fide sale of the assets and business associated with such a trademark to be, as noted above, governed by general law.

Second, a form of relief considered at one time rights under future governing import regulations would have required the defendant Manufacturers to inscribe on all Omega and Tissot watches produced for the entire world the markings and designations required by United States Customs. Such a requirement would have insured that potential third party importers have a supply of watches which complied with United States Customs regulations available to them. However, the provision included in the Proposed Final Judgment, which requires the Manufacturers to make Omega and Tissot watches available to potential third party importers, accomplishes the same result without creating any undue burden on the Omega and Tissot manufacturing and assembly process.

Dated: January 30, 1976.

JOEL DAVIDOW,
DOUGLAS E. ROSENTHAL,
ROBERT E. WILLIAMS,

Attorneys, Department of Justice.

[FR Doc.76-3520 Filed 2-4-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 10]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 30, 1976.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further porvides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 4405 (Sub-No. 527), (Correction), filed December 8, 1975, published in the FEDERAL REGISTER issue of January 15, 1976, republished as corrected this issue. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, and trailer chassis*, other than those designated to be drawn by passenger automobiles, in initial movements in truckaway and driveway service, from points in Oregon, Ill., to points in the United States (except Alaska and Hawaii); and (2) *tractors* in secondary movements in drive-away service only when drawing trailers, semi-trailers and trailer chassis in initial movements in driveway service, from points in Oregon, Ill., to points in Arizona, Nevada, Oregon and Vermont.

NOTE.—The purpose of this republication is to correct the territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 4405 (Sub-No. 528), filed December 24, 1975. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock), serving the intersection of Interstate Highway 270 and Illinois Highway 3, located north of East St. Louis, Ill., for the purpose of interline only in connection with applicant's present operations between East St. Louis, Ill., and St. Louis, Mo., restricted to traffic having a prior or subsequent movement.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 5623 (Sub-No. 27), (Amendment), filed November 12, 1975, published in the FEDERAL REGISTER issue of December 11, 1975, republished as amended this issue. Applicant: ARROW TRUCKING CO., a Corporation, P.O. Box 7280, Tulsa, Oklahoma 74105. Applicant's representative: J. G. Dail, Jr., 1111 E. Street, NW. Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (except commodities in bulk), from the plantsite and facilities of National Pipe and Tube Company located in Liberty County, Tex., to points in Arkansas, Colorado, Kansas, Illinois, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Utah, and Wyoming; and (2) *materials, equipment and supplies* used in the manufacture, processing and distribution of iron and steel articles (except commodities in bulk), from points in Arkansas, Colorado, Kansas, Illinois, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Utah, and Wyoming to the plantsite and facilities of National Pipe and Tube Company, located in Liberty County, Tex., restricted in parts (1) and (2) above to traffic originating at and destined to the named plantsite and facilities of National Pipe and Tube Company and the named states.

NOTE.—The purpose of this republication is to broaden the scope of the requested authority. If a hearing is deemed necessary, the applicant requests a consolidated hearing with other similar applications.

No. MC 11220 (Sub-No. 148), filed December 15, 1975. Applicant: GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: Jay C. Miner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Orange Grove, Miss., and Mobile, Ala.: From Mobile over Interstate Highway 10 to the Alabama-Mississippi State line, thence over U.S. Highway 90 to Orange Grove and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's existing regular-route operations, and with service at Mobile restricted to joinder only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Washington, D.C.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 19227 (Sub-No. 220), filed January 2, 1976. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, and iron and steel articles* (except commodities which require special equipment because of size or weight), from the plantsite and warehouse facilities at Cyprus Tube & Conduit Company, located at or near Torrance, Calif., to points in Arizona, Arkansas, Kansas, Louisiana, New Mexico, Missouri, Oklahoma and Texas; and (2) *iron and steel and iron and steel articles* (except commodities which require special equipment because of size or weight), from the plantsite and warehouse facilities of Pacific Tube Co., located in Los Angeles County, Calif., to points in Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, North Carolina, New Hampshire, New Jersey, Nebraska, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 19227 (Sub-No. 221), filed Dec. 23, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, conduit and tubing, and accessories thereof* (except commodities which require special equipment because of size or weight), from the plantsite and warehouse facilities of Wheatland Tube Company, at or near Wheatland, Pa., to points in Arizona, California, Florida, New Mexico and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 28088 (Sub-No. 16), filed December 15, 1975. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 South Main Street, P.O. Box 49, Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Wheeling, W. Va., to points in Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Harrisonburg, Va.

No. MC 28951 (Sub-No. 23), filed December 15, 1975. Applicant: ROSS TRANSFER, INC., P.O. Box 271, Chadron, Nebr. 69337. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Serving points in Campbell and Western Counties Wyo. as off-route points in connection with applicant's existing regular route authority; and (2) Serving the Pine Ridge Job Corps Center located approximately 15 miles south of Chadron, Nebr. as an off-route point in connection with applicant's existing regular route authority.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 29555 (Sub-No. 85), filed December 18, 1975. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, 2360 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (a) Between Des Moines, Iowa, and Kansas City, Mo., over Interstate Highway 35, and return over the same route. (b) Between Kansas City, Mo., and Ottumwa, Iowa, over Interstate Highway 35 to the junction of U.S. Highway 34 and Interstate Highway 35, thence over U.S. Highway 34 to Ottumwa, Iowa, and return over the same route, serving no intermediate points.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 31389 (Sub-No. 210), filed January 5, 1976. Applicant: McCLEAN TRUCKING COMPANY, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of the MacGregor Division of Brunswick Corporation, located at or near Eminence, Ky., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 61592 (Sub-No. 384), filed December 19, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. No. 3, Jeffersonville, Ind. 47130. Applicant's representative: Linda George, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from the plantsite and warehouse facilities of Evans Products Company at or near Missoula, Mont., to points in South Dakota and Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 78400 (Sub-No. 46), filed December 19, 1975. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, Mo. 63037. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Jefferson City, Mo., and Tipton, Mo., over U.S. Highway 50, serving all intermediate points, and (2) between Tipton, Mo., and Kansas City, Mo., over U.S. Highway 50, serving no intermediate points, with no authority to transport traffic between Kansas City, Mo., and Jefferson City, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jefferson City, Mo., or St. Louis, Mo.

No. MC 79737 (Sub-No. 16), filed January 2, 1976. Applicant: BERTA BROS. TRANSPORTATION, INC., U.S. Highway 50 East, P.O. Box 429, Canon City, Colo. 81212. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent sulphuric acid* in bulk, in tank vehicles, from the gas refinery plantsite of the Amoco Oil Company, located at Casper, Wyo., to the Cotter Corporation plantsite, located at or near Canon City, Colo.

NOTE.—Applicant holds contract carrier authority in MC 140901, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 88380 (Sub-No. 20), filed December 18, 1975. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76106. Applicant's representative: John L. Payne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and stel articles*, as defined in Appendix V to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from

the facilities of Chaparral Steel Company, Inc., at or near Midlothian, Tex., to points in Texas; and (2) *iron and steel scraps*, from points in Texas, to the origin facilities named in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fort Worth, or Dallas, Tex.

No. MC 98327 (Sub-No. 19), filed January 5, 1976. Applicant: SYSTEM 99, 8201 Edgewater Drive, Oakland, Calif. 94621. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, Fourth Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities which require the use of special equipment), (1) Between Portland, Oreg. and Vancouver, Wash.: From Portland, Oreg., over Interstate Highway 5 to Vancouver, Wash., and return over the same route; (2) Between Blythe, Calif., and Nogales, Ariz., serving all intermediate points: From Blythe, Calif., over U.S. Highway 60 to Phoenix, Ariz., thence over Interstate Highway 10 to Tucson, Ariz., thence over Interstate Highway 19 to Nogales, Arizona and return over the same route; (3) Between Winterhaven, Calif., and Phoenix, Ariz., serving all intermediate points: From Winterhaven, Calif., over U.S. Highway 80 to Phoenix, Ariz., and return over the same route; (4) Between Gila Bend, Ariz., and Junction Interstate Highway 8 and Interstate Highway 10 (near Arizona City, Ariz.), serving all intermediate points: From Gila Bend, Ariz., over Interstate Highway 8 to its junction with Interstate Highway 10 near Arizona City, Ariz., and return over the same route.

(5) Between Gila Bend, and Douglas, Ariz., serving all intermediate points: From Gila Bend, Ariz., over Arizona Highway 85 to its junction with Arizona Highway 86 thence over Arizona Highway 86 to Tucson, Ariz., thence over Interstate Highway 10 near Benson, Ariz., thence over U.S. Highway 80 to Douglas, Ariz., and return over the same route; (6) Between Junction Arizona Highway 90 and Interstate Highway 10 (near Benson, Arizona) and Douglas, Ariz., serving all intermediate points: From Junction Arizona Highway 90 and Interstate Highway 10 over Arizona Highway 90 to its junction with U.S. Highway 80, thence over U.S. Highway 80 to Douglas, Ariz., and return over the same route; (7) Between Blythe, Calif., and Parker, Ariz., serving all intermediate points and serving the off-route point of the Parker Dam site: From Blythe, Calif., over U.S. Highway 95 to its junction with California Highway 62 (north of Vidal, Calif.), thence over California Highway 62 to the California/Arizona border, thence over Arizona Highway 95 to Parker, Ariz., and return over the same route; and (8) Between Yuma, and Quartzsite, Ariz., for operating convenience only serving no intermediate points: From Yuma, Ariz., over U.S. Highway 95 to Quartzsite, Ariz., and return over the same route. Service is authorized at all off-route points in counties of Yuma, Maricopa, Pinal and Pima, Ariz.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or San Diego, Calif., or Tucson, Ariz.

No. MC 99610 (Sub-No. 24), filed January 2, 1976. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second Street, Pratt City, Birmingham, Ala. 35214. Applicant's representative: Thomas R. Neely (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Wagarville and Millry, Ala., serving all intermediate points and serving all points in Washington County, Ala., as off-route points: From Wagarville, over Alabama Highway 56 to Chatom, Ala., thence over Alabama Highway 17 to Millry, Ala., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 105269 (Sub-No. 61), filed October 3, 1975. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich. 49005. Applicant's representative: John M. Veale, 3700 City National Bank Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper mill products, and paper mill materials and supplies*, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 106373 (Sub-No. 35), filed December 15, 1975. Applicant: THE SERVICE TRANSPORT CO., 11910 Harvard Avenue, Cleveland, Ohio 44105. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, (a) from Blissfield, Detroit, Marine City, Monroe, and Wyandotte, Mich.; Akron, Amherst, Ashtabula, Avon, Birmingham, Bowling Green, Brilliant, Bucyrus, Calcutta, Canton, Cleveland, Columbiana, Conneaut, Costonia, East Liverpool, East Palestine, Elyria, Empire, Fremont, Fostoria, Knoxville, Lakewood, Lodi, Lorain, Lowellville, McDonald, Mansfield, Martins Ferry, Massillon, Mingo Junction, Newton Falls, New Washington, Niles, North Jackson, Painesville, Port Clinton, Port Homer, Ravenna, Salem, Sandusky, Steubenville, Stratton, Struthers, Toledo, Toronto, Vermilion, Warren, Wellsville, Willard, Wooster, Yorkville, and Youngstown, Ohio, to points in Maryland, New Jersey, New York, Pennsylvania, and West Virginia; and (b) from Beechbottom, Benwood, Bethany, Chester, Follansbee, Hancock, Holidays Cove, Newell, New Cumberland, Wheeling, Weirton, Wellsburg, West Liberty, and Zalia, W. Va., to points in Maryland, New Jersey, New York, Ohio, and Pennsylvania. (2) *Iron and steel and iron and steel products* (except those requiring special equipment), (a) between Blissfield, Detroit, Marine City, Monroe, and Wyandotte, Mich., on the one hand, and, on the other, points in Pennsylvania, Ohio, that part of West Virginia on and north of U.S. Highway 50, and that part of New York on and west of a line beginning at Oswego, N.Y., and extending south along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line.

(b) Between Akron, Amherst, Ashtabula, Avon, Birmingham, Bowling Green, Brilliant, Bucyrus, Calcutta, Canton, Cleveland, Columbiana, Conneaut, Costonia, East Liverpool, East Palestine, Elyria, Empire, Fremont, Fostoria, Knoxville, Lakewood, Lodi, Lorain, Lowellville, McDonald, Mansfield, Martins Ferry, Massillon, Mingo Junction, Newton Falls, New Washington, Niles, North Jackson, Painesville, Port Clinton, Port Homer, Ravenna, Salem, Sandusky, Steubenville, Stratton, Struthers, Toledo, Toronto, Vermilion, Warren, Wellsville, Willard, Wooster, Yorkville, and Youngstown, Ohio, on the one hand, and, on the other, points in Pennsylvania, that part of West Virginia on and north of U.S. Highway 50, and that part of New York on and west of a line beginning at Oswego, N.Y. and extending south along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line; (c) between Black Rock, Brocton, Buffalo, Clarence Center, Depew, Dunkirk, Fredonia, Hamburg, Jamestown, Lackawanna, Lancaster, Lockport, Middleport, Niagara Falls, North Tonawanda, Rochester, Tonawanda, and Wilson, N.Y., on the one hand, and, on the other, points in Pennsylvania, Ohio, and that part of West Virginia on and north of U.S. Highway 50; (d) between Ellwood City, Erie, New Castle, and Pittsburgh, Pa., and points within 30 miles of Pittsburgh, on the one hand, and, on the other, points in Ohio, that part of West Virginia on and north of U.S. Highway 50, and that part of New York on and west of a line beginning at Oswego, N.Y., and extending south along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line.

(e) Between Beechbottom, Benwood, Bethany, Chester, Follansbee, Hancock, Holiday's Cove, Newell, New Cumberland, Wheeling, Weirton, Wellsburg, West Liberty, and Zalia, W. Va., on the one hand, and, on the other, points in Pennsylvania, Ohio, and that part of New York on and west of a line beginning at Oswego, N.Y., and extending south along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State Line; and (f) from points in Pennsylvania, Ohio, that part of West

Virginia on and north of U.S. Highway 50, and that part of New York on and west of a line beginning at Oswego, N.Y., and extending south along New York 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, to Flint, Jackson, Lansing, Pontiac, and Saginaw, Mich.

NOTE.—Applicant states that it presently holds authority by joinder of its regular and irregular route authorities in MC 106373 and subs thereunder to perform the service sought in Part (1) by observing a gateway at Canton, Ohio, and to perform the service sought in Part (2) by observing a gateway at Sharon, Pennsylvania. This applicant seeks to eliminate these gateways. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 106603 (Sub-No. 146), filed December 31, 1975. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, 22375 Haggerty Road, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products*, (except in bulk), (a) from Akron, Ohio, to South Bend, Ind., and Chicago, Ill., and points in its Commercial Zone, to points in that part of the Lower Peninsula of Michigan on and south of a line beginning at Bay City and extending along U.S. Highway 10 to juncton Michigan Highway 115, thence along Michigan Highway 115 to junction Michigan Highway 55, thence along Michigan Highway 55 to Manistee, including Cadillac, Mich.; (b) from Cincinnati, Ohio, to points in Indiana, Illinois, and Michigan; and (c) from St. Clair, Mich., and Akron, Ohio, to points in Missouri and Tennessee; and (2) *signals or signs*, road traffic, street name or vehicle, (except light flashing) in mixed truckloads with salt and salt products and other authorized commodities, from St. Clair, Mich., Akron, Ohio, and Chicago, Ill., to points in Iowa, Wisconsin, Illinois, Missouri, Tennessee, Kentucky, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, New York, Connecticut, New Jersey, Delaware, Maryland, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 46240 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107162 (Sub-No. 42), filed December 17, 1975. Applicant: NOBLE GRAHAM TRANSPORT, INC., R.R. #1, Brimley, Mich. 49745. Applicant's representative: John Duncan Varda, 121 South Pinckney St., P.O. Box 2509, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems, hardwood flooring, built-up lumber, and accessories and supplies* used in the installation thereof, (1) from the plant and warehouse sites of A. G. A., Inc., at or near Amasa, Mich., to points in the United States in and east of points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas and (2) *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture and distribution of commodities named above, from the destination states named in (1) above, to the plant and warehouse sites of A. G. A., Inc., at or near Amasa, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it to be held at Green Bay, Wis., or Sault Ste. Marie, Mich.

No. MC 108676 (Sub-No. 88), filed January 5, 1976. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sewage disposal units and equipment, water treatment units and equipment, tertiary filters and flow splitter boxes;* (2) *accessories and parts* for the commodities named in (1) above; and (3) *component parts* used in conjunction with ecological and environmental control systems, from the plantsite of the Sterling Salem Corporation, located at Belzoni, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, Oklahoma, North Carolina, Tennessee, Texas, South Carolina, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Louisville, Ky.

No. MC 109821 (Sub-No. 42), filed June 27, 1975. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (I) Regular routes: (1) Between Niagara Falls, N.Y. and Batavia, N.Y., serving all intermediate and off-route points in Niagara and Genesee Counties, N.Y.: From Niagara Falls over New York Highway 31 to Lockport, N.Y., thence over New York Highway 77 to junction New York Highway 5, thence over New York Highway 5 to Batavia, and return over the same route, (2) Between Warsaw, N.Y. and Niagara Falls, N.Y. serving all intermediate points and off-route points in Wyoming, Genesee, and Niagara Counties, N.Y.: From Warsaw over U.S. Highway 20–A to junction New York Highway 77, thence over New York Highway 77 to junction New York Highway 31 to Lockport, N.Y., thence over N.Y. Highway 31 to Niagara Falls, and return over the same route, (3) Between Warsaw, N.Y. and Rochester, N.Y., serving all intermediate points and off-route points in Monroe, Genesee, and Wyoming Counties, N.Y.: From Warsaw over U.S. Highway 20–A to junction New York Highway 98, thence over New York Highway 98 to junction New York Highway 33 at Batavia, thence over New York Highway 33 to Rochester, and return over the same route.

(4) Between Warsaw, N.Y. and Batavia, N.Y., serving all intermediate and off-route points in Wyoming and Genesee Counties, N.Y.: From Warsaw over U.S. Highway 20–A to junction New York Highway 246 at Perry Center, N.Y., thence over New York Highway 246 to junction New York Highway 63, and thence over New York Highway 63 to Batavia, and return over the same route, (5) Between Perry Center, N.Y. and Buffalo, N.Y., serving all intermediate and off-route points in Erie and Wyoming Counties, N.Y.: Farm Perry Center over U.S. Highway 20–A to junction New York Highway 16, thence over New York Highway 16 to Buffalo (also U.S. Highway 20–A to junction New York Highway 400, thence over New York Highway 400 to Buffalo) and return over the same route, (6) Between Batavia, N.Y. and Buffalo, N.Y. serving all intermediate and off-route points in Erie and Genesee Counties, N.Y.: From Batavia over New York Highway 63 to Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 33, thence over New York Highway 33 to Buffalo, and return over the same route, (7) From Warsaw, N.Y., to Pulaski, N.Y., serving all intermediate and off-route points in Wyoming, Cayuga, Oswego, Genesee, and Onondaga Counties, N.Y., provided, however, that no transportation service is authorized from points in Cayuga, and Oswego Counties, N.Y. except those points in Cayuga County within 20 miles of Ithaca, N.Y.: From Warsaw over New York Highway 19 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 81, thence over Interstate Highway 81 to Pulaski, with no transportation on return except as otherwise described.

(8) From Warsaw, N.Y. to Genoa, N.Y., serving all intermediate and off-route points in Wyoming, Cayuga, Genesee, and Livingston Counties, N.Y., provided, however, that no transportation service is authorized from points in Livingston and Cayuga Counties, N.Y. except those points in Cayuga County within 20 miles of Ithaca, N.Y.: From Warsaw over New York Highway 19 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 34, thence over New York Highway 34 to Genoa, with no transportation on return except as otherwise described, (9) From Warsaw, N.Y. to Ridgeway, N.Y., serving all intermediate and off-route points in Wyoming, Genesee and Orleans Counties, N.Y., provided, however, that no transportation service is authorized from points in Orleans County, N.Y.: From Warsaw over U.S. Highway 20A to junction New York Highway 98 at Varysburg, N.Y., thence over New York Highway 98 to junction U.S. Highway 104 at Childs, N.Y., thence over U.S. Highway 104 to Ridgeway, with no transportation on return except as otherwise described,

(10) From Warsaw, NY. to Binghamton, N.Y., serving all intermediate points except the intermediate points between Perry Center, N.Y. and Big Flats, N.Y. and between Chemung, N.Y. and Endicott, N.Y. and serving all off-route points in Wyoming, Chemung, Livingston, and Broome Counties, N.Y., provided, however, that no transportation service is authorized from points in Chemung, Broome and Livingston Counties, N.Y.: From Warsaw, N.Y., over U.S. Highway 20-A to junction U.S. Highway 15, thence over U.S. Highway 15 to junction New York Highway 17, thence over U.S. Highway 17 to Binghamton, with no transportation on return except as otherwise described.

(11) From Pine Woods, N.Y. to Batavia, N.Y., serving all intermediate and off-route points in Madison, Genesee, Onandaga, Cayuga, and Livingston Counties, N.Y., provided, however, that no transportation service is authorized to points in Madison County and from points in Cayuga and Livingston Counties, N.Y., except points in Cayuga County, N.Y. within 20 miles of Ithaca, N.Y.: From Pine Woods, N.Y. over U.S. Highway 20 to junction New York Highway 63, thence over New York Highway 63 to Batavia, with no transportation on return except as otherwise described. (12) From Buffalo, N.Y. to Ridgeway, N.Y., serving all intermediate and off-route points in Erie, Genesee, and Orleans Counties, N.Y., provided, however, that no transportation service is authorized from points in Orleans County, N.Y.: From Buflalo over New York Highway 5 to junction New York Highway 98 at Batavia, N.Y., thence over New York Highway 98 to junction U.S. Highway 104, thence over U.S. Highway 104 to Ridgeway, with no transportation on return except as otherwise described, (13) From Buffalo, N.Y. to Albion, N.Y., serving all intermediate and off-route points in Erie, Genesee, and Orleans Counties, N.Y., provided, however, that no transportation service is authorized from points in Orleans County, N.Y.: From Buffalo over New York Highway 5 to junction New York Highway 77, thence over New York Highway 77 to junction New York Highway 63, thence over New York Highway 63 to junction New York Highway 31, and thence over New York Highway 31 to Albion, with no transportation on return except as otherwise described.

(14) From Buffalo, N.Y. to Dansville, N.Y., serving all intermediate and off-route points in Erie, Livingston, and Genesee Counties, N.Y., provided, however, that no transportation service is authorized from points in Livingston County, N.Y.: From Buffalo over U.S. Highway 20 to junction U.S. Highway 15, thence over U.S. Highway 15 to Dansville, with no transportation on return except as otherwise described, (15) From Buffalo, N.Y. to Wellsville, N.Y., serving all intermediate and off-route points in Erie, Wyoming, and Allegany Counties, N.Y., provided, however, that no transportation service is authorized from points in Allegany County, N.Y.: From Buffalo over New York Highway 16 to junction New York Highway 39, thence over New York Highway 39 to junction New York Highway 98, thence over New York Highway 98 to junction New York Highway 243, thence over New York Highway 243 to junction New York Highway 19, thence over New York Highway 19 to Wellsville, with no transportation on return except as otherwise described, (16) From Warsaw, N.Y. to Utica, N.Y., serving all intermediate and off-route points in Wyoming, Genesee, Monroe, Cayuga, Onandaga, Madison, and Oneida Counties, N.Y., provided, however, that no transportation service is authorized from points in Cayuga County and to points in Madison County, N.Y., except those points in Cayuga County within 20 miles of Ithaca, N.Y.: From Warsaw over New York Highway 19 to junction with Interstate Highway 90, thence over Interstate Highway 90 to Utica, with no transportation on return except as otherwise described.

(17) Between Utica, N.Y. and Buffalo, N.Y., serving all intermediate and off-route points in Oneida, Madison, Onandaga, Cayuga, Monroe, Genesee, and Erie Counties, N.Y., provided, however, that no transportation service is authorized from points in Cayuga County and to points in Madison County, N.Y., except those points in Cayuga County, N.Y. within 20 miles of Ithaca, N.Y.: From Utica over Interstate Highway 90 to junction Exit 51 of Interstate Highway 90, thence over Exit 51 of Interstate Highway 90 to junction New York Highway 33, thence over New York Highway 33 to Buffalo, N.Y., and return over the same route, (18) Between Syracuse, N.Y. and Warsaw, N.Y., serving all intermediate and off-route points in Onondaga, Cayuga, Monroe, Genesee, and Wyoming Counties, N.Y., provided, however, that no transportation service is authorized from points in Cayuga County except those points in Cayuga County within 20 miles of Ithaca, N.Y.: From Syracuse over Interstate Highway 690 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 19, thence over New York Highway 19 to Warsaw, and return over the same route, (19) Between Syracuse, N.Y. and Buffalo, N.Y., serving all intermediate and off-route points in Onondaga, Cayuga, Monroe, Genesee, and Erie Counties, N.Y., provided, however, that no transportation service is authorized from points in Cayuga County except those points within 20 miles of Ithaca, N.Y.: From Syracuse, N.Y. over Interstate Highway 690 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Exit 51 of Interstate Highway 90, thence over Exit 51 of Interstate Highway 90 to junction New York Highway 33, thence over New York Highway 33 to Buffalo, and return over the same route.

(20) Between Westfield, Pa. and New York, N.Y., serving the intermediate points between Westfield and Towanda, Pa., and, for the purpose of tacking only, the intermediate points of Scranton and Delaware Water Gap, Pa., and serving intermediate and off-route points within 20 miles of Wellsboro, intermediate and off-route points in New Jersey within 20 miles of New York, N.Y. and off-route points in Potter County, Pa.: From Westfield over Pennsylvania Highway 49 to junction Pennsylvania Highway 249, thence over Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence over Pennsylvania Highway 287 to juction U.S. Highway 6 at Wellsboro, thence over U.S. Highway 6 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 380, thence over Interstate Highway 380 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 via the George Washington Bridge to New York and return over the same route, (21) Between Philadelphia, Pa. and Delaware Water Gap, Pa., serving no intermediate points: From Philadelphia over U.S. Highway 1 to junction New Jersey Highway 31, thence over New Jersey Highway 31 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction Interstate Highway 80, thence over Interstate Highway 80 (also U.S. Highway 611) to Delaware Water Gap, and return over the same routes, (22) Between Philadelphia, Pa. and Towanda, Pa., serving no intermediate points: From Philadelphia over Pennsylvania Highway 309 to junction Interstate Highway 276, thence over Interstate Highway 276 to junction northeast extension of Pennsylvania Turnpike, thence over northeast extension of Pennsylvania Turnpike to junction U.S. Highway 6 (also over Pennsylvania Highway 309 to junction U.S. Highway 6).

Thence over U.S. Highway 6 to Towanda and return over the same routes, (23) Between Claymont, Del. and Towanda, Pa., serving no intermediate points: From Claymont over U.S. Highway 23 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction Pennsylvania Highway 100, thence over Pennsylvania Highway 100 to junction Pennsylvania Highway 309, thence over Pennsylvania Highway 209 to junction U.S. Highway 6, thence over U.S. Highway 6 to Towanda, Pa. and return over the same route, (24) Between Hornell, N.Y. and Mansfield, Pa., serving all intermediate points, and those off-route points within 20 miles of Wellsboro, Pa.: From Hornel over New York Highway 36 to junction Pennsylvania Highway 249 at the New York-Pennsylvania State boundary, thence over Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence over Pennsylvania Highway 287 to junction U.S. Highway 6, thence over U.S. Highway 6 to Mansfield, and return over the same route, (25) Between Wellsboro, Pa. and Geneva, N.Y., serving all intermediate points and those off-route points within 40 miles of Ithaca, N.Y., provided, however, that no transportation service is authorized from off-route points beyond 20 miles of Ithaca, N.Y.: From Wellsboro over Pennsylvania Highway 287 to junction U.S.

Highway 15 at Tioga, thence over U.S. Highway 15 to junction Pennsylvania Highway 328, thence over Pennsylvania Highway 328 to junction New York Highway 328 to the Pennsylvania-New York boundary line, thence over New York Highway 328 to junction New York Highway 14 at Elmira, N.Y., thence over New York Highway 14 to Geneva (also New York Highway 328 to junction New York Highway 14 at Horseheads, thence over New York Highway 14 to Geneva), and return over the same routes.

(26) Between Waterloo, N.Y. and Owego, N.Y., serving all intermediate points, and those off-route points within 40 miles of Ithaca, N.Y., provided, however, that no transportation service is authorized from off-route points beyond 20 miles of Ithaca, N.Y.: From Waterloo over New York Highway 96 to junction New York Highway 96b at Ithaca, thence over New York Highway 96b to Owego, and return over the same route, (27) Between Mansfield, Pa. and Cortland, N.Y., serving all intermediate points, and those off-route points within 40 miles of Ithaca, N.Y., provided, however, that no transportation service is authorized from off-route points beyond 20 miles of Ithaca, N.Y.: From Mansfield over U.S. Highway 6 to junction Pennsylvania Highway 549, thence over Pennsylvania Highway 549 to junction Pennsylvania Highway 328, thence over Pennsylvania Highway 328 to junction New York Highway 328 at the New York-Pennsylvania boundary line, thence over New York Highway 328 to junction New York Highway 13 at Elmira, thence over New York Highway 13 to Cortland, and return over the same route, (28) Between Niagara Falls, N.Y. and Binghamton, N.Y., serving all intermediate and off-route points in Niagara, Erie, Genesee, Wyoming, Livingston, Chemung, and Broome Counties, N.Y., provided, however, that no transportation service is authorized from points in Livingston, Chemung, Broome Counties, N.Y.: From Niagara Falls, N.Y. over New York Highway 384 (also Interstate Highway 190 or U.S. Highway 262) to junction New York Highway 130 at Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20 at Depew, N.Y., thence over U.S. Highway 20 to junction New York Highway 238 at Darien, N.Y., thence over New York Highway 238 to junction New York Highway 98 at Attica, N.Y., thence over New York Highway 98 to junction U.S. Highway 20 at Alexander, N.Y., thence over U.S. Highway 20 to junction U.S. Highway 15 at East Avon, N.Y., thence over U.S. Highway 15 to New York 17 at Painted Post, thence over New York Highway 17 to Binghamton, and return over the same route.

(29) Between Buffalo, N.Y. and Binghamton, N.Y., serving all intermediate and off-route points in Erie, Genesee, Monroe, Cayuga, Onondaga, Broome Counties, N.Y., provided, however, that no transportation service is authorized from points in Cayuga and Broome Counties, N.Y. except those points in Cayuga County, N.Y. within 20 miles of Ithaca, N.Y.: From Buffalo over New York Highway 130 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction exit ramp 36 of Interstate Highway 90, thence over exit ramp 36 of Interstate Highway 90 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 11 at Syracuse, thence over U.S. Highway 11 (also over Interstate Highway 81) to Binghamton, N.Y. and return over the same route, (30) Between Bath, N.Y. and Dresden, N.Y., serving all intermediate points, and those off-route points within 40 miles of Ithaca, N.Y., provided, however, that no transportation service is authorized from off-route points beyond 20 miles of Ithaca, N.Y.: From Bath over New York Highway 54 to Dresden, and return over the same route, (31) Between Binghamton, N.Y. and Utica, N.Y., serving all intermediate and off-route points in Broome, Onondaga, Madison, and Oneida Counties, N.Y., provided, however, that no transportation service is authorized from points in Broome County, N.Y. or to points in Madison County, N.Y.: From Binghamton over U.S. Highway 11 (also Interstate Highway 81) to junction Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 365, thence over New York Highway 365 to junction New York Highway 49, thence over New York Highway 49 (also over junction Interstate Highway 90) to Utica and return over the same route.

(32) Between Waverly, N.Y. and Auburn, N.Y., serving all intermediate points, and those off-route points within 40 miles of Ithaca, N.Y., provided, however, that no transportation service is authorized from off-route points beyond 20 miles of Ithaca, N.Y.: From Waverly over New York Highway 17 to junction New York Highway 13 at Elmira, thence over New York Highway 13 to junction New York Highway 34 at Ithaca, thence over New York Highway 34 to Auburn, and return over the same route, (33) Between Auburn, N.Y. and Syracuse, N.Y., serving all intermediate and off-route points in Onondaga, Cayuga Counties, N.Y., provided, however, that no transportation service is authorized from points in Cayuga County, N.Y., except from points in Cayuga County, N.Y. within 20 miles of Ithaca, N.Y.: From Auburn over New York Highway 5 to Syracuse and return over the same route, (34) Between Brockport, Pa. and Williamsport, Pa., serving all intermediate points and those off-route points in Elk, Cameron, and Potter Counties, N.Y. except points in Elk, and Cameron County, Pa., on the one hand, and, on the other, Williamsport, Pa. and points within a 5 mile radius of Williamsport: From Brockport over U.S. Highway 219 to junction Pennsylvania Highway 120 at Ridgeway, thence over Pennsylvania Highway 120 to junction U.S. Highway 220 at Lock Haven, thence over U.S. Highway 220 to Williamsport, and return over the same route, (35) Between Brockport, Pa. and Bradford, Pa., serving all intermediate points, and those off-route points within 30 miles of Bradford, Pa.: From Brockport over U.S. Highway 219 to Bradford, and return over the same route.

(36) Between Brockport, Pa. and Wellsboro, Pa., serving all intermediate points and those off-route points in Elk, Cameron, Potter, and Tioga Counties, Pa. and points within 20 miles of Wellsboro: From Brockport over U.S. Highway 219 to junction Pennsylvania Highway 120 at Ridgeway, thence over Pennsylvania Highway 120 to junction Pennsylvania Highway 155, thence over Pennsylvania Highway 155 to junction U.S. Highway 6, thence over U.S. Highway 6 to Wellsboro, and return over the same route, (37) Between Bradford, Pa. and Wellsboro, Pa., serving all intermediate and off-route points within 30 miles of Bradford, Pa., those points in Allegany and Chemung Counties, N.Y. and Tioga County, Pa. and the points of Greenwood, Jasper, Woodhull, Addison, Erwins, and Presho, N.Y.: From Bradford over U.S. Highway 219 to junction New York Highway 17 (also over Pennsylvania Highway 346 to junction Pennsylvania Highway 646, thence over Pennsylvania Highway 646 to junction New York Highway 16, thence over New York Highway 16), thence over New York Highway 17 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Pennsylvania Highway 287, thence over Pennsylvania Highway 287 (also over U.S. Highway 15 to junction U.S. Highway 6, thence over U.S. Highway 6) to Wellsboro, and return over the same routes, (38) Between Bradford, Pa. and Williamsport, Pa., serving all intermediate points and off-route points within 30 miles of Bradford and those points in Elk, Potter, Cameron, and Tioga Counties, Pa., except points in Elk and Cameron Counties, Pa., on the one hand, and, on the other, Williamsport, Pa., and points within a 5 mile radius of Williamsport: From Bradford over U.S. Highway 219 to junction Pennsylvania Highway 46, thence over Pennsylvania Highway 46 to junction Pennsylvania Highway 59, thence over Pennsylvania Highway 59 to junction U.S. Highway 120 (also over Pennsylvania Highway 46 to junction U.S. Highway 120), thence over U.S. Highway 120 to junction U.S. Highway 220 at Lock Haven, thence over U.S. Highway 220 to Williamsport, and return over the same routes.

(39) Between Bradford, Pa. and Williamsport, Pa., serving intermediate and off-route points within 30 miles of Bradford, those points in Allegany and Chemung Counties, N.Y. and Tioga County, Pa., and the points of Greenwood, Jasper, Woodhull, Addison, Erwins, and Presho, N.Y., and all intermediate and off-route points within 20 miles of Wellsboro, Pa.: From Bradford over U.S. Highway 219 to junction New York Highway 17, thence over New York Highway 17 to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, and return over the same route, (40) Between Claymont, Del. and Williamsport, Pa., serving intermediate

and off-route points within 5 miles of Williamsport, Pa.: From Claymont over U.S. Highway 13 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction Pennsylvania Highway 100, thence over Pennsylvania Highway 100 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction Pennsylvania Highway 61, thence over Pennsylvania Highway 61 to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, and return over the same route, (41) Between Philadelphia, Pa. and Williamsport, Pa., serving intermediate and off-route points within 5 miles of Williamsport, Pa.: From Philadelphia over U.S. Highway 422 to junction Pennsylvania Highway 61, thence over Pennsylvania Highway 61 to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, and return over the same route, (42) Between Wellsboro, Pa. and Williamsport, Pa., serving intermediate points and off-route points within 20 miles of Wellsboro, Pa. and 5 miles of Williamsport, Pa.: From Wellsboro over U.S. Highway 6 to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport.

(43) Between Jamestown, N.Y. and junction of U.S. Highway 219 serving all intermediate and those off-route points within 30 miles of Bradford, Pa.: From Jamestown over New York Highway 17 to junction U.S. Highway 219, (44) Between Jamestown, Pa. and Wellsboro, Pa., serving all intermediate points and those off-route points within 30 miles of Bradford, Pa. and within 20 miles of Wellsboro, Pa.: From Jamestown over New York Highway 60 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 6 at Warren, Pa., thence over U.S. Highway 6 to Wellsboro, Pa. and return over the same route, (45) Between Warren, Pa. and Portville, N.Y., serving all intermediate points, and those off-route points within 30 miles of Bradford, Pa.: From Warren over Pennsylvania Highway 59 to junction U.S. Highway 6 at Smethport, thence over U.S. Highway 6 to junction Pennsylvania Highway 446, thence over Pennsylvania Highway 446 to junction New York Highway 305 at the New York-Pennsylvania State boundary, thence over New York Highway 305 to junction New York Highway 17 to Portville, and return over the same route, (46) Between Coudersport, Pa. and Lawrenceville, Pa., serving all intermediate points and off-route points in Potter County, Pa., points within 20 miles of Wellsboro, Pa., and Osceola, N.Y.: From Coudersport over Pennsylvania Highway 44 to junction Pennsylvania Highway 49, thence over Pennsylvania Highway 49 to Lawrenceville, and return over the same route.

(47) Between Ceres, N.Y. and Coudersport, Pa., serving all intermediate points and off-route points in Potter County, Pa. and those points within 30 miles of Bradford, Pa.: From Ceres at the New York-Pennsylvania State boundary line over Pennsylvania Highway 44 to Coudersport, Pa. and return over the same route, (48) Between Buffalo, N.Y. and Brockport, Pa., serving intermediate and off-route points in Erie and Allegany Counties, N.Y. and those in Elk, Potter, and Cameron Counties, Pa.: From Buffalo over New York Highway 400 to junction New York Highway 16 (also over New York Highway 16), thence over New York Highway 16 to junction New York Highway 17, thence over New York Highway 17 to junction Pennsylvania Highway 446, at the New York-Pennsylvania State boundary line, thence over Pennsylvania Highway 446 to junction Pennsylvania Highway 346, thence over Pennsylvania Highway 346 to junction U.S. Highway 219, thence over U.S. Highway 219 to Brockport (also over U.S. Highway 219 from Buffalo to Brockport) and return over the same routes, (49) Between Rochester, N.Y. and Niagara Falls, N.Y., serving intermediate and off-route points in Monroe, Orleans, and Niagara Counties, N.Y., provided, however, that no transportation service is authorized from points in Orleans County, N.Y.: From Rochester over New York Highway 104 to Niagara Falls, and return over the same route, (50) Between Rochester, N.Y. and Buffalo, N.Y., serving intermediate and off-route points in Monroe, Genesee, and Erie Counties, N.Y.: From Rochester over Interstate Highway 490 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 33, thence over New York Highway 33 to Buffalo, and return over the same route.

(51) Between Rochester, N.Y. and Syracuse, N.Y., serving intermediate and off-route points in Monroe, Cayuga, and Onondaga Counties, N.Y., provided, however, that no transportation service is authorized from points in Cayuga County, N.Y. except those points within 20 miles of Ithaca, N.Y.: From Rochester, N.Y. over Interstate Highway 490 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction exits 35 through 38 of Interstate Highway 90, thence over appropriate exits to Syracuse, N.Y., and return over the same routes, (52) From Rochester, N.Y. to Medina, N.Y. serving intermediate and off-route points in Orleans and Monroe Counties, N.Y., provided, however, that no transportation service is authorized from points in Orleans County, N.Y.: From Rochester over New York State Highway 104 to junction New York Highway 63 at Ridgeway, thence over New York State Highway 63 to Medina, with no transportation on return except as otherwise described, (53) From Rochester, N.Y. to Binghamton, N.Y., serving all intermediate and off-route points in Broome, Chemung, Livingston, and Monroe Counties, N.Y., provided, however, that no transportation service is authorized from points in Broome, Chemung, and Livingston Counties, N.Y.: From Rochester over U.S. Highway 15 to junction New York Highway 17, thence over New York Highway 17 (also New York Highway 17C) to Binghamton, with no transportation on return except as otherwise described, (54) Between Rochester, N.Y. and Utica, N.Y., serving intermediate and off-route points in Cayuga, Madison, Monroe, Oneida, Onondaga Counties, N.Y., provided, however, no transportation service is authorized to points in Madison County, N.Y. and from points in Cayuga County, N.Y. except those points in Cayuga County within 20 miles of Ithaca, N.Y.: From Rochester over Interstate Highway 490 to junction Interstate Highway 90, thence over Interstate Highway 90 to Utica, and return over the same route.

(55) From Rochester, N.Y. to Oswego, N.Y., serving intermediate and off-route points in Monroe, Cayuga, and Oswego Counties, N.Y., provided, however, no transportation service is authorized from points in Cayuga and Oswego Counties, N.Y., except those points within 20 miles of Ithaca, N.Y.: From Rochester over U.S. Highway 104 to Oswego, with no transportation on return except as otherwise described, (56) From Rochester, N.Y. to Wellsville, N.Y., serving intermediate points and off-route points in Monroe, Livingston, and Allegany Counties, N.Y., provided, however, that no transportation service is authorized from points in Livingston and Allegany Counties, N.Y.: From Rochester over U.S. Highway 15 (also U.S. Highway 15A) to junction New York Highway 21, thence over New York Highway 21 to junction New York Highway 17 at Andover, thence over New York Highway 17 to Wellsville, with no transportation on return except as otherwise described, (57) From Batavia, N.Y. to Dansville, N.Y., serving intermediate and off-route points in Genesee, Wyoming, and Livingston Counties, N.Y., provided, however, no transportation service is authorized from points in Livingston County, N.Y.: From Batavia over New York Highway 63 to Dansville, with no transportation on return except as otherwise described, (58) From Batavia, N.Y. to Wellsville, N.Y., serving intermediate and off-route points in Genesee, Wyoming, and Allegany Counties, N.Y., provided, however, that no transportation service is authorized from points in Allegany County, N.Y.: From Batavia over New York Highway 63 to junction New York Highway 19, thence over New York Highway 19 to Wellsville, with no transportation on return except as otherwise described.

(59) From Utica, N.Y. to Dansville, N.Y., serving intermediate and off-route points in Oneida, Madison, Onondaga, Cayuga, and Livingston Counties, N.Y., provided, however, that no transportation service is authorized to points in Madison County or from points in Cayuga and Livingston Counties, N.Y. except those points in Cayuga County, N.Y. within 20 miles of Ithaca, N.Y.: From Utica over Interstate Highway 90 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Interstate Highway 390, thence over Interstate Highway 390 to junction New York Highway 436, thence over New York Highway 436 to Dansville, with no transportation on return except as otherwise described, (60) From Utica, N.Y. to

Wellsville, N.Y., serving intermediate and off-route points in Oneida, Madison, Onondaga, Cayuga, Chemung, and Allegany Counties, N.Y., provided, however, that no transportation service is authorized to points in Madison County, N.Y. or from points in Cayuga, Chemung, and points in Cayuga and Chemung Coun-Allegany Counties, N.Y. except those ties, N.Y. within 20 miles of Ithaca, N.Y.: From Utica over Interstate Highway 90 to junction New York Highway 14, thence over New York Highway 14 to junction New York Highway 414, thence over New York Highway 414 to junction New York Highway 17, thence over New York Highway 17 to Wellsville, with no transportation on return except as otherwise described, (61) From Syracuse, N.Y. to Dansville, N.Y. serving intermediate and off-route points in Onondaga, Cayuga, and Livingston Counties, N.Y., provided, however, that no transportation service is authorized from points in Cayuga and Livingston Counties, N.Y. except points in Cayuga County, N.Y. within 20 miles of Ithaca, N.Y.: From Syracuse over Interstate Highway 81 to junction Interstate Highway 90 (also New York Highway 36 and Interstate Highway 690), thence over Interstate Highway 90 to junction New York Highway 21, thence over New York Highway 21 to Dansville, with no transportation on return except as otherwise described.

(62) From Syracuse, N.Y. to Wellsville, N.Y., serving intermediate and off-route points in Onondaga, Chemung, and Allegany Counties, N.Y., provided, however, that no transportation service is authorized from points in Chemung and Allegany Counties, N.Y. except points in Chemung County, N.Y. within 20 miles of Ithaca, N.Y.: From Syracuse over Interstate Highway 81 (also U.S. Highway 11) to junction New York Highway 13, thence over New York Highway 13 to junction New York Highway 17, thence over New York Highway 17 to Wellsville, with no transportation on return except as otherwise described, (63) From Warsaw, N.Y. to Dansville, N.Y., serving intermediate and off-route points in Wyoming and Livingston Counties, N.Y., provided, however, no transportation service is authorized from points in Livingston County, N.Y.: From Warsaw over U.S. Highway 20A to junction New York Highway 36, thence over New York Highway 36 to junction New York Highway 436, thence over New York Highway 436 to Dansville, with no transportation on return except as otherwise described, (64) From Warsaw, N.Y. to Wellsville, N.Y., serving intermediate and off-route points in Wyoming and Allegany Counties, N.Y., provided, however, that no transportation service is authorized from points in Allegany County, N.Y.: From Warsaw over New York Highway 19 (also New York Highway 19A) to Wellesville, with no transportation on return except as otherwise described, (65) From Hamilton, N.Y. to Dansville, N.Y., serving intermediate and off-route points in Madison, Onondaga, Cayuga, and Livingston Counties, N.Y., provided, however, that no transportation service is authorized to points in Madison County, N.Y. or from points in Cayuga and Livingston Counties, N.Y. except those points in Cayuga County, N.Y. within 20 miles of Ithaca, N.Y.: From Hamilton over New York Highway 46 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 21, thence over New York Highway 21 to Dansville, with no transportation on return except as otherwise described.

(66) From Hamilton, N.Y. to Wellsville, N.Y. serving intermediate and off-route points in Madison, Broome, Chemung, and Allegany Counties, N.Y., provided, however, that no transportation service is authorized to points in Madison County, N.Y. or from points in Broome, Chemung, and Allegany Counties, N.Y. except those points in Broome and Chemung Counties, N.Y. within 20 miles of Ithaca, N.Y.: From Hamilton over New York Highway 46 to junction New York Highway 12, thence over New York Highway 12 to junction New York Highway 17, thence over New York Highway 17 to Wellsville, with no transportation on return except as otherwise described, (67) Between Hamilton, N.Y. and Warsaw, N.Y., serving intermediate and off-route points in Madison, Onondaga, Cayuga, Livingston, and Wyoming Counties, N.Y., provided, however, that no transportation service is authorized to points in Madison County, N.Y. or from points in Cayuga and Livingston County, N.Y. except those points in Cayuga County, N.Y. within 20 miles of Ithaca, N.Y.: From Hamilton over New York Highway 46 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 20A, thence over U.S. Highway 20A to Warsaw, and return over the same route, (68) Between Hamilton, N.Y. and Niagara Falls, N.Y., serving intermediate and off-route points in Madison, Onondaga, Cayuga, Monroe, Genesee, Erie, and Niagara Counties, N.Y., provided, however, that no transportation service is authorized to points in Madison County, N.Y. or from points in Cayuga County, N.Y. except those points in Cayuga County, N.Y. within 20 miles of Ithaca, N.Y.: From Hamilton over New York Highway 46 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 318, thence over New York Highway 318 to junction New York Highway 414, thence over New York Highway 414 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 290, thence over Interstate Highway 290 to junction Interstate Highway 190, thence over Interstate Highway 190 (also New York Highways 265 and 384) to Niagara Falls, and return over the same routes.

(69) From Hamilton, N.Y. and Rome, N.Y., serving intermediate and off-route points in Madison and Oneida Counties, N.Y., provided, however, that no transportation service is authorized to points in Madison County, N.Y.: From Hamilton over New York Highway 46 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction New York Highway 365, thence over New York Highway 365 to junction New York Highway 26, thence over New York Highway 26 to Rome, with no transportation on return except as otherwise described, (70) From Hamilton, N.Y. to Medina, N.Y., serving intermediate and off-route points in Madison, Onondaga, Cayuga, Monroe and Orleans Counties, N.Y., provided, however, that no transportation service is authorized to points in Madison County, N.Y. or from points in Cayuga and Orleans Counties, N.Y. except those points in Cayuga County, N.Y. within 20 miles of Ithaca, N.Y.: From Hamilton over New York Highway 46 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 318, thence over New York Highway 318 to junction New York Highway 414, thence over New York Highway 414 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 490, thence over Interstate Highway 490 to junction New York Highway 47, thence over New York Highway 47 to junction New York Highway 31, thence over New York Highway 31 (also New York Highway 31A) to Medina, with no transportation on return except as otherwise described.

(71) From Hamilton, N.Y. to Oswego, N.Y., serving intermediate and off-route points in Madison, Onondaga, and Oswego Counties, N.Y., provided, however, that no transportation service is authorized to points in Madison County, N.Y. or from points in Oswego County, N.Y.: From Hamilton over New York Highway 46 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Interstate Highway 81 (also U.S. Highway 11), thence over Interstate Highway 81 (also U.S. Highway 11) to junction New York Highway 481, thence over New York Highway 481 to junction New York Highway 57, thence over New York Highway 57 to Oswego, with no transportation on return except as otherwise described, (72) Between Rochester, N.Y. and Akron, N.Y., as an alternate route for operating convenience only, in connection with carrier's regular route operations, serving no intermediate points: From Rochester, N.Y. over Interstate Highway 490 to junction New York Highway 19, thence over New York Highway 19 to LeRoy, N.Y., and thence over New York Highway 5 to junction with New York Highway 93, and thence over New York Highway 93 to Akron, N.Y., and return over the same route, (73) Between Rochester, N.Y. and Elmira, N.Y. as an alternate route for operating convenience only in connection with carrier's regular route operations, serving no intermediate points: From Rochester, N.Y. over Interstate Highway 15 to junction New York Highway 17, thence over New York Highway 17 to Elmira, and return over the same route.

(74) Between Delaware Water Gap, Pa. and New York, N.Y., serving no intermediate points, and as alternate routes for operating convenience only: (a) From Delaware Water Gap, Pa. over Interstate Highway 80 to junction New Jersey Highway 23, thence over New Jersey Highway 23 to junction U.S. Highway

46, thence over U.S. Highway 46 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction Interstate Highway 495, thence over Interstate Highway 495 via the Lincoln Tunnel to New York, and return over the same route; (b) From Delaware Water Gap over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to junction New Jersey Highway 508, thence over New Jersey Highway 508 to junction New Jersey Highway 7, thence over New Jersey Highway 7 to junction U.S. Highways 1 and 9, thence over U.S. Highways 1 and 9 to junction entrance ramp to Holland Tunnel and thence over said ramp to Holland Tunnel, thence through Holland Tunnel to New York, and return over the same route; (c) From Delaware Water Gap over Interstate Highway 80 to junction U.S. Highway 46 at Columbia, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 31, thence over New Jersey Highway 31 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 278, thence over Interstate Highway 278 to New York via the Goethals Bridge and return over the same route.

(d) From Delaware Water Gap over Interstate Highway 80 to junction U.S. Highway 46 at Columbia, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 31, thence over New Jersey Highway 31 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 95, thence junction Interstate Highway 95, thence over Interstate Highway 95 to junction New Jersey Highway 440, thence over New Jersey Highway 440 via the Outerbridge Crossing to New York, and return over the same route, (75) Between Binghamton, N.Y. and Scranton, Pa., serving no intermediate points, and as an alternate for operating convenience only: From Binghamton over Interstate Highway 81 to Scranton, Pa. and return over the same route, (76) Between Binghamton, N.Y. and New York, N.Y., serving no intermediate points, and as alternate routes for operating convenience only: (a) From Binghamton over New York Highway 17 to junction New Jersey Highway 17 at New York-New Jersey state boundary, thence over New Jersey Highway 17 to junction New Jersey Highway 4, thence over New Jersey Highway 4 to junction Interstate Highway 95, thence over Interstate Highway 95 via the George Washington Bridge to New York, N.Y., and return over the same route; (b) From Binghamton over New York Highway 17 to junction New Jersey Highway 17 at the New York-New Jersey state boundary, thence over New Jersey Highway 17 to junction New Jersey Highway 7, thence over New Jersey Highway 7 to junction U.S. Highways 1 and 9, thence over U.S. Highways 1 and 9 to junction entrance ramp to Holland Tunnel, thence over said entrance ramp to Holland Tunnel, thence through Holland Tunnel to New York, and return over the same route; (c) From Binghamton over New York Highway 17 to junction Interstate Highway 87 (New York Thruway), thence over Interstate Highway 87 to New York, N.Y., and return over the same route.

(d) From Binghamton over New York Highway 17 to junction New Jersey Highway 17 at the New York-New Jersey state boundary, thence over New Jersey Highway 17 to New Jersey Highway 3, thence over New Jersey Highway 3 to junction Interstate Highway 495, thence over Interstate Highway 495 via the Lincoln Tunnel to New York, N.Y., and return over the same route, (77) Between New York, N.Y. and Buffalo, N.Y., serving no intermediate points, and as an alternate route for operating convenience only: From New York over Interstate Highway 87 to junction Interstate Highway 90, thence over Interstate Highway 90 to Buffalo, and return over the same route, (75) Between Jamestown, N.Y. and Mansfield, Pa., serving no intermediate points, and as an alternate route for operating convenience only: From Jamestown over New York Highway 60 to junction U.S. Highway 62, thence over U.S. Highway 62 to Junction U.S. Highway 6, thence over U.S. Highway 6 to Mansfield, and return over the same route, (79) Between Jamestown, N.Y. and Wellsboro, Pa., serving no intermediate points, and as an alternate route for operating convenience only: From Jamestown over New York Highway 17 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Pennsylvania Highway 287, thence over Pennsylvania Highway 287 to Wellsboro (also U.S. Highway 15 to junction U.S. Highway 6, thence over U.S. Highway 6), and return over the same routes.

(80) Between Delaware Water Gap, Pa. and Somerville, N.J., serving no intermediate points, and as an alternate route for operating convenience only: From Delaware Water Gap over Interstate Highway 80 to junction U.S. Highway 46 at Columbia, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 31, thence over New Jersey Highway 31 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 (also from junction U.S. Highway 22 and U.S. Highway 206 or local streets, over U.S. Highway 206 or local streets) to Somerville, and return over the same routes. Restriction: The alternate routes between Carroll, Pa. and Du Bois, Pa. over Interstate 80 and the regular route between Lockhaven, Pa. and Ridgeway, Pa. over Pennsylvania Highway 120 will be restricted against the transportation of traffic moving to, from, or through Pittsburgh, Pa. and points in the Pittsburgh Commercial Zone, and (II) Irregular Routes: (1) Between points in Wyoming County, N.Y. and (2) Between points in Erie County, N.Y.

NOTE.—Applicant states that the purpose of the instant application is to convert the irregular route authority it holds to regular route authority. Applicant does not seek duplicating authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 111434 (Sub-No. 90), filed December 19, 1975. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Wyodak, Wyo., to the site of the South Dakota Cement Plant, located at or near Rapid City, S. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., or Rapid City, S. Dak.

No. MC 111849 (Sub-No. 4), filed December 29, 1975. Applicant: WILSON MOVING & STORAGE, INC., 129 Strongs Avenue, Rutland, Vt. 05701. Applicant's representative: John P. Monte, 61 Summer St., Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Rutland, Vt., on the one hand, and, on the other, points in New Hampshire, New York and Vermont within 60 miles of Rutland, Vt., restricted to the transportation of traffic having a prior or subsequent out-of-state movement by rail; and (2) *New household furniture and furnishings*, between points in Rutland County, Vt., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rutland, Vt., Montpelier, Vt., and Boston, Mass.

No. MC 111856 (Sub-No. 6), filed December 24, 1975. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Road, Prichard, Ala. 36610. Applicant's representative: Drew L. Carraway, 618 Perpetual Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Chemicals*, including agricultural chemicals and agricultural chemical materials, in bulk and/or in containers (with or without wheels), between the plantsite of the Stauffer Chemical Company, located at or near Axis (Lemoyne), Ala., and Mobile, Ala.: From the plantsite of the Stauffer Chemical Company, located on U.S. Highway 43 at or near Axis (Lemoyne), Ala., over U.S. Highway 43 to Mobile, Ala., and return over the same route,

serving no intermediate points, restricted against the transportation of shipments of the described commodities in conventional type tank vehicles, and further restricted to the transportation of shipments of the described commodities having a prior or subsequent movement by water.

NOTE.—Applicant has filed a motion to dismiss this application, applicant presently holds requested authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Mobile, Ala.

No. MC 112223 (Sub-No. 100), filed December 29, 1975. Applicant: QUICKIE TRANSPORT COMPANY, a Corporation, 1700 New Brighton Blvd., Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry slag*, from Waupaca, Wis. and 10 miles thereof, to points in Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, or Minneapolis, Minn.

No. MC 112617 (Sub-No. 338), filed Jan. 2, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, 1292 Fern Valley Road, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St., NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, from points in Vanderburg County, Ind., to points in Michigan, New York, Ohio, and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 113678 (Sub-No. 621), filed December 17, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, fresh or frozen, and meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of or utilized by Stewart Foods, at or near Norfolk, Va., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, Oklahoma, Rhode Island, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 113843 (Sub-No. 229), filed December 24, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Orrville and Medina, Ohio and New Bethlehem, Pa., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio, or Washington, D.C.

No. MC 114273 (Sub-No. 244), filed December 24, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Bldg., 7220 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Jeno's Inc., located at Sodus, Mich., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 131), filed January 2, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides, animal foods and animal food ingredients), from the plantsites and storage facilities of MBPXL Corporation, at or near Plainview and Friona, Tex., to Chicago, Ill., and its Commercial Zone.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or Washington, D.C.

No. MC 115331 (Sub-No. 402), filed December 23, 1975. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite and facilities of Alpha Cement Co., division of Alpha Portland Industries, Inc., at or near St. Louis, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 160014 (Sub-No. 75), filed January 2, 1976. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and such articles as are used in farming and forestry industries*, from Tarboro, N.C., to points in Arkansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, Georgia, South Carolina, Virginia, Delaware, Maryland, the District of Columbia, West Virginia, Pennsylvania and Ohio; and (2) *materials and supplies* used in the manufacture of agricultural machinery and such articles as are used in farming or forestry industry (except commodities in bulk, in tank vehicles), from points in Arkansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, Georgia, South Carolina, Virginia, Delaware, Maryland, the District of Columbia, West Virginia, Pennsylvania and Ohio to Tarboro, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C., or Louisville, Ky.

No. MC 116175 (Sub-No. 6), filed December 19, 1975. Applicant: WILLIAM E. (BILLY) ONEY, doing business as, WILLIAM E. ONEY, Route 7, Box 37, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed*, in bags and containers, (1) from Winchester, Ky., to points in Lee, Scott, Washington, and Wise Counties, Va., and the City of Bristol, Va.; and (2) from Cincinnati, Ohio, to points in Lee and Washington Counties, Va., and the City of Bristol, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bristol, Va.

No. MC 116710 (Sub-No. 20), filed November 24, 1975. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, 2001 E. Texas St., Boosier City, La. 71010. Applicant's representative: John M. Goff (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Molten polypropylene*, in bulk, in tank vehicles, from the plantsites of Texas Eastman Co. located at or near Longview, Tex., to points in the United States (except Alaska and Hawaii), under a continuing contract with Texas Eastman Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La.; Dallas or Forth Worth, Tex.

No. MC 117119 (Sub-No. 560), filed December 19, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by wholesale, retail and discount stores (except in bulk), from Charlotte, N.C., to the facilities of Wal-Mart Stores, located at Bentonville, Ark., restricted to traffic destined to the named facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Little Rock, Ark.

No. MC 117574 (Sub-No. 270), filed January 2, 1976. Applicant: DAILY EXPRESS, INC., 1076 Harrisburg Pike, P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling machinery and equipment, parts, attachments and accessories* used in connection with drilling machinery and equipment, between the plants, warehouses, or storage facilities of the Ingersoll-Rand Company located at Clarksburg, W. Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the above named plants, warehouses or storage facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 117644 (Sub-No. 44), filed January 2, 1976. Applicant: D & T TRUCKING CO., INC., P.O. Box 2611, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime juice, bloody mary mixes, grenadine syrup, jellies, marmalade and candies*, from Warwick, R.I., and Hazelton, Pa., to points in Ohio, Michigan, Indiana, Kentucky, Illinois, Kansas, Missouri, Iowa, Nebraska, North Dakota, South Dakota, Minnesota and Wisconsin, under a continuing contract or contracts with Cadbury Schweppes U.L.A., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 118535 (Sub-No. 72), filed December 31, 1975. Applicant: TIONA TRUCK LINES, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry feed ingredients* in bulk; and (2) *dry feed ingredients, in bags*, when moving in mixed loads with dry feed ingredients, in bulk, from North Little Rock, Ark. to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118535 (Sub-No. 73), filed December 31, 1975. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from the plant site and/or storage facilities of Strongheart Products Company located at or near Kansas City, Kans., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118537 (Sub-No. 3), filed January 2, 1976. Applicant: MARX TRUCK LINES, INC., 220 Lewis Blvd., Sioux City, Iowa 51101. Applicant's representative: George L. Hirschbach, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer* (a) from St. Louis, Mo., to Sioux City, Iowa; and (b) from Omaha, Nebr., to Sioux City, Sheldon and Cherokee, Iowa; and (2) *empty beer containers*, from Sioux City, Sheldon, and Cherokee, Iowa, to Omaha, Nebr., and St. Louis, Mo.

NOTE.—Applicant holds contract carrier authority in MC 61401 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or St. Louis, Mo.

No. MC 119777 (Sub-No. 324), filed December 31, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 43431. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation in Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 119789 (Sub-No. 274), filed December 10, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and supplies*, from Searcy, Ark., to points in Alabama, Arizona, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Utah, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark., or Dallas, Tex.

No. MC 119908 (Sub-No. 30), filed December 24, 1975. Applicant: WESTERN LINES., INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Miami, Okla., to points in Louisiana, Texas, New Mexico, Kansas, Missouri, Arkansas, Tennessee, Mississippi, Alabama, Georgia and Florida.

NOTE.—Applicant holds contract carrier authority in No. MC 110814 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 119974 (Sub-No. 53), filed December 19, 1975. Applicant: L.C.L. TRANSIT COMPANY, a Corporation, 949 Advance Street, Green Bay, Wis. 54304. Applicant's representative: L. F. Abel, P.O. Box 949, Green Bay, Wis. 54304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and storage facilities of Jeno's, Inc., located at or near Sodus, Mich., to points in Illinois, Iowa, Kentucky, Missouri, Nebraska, and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 123255 (Sub-No. 58), (Correction), filed November 28, 1975, published in the FEDERAL REGISTER issue of January 8, 1976, republished as corrected this issue. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and plumbing fixtures, parts, attachments and accessories, materials, equipment and supplies*, used in the manufacture and shipping of the above articles, between Evansville and Rockport, Ind. and Henderson, Ky., on the one hand, and, on the other, points in Wisconsin, Illinois, Ohio, Michigan, Pennsylvania, New York, Maryland, Delaware, New Jersey, Rhode Island, Connecticut, New Hampshire, Massachusetts, Maine, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—The purpose of this republication is to indicate the origin as being Rockport, Ind. in lieu of Rockfort, Ind. which was previously published in error. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123407 (Sub-No. 282), filed December 15, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, and accessories and materials* used in the installation and distribution thereof, from the plant and warehouse sites on Abitibi Corporation located in Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124083 (Sub-No. 51), filed November 5, 1975. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 S. Keystone Avenue, Indianapolis, Inc. 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, (1) between points in Kentucky and Illinois; (2) between points in Ohio and Michigan; and (3) between points in Kentucky and Ohio.

NOTE.—The purpose of this application is to eliminate the gateway of Indiana. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Washington, D.C.

No. MC 125420 (Sub-No. 23), filed December 29, 1975. Applicant: MERCURY TANKLINES LIMITED, a Corporation, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, including alcoholic spirits and wines*, in bulk, in tank vehicles, from Louisville and Lotus, Ky., to ports of entry on the International Boundary line between the United States and Canada located at or near Marine City and Port Huron, Mich., and Buffalo and Ogdensburg, N.Y., restricted to traffic moving in foreign commerce destined to points in Amherstburg and Waterloo, Ontario, and LaSalle, Quebec, Canada, under a continuing contract, or contracts with Joseph E. Seagram & Sons, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at any point in Montana.

No. MC 127676 (Sub-No. 2), filed November 17, 1975, Applicant: LEWIS F. REILLY, doing business as DEER PARK AUTO FREIGHT, P.O. Box 65, Deer Park, Wash. 99006. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Chewelah, Wash., and a point lying northwesterly of Chewelah, Wash., on U.S. Highway 395 where said Highway intersects with the Columbia River, serving all intermediate points, and serving all points located within five miles of said route as off-route points: From Chewelah, Wash., northwesterly over U.S. Highway 395, to a point on U.S. Highway 395 where said Highway intersects with the Columbia River, and return over the same route; and (2) Serving off-route points, in connection with carrier's authorized regular route operation, in Stevens County, Wash., lying southerly of the following line: Commencing at the junction of U.S. Highway 395 and the Spokane County-Stevens County boundary line; thence northwesterly on U.S. Highway 395 to its junction with Washington Highway 292; thence westerly along Washington Highway 292 to its junction with Washington Highway 231; thence southerly along Washington Highway 231 to a point on said Highway directly east of the extension of the northern boundary of the Spokane Indian Reservation; thence westerly along said line extended and the northern boundary line of the Spokane Indian Reservation to its junction with the Columbia River.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Colville, Wash., or Spokane, Wash.

No. MC 128273 (Sub-No. 217), filed December 31, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Cameron, Hidalgo, and Webb Counties, Tex., to points in the United States (except Alaska, Hawaii, and Texas, and except from Harlingen and Mission, Tex., to points in Kansas, Oklahoma, Louisiana, Arkansas, Missouri, Kentucky, Tennessee, Mississippi, Alabama, and points in those parts of Illinois and Indiana on and south of U.S. Highway 24).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston or Dallas, Tex.

No. MC 133095 (Sub-No. 89), filed December 31, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics and chemicals* (except commodities in bulk), from Bristol and Philadelphia, Pa.; Louisville, Ky., and Knoxville, Tenn., to points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Mississippi (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133689 (Sub-No. 70), filed December 18, 1975. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Confectionery and dessert preparations* (except commodities in bulk); and (2) *Sales premiums*, when moving with commodities named in (1) above, from Chicago, Ill., to points in Wisconsin, and those points in Iowa located on or north of U.S. Highway 30 and on or east of U.S. Highway 63, restricted to traffic originating at the plantsite and storage facilities of Leaf Confectionery, Division of W. R. Grace & Company, located at or near Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 134349 (Sub-No. 16), filed December 29, 1975. Applicant: B.L.T. CORPORATION, 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, materials, supplies, and equipment* used in connection therewith, (1) Between New York, N.Y., Commercial Zone, on the one hand, and, on the other, points in New Jersey, Scranton, Dunmore, and Philadelphia, Pa., Westminster, Md., Berryville, Va., Conklin and Binghamton, N.Y., Burlington, Lawrence, and Waltham, Mass., and (2) Between points in New Jersey, Dunmore, Philadelphia, and Scranton, Pa., Westminster, Md., Berryville, Va., Conklin, and Binghamton, N.Y., Burlington, Lawrence, and Waltham, Mass., on the one hand, and, on the other, Reno, Nev., Cedar Falls, Iowa, Memence, Ill., Allentown, Pa., Central Islip, N.Y., Nashville and Knoxville, Tenn., Commerce, Ga., Little Rock, Ark., Clarksville, Tex., and Kankakee, Ill., (1) and (2) above, under a continuing contract or contracts with the Baker and Taylor Companies, Division of W. R. Grace, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 134548 (Sub-No. 7), filed January 5, 1976. Applicant: ZENITH TRANSPORT, LTD., 2131 Willingdon Avenue, Burnaby, British Columbia, Canada V5C 5J4. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tungsten concentrate*, in boxes from ports of entry on the International Boundary line between the United States and Canada, at or near Blaine, Lynden, or Sumas, Wash., to Bishop, Calif., and Fallon, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 134755 (Sub-No. 63), filed December 15, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat*,

meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Booker, Tex., to points in Alabama, Georgia, Florida, Mississippi, Louisiana, Arkansas, Tennessee, Kentucky, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Ohio, Illinois, Indiana, Iowa, Minnesota, Missouri, Maine, Wisconsin, Michigan, Oklahoma, and the District of Columbia; and (2) *Meat, meat products, and meat by-products*, from Wichita, Kans., to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, and the District of Columbia, restricted to traffic destined to points in the destination states.

NOTE.—The purpose of Part 2 is to eliminate the gateway of Springfield, Mo. Applicant states he presently holds regular route authority between Wichita, Kans., and Springfield, Mo., and irregular route authority from Springfield, Mo., to points in the destination states named in Part 2 above. Applicant holds contract carrier authority in MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 134806 (Sub-No. 35), filed December 31, 1975. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tanned leather*, from points in San Francisco, Alameda, Napa, Solano, San Mateo, and Santa Cruz Counties, Calif., to points in Connecticut, New Jersey, Maryland, and Vermont, under a continuing contract or contracts with West Coast Tanners Production Club.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 135871 (Sub-No. 22), filed January 2, 1976. Applicant: H.G.M. TRANSPORT COMPANY, 123 Duffield Ave., Jersey City, N.J. 07306. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores and *supplies and equipment* used in the conduct of such business, between points in the New York, N.Y., Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Vermont, and Virginia, under a continuing contract or contracts with Ames Department Stores, Inc., Hartford, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 136277 (Sub-No. 3), filed December 19, 1975. Applicant: PRIORITY FREIGHT SYSTEMS, INC., 3128 Massillon Road, P.O. Box 7098, Akron, Ohio 44306. Applicant's representative: John P. McMahon, Suite 1800—100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, tobacco, liquor, and those of unusual value), (1) between Augusta, Georgia, on the one hand, and, on the other, points in Ohio lying on and south and west of U.S. Highway 35; (2) between points in South Carolina, on the one hand, and, on the other, points in that part of Ohio on, south, and west of a line beginning at the Ohio-West Virginia state boundary line, thence along U.S. Highway 35 to junction Ohio Highway 41, thence along Highway 41 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Indiana-Ohio state boundary line; (3) between points in that part of North Carolina on and north of the line beginning at the South Carolina-North Carolina state boundary line, thence along Interstate Highway 85 to North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 64, thence along U.S. Highway 64 to Raleigh, North Carolina, thence along U.S. Highway 70 to the Atlantic Ocean, on the one hand, and, on the other, points in Ohio.

(4) Between points in that part of North Carolina on and north of the line beginning at the Virginia-North Carolina state boundary line, thence along U.S. Highway 52 to Winston-Salem, thence along U.S. Highway 311 to Junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania state boundary line and U.S. Highway 119 and extending along U.S. Highway 119 to Greensburg, Pa., thence along Pennsylvania Highway 66 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 80 (Pennsylvania Turnpike), thence along Interstate Highway 80 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 79, and thence along Interstate Highway 79 to Erie, Pennsylvania; and (5) between points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina state boundary line, thence along U.S. Highway 52 to Winston-Salem, thence along U.S. Highway 311 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of West Virginia on, north, and west of a line beginning at the Ohio-West Virginia state boundary line and U.S. Highway 35 and extending along U.S. Highway 35 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 33, thence along U.S. Highway 33 to Buckhannon, and thence along U.S. Highway 119 to the West Virginia-Pennsylvania State Boundary line.

NOTE.—Applicant presently holds operating authority to perform above service via gateway of Parkersburg, W. Va. and its Commercial Zone. The purpose of this application is to eliminate the gateway at Parkersburg, W. Va. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136469 (Sub-No. 1), filed November 28, 1975. Applicant: BROUGHTON'S TRUCKING CO., INC., Box 5, Bridport, Vt. 05734. Applicant's representative: Francis G. Broughton (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agicultural implements*, hand and other than hand, and parts thereof, *cleaning, scouring, and washing compounds, insecticides, fungicides, and pesticides, veterinary drugs, medicines, and supplies*, and *commodities as are dealt in by distributors, and retailers of agricultural supplies*, between points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, Minnesota, New York, New Jersey, Ohio, Pennsylvania, Vermont, and Wisconsin, under a continuing contract or contracts with IBA Inc., of Millbury, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass., Albany, N.Y., or Harrisburg, Pa.

No. MC 136605 (Sub-No. 11), filed December 19, 1975. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, refractories, brick and tile, and related masonry supplies* when moving in mixed loads with brick and tile, from points in Colorado, to points in Montana, (2) *stone, brick, tile* (except clay sewer tile and fittings therefor), *lime, and manufactured concrete building products*, from points in Utah, to points in Montana, and (3) *stone and sand*, from points in Idaho, to points in Montana.

NOTE.—Applicant holds contract carrier authority in No. MC 127349 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Great Falls or Billings, Mont.

No. MC 138157 (Sub-No. 23), filed January 2, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 4284 Mission Boulevard, Pomona, Calif. 91769. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, (1) from the plantsite and facilities of Owens Illinois, Inc. located at or near Streator, Ill.; and (2) from the plantsite and facilities of Kerr Glass Manufacturing Corp. located at or near Dunkirk, Ind. to the facilities of Cutter Laboratories located at or near Chattanooga, Tenn.

NOTE.—Applicant holds contract carrier authority in No. MC 134150 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Chicago, Ill.

No. MC 138313 (Sub-No. 18), filed December 4, 1975. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil seed meal*, from ports of entry on the International Boundary line between the United States and Canada located at Piegan, Sweetgrass, Simpson, Port of Morgon, Opheim, Scobey, and Raymond, Mont., and Fortuna, Portal, Ambrose, Noonan, and Sherwood, N. Dak., to points in Montana, restricted to commodities originating in foreign commerce.

NOTE.—Applicant holds contract carrier authority in MC 126780 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Great Falls, Mont., or Portland, Oreg.

No. MC 139193 (Sub-No. 30), filed December 16, 1975. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meat, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as defined in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 207 and 766 (except hides and liquid commodities in bulk), from the plantsite and facilities of John Morrell & Co., at Sioux Falls, S. Dak., to points in Arizona, California, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming and (b) *meat, meat products, meat by-products and articles distributed by meat packinghouses*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 207 and 766 (except hides and liquid commodities in bulk), from the plantsites and facilities of John Morrell & Co., at Estherville, Sioux City, and Humboldt, Iowa; and St. Paul, Minn., to points in Arizona, California, Colorado, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming; and (2) *such commodities* as are used by meat packers in the conduct of their business, from the destination points in (1) (a) above, to the plantsite and facilities of John Morrell & Co., at Sioux Falls, S. Dak., and from the destination points in (1) (b) above, to the plantsites and facilities of John Morrell & Co., at Estherville, Sioux City, and Humboldt, Iowa; and St. Paul, Minn., restricted to traffic transported under contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 139432 (Sub-No. 5), filed December 22, 1975. Applicant: SUNRISE TRANSPORTATION, INC., 9850 East Highway 120, Manteca, Calif. 95336. Applicant's representative: Thomas M. Loughran, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses and liquid feed supplement*, in bulk, in tank vehicles, from the plantsites of Cargill, Inc., located at San Diego and Wilmington, Calif., to points in Yuma, Pima, Maricopa, and Pinal Counties, Ariz., under a continuing contract or contracts with Cargill, Inc.

NOTE.—Applicant holds common carrier authority in MC 119912 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 140774 (Sub-No. 2), filed January 2, 1976. Applicant: HERMAN J. ROBINSON AND JAMES H. ROBINSON, doing business as HERMAN'S & SON ARCO, Route 50, Salisbury, Md. 21801. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, abandoned, repossessed, and replacement vehicles and parts therefor, and mobile cranes* in truckaway service, between Wicomico, Worchester, Somerset, Caroline, Talbot, Dorchester, Queen Annes, and Kent Counties, Md., and those in Kent and Sussex Counties, Del., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Delaware, Maryland, Pennsylvania, the District of Columbia, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, Alabama, Florida, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salisbury or Baltimore, Md.

No. MC 141033 (Sub-No. 8), filed December 17, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Telephone equipment, and equipment, materials, and supplies* used in the construction, installation and maintenance of telephone systems, from the facilities of Stromberg-Carlson located in Charlottesville, Va., to points in the United States (except Alaska and Hawaii) and (2) *returned shipments* of the commodities named in (1) above and *equipment, materials and supplies* used in the manufacture of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the facilities of Stromberg-Carlson located in Charlottesville, Va., restricted against the transportation of shipments which, because of size or weight, require special handling or special equipment and further restricted against the transportation of commodities in bulk.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in No. MC 124796 Sub-No. 11 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Rochester, N.Y.

No. MC 141166 (Sub-No. 1), filed December 15, 1975. Applicant. A. O. G. SERVICES, INC., 177–25 Rockaway Blvd., Rm. 6, Jamaica, N.Y. 11434. Applicant's representative: Matthew DeVine, 313 East Garden City Street, Islip Terrace, N.Y. 11752. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft parts and documents, and aircraft commissary equipment and supplies* for aircraft use, between points in New York, New Jersey, Pennsylvania, Maryland, Connecticut, Delaware, Massachusetts, Maine, Virginia, Rhode Island, and the District of Columbia, restricted to the transportation of traffic originating at or destined to International Airports located in the named States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 141257 (Sub-No. 1), filed January 5, 1976. Applicant: VALLEY VIEW TRUCKING CO., Route 2, Box 417, Snohomish, Wash. 98290. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed or ingredients and seed*, between Mount Angel and McMinnville, Oreg., on the one hand, and, on the other, points in Washington and Idaho, under a continuing contract or contracts with McDaniel Grain and Feed Co. and Wilco Farmers.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 141290, filed September 2, 1975. Applicant: AJF CONSOLIDATORS COMPANY, 8022 Office Court, Orlando, Fla. 32805. Applicant's representative: Richard J. Brooks, P.O. Box 523, Altamonte Springs, Fla. 32701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by premium stamps redemption centers, *equipment, materials and supplies*, used in the conduct of such business, *redeemed stamps, and unsaleable or damaged merchandise* of such business (except commodities in bulk), articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities which because of size or weight require the use of special equipment, between the railhead at Orlando, Fla., on the one hand, and, on the other, Gift Centers of Top Value Enterprises, Inc. located at Lakeland, Tampa, Clearwater, Sebring, Hollywood, Fort Lauderdale, Miami, West Palm Beach, Gainesville, Daytona Beach, Ocala, Maitland, Orlando, Indian River, Rockledge, Sarasota, Holiday, St. Petersburg, Melbourne, and Fort Myers, Fla., under a continuing contract or contracts with Top Value Enterprises, Inc., of Dayton, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando, Miami, or Jacksonville, Fla.

No. MC 141588 (Sub-No. 2), filed January 2, 1976. Applicant: TOM WESTFALL, Rural Route 2, Winfield, Kans. 67156. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery*, (a) from East Moline, Rock Island, and Canton, Ill.; Memphis, Tenn., and Fargo, N. Dak. and ports of entry along the International Boundary line between the United States and Canada located in Minnesota, Michigan, Pennsylvania, and New York, to Marion, Whitewater, Wichita and Winfield, Kans. and Ponca City, Okla. (b) from the Ford Motor Company plantsite and/or storage facilities located at or near Kansas City, Mo., to Marion, Kans.; (c) from the Noble Manufacturing plantsite and/or storage facilities located at or near Sac City, Iowa, to Marion, Kans. and Ponca City, Okla.; (d) from New Holland and Lancaster, Pa., and Grand Island, Nebr., to Marion, Kans., and Ponca City, Okla. and (e) from Blair, Nebr. to Whitewater, Kans. (2) *lawn and garden equipment*, from Louisville, Ky. to Marion, Whitewater, Wichita, and Winfield, Kans. and Ponca City, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 141607 (Sub-No. 1), filed December 22, 1975. Applicant: GEORGE ST. LAURENT, 475 Grand Avenue, Pawtucket, R.I. 02861. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02341. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel and aluminum products*, between Cumberland, R.I., Norwood, Worcester and Woburn, Mass., Hartford and New Haven, Haven, Conn., Albany, N.Y., Harrisburg, Pa., and South Portland, Me., restricted to traffic moving between and/or fabricators of American Steel and Aluminum Corporation, under a continuing contract or contracts with American Steel and Aluminum Corporation in Norwood, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Providence, R.I. or Boston, Mass.

No. MC 141620, filed December 22, 1975. Applicant: VAN BUS DELIVERY COMPANY, doing business as UNITED VAN BUS DELIVERY, 2601 32d Avenue South, Minneapolis, Minn. 55406. Applicant's representative: Warren A. Goff, 5100 Poplar, Suite 2008, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and articles which require special equipment), between points in Minnesota, points in Pierce, Polk, Dunn, Eau Claire, Chippewa, Douglas, La Crosse, and St. Croix Counties, Wisconsin, points in Worth County, Iowa, points in Cass and Grand Forks Counties, N. Dak., and points in Minnehaha and Brookings Counties, S. Dak., restricted against the transportation of packages and articles which weigh in the aggregate more than 250 pounds from any one consignor, to any one consignee, at one location, on any given day, and against the transportation of any single package or article which weighs in excess of 100 pounds.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 141637 (Amendment), filed December 15, 1975, published in the FEDERAL REGISTER issue of January 29, 1976, republished as corrected this issue. Applicant: NO-EL FAST FREIGHT, INC., 76 Nathalie Avenue, N. Amityville, N.Y. 11701. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobile and motorcycle parts, supplies and accessories*, from points in Suffolk County, N.Y., and Middlesex County, N.J. to points in New York, New Jersey, Pennsylvania, Maryland, Connecticut, Massachusetts, Rhode Island, Ohio, and the District of Columbia; and (2) *materials, supplies and automotive and motorcycle parts*, defective and rebuilt motors, from the above destinations, to points in Suffolk County, N.Y., and Middlesex County, N.J., under a continuing contract or contracts with Beck/Arnley Corp., MPA, Inc. and Vera Imported Parts Corporation.

NOTE.—The purpose of this republication is to include an additional origin point in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141651, filed December 29, 1975. Applicant: GROVE TRANSPORT, INC., 156 Carlough Road, Upper Saddle River, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metals and chemicals* (except commodities in bulk, in tank and dump vehicles), from points in the New York, N.Y. Commercial Zone, as defined by the New York, Connecticut, Pennsylvania, Massachusetts, Maryland, and Delaware; and (2) *materials and supplies*, used in the manufacture and sale of metals and chemicals (except commodities in bulk, in tank and dump vehicles), from the above destination States, to the above origins, under a continuing contract or contracts with Guggenheim International Corp., and Intsel Corporation, at Jersey City, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 141652 (Sub-No. 3), filed January 5, 1976. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ceramic wall and floor tile, and such materials and supplies* as are used in the preparation and installation thereof, from the plantsite and storage facilities of U.S. Ceramic Tile, Division of Spartek, Inc. located at or near Houston, Miss. to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Texas; and (2) *materials and supplies* used in the manufacture, production and distribution of the commodities named in (1) above from Walker County, Tex. to Houston, Miss.

NOTE.—Applicant holds contract carrier authority in No. MC 138807 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 141659, filed December 29, 1975. Applicant: PIPE TRANSPORT CO., INC., 81 County Line Road, Somerville, N.J. 08876. Applicant's representative: Stanley J. Perzanowski, 5 Colt Street, Paterson, N.J. 07505. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe and related items*, from Somerville, N.J., to points in Pennsylvania, Maryland, New York, the District of Columbia, and New Jersey, under contract with Mancrete Sales Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Paterson or Newark, N.J. or New York, N.Y.

No. MC 141661, filed December 29, 1975, published in the FEDERAL REGISTER issue of January 29, 1976 as MC 141620, and republished as corrected this issue. Applicant: MERRILL A. TANNAHILL d.b.a. TANNAHILL TRANSPORT REG'D, Allan's Corner, Quebec, Canada.

Applicant's representative: Neil D. Breslin, 1111 Twin Towers, 99 Washington Avenue, Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and skins*, from ports of entry along the International Boundary line between the United States and Canada located in New York, Vermont, New Hampshire, and Maine, to points in Maine, New York, New Jersey, Vermont, New Hampshire, Pennsylvania, Connecticut, and Massachusetts.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

PASSENGERS APPLICATIONS

No. MC 141112 (Sub-No. 4), filed January 23, 1976. Applicant: BURWELL RAY GALLOP, doing business as, GALLOP BUS LINES, 3900 East Indian River Road, Chesapeake, Va. 23325. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip special operations, beginning and ending at Portsmouth, Norfolk, Chesapeake, Virginia Beach, Hampton, Newport News, and Suffolk, Va., and extending to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and West Virginia. Hearing: On a consolidated record with No. MC 141112 on March 8, 1976 at Norfolk, Va., at 9:30 a.m. local time.

No. MC 141634 filed December 17, 1975. Applicant: TROLLEY TOURS, INC., 145 Segsbury Road, Williamsville, N.Y. 14221. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, in round-trip sightseeing and pleasure tours, in cable car-designed motor driven trackless trolleys, other than buses, between points in New York, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 141657 filed December 5, 1975. Applicant: J. BRADLEY SCHONECK, doing business as, AMBOY BUS SERVICE, P.O. Box 124, Amboy, Minn. 56010. Applicant's representative: Charles E. Nieman, 1100 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations in round trip, sightseeing and pleasure tours, beginning and ending at points in Watonwan, Blue Earth, Martin, and Faribault Counties, Minn., and extending to points in the United States, including Alaska but excluding Minnesota and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Mankato, Minneapolis, or St. Paul, Minn.

BROKER APPLICATION

No. MC 130353 filed December 15, 1975. Applicant: THE KELLEY TRANSIT COMPANY, INC., 30 Railroad Square, Torrington, Conn. 06790. Applicants' representative: Thomas A. Kelley, (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Torrington, Conn., to sell or offer to sell the transportation of *Passengers and their baggage as individuals and in groups, and express and newspapers*, by motor, air, rail, and water carriers or a combination thereof; between points Litchfield County, Conn. and points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn. or Springfield, Mass.

WATER CARRIER APPLICATION

No. W-409 (Sub-No. 4) (Partial Correction), filed December 4, 1975, published in the FEDERAL REGISTER issue of January 22, 1976 as No. W-407 (Sub-No. 4), republished as corrected this issue. Applicant: SHAVER TRANSPORTATION CO., 4900 N.W. Front Avenue, Portland, Oreg. 97210. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205.

NOTE.—The purpose of this partial re-

NOTE.—The purpose of this partial republication is to correct the docket number W-409 (Sub-No. 4), in lieu of W-407 (Sub-No. 4) which was erroneously published in the FEDERAL REGISTER issue January 22, 1976. The rest of the application remains the same.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.76-3351 Filed 2-4-76;8:45 am]

OPERATING RIGHTS APPLICATIONS

General Policy Statement

FEBRUARY 4, 1976.

The Interstate Commerce Commission's policy with respect to the filing of separate operating rights applications for separate and unrelated distinct issues is a matter of long-standing practice. The recent increase in deviations by applicants for operating rights from this policy obliges the Commission to institute safeguards to ensure stricter compliance with this policy.

In applications for permanent operating rights authority, the scope of authority sought should be limited to a single issue and related issues with common support or moving in a related fashion with the primary issue. Multiple unrelated requests for operating rights authority tendered in a single application will not be accepted for filing. The burden of showing the relationship or cohesion between or among several requests for authority in a single application filing which would warrant consideration of such filing as a single issue is upon the applicant at the time of filing.

The Commission anticipates that adherence to this policy will: (a) reduce the time and expense involved in application prosecution by presentation of a more concise issue for adjudication; (b) restrict opposing parties in application proceedings to bear the expense associated with only the single issue initiating their participation; (c) facilitate the Commission's procedural duties with respect to consolidation of related and mutually exclusive requests for authority; (d) generally enhance the more timely determination of operating rights matters before the Commision by making the nature and extent of interest with respect to each issue more conspicuous; and (e) establish an empirical standard to determine fluctuation in application filings upon which the agency's responsiveness, budgeting, staffing, and Legislative reporting may be advanced.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.76-3235 Filed 1-4-76;8:45 am]

[Notice No. 969]

ASSIGNMENT OF HEARINGS

FEBRUARY 2, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-135414 (Sub-No. 2), Langer Truck Line, Inc., now being assigned April 13, 1976 (3 days), at Jefferson City, Mo., in a hearing room to be later designated.

MC 105813 (Sub-No. 206), Belford Trucking Co., Inc., now being assigned March 15, 1976 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC-95350 (Sub-No. 6), R. W. Jones Trucking Company, now being assigned April 20, 1976 (3 days), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 103497 Sub-122, Parkhill Truck Company, now being assigned March 30, 1976 (2 days), at Birmingham, Ala., in a hearing room to be later designated.

MS-F 12453, Jones Truck Lines, Inc.—Purchase—Portion—Deaton, Inc., now being assigned April 5, 1976 (1 week), at Birmingham, Ala., in a hearing room to be later designated.

MC 11270 Sub-355, Deaton, Inc., now being assigned April 5, 1976, (1 week) at, Birmingham, Ala., in a hearing room to be later designated.

MC-F 12405, Tompkins Motor Lines, Inc.—Purchase—Trek Express, LTD, now being assigned April 5, 1976, (1 week) at, Birmingham, Ala., in a hearing room to be later designated.

I & S 9091, Prepayment of Freight Charges to Points in Mass. and R.I., now assigned February 23, 1976, at Providence, R.I., will be held in Room 215-L, Federal Building, U.S. Post Office.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-3486 Filed 2-4-76;8:45 am]

[Docket No. 36141]

CORPORATE DISCLOSURE REGULATIONS

Request for Comments

FEBRUARY 2, 1976.

The Interstate Commerce Commission held an informal conference on January 13-15, 1976, to provide interested parties the opportunity to present their views and comments concerning the Commission's proposed rulemaking to expand regulated carriers' disclosure in annual reports of the following: (1) corporate structure, (2) stock ownership, (3) interlocking corporate relationships, and (4) debt holdings.

Transcripts of the three-day conference are available, at a cost of $.30 per page, from:

CSA Reporting Corporation Official Reporters, 300 Seventh Street, S.W., Washington, D.C. 20024. Telephone: (202) 393-2320.

This Notice solicits comments from interested parties on any testimony given during the conference, as well as any additional comments on the rulemaking. Comments must be submitted by March 15, 1976, to John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, 12th and Constiution Avenue, Washington, D.C. 20423.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-3487 Filed 2-4-76;8:45 am]

[Rev. I.C.C. O. No. 74, Amdt. 3; Rev. S.O. No. 994]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of Revised I.C.C. Order No. 74 (Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees) and good cause appearing therefor:

It is ordered, That:

Revised I.C.C. Order No. 74 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.76-3484 Filed 2-4-76;8:45 am]

Advance Orders are now being Accepted
for delivery in about 4 weeks

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1975)

Title 49—Transportation (Parts 100–199) ---------- $6.80
(S/N 022–003–93146–5)

Title 49—Transportation (Parts 200–999) ---------- 5.90
(S/N 022–003–93147–3)

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402