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TUESDAY, MARCH 23, 1976

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NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

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

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Commissioner of Education is established under Schedule C.

Effective on March 23, 1976, § 213.3316 (c) (3) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(c) *Office of Education.* * * *

(3) One Confidential Assistant to the Commissoner of Education.

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

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

[FR Doc.76-8143 Filed 3-22-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Special Assistant for International and Special Projects is excepted under Schedule C.

Effective on March 23, 1976, § 213.3384 (d) (3) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(d) *Office of the Assistant Secretary for Community Planning and Management.* * * *

(3) Five Special Assistants to the Assistant Secretary.

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

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

[FR Doc.76-8144 Filed 3-22-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that the two following positions are reestablished under Schedule C: one Special Assistant to the Deputy Administrator for Policy and one Special Assistant to the Deputy Administrator for Administration.

Effective on March 23, 1976 § 213.3310 (s) (8) and (s) (10) are amended as set out below:

§ 213.3310 Department of Justice.

* * * * *

(s) *Law Enforcement Assistance Administration.*

(8) One Special Assistant to the Deputy Administrator for Administration.

* * * * *

(10) One Special Assistant to the Deputy Administrator for Policy.

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

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

[FR Doc.76-8146 Filed 3-22-76;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. International Trade Commission

Section 213.3339 is amended to show that one additional position of Staff Assistant (Legal) to a Commissioner is excepted under Schedule C.

Effective on March 23, 1976, § 213.3339 (i) is amended as set out below:

§ 213.3339 U.S. International Trade Commission.

* * * * *

(i) One Staff Assistant (Legal) to each of two Commissioners.

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

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

[FR Doc.76-8145 Filed 3-22-76;8:45 am]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show that the staff of the Office of New York Finance, not to exceed 25 positions, is excepted under Schedule A. Employment under this authority may not exceed June 30, 1979.

Effective on March 23, 1976, § 213.3105 (h) is added as set out below:

§ 213.3105 Department of the Treasury.

* * * * *

(h) *Office of New York Finance.* (1) Not to exceed 25 positions. Employment under this authority may not exceed June 30, 1979.

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

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

[FR Doc.76-8289 Filed 3-22-76;8:45 am]

Title 7—Agriculture

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

[Lemon Regulation 30, Amendment 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 14–20, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 30 (41 FR 10597). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such in-

creased demand, the regulation should be amended, as hereinafter set forth.

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

(b) *Order, as amended.* Paragraph (b) (1) of § 910.330 (Lemon Regulation 30 (41 FR 10597) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period March 14, 1976 through March 20, 1976, is hereby fixed at 255,000 cartons."

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

Dated: March 18, 1976.

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

[FR Doc.76-8157 Filed 3-22-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Areas Quarantined or Released

These amendments quarantine a portion of Bernalilo County and an additional portion of Luna County in New Mexico, and a portion of Garden County in Nebraska because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

The amendments release a portion of Cimarron County, Oklahoma; a portion of Kearney County, Nebraska; and a portion of Hart County, Georgia, from the areas quarantined because of cattle scabies. Therefore, the restictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No areas in Oklahoma nor Georgia remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (a) relating to the State of Oklahoma and paragraph (c) relating to the State of Georgia are deleted; paragraph (b) relating to the State of Nebraska and paragraph (e) relating to the State of New Mexico are amended to read:

§ 73.1a Notice of quarantine.

(a) [Removed]

(b) Notice is hereby given that cattle in certain portions of the State of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of *Lincoln County* comprised of all of sections 17 and 18 and those portions of sections 7 and 8 south of the North Platt River, R. 31 W., T. 14 N. in Hinman Precinct.

(2) That portion of *Garden County* comprised of section 13, T. 17 N., R. 45 W., School District 43.

(c) [Removed]

* * * * *

(e) Notice is hereby given that cattle in certain portions of the State of New Mexico are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of *Luna County* bounded by a line beginning at a point east of and adjacent to the junction of State Road 377 and State Road 549; thence, following the section line in a northerly direction to U.S. Interstate Highway 10; thence, following U.S. Interstate Highway 10 in an easterly direction to a section line, approximately ten miles; thence, following the section line in a southerly direction to section line road, approximately 6½ miles; thence, following the section line road in a westerly direction to Spanish Stirrup Road; thence, following Spanish Stirrup Road in a northerly and westerly direction to State Road 549; thence following State Road 549 in a northwesterly direction to its junction with the section line east of and adjacent to State Road 377.

(2) That portion of *Luna County* bounded by a line beginning at the junction of Interstate Highway 10 and the Luna-Grant County line; thence, following the Luna-Grant County line in a northerly direction to the El Paso Natural Gas Company Road, approximately 4½ miles; thence, following the El Paso Natural Gas Company Road in a southeasterly direction to Gage Road, approximately 9 miles; thence, following Gage Road in a southerly direction to Interstate Highway 10, approximately 2½ miles; thence, following Interstate Highway 10 in a westerly direction to it's junction with the Luna-Grant County line, approximately 10 miles.

(3) That portion of *Bernalilo County* bounded by a line beginning at the junction of the south property line fence of the Schwartzman Company premises and 3301 South Second Avenue; thence, following South Second Avenue in a northerly direction to Woodward Avenue, approximately ½ mile; thence, following Woodward Avenue in a westerly direction to the Rio Grande River, approximately ½ mile; thence, following the east bank of the Rio Grande River in a southerly direction to the Schwartzman Company south property line, approximately ½ mile; thence, following the Schwartzman Company south property line fence in an easterly direction to its junction with South Second Street.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendments shall become effective March 18, 1976.

The amendments impose certain further restrictions necessary to prevent the interstate spread of cattle scabies and they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions, they are no longer deemed necessary to prevent the spread of cattle scabies and they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of March, 1976.

J. M. HEJL,
Deputy Administrator, Veterinary Services.

[FR Doc.76-8158 Filed 3-22-76;8:45 am]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines Barnstable, Essex, Middlesex, Suffolk, and Worcester Counties in Massachusetts because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of

hog cholera and other communicable swine diseases, is hereby amended in the following respects:

§ 76.2 [Amended]

In § 76.2, paragraph (e)(3) relating to the State of Massachusetts is amended to read:

* * * * *

(e) * * *

(3) *Massachusetts.*

All of Barnstable, Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective March 18, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in the rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of March 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-8226 Filed 3-22-76;8:45 am]

Title 12—Banks and Banking

PART 225—BANK HOLDING COMPANIES

Escrow Arrangements Involving Bank Stock Resulting in a Violation of the Bank Holding Company Act; Correction

In F.R. document 76-6547 appearing at page 9859 of the issue for Monday, March 8, 1976, the CFR designation should read "PART 225—BANK HOLDING COMPANIES". The subject heading in the text should read "§ 225.134 Escrow arrangements involving bank stock resulting in a violation of the bank holding company act." Paragraphs 1, 2, and 3 should be preceded by the letters a, b, and c.

Board of Governors of the Federal Reserve System, March 15, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8187 Filed 3-22-76;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 76-199]

PART 545—OPERATIONS

Mobile Home Financing

MARCH 17, 1976.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full description in the following preamble and to the specific provisions of the regulations.

I. *Old Regulation.* Amount attributable under § 545.7–1(e)(3)(iii)(*c*) to freight and installation costs in a loan by a Federal association on a new mobile home limited to the lesser (1) of 10% of manufacturer's invoice price, excluding freight, or (2) $500.

II. *Proposed Amendment.* Would have deleted the $500 limitation and specifically referred to set-up and freight costs.

III. *Final Amendment.* $500 limitation deleted, no specific reference to set-up and freight costs.

IV. *Clarifying Amendment.* Dealer's-market valuation of used mobile homes for loans by Federal associations under § 545.7–1(e)(3)(iv) clarified by providing that such valuation may be made through dealers' guides or appraisals.

The Federal Home Loan Bank Board, by Resolution No. 75–941, dated October 15, 1975, proposed to amend § 545.7–1 of the Rules and Regulations of the Federal Savings and Loan System (12 CFR 545.7–1) for the purpose of modifying the limitation on the amount that a Federal association may lend to home buyers on the security of mobile homes. Notice of such proposed rulemaking was published in the FEDERAL REGISTER on October 30, 1975 (40 FR 50546), with an invitation to interested persons to submit written comments by December 1, 1975. On the basis of its consideration of all relevant material presented by interested persons and otherwise available to it, the Board deems it advisable to adopt the proposed amendment with the modifications described below, and takes this opportunity to adopt an additional amendment of a clarifying nature to § 545.7–1(e)(3)(iv), pertaining to financing of used mobile homes.

Present § 545.7–1(e)(3)(iii)(*c*) limits the amount attributable to installation and freight charges that a Federal association may include in a loan on a new mobile home to the lesser of (1) 10% of manufacturer's invoice price, excluding freight, or (2) $500. The proposed amendment would have removed the $500 limitation, added a specific reference to set-up and freight costs in the paragraph, and removed as redundant the phrase "excluding freight" from the reference in the paragraph to earlier paragraphs pertaining to invoice prices. The final amendment removes the $500 limitation and changes the invoice reference to a numerical one, but does not add a specific reference to set-up and freight costs on the grounds that it is already very clear that associations may not finance freight costs as part of manufacturers' invoice prices and set-up costs are not part of manufacturers' invoice prices under the other paragraphs of the regulation.

Present paragraph 545.7–1(e)(3)(iv) authorizes Federal associations to finance the purchase of used mobile homes in an amount not in excess of 100% of wholesale value, as such value is established in the dealer's market. The amendment to this provision clarifies that value may be established by appraisal; however, such appraisal must of course be based on or supplementary to an established valuation guide or other reliable source of information as to comparable values.

Accordingly, the Board hereby amends Part 545 by revising § 545.7–1(e)(3)(iii)(*c*) and (iv) thereof, to read as set forth below, effective April 23, 1976.

§ 545.7–1 Mobile home financing.

* * * * *

(e) *Retail financing.*

(3) * * *

(iii) in the case of a new mobile home, (*a*) 100 percent of the manufacturer's invoice price of such mobile home (including any installed equipment), excluding freight, (*b*) 100 percent of the invoice price of the manufacturer of any new equipment installed or to be installed by the dealer, excluding freight, and (*c*) an amount not exceeding 10 percent of the amounts allowed under paragraphs (e)(3)(iii)(*a*) and (*b*) of this section; or

(iv) in the case of a used mobile home, 100 percent of the wholesale value of such used mobile home (including any installed equipment) as established in the dealer's market by use of a valuation guide or appraisal; and

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.76-8178 Filed 3-22-76;8:45 am]

[No. 76-198]

PART 556—STATEMENTS OF POLICY

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 571—STATEMENTS OF POLICY

Corrective Amendments Relating to Mergers

MARCH 17, 1976.

By Resolution No. 76–147 of February 25, 1976 (41 FR 9133–9134), the Federal Home Loan Bank Board rescinded § 556.2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 556.2) and revised its Statement

of Policy on mergers at § 571.5 of the Rules and Regulations for Insurance of Accounts (12 CFR 571.5) for the purpose of setting forth the Board's current general policy on mergers involving Federal associations and insured institutions. Inadvertently omitted from the revised policy statement were provisions contained in § 556.2(e)(2)(ii) limiting the maximum number of directors on the board of a merged Federal association to 25, and allowing vacancies thereon to be filled only after the board membership had decreased to no more than 15. The Board hereby reinstates said provisions, modified, however, to allow a board vacancy to be filled in the event of the death, disability, resignation, removal or other termination of a chief executive officer, even though the board membership may then exceed 15. In addition, § 571.5(d) is divided into subparagraphs (d)(1) and (d)(2) for clarification.

Since these amendments modify a new Statement of Policy to become effective April 2, 1976, which the Board believes should only become effective as hereby modified, the Board hereby finds that notice and public procedure with respect to these amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. § 553(d) and that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. § 553(d) prior to the effective date thereof is unnecessary for the same reason.

Accordingly, the Board hereby amends § 571.5 by subdividing paragraph (d) thereof into paragraphs (d)(1) and (2) and restating previous provisions as set forth below, effective April 2, 1976.

1. Section 571.5(d) is amended to read as follows:

§ 571.5 Mergers.

* * * * *

(d) *Managerial and financial aspects.* (1) *Managerial aspects.* The Board's primary requirement is that the resulting institution have the managerial and financial resources to operate successfully. The experience and the performance record of the persons to be in control or in key managerial positions will be evaluated as to the probability of sound operation of the resulting institution. If the merger agreement provides for an increase in the board of directors of a surviving Federal association to a number in excess of that permitted by the association's charter, the Board will deem such merger-agreement provision to be an application for an appropriate charter amendment. However, the maximum number of directors thereunder may not exceed 25. Subsequent vacancies on such board shall not be filled until the number of directors has been reduced to not more than 15, except that a new chief executive officer of the association may be elected to the board to fill a vacancy caused by the death, disability, resignation, removal or other termination of the chief executive officer.

(2) *Financial aspects.* The overall operations and financial condition will be reviewed to determine the resulting institution's prospects of generating sufficient income to meet competition, making the required transfers to reserves, and conducting its affairs essentially free of supervisory concern. The adequacy of the net worth of the resulting institution, relative to the risks inherent in its assets, and economic and other factors will be considered. Intangible assets will be particularly scrutinized.

* * * * *

(Secs. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 CFR 4981, 3 CFR 1943–48 Comp. 1071)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER, *Assistant Secretary.*

[FR Doc.76–8177 Filed 3–22–76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 33–5688]

PART 230—GENERAL RULES AND REGULATIONS

Omission of Certain Information From Prospectuses Relating to Securities Issued by Foreign Governments

The Commission today adopted an amendment to Rule 492 (17 CFR 230.492) under the Securities Act of 1933. Rule 492 permits the omission of certain information specified in Schedule B of the Securities Act from prospectuses relating to effective registration statements filed by foreign governmental issuers of securities. The amendment adds to the information permitted to be omitted from prospectuses by Rule 492 the addresses of counsel and underwriters.

Rule 492 is amended to read as follows:

§ 230.492 Omissions from prospectuses.

In the case of a security for which a registration statement conforming to Schedule B is in effect, the following information, contained in the registration statement, may be omitted from any prospectus: Information in answer to paragraph (3) of the Schedule with respect to the amortization and retirement provisions for debt not being registered, and with respect to the provisions for the substitution of security for such debt; the addresses of underwriters in answer to paragraph (6); information in answer to paragraph (11); the addresses of counsel in answer to paragraph (12); the copy of any agreement or agreements required by paragraph (13); the agreement required by paragraph (14); and all information, whether contained in the registration statement itself or in any exhibit thereto, not required by Schedule B.

The Commission hereby amends Rule 492 pursuant to sections 10(a)(4) and 19(a) of the Act, as amended. The effective date of the action is April 30, 1976, except that any foreign governmental issuer may, at its option, rely upon the provisions of Rule 492, as amended, in its preparation of prospectuses relating to registration statements on Schedule B filed prior to that date.

The Commission finds that the amendment to Rule 492 is minor and not of material substance, is in the public interest and should not impose burdens on issuers or others or sacrifice the protection of investors, and, thus, further notice and rule-making procedures pursuant to the Administrative Procedure Act (5 U.S.C. 553) are unnecessary.

(Secs. 10(a)(4), 19(a), 48 Stat. 81, 85; sec. 209, 48 Stat. 908; 15 U.S.C. 77(j)(a)(4), 77(s)(a))

By the Commission.

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

MARCH 12, 1976.

[FR Doc.76–8242 Filed 3–22–76;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 89—SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

The document amending Part 89 of Title 29 of the Code of Federal Regulations, published in the FEDERAL REGISTER on March 2, 1976, at 41 FR 9066, is corrected by changing the reference in § 89.1(a) from "Title IX of the Older Americans Comprehensive Services Amendments of 1973" to "Title IX of the Older Americans Amendments of 1975" and by changing the reference in § 89.1(b) from "Title IX of the Older Americans Comprehensive Services Amendments of 1973, Pub. L. 93–29" to "Title IX of the Older Americans Amendments of 1975, Pub. L. 94–135".

Signed at Washington, D.C. this 17th day of March 1976.

WILLIAM H. KOLBERG, *Assistant Secretary for Employment and Training.*

[FR Doc.76–8210 Filed 3–22–76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 502–1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revision to Delaware State Implementation Plan

On January 16, 1975, the Governor of Delaware submitted to the Regional Administrator, EPA Region III, numerous amendments to the Delaware Regulations Governing the Control of Air Pollution. The State requested that these amendments be considered as a revision to the Delaware State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards.

The amendments consist of additions, deletions and modification of various definitions, as well as additions, deletions, modifications, and minor wording changes to various sections in the State Regulations as specified below:

I. The following definitions have been revised in Regulation I, Section 2:

Additions: "activity," "background concentration," "desulfurized fuel gas," "industrial waste," "material," "natural source," "professional engineer."

Deletions: "commission," "confidential information," "dump pit," "open dump".

Modifications: "Act," "Air Contaminant," "Air Pollution," "alteration," "boiler lancing," "domestic burning," "heat input," "nitrogen oxides," "opacity," "operating permit," "pathological waste," "person," "rubbish," "sanitary landfill," "secondary metal operation," "soot blowing," "standard conditions".

II. Sections have been added to regulations as follows:

Regulation and Section	*Description*
Regulation III: Section 2	Ambient air quality standards: General restrictions.
Regulation XI: Section 1	Carbon monoxide emissions from process operations: General provisions.

III. Sections have been deleted from regulations as follows:

Regulation and Section	*Description*
Regulation II:	Registration and permits:
Former section 9	Public hearing on suspended or revoked operating certificate.
Former section 10	Permits, certificates surrendered.
Section 13	Disclosure of information.
Regulation X: Section 3	Control of sulfur dioxide emissions, Kent and Sussex Counties: Limit on sulfur dioxide of fuel.
Regulation XIII: Section 6	Open burning: Controlled open burning in rural areas for agricultural, forestry management, or land clearing operations.
Former regulation XIV	Dumps or sanitary landfills.

IV. Sections of the following regulations have minor wording changes as indicated:

Regulation and Section	*Description*
Regulation V: Sections 2, 3, 4, 5	Particulate emissions from industrial process operations: The words "suffer" and "permit" are deleted.
Regulation VI: Sections 2, 3, 4, 5	Particulate emissions from construction and materials handling: The words "suffer" and "permit" are deleted.
Regulation X: Section 2	Carbon monoxide emissions from process operations: The word "allow" is substituted for the word "permit".
New regulation XIV: Section 2	Visible emissions: The words "suffer" and "permit" are deleted.

The remaining amendments consist of a variety of modifications, not covered above, as follows:

Regulation and Section	*Description*
Regulation I: Section 1	Definitions and administrative principles: General provisions.
Regulation II:	Registration and permits:
Section 3	Construction, installation, alteration and operation permits.
Section 4	Exemptions.
Section 5	Applications prepared by interested party.
Section 6	Cancellation of permits.
Section 7	Action on applications.
Section 8	Suspension or revocation of operating permits.
Section 9	Transfer of permit prohibited.
Section 10	Availability of permits.
Regulation III:	Ambient air quality standards:
Section 1	General provisions.
Section 4	Sulfur dioxide.
Regulation IV: Section 1	Particulate emissions from industrial process operations: General provisions.
Regulation V:	Particulate emissions from industrial process operations:
Section 1	General provisions.
Section 4	Restrictions on secondary metal operations.
Regulation VI: Section 6	Particulate emissions from construction and materials handling: Material storage.
Regulation VII:	Particulate emissions from incineration:
Section 1	General provisions.
Section 2	Restrictions.
Regulation VIII:	Sulfur dioxide emissions from fuel burning equipment:
Section 1	General provisions.
Section 2	Limit on sulfur content in fuel.
Section 3	Emission control in lieu of sulfur content limits of section 2.

Regulation and Section	*Description*
Regulation IX:	Sulfur dioxide emissions from industrial operations:
Section 1	General provisions.
Section 2	Restrictions on sulfuric acid manufacturing operations.
Section 3	Restriction on sulfur recovery operations.
Regulation X: Section 2	Control of sulfur dioxide emissions, Kent and Sussex Counties: Requirements for new sources of sulfur dioxide.
Regulation XII:	Nitrogen oxide emissions from fuel burning equipment—New Castle County:
Section 1	General provisions.
Section 2	Emission limits in New Castle County.
Regulation XIII:	Open burning:
Section 2	General restrictions.
Section 3	Open burning for plant disease or pest control.
Section 4	Open burning for fire fighting.
Section 5	Domestic burning.
New Regulation XIV: Section 1	Visible emissions: General provisions.

Former Regulations XVI through XX have been renumbered as Regulations XV through XIX respectively. There are no other changes to these regulations.

The State also submitted amendments to the Environmental Protection Act of 1973, the basic legal authority for the State's air pollution control program. The amendments were enacted on July 26, 1974.

The State determined that many of the above changes were necessary because of the changes to Chapter 60, Title 7 of the Delaware Code, (the enabling legislation). Other changes of language and intent of the existing regulations were made by the State to ensure clarity of their intent, to eliminate ambiguity, or to conform with current EPA regulations.

On January 10, 1975, the State submitted proof that a public hearing was held on October 17, 1973, in accordance with 40 CFR 51.4.

On March 31, 1975 (40 FR 14340), the Regional Administrator acknowledged receipt of the amendments, proposed the amendments as a revision to the Delaware SIP, and provided for a 30 day comment period. On April 30, 1975, (40 FR 18796), the Regional Administrator issued a correction notice and extended the comment period for an additional 30 days.

During the extended comment period, comments were submitted by the International Council of Shipping Centers, but they do not address any of the amended regulations that are under consideration as a revision to the Delaware SIP.

In light of the lack of comments received pertaining to the amended regulations under consideration, and EPA's own evaluation, the Administrator hereby approves these numerous amendments to the Delaware Regulations Governing the Control of Air Pollution and the amendments to the State Environmental Protection Act of 1973 as revisions to the Delaware SIP. The amended regulations are legally enforceable, and will not jeopardize attainment and maintenance of ambient air quality standards.

Effective Date: These revisions are effective April 22, 1976.

Copies of the amended regulations are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Delaware Department of Natural Resources & Environmental Control, Tatnall Building, Lackerman Street and Legislative Avenue, Dover, Delaware 19901.

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

(42 U.S.C. 1857c-5)

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

Subpart I—Delaware

1. In § 52.420, paragraph (c)(8) is revised to read as follows:

§ 52.420 Identification of plan.

* * * * *

(c) * * *

(8) Amendments to Regulations I through XIV inclusive of the Delaware Regulations Governing Air Pollution, and Amendments to the Delaware Environmental Protection Act; submitted on January 16, 1975 by the Delaware Department of Natural Resources and Environmental Control.

Dated: March 16, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76-8244 Filed 3-22-76;8:45 am]

[FRL-509-2; PP5F1632/R82]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-n-Octyl-4-isothiazolin-3-one

On July 25, 1975, the Environmental Protection Agency (EPA) announced (40 FR 31259) that Rohm and Haas Co., Independence Mall West, Philadelphia PA 19105, had filed a pesticide petition (PP 5F1632). This petition proposed that 40 CFR 180 be amended by establishing a tolerance for combined residues of the fungicide 2-n-octyl-4 - isothiazolin - 3-one and its metabolites in or on the raw agricultural commodity cottonseed (derived from cotton plants grown and harvested from seed treated with the fungicide) at 0.01 part per million (ppm). No comments were received with regard to this notice.

Rohm and Haas Co. subsequently amended the petition by (1) deleting the request that tolerances be established for combined residues of 2-n-octyl-4-isothiazolin-3-one and its metabolites, requesting instead that the tolerance be established solely for the parent compound, and (2) adding a request that a tolerance of 0.01 ppm also be established for residues of the fungicide in or on cotton forage.

The data submitted in the petition and other relevant material have been evaluated, and the fungicide is considered to be useful for the purpose for which the tolerance is sought. The data indicate that there is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The tolerance established by amending 40 CFR 180 will protect the public health, and it has been concluded, therefore, that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before April 22, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on March 23, 1976, Part 180, Subpart C, is amended by adding the new § 180.366 as set forth below.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: March 18, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, is amended by adding the new § 180.366 to read as follows:

§ 180.366 2-n-octyl-4-isothiazolin-3-one; tolerances for residues.

Tolerances are established for residues of the fungicide 2-n-octyl-4-isothiazolin-3-one in or on the following raw agricultural commodities derived from plants grown from treated seed:

Commodity:	*Parts per million*
Cotton forage	0.01
Cottonseed	0.01

[FR Doc.76-8243 Filed 3-22-76;8:45 am]

[FRL 508-5]

PART 430—PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

Extension of Comment Period

On February 19, 1976, the Environmental Protection Agency promulgated interim effluent limitations and guide-

lines for existing sources in the Pulp, Paper, and Paperboard Point Source Category, pursuant to sections 301 and 304 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq., 86 Stat. 816). The notice of promulgation of these interim regulations solicited comments from interested persons and specified that such comments would be due not later than March 22, 1976.

Several requests for extensions of time for submission of comments have been received. In support of such requests, it has been pointed out that the Development Document was not available when the regulations were published. It is anticipated that the Development Document will be available in the immediate future for public review and accordingly, the Environmental Protection Agency has decided to grant an extension of the deadline. The date for submission of comments is hereby extended to and including May 21, 1976.

Dated: March 16, 1976.

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

[FR Doc.76-8246 Filed 3-22-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

Assignment of Claims and Contract Administration

This change to the General Services Administration Procurement Regulations (GSPR) updates the addresses to which notification of assignment of claims are to be transmitted and provides guidelines for prompt processing of information received in regard to insolvency, bankruptcy, or dissolution of business.

PART 5A-30—CONTRACT FINANCING

Subpart 5A-30.7—Assignment of Claims

Section 5A-30.706-70 is amended as follows:

§ 5A-30.706-70 Requirements-type and indefinite quantity contracts for use by more than one agency.

* * * * *

(a) Promptly furnish notification by TWX or other expeditious means of the pending assignment to the appropriate accounting center(s), Accounts Payable Branch, indicated on the original purchase order;

* * * * *

(d) Promptly forward one copy of the notice of assignment together with a true copy of the instrument of assignment to the appropriate accounting center(s), Accounts Payable Branch, indicated on the original purchase.

PART 5A-53—CONTRACT ADMINISTRATION

Subpart 5A-53.9—Bankruptcy, Insolvency or Dissolution of a Business

The table of contents of Part 5A-53 is amended to add the following new entries:

Subpart 5A-53.9—Bankruptcy, Insolvency, or Dissolution of a Business

§ 5A-53.901 Procedures when a contractor is found to be in financial difficulty or has filed for bankruptcy.

§ 5A-53.902 Procedures when a contractor decides to dissolve his business.

Sections 5A-53.901 and 5A-53.902 are added as follows:

§ 5A-53.901 Procedures when a contractor is found to be in financial difficulty or has filed for bankruptcy.

Prompt action is vital in the case of a contractor who has been determined insolvent or who has filed under any of the various laws relating to bankruptcy, insolvency, and dissolution of businesses (11 USC 1 *et seq.*) to assure that the Government's rights are protected in any formal proceedings. Terminated contracts as well as current contracts with the contractor must be considered in any action contemplated. Contracting officers may be advised of such difficulties by (i) the cognizant Quality Assurance Specialist (QAS) via GSA Form 1679; (ii) the Financial Management Division (BCF), Office of Finance; (iii) the Office of Investigations (BI), or (iv) other means; e.g., newspaper item, Dun & Bradstreet (available from BCF or BI), an industry association or business concern.

(a) Notification regarding financial condition. Upon notification that a contractor is experiencing financial difficulties or has filed under any of the bankruptcy or insolvency laws, the contracting officer shall proceed as follows:

(1) As to a contractor experiencing financial difficulties.

(i) Determine whether contractor is still capable of meeting the requirements of the contract. Obtain, if needed, the recommendation of the appropriate Director of Finance and the cognizant Quality Assurance Specialist.

(ii) If a determination that financial condition of the contractor so warrants, issue a preliminary notice of default, or terminate for anticipatory breach, if appropriate.

(iii) If contract termination is not considered necessary, continue to monitor contract(s) by having the QAS visit the contractor more often than usual to ascertain that progress is being made.

(iv) If a small business contractor is involved, notify SBA through its local representative at each region and Central Office.

(2) As to a contractor who has filed for bankruptcy.

(i) Notify assigned counsel, Claims and Litigation Division (LC), Office of Finance (BCF), and other directly interested parties; e.g., Office of Investigations (BI) and Contract Termination Staff (FPK), (only Central Office procurement divisions and national commodity centers).

(ii) Determine whether the contractor is capable of completing contract performance. If necessary, issue a preliminary notice of default, or if delivery or other performance is delinquent and circumstances so warrant, terminate the contractor's right to proceed under FPR 1-8.602-1(a)

(iii) Notify the Contract Termination Staff (FPK) regarding any termination cases being processed by FPK which involve the contractor, (applicable only to contracting officers in Central Office procurement divisions and the national commodity centers). FPK will compute the excess costs to be shown on the preliminary and contingent proof of claim.

(iv) Determine the status of and provide for the protection and disposition of Government-owned property, if applicable.

(v) If special safeguards for property are needed, determine the names, addresses, and phone numbers of the local Government officials concerned in the bankruptcy proceedings; e.g., sheriff, marshal, the Receiver or Trustee in bankruptcy, if assigned.

(vi) Transmit immediately all communications relevant to the bankruptcy to assigned counsel and to the Claims and Litigation Division, (LC); e.g., notice of meeting of creditors, plan of arrangement and status of such plan, and address of District Court where proceedings were filed.

(vii) In consultation with assigned counsel, the contracting officer will prepare the preliminary and contingent proof of claim, normally reflecting the arithmetical difference between the amounts of defaulted contract and of the repurchase contract. Such preliminary and contingent proof of claim will be forwarded to the Claims and Litigation Division of the General Counsel's Office (LC) by the contracting officer with the concurrence of assigned counsel. As soon as supporting documentation for final proof of claim becomes available, a final proof of claim will then be submitted. Necessary documentation for a proof of claim shall include such items as the defaulted contract and the replacement contract together with purchase orders issued thereunder; termination letter; assessment letter; contractor's invoices under the repurchase contract; receiving reports; and proof of payment. As a rule of thumb, there should be documentation to prove each allegation of fact made in the proof of claim. The documentation should clearly demonstrate the arithmetical difference between the amounts of the defaulted contract and the repurchase contract. Such documentation should accompany the proof of claim as exhibits and should be certified under Seal of the Agency (use of GSA Form 52 or 52a). Assigned counsel should review the proof of claim and accompanying documentation for legal sufficiency and correctness.

(b) Action by counsel. In bankruptcy actions the Claims and Litigation Division, Office of General Counsel (LC) will:

(1) Forward to Department of Justice any proof of claim being submitted on behalf of GSA; e.g., a claim for unliquidated progress payments, overpayments, loss of Government property, or for excess costs resulting from a repurchase action;

(2) Represent the GSA in any consultations with the Department of Jus-

tice, the U.S. Attorney, attorneys for creditors, and the bankruptcy court, as appropriate, and shall advise the contracting officer and assigned counsel during the bankruptcy proceedings of the progress or any special problems warranting further consultation with the contracting officer; and

(3) Report the results of the bankruptcy proceedings to the contracting officer and furnish two copies of any judgments obtained in such proceedings.

(c) Termination of collection action. Pursuant to the provisions of the Federal Claims Collection Standards (4 CFR Secs. 101 *et seq.*) and in accordance with GSA Order ADM 1215.2C, administrative action may be taken to terminate the collection of a claim. Accordingly, whenever it is determined by the Office of Finance that collection efforts are not warranted, and that determination is concurred in by the Office of General Counsel (not required if claim is under $200), the above-described procedures relating to the submission of a proof of claim need not be followed. Appropriate procedures for write-off may be undertaken. In such event, the contracting officer for documentation purposes shall provide to the Office of Finance only the defaulted and repurchase contracts together with the termination and assessment letters.

(d) Contracting officers should consult with assigned counsel regarding possible set offs of Government claims from amounts due a contractor prior to bankruptcy.

§ 5A–53.902 Procedures when a contractor decides to dissolve his business.

Upon receipt of information that a contractor intends to dissolve his business or to cease operations for whatever reason; e.g., because of retirement, fire, sale of business (without public notice), etc., the contracting officer shall request the QAS to verify status of contract(s) and notify other directly interested parties (see § 5A–53.901(a)(2)(i), above). If a claim against the contractor is either pending or outstanding, notify the Contract Termination Staff (FPK) and simultaneously obtain information that would aid FPK (for Central Office divisions and national commodity centers) in finalizing the amount of claim(s).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date. This regulation is effective on the date shown below.

Dated: February 27, 1976.

JAY H. BOLTON,
Acting Commissioner.

[FR Doc.76–8108 Filed 3–22–76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5578; C–21671]

COLORADO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The Secretary's order of May 23, 1946, withdrawing lands for the Gunnison-Arkansas Project is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 44 N., R. 4 W.,
Sec. 2, SW¼.
T. 45 N., R. 4 W.,
Sec. 2, SW¼NE¼, S½NW¼;
Sec. 11, NW¼SE¼.

The area described contains 360 acres in Gunnison and Hinsdale Counties.

2. This revocation is made in the furtherance of an exchange under section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g (1970).

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 16, 1976.

[FR Doc.76–8174 Filed 3–22–76;8:45 am]

Title 45—Public Welfare

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

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Quality Control System

Section 205.40, Title 45 of the Code of Federal Regulations, is amended to provide that through December 31, 1976, errors that are directly attributable to the implementation of the title IV–D Child Support Enforcement Program and the related AFDC eligibility requirements will not be considered as case errors for IV–A Quality Control (QC) purposes.

The purpose of this regulation is to provide the States with a period of time during which to fully implement the new requirements without incurring disallowances associated with the QC program.

The IV–D program is a major new Federal/State undertaking which cuts across many aspects of the eligibility and grant determination process for a large portion of the AFDC caseload. It is a complex law which required legislative changes in many States. It was not possible to issue final regulations until a few days before the effective date, thus imposing unrealistic time frames for States to develop and issue policies and operational procedures and provide staff training.

Accordingly, the basis for this regulation is the Department's belief that to cite Quality Control errors associated with the new requirements related to the title IV–D program and subject States to possible fiscal disallowances at this time would be unreasonable and not in the best interest of the goal of improved management of the AFDC program, and uniform national application of Quality Control.

In recognition of the difficulties discussed above, Congress has provided a grace period until January 1, 1977. During that time, a State, which in the Secretary's judgment, is making a good faith effort to implement the IV–D program will not be subject to penalty for failure to have an effective program.

This regulation provides a comparable grace period during which cases that contain only errors related to three new AFDC eligibility requirements or to the treatment of IV–D related child support will not be counted in calculating "error rates" for the purpose of QC disallowances.

Exemption of error in the treatment of child support is limited to situations in which the AFDC recipient has assigned support rights to the State agency, because such assignment indicates that the State is in the process of making the administrative transition to the IV–D requirements.

Not exempted are errors related to treatment of child support where an assignment has not been made, and to treatment of contributions from non-legally liable individuals.

Cases that contain errors other than those exempted by this regulation, will be counted in determining error rates.

This amendment does not exempt the States from implementing the statutory and regulatory program requirements. Failure to substantially comply with such requirements could still result in withholding of Federal financial participation.

Good cause exists to dispense with proposed rule making procedures; the regulation must be changed immediately to permit operation of the waiver for the current QC reporting period and the amendment is of potential benefit to all State agencies. However, any written comments, suggestions, or objections addressed to the Acting Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before April 22, 1976, will be considered with a view to possible revision.

Such comments will be available for public inspection in room 5225 of the Department's offices at 330 C Street SW., Washington, D.C., beginning approximately two weeks after publication of this regulation in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202–245–0950).

Section 205.40 Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new paragraph (c) to read as follows:

§ 205.40 Quality control system.

* * * * *

(c) *Temporary exception.* Through December 31, 1976, for the purpose of this section and § 205.41, the term "case error" shall not include errors that result solely from the State's:

(1) Failure to apply, or improper or incomplete application of, the following provisions:

(i) 45 CFR 232.10 Furnishing of social security numbers;

(ii) 45 CFR 232.11 Assignment of rights to support; and

(iii) 45 CFR 232.12 Cooperation in obtaining support; and

(2) Treatment of child support collected and distributed under the State IV–D plan and support or contribution income received directly from a legally liable individual by the AFDC family, when the recipient's support rights have been assigned to the State agency.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

Effective date: This amendment is effective July 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance-Maintenance Assistance (State Aid).)

Dated: February 13, 1976.

DON I. WORTMAN,
Acting Administrator, Social and Rehabilitation Service.

Approved: March 17, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-8195 Filed 3-22-76;8:45 am]

PART 225—TRAINING AND USE OF SUBPROFESSIONALS AND VOLUNTEERS

State Plan Requirements

FEDERAL REGISTER document 75-29747 (40 FR 51443), published in the issue dated Wednesday, November 5, 1975 is revised to correct the preamble and the text of 45 CFR 225.2. The purpose is to make clear that the requirement for training and use of subprofessional staff and volunteers in the AFDC program is still applicable in Puerto Rico, the Virgin Islands, and Guam. The basis for the amendment is that section 7(b) of Pub. L. 93-647, the Social Services Amendments of 1974, specified that the amendments to Title IV-A, made by section 3(a) of Pub. L. 93-647 did not apply to Puerto Rico, the Virgin Islands, and Guam. Accordingly, section 402(a)(5) of Title IV remains unchanged for the three Island jurisdictions, including the old clause (B), which contains the requirement for training and use of subprofessionals and volunteers.

The Department finds that there is good cause to dispense with Notice of Proposed Rulemaking because public comment on an amendment which merely reflects specific statutory language would serve no useful purpose and because the three affected jurisdictions need to be informed promptly that they continue to be subject to this requirement.

Section 225.2, Part 225, Chapter II, Title 45 is revised to read as follows:

Part 225, Chapter II, Title 45 of the Code of Federal Regulations is amended to implement sections (3)(a)(1) and (3)(b) of Public Law 93-647, the Social Services Amendments of 1974, which deleted from Title IV-A the requirement for training and use of subprofessionals and volunteers except for Guam, Puerto Rico and the Virgin Islands, and repealed Title VI, effective October 1, 1975.

§ 225.2 State plan requirements.

The State plan for OAA, AB, APTD, AABD or MA under titles I, X, XIV, XVI, XIX, or for AFDC under Title IV (Part A) for Guam, Puerto Rico and the Virgin Islands of the Social Security Act or for CWS under title IV (Part B) of the Act must:

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

(Catalog of Federal Domestic Assistance Program Nos. 13.724, Public Assistance—State and Local Training and 13.754, Public Assistance—Social Services)

Dated: February 6, 1976.

DON I. WORTMAN,
Acting Administrator, Social and Rehabilitation Service.

Approved: March 17, 1976.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.76-8194 Filed 3-22-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20479, RM-2447]

PART 73—RADIO BROADCAST SERVICES

FM BROADCAST STATIONS

Table of Assignments

By the Chief, Broadcast Bureau: 1. The Commission herein considers its Notice of Proposed Rule Making[1] which proposed the assignment of either Channel 265A or Channel 224A to Princeton, West Virginia, as a second FM assignment to the community. In order to assign Channel 265A to Princeton, the channel must be deleted from Montgomery, West Virginia, where it is presently unoccupied and unapplied for. The Notice proposed the substitution of Channel 269A in lieu of the deleted channel at Montgomery.

2. The Notice was issued in response to a "Petition for Rule Making" filed on behalf of Hillbilly Broadcasters, Inc. ("Hillbilly") which advanced the alternative proposals described above. Only Hillbilly has submitted pleadings in this proceeding.

3. Princeton (pop. 7,253[2]), the county seat of Mercer County (pop. 63,206), is located sixty-five miles west of Roanoke, Virginia, and seventy-five miles south-southeast of Charleston, West Virginia.[3] The economy of the community is said to be based primarily on manufacturing. Local radio service in Princeton is presently provided by WAEY and WAEY-FM, Channel 240A, Princeton, both of which are licensed to the Betap Corporation.

4. The petition raises two questions: should a second FM channel be assigned to Princeton, and, if so, which of the two proposals submitted for comment in our Notice should be adopted? With regard to the first issue, we are persuaded by the evidence contained in the record that ample justification exists for the assignment of a second FM channel to Princeton. First, such an assignment would be consistent with our "population criteria" policies which provide that communities with populations of 50,000 or less may be assigned up to two FM channels. Secondly, in addition to the fact that Princeton is a county seat and may, therefore, require additional radio coverage, it is our view that a second FM assignment at Princeton would further the public interest by increasing the variety of listening opportunities available to the public particularly where the existing FM station in the community duplicates to a substantial degree the programming already available on the AM facility.

5. In its pleadings, Hillbilly expressed a preference for the assignment of Channel 265A at Princeton asserting that a larger number of potential transmitter sites would be available for use should that channel be assigned. Though proponents of rule-making petitions requesting FM assignments may express preferences for particular FM channels, those preferences can only be considered where they are consistent with the public interest. In this instance, the petitioner's expressed preference coincides with the Commission's determination that the assignment of Channel 265A represents the better means of serving the public interest. Although the assignment of Channel 224A at Princeton would involve a relatively minor "drop-in" action and thus, little in the way of administrative action by the Commission, its assignment at Princeton would create greater preclusion and greater restrictions on the future availability of FM service in the area.[4] For these reasons, we believe the assignments of Channel 265A represents the more desirable method of serving the public interest and providing the additional local service for Princeton.

6. Accordingly, *It is ordered*, That effective April 28, 1976, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) is amended to read as follows for the enumerated communities:

[1] 40 FR 22005, May 20, 1975.

[2] All population statistics are cited from the 1970 U.S. Census.

[3] Distances are approximate.

[4] The assignment of Channel 224A would create preclusion on two channels while the assignment of Channel 265A would create preclusion on only one channel. The areas of preclusion created by the Channel 224A assignment would be greater than those created by the Channel 265A assignment. Further, while Channel 224A could be used in the preclusion areas created by the Channel 265A assignment, the converse would not be true since Channel 265A could only be utilized in a limited area.

City:	*Channel No.*
Princeton, W. Va	240A, 265A
Montgomery, V. Va	296A

7. Authority for actions taken herein is found in Sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and in Section 0.281 of the Commission's Rules and Regulations.

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

Adopted: March 15, 1976.

Released: March 16, 1976.

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

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

NOTE: Rules changes herein will be covered by the 1976 Edition of Volume III.

[FR Doc.76-8189 Filed 3-22-76;8:45 am]

[FCC 76-215]

PART 97—AMATEUR RADIO SERVICE

Written Examinations

By the Commission: 1. The Commission intends by this Order slightly to revise and update § 97.29(d) of the Commission's rules concerning the manner in which written examinations in the Amateur Radio Service are conducted.

2. Section 97.29(d) of the rules presently states, in part, that written portions of operator examinations in the Amateur Radio Service must be completed in legible handwriting or printing, and that "diagrams shall be drawn by hand, by means of either pen and ink or pencil." It further states that an applicant unable because of physical disability "to draw required diagrams, may dictate a detailed description essentially equivalent."

3. We believe the references in § 97.29 (d) of the rules to the drawing of diagrams in written examinations in the Amateur Radio Service to be anachronisms. The Commission has not required applicants in the Amateur Radio Service to draw diagrams in such examinations in many years and has no present plans to do so.

4. In order to bring § 97.29(d) of the rules into conformity with current Commission practice, we are therefore deleting those references contained in § 97.29 (d) of the rules to the drawing of diagrams in written examinations in the Amateur Radio Service.

5. Authority for this amendment appears in Section 4(i) and 303 of the Communications Act of 1934, as amended. Because the manner in which examinations in the Amateur Radio Service are conducted is a matter of internal agency procedure, the prior Notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553(b), are not applicable.

6. Accordingly, *It is ordered,* That Part 97 of the Commission's Rules is amended as set forth below, effective March 24, 1976.

Adopted: March 9, 1976.

Released: March 16, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

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

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. § 97.29(d) is amended to read as follows:

§ 97.29 Manner of conducting examinations.

* * * * *

(d) All written portions of the examinations for amateur operator privileges shall be completed by the applicant in legible handwriting or hand printing. Whenever the applicant's signature is required, his normal signature shall be used. Applicants unable to comply with these requirements, because of physical disabilty, may dictate their answers to the examination questions and the receiving code test. If the examination or any part thereof is dictated, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the applicant's dictation.

[FR Doc.76-8190 Filed 3-22-76;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 18, 24]

TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT; FINANCIAL AND ACCOUNTING PROCEDURE

Customs Seals

Notice is hereby given that under the authority of R. S. 251, as amended (19 U.S.C. 66), and sections 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend §§ 18.4(a)(1) and 24.13 of the Customs Regulations (19 CFR 18.4(a)(1), 24.13), pertaining to Customs seals.

The President, in Executive Order No. 11836, dated January 27, 1975 (40 FR 4255), directed the Secretary of the Treasury to, among other things, foster the security of international cargo in Customs custody within ports of entry and in its movement and storage in bond.

In response to this Executive Order, Customs has reevaluated the present metal strap seal for in-bond cargo. Use of this type of seal was first approved for Customs use in 1912 (T.D. 32294), and is designed more to indicate a violation of the integrity of the transport unit than to offer physical protection to the contents of the shipment. Customs has exhaustively examined security seals. This examination has included laboratory tests and a field evaluation of a seal lock which was found in laboratory tests to be suitable to provide both accountability and physical protection for cargo. The results of field examinations indicate that a high-security seal could be very effective in preventing the theft of cargo.

Seals which tests show provide both accountability and sufficient physical protection for cargo will be approved by Customs as high-security seals. The names and addresses of manufacturers whose seals have been approved by Customs as high-security seals may be obtained from district directors of Customs as provided for in 19 CFR 24.13a(b).

In order to further respond to Executive Order 11836, it is proposed to amend § 18.4(a)(1) of the Customs Regulations to provide that conveyances or compartments in which bonded merchandise is transported shall be sealed with high security red in-bond Customs seals, or if incapable of being so sealed, with red in-bond Customs seals, with certain exceptions presently provided in that section. It is proposed that high security red in-bond seals be stamped and purchased in the same manner as red in-bond seals, the stamp and purchase of which is provided for in paragraphs (b), and (c) and (f), of § 24.13, respectively. It is proposed to amend § 24.13(f) by substituting the words "district director" for the word "collector" wherever it appears and providing that the price charged for high security red in-bond seals sold by district directors shall be the current manufacturer's list price for the quantity purchased. Customs anticipates that high-security seals will be available on the market for prices that currently range from $1.10 to $2.50 depending on the quantity purchased. This price range may be reduced as new types of high-security seals are developed and approved and additional manufacturers enter the field.

Accordingly, it is proposed to amend Parts 18 and 24 of the Customs Regulations (19 CFR Parts 18, 24), as set forth below:

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

It is proposed to amend § 18,4(a)(1) to read as follows:

§ 18.4 Sealing conveyances and compartments; labeling packages; warning cards.

(a)(1) Except as provided in section 123.33 of this chapter, conveyances or compartments in which bonded merchandise is transported shall be sealed under Customs supervision with high security red in-bond Customs seals, or if incapable of being so sealed, with red in-bond Customs seals. When the compartment or conveyance cannot be effectively sealed, as in the case of merchandise shipped in open cars or barges, or on the decks of vessels, or when it is known that any seals would necessarily be removed outside the jurisdiction of the United States for the purpose of discharging or taking on cargo, or when it is known that the breaking of the seals will be necessary to ventilate the hatches, or in other similar circumstances, such sealings may be waived with the consent of the carrier and an appropriate notation of such waiver shall be made on the manifest. The Commissioner of Customs may authorize the waiver of sealing of conveyances or compartments in which bonded merchandise is transported in other cases when in his opinion the sealing thereof is unnecessary to protect the revenue or to prevent violations of the Customs laws and regulations.

* * * * *

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

It is proposed to amend the first sentence of paragraph (b) and amend paragraph (f) of § 24.13 to read as follows:

§ 24.13 Car, compartment, and package seals; kind, procurement.

* * * * *

(b) Red in-bond and high security red in-bond seals used for sealing imported merchandise shipped between ports in the United States shall be stamped "U.S. Customs in Bond." * * *

* * * * *

(f) In-bond seals may be purchased only by a Customs bonded carrier, by a nonbonded carrier permitted to transport articles in accordance with section 553 of the Tariff Act of 1930, as amended (19 U.S.C. 1553), or in the case of red in-bond and high security red in-bond seals, by the carrier's commercial association or comparable representative approved by the district director. In-transit seals may be purchased by a bonded or other carrier of merchandise or, in the case of blue in-transit seals, by the carrier's commercial association or comparable representative approved by the district director. Except for uncolored in-transit seals, uncolored Customs seals may not be purchased by private interests and shall be furnished by district directors for authorized use without charge. In-bond and in-transit seals sold by district directors shall be charged for at the rate of 10 cents per seal, except for high security red in-bond seals which shall be charged for at the current manufacturer's list price for the quantity purchased.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before May 24, 1976.

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

VERNON D. ACREE,
Commissioner of Customs.

Approved: March 16, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-8175 Filed 3-22-76;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

FOREIGN CORPORATIONS

Change of Annual Accounting Period

Notice is hereby given that the regulations set forth in tentative form

below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 7, 1976. Pursuant to 26 CFR 601.601 (b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in reseponse to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by May 7, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Preamble. This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under § 442 relating to the procedure foreign corporations must follow in order to change their annual accounting period. The proposed regulations make it clear that a foreign corporation must obtain the prior approval of the Commissioner before it is allowed to change its annual accounting period.

In view of the foregoing the regulations under section 442 are amended as follows:

Section 1.442–1 is amended as follows:

1. New paragraph (b)(3) is added to read as set forth below.

2. The first sentence of paragraph (c)(1) is revised.

3. Paragraph (c)(2)(IV) is revised.

4. New paragraph (c)(5) is added to read as follows.

§ 1.442–1 Change of annual accounting period.

* * * * *

(b) *Prior approval of the Commissioner.* * * *

(3) *Foreign corporations.* Application for approval to change such taxable year of a foreign corporation which is not subject to United States income tax shall be made by one or more of its United States shareholders (as defined in section 951(b)) by filing an application in accordance with paragraph (b)(1) of this section. In general, a change of such a taxable year will be approved if the annual accounting period of such foreign corporation is changed to conform to the requirements of foreign law or because bona fide foreign business reasons make such a change necessary or desirable and the other applicable provisions of paragraph (b)(1) of this section are satisfied.

(c) *Special rule for certain corporations.* (1) A corporation (other than a corporation to which subparagraphs (4) and (5) of this paragraph applies) may change its annual accounting period without the prior approval of the Commissioner if all the conditions in subparagraph (2) of this paragraph are met, and if the corporation files a statement with the district director with whom the returns of the corporation are filed at or before the time (including extensions) for filing the return for the short period required by such change. * * *

(2) * * *

(iv) If a corporation had a special status either for the short period or for the taxable year immediately preceding such short period, it must have the same special status for both the short period and such taxable year (for the purpose of this subdivision, speical status includes only: a personal holding company, a corporation which is an exempt organization, a Western Hemisphere trade corporation, and a China Trade Act corporation); and

* * * * *

(5) A foreign corporation (whether or not a controlled foreign corporation), may change its taxable year only if it secures the prior approval of the Commissioner in accordance with paragraph (b)(1) and (3) of this section. A foreign corporation which is not subject to United States income tax shall be treated for the purposes of this section as a taxpayer within the meaning of section 7701(a)(14).

[FR Doc.76-8225 Filed 3-22-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart C—Basic Computation of Benefits and Lump Sums

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the revisions and amendments to Subpart C of Regulations No. 4 set forth in tentative form below, are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments reflect current policies and procedures relating to computations and the amendments to the Social Security Act made by sections 201 and 202 of Pub. L. 92–336, which provide for cost-of-living increases in monthly benefit amounts; and by sections 101, 103, 104, 120, 134, and 142 of Pub. L. 92–603, which provide for additional types of benefit recomputations and recalculations. These proposed amendments provide the first comprehensive revision of Subpart C of Regulations No. 4 since 1955. For ease of reference, this Subpart has been organized into four divisions: I—Introduction, II—Current Methods of Computing Benefits, III—Current Methods of Recomputing Benefits, and IV—Special Computations and Recomputations with Limited Current Applicability.

The major substantive changes in this subpart are as follows:

1. Definitions of the most common terms used throughout this subpart have been provided in the introductory material.

2. An explanation is provided as to how an insured individual's basic benefit (called a "primary insurance amount") is determined from a table in section 215(a) of the Social Security Act based either upon: (a) the individual's average monthly wage over the years from 1951 through the year before he or she reaches retirement (disregarding five low earnings years, years before age 22, and years of disability); or (b) the individual's basic benefit under a formula applied to the individual's average monthly wage over the years from 1937 through the year before he or she reaches retirement age (also disregarding five low earnings years, years before age 22, and years of disability).

3. A provision has been added to reflect a provision of the 1972 Amendments to the Social Security Act, which permits a special minimum "primary insurance amount" of up to $180 to be computed without regard to an individual's average monthly wage. Under this provision an individual's "primary insurance amount" equals $9.00 times the number of years in which he or she earned at least one-fourth the yearly maximum amount creditable for social security purposes (but disregarding the first ten such years).

4. A provision has been added to reflect provisions of the 1972 Amendments which reduced the retirement age for men who attained age 62 after 1974, and deemed men who attained age 62 in 1973 or 1974 to have attained retirement age in 1975 for such purposes.

5. A description is provided of how benefits are increased by the percentage rise in the cost-of-living over a base period when certain conditions are met.

6. A provision is added to explain how an individual's "primary insurance amount" is automatically recomputed to include in the computation of this amount earnings which were not included when the "primary insurance amount" was previously computed. Essentially, the individual's "primary insurance amount" is computed again as if he or she were filing for retirement insurance benefits in the year in which

the recomputation is made. Instead of waiting for the automatic recomputation, an individual may request that the recomputation be made as soon as the year in which he or she had additional earnings ends.

7. A description is provided of certain special computations and recomputations which may apply when an individual has military service, compensation for railroad employment, or credits for interment during World War II in a United States facility for interning United States citizens of Japanese ancestry.

8. A description is provided of "delayed retirement credits" which individuals may qualify for, if they were eligible for retirement insurance benefits between age 65 and age 72, but were not paid such benefits because of continued work and earnings, or because of failure to file a timely application for the benefits. The "delayed retirement credit" equals ½ of 1 percent of the individual's primary insurance amount for each month in such a period for which the individual could have received a retirement insurance benefit but did not for one of these reasons.

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before May 24, 1976. The regulation will be effective upon final publication in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed regulation is to be issued under the authority of sections 202, 205, 215, and 1102 of the Social Security Act, 49 Stat. 623, as amended, 53 Stat. 1368, as amended; 64 Stat. 506, as amended, 49 Stat. 647, as amended, 42 U.S.C. 402, 405, 415, and 1302.

(Catalog of Federal Domestic Assistance Program Nos. 13.802, Social Security-Disability Insurance and 13.803, Social Security-Retirement Insurance.)

Dated: February 5, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 15, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Subpart C of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart C—Basic Computation of Benefits and Lump Sums

INTRODUCTION

Sec.
404.201 Scope of this subpart.
404.203 Definition of terms.

CURRENT METHODS OF COMPUTING BENEFITS

Sec.
404.205 General.
404.207 Use of table to determine primary insurance amounts.
404.209 Use of average monthly wage to determine primary insurance amounts.
404.211 Computing an individual's average monthly wage.
404.213 Computing an individual's primary insurance benefit.
404.215 Special rules for computing primary insurance benefits under prior law which may still apply.
404.217 Determining current primary insurance amount from primary insurance amount previously in effect.
404.219 Special minimum primary insurance amounts.
404.221 Cost-of-living benefit increases.
404.223 Table for determining primary insurance amounts and maximum family benefits after May 1975.
404.225 Table for determining primary insurance amounts and maximum family benefits for June 1974 through May 1975.
404.227 Table for determining primary insurance amounts and maximum family benefits for March 1974 through May 1974.

CURRENT METHODS OF RECOMPUTING BENEFITS

404.240 General.
404.242 When a recomputation applies.
404.244 "Automatic" recomputations.
404.246 Request for immediate recomputation.
404.248 Waiver of recomputation.
404.250 Continued applicability of certain recomputations in effect prior to the 1965 amendments.

SPECIAL COMPUTATIONS AND RECOMPUTATIONS WITH LIMITED CURRENT APPLICABILITY

404.270 General.
404.272 Recalculation of primary insurance amount.
404.274 Recalculations and recomputations to include compensation for railroad service.
404.276 Recalculations and recomputations to include military service credits.
404.278 Recalculation to include wage credits for individuals interned during World War II.
404.280 Special recomputations when certain old-age insurance beneficiaries die before age 65.
404.282 Increases in old-age insurance benefits due to delayed retirement credits.

INTRODUCTION

§ 404.201 Scope of this subpart.

This subpart describes how an insured individual's basic benefit amount, called the "primary insurance amount," is computed under current law. The primary insurance amount determines the amount of all monthly benefits payable on the earnings record of an insured individual—except for benefits for transitionally insured individuals (§ 404.113 (a)) and payments for certain uninsured individuals age 72 or older (§ 404.374). Also described in this subpart is the way in which an individual's primary insurance amount is recomputed or recalculated to consider additional earnings not used in the previous computation or to make necessary corrections in that computation. In addition, an explanation of the way in which a primary insurance amount is increased due to rises in the cost of living is provided, as well as a description of how an individual's old-age insurance benefit is increased due to "delayed retirement credits" (which are increments for each month an individual was entitled to a full old-age insurance benefit between age 65 and 72, but was not paid the benefit because the individual's earnings were too high to permit payment under the retirement test described in Subpart E of this part or was eligible for such benefits in this period but did not file application for them).

§ 404.203 Definition of terms.

(a) *Primary insurance amount.* The primary insurance amount, which is an amount computed on the basis of a worker's "average monthly wage," is the measure for determining the amounts of all benefits payable under title II of the Act except for benefits for transitionally insured individuals (§ 404.113a) and special payments to certain uninsured individuals age 72 or over (§ 404.374). It is equal to the monthly old-age insurance benefit to which an eligible individual can be entitled when such benefit is not reduced because of entitlement before age 65 (§ 404.412) or increased because of delayed retirement credits (§ 404.282).

(b) *Primary insurance benefit.* The primary insurance benefit is the amount which is used to determine the primary insurance amount when earnings prior to 1951 are used in computing the "average monthly wage." Prior to September 1950 it was the direct measure for determining the amounts of benefits payable under title II of the Act. It is now used for purposes of conversion to a corresponding primary insurance amount.

(c) *Average monthly wage.* The average monthly wage is the monthly average determined by dividing the total creditable earnings in the "benefit computation years" by the total number of months in those years. (See §§ 404.209–404.211.)

(d) *Benefit computation years.* Benefit computation years are the actual years which must be used in computing the average monthly wage.

(e) *Computation base years.* Computation base years are the years from which benefit computation years can be selected.

(f) *Elapsed years.* Elapsed years are those years, determined on the basis of a worker's date of birth, date of disability, date of death, and "retirement age," which fix the number of benefit computation years which must be used in computing the average monthly wage.

(g) *Retirement age.* For purposes of this Subpart C, retirement age is 62 for all women and for men who attain age 62 in 1975 or later. Men who attained age 62 in 1973 or 1974 are deemed to have attained retirement age in 1975 for such purposes. For men who attained age 62 before 1973, retirement age is 65.

(h) *Recomputation.* Recomputation is the computing of a primary insurance

amount which was previously computed. It must be specifically authorized by statute, can only be used to increase the amount previously determined, and is made in accordance with the law and facts as applicable at the time of such recomputation.

(i) *Recalculation.* Recalculation is made to reopen and correct a previous computation or recomputation of a primary insurance amount. Unlike the recomputation, the recalculation may or may not be specifically provided for by law, can be used to either decrease or increase the previous primary insurance amount, and is made as though it were being made at the time of the initial computation or recomputation.

(j) *Years of coverage.* For purposes of computing the special minimum primary insurance amount (under § 404.219), an individual's "years of coverage" is the sum of:

(1) the individual's total credited wages before 1951 divided by $900, plus

(2) the number of the computation base years after 1950 in which the individual's earnings were at least one-fourth of the maximum amount creditable under § 404.209(c).

(k) *Cost-of-living increases.* Cost-of-living increases are the increases in primary insurance amounts and family maximum amounts payable on an individual's earnings record due to rises in the cost of living as measured by the Department of Labor's Consumer Price Index. (See § 404.221.)

(l) *Delayed retirement credits.* Delayed retirement credits (see § 4004.282) are increments, amounting to one-twelfth of one percent of the "primary insurance amount" for each month that the individual: (1) was entitled to a full old-age insurance benefit from age 65 to 72 but did not receive payment because the individual's earnings were too high to qualify for such payment under the retirement test described in Subpart E of this part; or (2) was eligible for such benefits for months in this period but did not file application for them.

Current Methods of Computing Benefits

§ 404.205 General.

Since the original Social Security Act was enacted in 1935 (Pub. L. 74–271), the methods of computing benefits have been substantially modified by: The Amendments of 1939 (Pub. L. 76–379); the Amendments of 1950 (Pub. L. 81–734); the Amendments of 1952 (Pub. L. 82–590); the Amendments of 1954 (Pub. L. 83–761); the Amendments of 1956 (Pub. L. 84–880); the Amendments of 1958 (Pub. L. 85–840); the Amendments of 1960 (Pub. L. 86–778); the Amendments of 1965 (Pub. L. 89–97); the Amendments of 1967 (Pub. L. 90–248); and the Amendments of 1972 (Pub. L. 92–603). In the following sections, only the methods of computing benefits which are currently applicable are described. Under these methods, an individual's primary insurance amount (the basic benefit amount from which all other benefits are derived) is determined from a table appearing (or deemed to appear) in section 215(a) of the Act, or by the individual's coverage years under the special minimum provision (§ 404.219). (In the case of certain transitionally insured individuals, see § 404.113(a).)

§ 404.207 Use of table to determine primary insurance amounts.

(a) *General.* Unless an insured individual's primary insurance amount computed under the special minimum provision (§ 404.219) would be higher, the individual's primary insurance amount is determined from the applicable table in section 215(a) of the Act (or deemed to appear in that section under the cost-of-living provision—see § 404.221). For purposes of determining primary insurance amounts for months beginning after May 1975, the "applicable" table is the table in § 404.223(a) and the extension of this table appearing in § 404.223(b); for primary insurance amounts beginning June 1974 and ending May 1975, the "applicable" table is the table in § 404.225; for primary insurance amounts for months beginning with March 1974 and ending with May 1974, the "applicable" table is the table in § 404.227. For the "applicable" table for months prior to March 1974, see the appropriate sections of the amendments to the Act referred to in § 404.205.

(b) *How the applicable table is used.* The primary insurance amount for an individual is determined from the "applicable" table (as defined in paragraph (a) of this section) by finding the largest of the following amounts:

(1) The amount in column IV of the applicable table (see paragraph (a) of this section) on the same line on which the individual's average monthly wage as computed under § 404.211 appears in column III;

(2) The amount in column IV of the applicable table (see paragraph (a) of this section) on the same line on which the individual's primary insurance amount as computed for the month immediately preceding the first month for which the new table is effective, appears in column II (see § 404.217);

(3) The amount in column IV of the applicable table (see paragraph (a) of this section) on the same line on which the individual's primary insurance benefit as computed under § 404.213 appears in column I.

§ 404.209 Use of average monthly wage to determine primary insurance amounts.

(a) *General.* The average monthly wage is converted directly to a primary insurance amount under the table provided in section 215(a) of the Act except when it is based, at least in part, upon earnings prior to 1951. In such a case, the average monthly wage is first used to determine the primary insurance benefit which is then converted to a primary insurance amount under the table provided in section 215(a) of the Act. For certain situations in which an average monthly wage is "deemed" for veterans of World War II, see paragraph (d) of this section.

(b) *Earnings considered in determining the average monthly wage.* In determining an individual's average monthly wage to establish the individual's primary insurance amount or primary insurance benefit, the following kinds of earnings may be considered, subject to the limitations in paragraph (c) of this section:

(1) All wages and self-employment income creditable under the provisions of Subparts I and K of this part;

(2) All compensation certified to the Social Security Administration by the Railroad Retirement Board under section 5(k)(3) of the Railroad Retirement Act of 1937 or section 7(b)(7) of the Railroad Retirement Act of 1974 if the compensation is otherwise creditable under Subpart O of this part;

(3) All wages deemed paid to an individual for the individual's service in the active military or naval service of the United States after September 15, 1940, if otherwise creditable under sections 217 and 229 of the Act and Subpart N of this part;

(4) All wages deemed paid to an individual who was interned within the United States in a U.S. Government facility for interning United States citizens of Japanese ancestry, for any period of time from December 7, 1941, through December 31, 1946, if otherwise creditable under section 231 of the Act;

(5) All wage credits which have become conclusive pursuant to section 205(c) of the Act (see § 404.804); *and*

(6) All wage credits established or preserved pursuant to section 2(b) of the Act of June 14, 1948 (62 Stat. 438—see § 404.813).

(c) *Limitations on earnings which may be considered in determining the average monthly wage.* In determining an individual's average monthly wage, the following earnings will not be considered:

(1) Any portion which is not within the individual's "computation base years" (see § 404.203(f)).

(2) Any portion which is entirely within a period of disability unless all periods of disability established for an individual are disregarded (see § 404.312).

(3) Any portion which is in excess of the statutorily-established annual earnings limitations referred to in §§ 404.1027(a) and 404.1068(b).

(d) *Deemed average monthly wage of certain World War II veterans.* If entitlement to any monthly insurance benefit or lump sum is based upon the guaranteed insured status granted a veteran of World War II under section 217(b) of the Act (see § 404.1315), the average monthly wage of the veteran is deemed to be $160.

(e) *Rounding the average monthly wage.* Effective September 1, 1950, an individual's average monthly wage is rounded to the next lower multiple of $1 if it is not already a multiple of $1. Prior to that date, the average monthly wage was not rounded.

§ 404.211 Computing an individual's average monthly wage.

(a) *General.* As explained in § 404.207, an insured individual's primary insurance amount may be determined directly from the individual's average monthly wage by use of a table. Generally, the average monthly wage is computed under the formula provided in section 215(b) of the Act as in effect at the time the insured individual died or became entitled to old-age or disability insurance benefits. However, if the necessary requirements are met for the use of a formula for computing an individual's average monthly wage under the Act as currently in effect and for the use of a formula which was previously in effect, the individual's primary insurance amount is computed under whichever of the two formulas yields the largest amount. The basic formula for computing the average monthly wage of an insured individual who becomes entitled to old-age or disability benefits after 1965 or who does after 1965 without being so entitled provides than an individual's average monthly wage is the quotient obtained by dividing:

(1) The highest total earnings credited to such individual for the same number of "computation base years" (see paragraph (b) of this section) as that of "elapsed years" determined under paragraph (c) of this section less five (however, in no case may the number of "computation base years" be less than two); *by*

(2) The number of months in the number of all "computation base years" determined under paragraph (a)(1) of this section.

(b) *Determining the "computation base years."* (1) Except as provided in paragraph (b)(2) of this section, an individual's "computation base years," for purposes of computing an individual's average monthly wage under paragraph (a) of this section, includes any calendar year which is after 1950 and before the earlier of:

(i) The year containing the first month for which the individual was entitled to old-age insurance benefits; or

(ii) The year immediately following the year in which the individual died.

(2)(i) Any calendar year which is wholly within a period of disability may not be included as a computation year.

(ii) In determining an individual's primary insurance amount for months for which the individual is entitled to disability insurance benefits, the individual is considered to attain retirement age (as defined in § 404.203(g)) in:

(*a*) The first month of the individual's waiting period (see § 404.308(a)), or

(*b*) If no waiting period is involved (see § 404.308(c)), the first month for which the individual is entitled to disability insurance benefits.

(iii) Where such indivdual's retirement age is 62, the individual's period of disability ends on the last day of the 36th month following the month described in paragraph (b)(2)(ii) (*a*) or (*b*) of this section, because the individual is considered to attain age 65 in the month immediately following such 36th month. In the case of an individual whose retirement age is 65, since the month described in paragraph (b)(2)(ii) (*a*) or (*b*) of this section is the month in which the individual is considered to attain age 65, there is no period of disability excluded as a computation base year.

(c) *Determining the "elapsed years."* (1) For the purpose of determining an individual's average monthly wage under paragraph (a) of this section, "elapsed years" are years after 1950; or, if later, after the year the individual attains age 21; and before:

(i) The year in which the individual died, or

(ii) If it occurred earlier but after 1960, the year in which the individual attained or is deemed to have attained retirement age as defined in § 404.203(g).

(2) A year any part of which is within a period of disability is not considered an elapsed year unless all periods of disability established for the individual are being disregarded (see § 404.312).

(d) *Procedure for computing average monthly wages.* The following example shows how the rules in paragraphs (a)-(c) of this section for computing average monthly wages are applied:

Example. A, an insured worker, files application for old-age insurance benefits in June 1975, the month in which he attains age 62. His elapsed years are the years beginning with 1951 and ending with 1974 (the year before he attains retirement age). The total number of years in this period is 24; 5 years of low earnings are disregarded so that the actual number of elapsed years used in this computation is 19 (24 less 5). Since his elapsed years to be actually used number 19, only earnings in his 19 highest "computation base years" may be used to determine his "average monthly wage." The years thus selected are his "benefit computation years." Each year from 1951 through 1974 is reviewed and the 19 highest earnings years are determined to be 1953, 1955, and 1958 through 1974. The total earnings for these years is $40,000. To determine the average monthly wage, this total ($40,000) is divided by the number of months in the 19 years (228). This yields an average monthly wage of $175. Using the table in § 404.223(a), his primary insurance amount is found to be $174.10 (the amount in column IV on the same line as the $175 average monthly wage figure in column III of the table).

§ 404.213 Computing an individual's primary insurance benefit.

(a) *General.* As explained in § 404.207, an insured individual's primary insurance amount may be determined by first computing the individual's primary insurance benefit and then converting this benefit to a primary insurance amount by use of a table. Individuals who had substantially higher earnings before 1951 than afterward may be entitled to a higher primary insurance amount under this method of computation. The basic formula for computing the primary insurance benefit of an individual who becomes entitled to old-age or disability insurance benefits after January 1968, or who dies after that month without being so entitled, is explained in paragraphs (b), (c), and (d) of this section. When the requirements for use of this formula are met, the primary insurance benefit is equal to 45.6 percent of the first $50 of the individual's average monthly wage (as computed under paragraph (c) of this section) plus 11.4 percent of the next $200. When the requirements for use of this formula are not met, see § 404.215.

(b) *Requirements for use of basic formula.* (1) To compute an individual's average monthly wage for the purpose of determining his primary insurance benefit under paragraph (a) of this section, the formula in paragraph (c) of this section is used if the individual:

(i) Has at least one quarter of coverage (see § 404.103) before 1951; and

(ii) (*a*) Attained age 22 after 1950 and has less than 6 quarters of coverage after that year, or

(*b*) Attained such age before 1951; and

(iii) (*a*) Becomes entitled to old-age or disability insurance benefits after January 2, 1968, or

(*b*) Dies after such date without being so entitled, or

(*c*) Has a primary insurance amount required to be recomputed as an "automatic" recomputation (§ 404.244), a railroad survivor's recomputation (§ 404.274), or a recalculation to include wage credits for certain World War II internees (§ 404.278).

(2) If these requirements are not met, see § 404.215.

(c) *Computing the average monthly wage.* When the requirements in paragraph (b) of this section are met, an individual's average monthly wage for establishing the individual's primary insurance benefit under paragraph (a) of this section is the quotient obtained by dividing the individual's highest total earnings as determined under paragraph (d) of this section by the same number of "computation base years" as the number of "elapsed years" minus five (however, in no case totaling less than two). For purposes of this paragraph (c), "computation base years" are determined in the manner described in § 404.211(b) except that they are years after 1936 (instead of after 1950); and "elapsed years" are determined in the manner described in § 404.211(c) except that they are years after 1936 (instead of after 1950), or after the year in which the individual attains age 21 if later than 1936 but before 1951.

(d) *Earnings used under the basic formula.* An individual's creditable earnings (see § 404.209(b) for years prior to 1951) for purposes of the basic formula described in paragraph (c) of this section for computing the individual's average monthly wage are deemed to have been credited as follows:

(1) If the individual's total creditable earnings prior to 1951 are $27,000 or less, such total is deemed to have been credited in equal parts to 9 of the years after 1936 and prior to 1951.

(2) If the individual's total creditable earnings prior to 1951 are more than $27,000 but less than $42,000, such total is deemed to have been credited for as many of the years after 1936 and prior to 1951 as such total permits at the rate

of $3,000 per year. Any remainder which is not a multiple of $3,000 is deemed to have been credited to an additional year in such period.

(3) If the individual's total creditable earnings prior to 1951 are $42,000 or more, such total is deemed to have been credited at the rate of $3,000 for each of the 14 years after 1936, and prior to 1951.

(e) *Procedure for computing an individual's primary insurance benefit.* The following example shows how the rules in paragraph (a)–(d) of this section on computing an individual's primary insurance benefit are applied.

Example. A, an insured worker, files application for old-age insurance benefits in June 1975, when she attains age 62. Her earnings before 1951 total $30,000, but after 1950 total only $22,800 ($3,600 for each year 1951 through 1954 and $4,200 for each year 1955 through 1956). Depending upon which computation would be most favorable, her computation base years and elapsed years may be selected either from the years 1937 through 1974 or from the years 1951 through 1974. *If the computation base years and elapsed years are selected from 1951 through 1974,* her total earnings of $22,800 are divided by the number of months in her elapsed years (there are 24 years from 1951 through 1974; when 5 years of low earnings are subtracted, the result equals 19, and 19 years times 12 months per year equals 228). This result yields an average monthly wage of $100. (This total is low because, although 19 years of high earnings can be considered, she has earnings for only 6 years after 1950.) From the applicable table in section 215(a) of the Act, the $100 average monthly wage results in a primary insurance amount of $130.50. *If the computation base years and elapsed years are selected from 1937 through 1974,* her total earnings are $52,800 ($30,000 before 1951 plus $22,800 for years after 1950). There are only six possible computation base years after 1950 to be considered; to determine how many computation base years there are from 1937 through 1950, the total for this period ($30,000) is divided by $3,000 and yields 10 years. Although earnings for 19 years can be considered, she has earnings for only 16 years (10 years before 1951 and six thereafter). The total of $52,800 for these 16 years is then divided by the number of months in the elapsed years, which total is 396 months (i.e., there are 38 years in the period 1937 through 1974 and when 5 years of low earnings are disregarded, the result is 33 years; and 33 years times 12 months per year equals 396). The resulting total is an average monthly wage of $133. Applying 45.6 percent to the first $50 of this figure yields $22.80 which added to $9.46 (11.4 percent of the remainder of $83 ($133 less $50)) makes the total primary insurance benefit equal $32.26. When the applicable table in § 404.223 (a) is used, the primary insurance amount is found to be $165.50, the amount in column IV of the table which is on the same line as the $32.26 primary insurance benefit in column I.

§ 404.215 Special rules for computing primary insurance benefits under prior law which may still apply.

(a) *General.* When the requirements for computing an individual's primary insurance benefit under the basic formula described in § 404.213 are not met, the individual's primary insurance benefit may be computed under the formula provided by the 1965 amendments if the requirements specified in paragraph (b) of this section are met. Under such formula, the individual's actual earnings credited before 1951 (instead of the deemed earnings described in § 404.213 (d)) are used. The primary insurance benefit for purposes of the tables referred to in § 404.207 is obtained by adding 40 percent of the individual's average monthly wage (according to paragraph (c) of this section) to $20 (10 percent of the next $200) and adding to the resulting total 1 percent of such total for each "increment year." "Increment years" are years after 1936 and prior to 1951 in which the individual had at least $200 in creditable earnings.

(b) *Requirements for use of 1965 formula.* To compute an individual's average monthly wage for the purpose of determining the individual's primary insurance benefit under paragraph (a) of this section, the formula in paragraph (c) of this section is used if the individual:

(1) Does not meet the requirements for use of the basic formula for computing the individual's primary insurance amount described in § 404.213; and

(2) Has at least one quarter of coverage (see § 404.103) before 1951; and

(3) Has less than six quarters of coverage after 1950 if the individual attained age 21 after that year; and

(4) Becomes entitled to old-age or disability insurance benefits after 1965 or dies after 1965 without being so entitled.

(c) *Computing the average monthly wage.* When the requirements in paragraph (b) of this section are met, an individual's average monthly wage is determined in the same way as described in § 404.213 except that actual earnings credited to the individual's computation base years are used instead of the deemed earnings amounts provided for in that section.

§ 404.217 Determining current primary insurance amount from primary insurance amount previously in effect.

As explained in § 404.207, an insured individual's primary insurance amount may be determined by converting the individual's primary insurance amount computed under a table in the Act which was previously in effect. This is done by use of a table which supersedes such table. When an individual was entitled to benefits based upon a primary insurance amount in effect for the month immediately preceding the month for which the new table is effective, the new primary insurance amount is determined directly from the table since it appears on the same line with the prior primary insurance amount shown in column II of the table. In other cases, the prior primary insurance amount is determined from the individual's average monthly wage under the provisions of the Act which were in effect at whichever of the following is later: the time at which the individual died, or the time at which the individual became entitled to old-age or disability insurance benefits, or the time at which the individual's primary insurance amount was last computed or recomputed. The prior primary insurance amount is then converted by use of any tables provided in section 215(a) of the Act which were subsequently in effect, until the converted primary insurance amount is the amount which would have been in effect in the month immediately preceding the month for which the new table is effective (which amount appears in column II of that table).

§ 404.219 Special minimum primary insurance amounts.

(a) *General.* The 1972 amenments provided for a special computation of primary insurance amounts as an alternative to the method described in § 404.209 and § 404.213. Under such provision, for monthly benefits payable after December 1972 and for lump-sum payments for deaths occurring after such month, an insured individual's primary insurance amount is equal to $8.50 multiplied by the number of the individual's "years of coverage" (see paragraph (b) of this section) in excess of 10 but not more than 30. The 1973 amendments modified this provision so that for monthly benefits payable after February 1974 and for lump-sum payments for deaths occurring after that month, an insured individual's primary insurance amount is equal to $9.00 multiplied by the number of the individual's "years of coverage" (see paragraph (b) of this section) in excess of 10 but not more than 30. The maximum primary insurance amount under this special minimum computation is $180 for months after February 1974 ($170 for January 1973 through February 1974). These amendments did not provide any additional increase or change in this provision for months after May 1974. The special minimum PIA provision is applicable only when it produces a PIA which is greater than the PIA determined under §§ 404.209 and 404.213.

(b) *Years of coverage.* In computing an insured individual's primary insurance amount under the special minimum provision described in paragraph (a) of this section, the number of the individual's "years of coverage" is equal in number to the sum of the following, up to a maximum of 30:

(1) The number obtained by dividing the individual's total creditable earnings (see § 404.209(b)) for years after 1936 and before 1951 by $900 and disregarding any remainder which is not a multiple of $900; *plus*

(2) The number of "computation base years" after 1950 (see § 404.211(b)) in which the individual's creditable earnings for the year were not less than 25 percent of the maximum creditable amount for that year (see § 404.1027 and § 404.1068).

(c) *Procedure for computing the special minimum primary insurance amount.* The following example shows how the special minimum primary insurance amount is computed under the rules provided in paragraphs (a)–(b) of this section:

Example. A, an insured worker, attains age 62 in June, 1975, and files an application for old-age insurance benefits. He has earnings of $12,000 for the period 1937 through 1950.

Each year from 1951 through 1962, he had earnings equal to one-fourth the maximum creditable amount for that year (i.e., for the period 1951 through 1954 when the maximum creditable amount was $3,600 per year, he had $900 earnings per year; for the period 1955 through 1958 when the maximum creditable amount was $4,200 per year, he had $1,050 earnings per year; for the period 1959 through 1962 when the maximum creditable amount was $4,800 per year, he had $1,200 earnings per year). He had no earnings after 1962.

Under the regular benefit computation methods described in § 404.209 and § 404.213, A's highest primary insurance amount would be $130.50. Under the special minimum primary insurance amount provision, A would be credited with 13 coverage years for the period 1937 through 1950 ($12,000 divided by $900, with any remainder disregarded) plus 12 coverage years for the period 1951 through 1962. Total coverage years thus equal 25. From the total of 25 coverage years, 10 years are subtracted. The balance of 15 years is then multiplied by $9 to yield a special minimum primary insurance amount of $135, which is higher than the primary insurance amount of $130.50 computed under the regular benefit computation methods.

§ 404.221 Cost-of-living benefit increases.

(a) *General.* (1) Section 215(i) of the Act (added by section 202 of Pub. L. 92-336) permits the Secretary to provide a cost-of-living increase in primary insurance amounts, benefits for the transitionally insured (§ 404.113(a)), and payments for certain uninsured individuals at age 72 (§ 404.374). However, no cost-of-living increase may be made in special minimum primary insurance amounts (see § 404.231). The 1973 amendments (Pub. L. 93-233) provided that the first increase could be effective no earlier than June 1975. Such cost-of-living increase shall be made by the Secretary when he determines that the first calendar quarter of a year is a "cost-of-living computation quarter."

(2) The first calendar quarter of a year is a "cost-of-living computation quarter" if:

(i) Such calendar quarter is in a year after 1974; and

(ii) Such calendar quarter is not in a year immediately following a year in which a general benefit increase was enacted or became effective; and

(iii) The Consumer Price Index prepared by the Department of Labor for such calendar quarter is at least 3 percent higher than the Index was for the later of: (*a*) the last "cost-of-living computation" quarter; or (*b*) the last calendar quarter in which a general benefit increase was effective. (The Index for any calendar quarter is deemed to be the arithmetical mean for the months in that quarter.)

(3) For purposes of paragraph (a)(2)(ii) of this section, the benefit increases provided by the 1973 amendments are not considered "general benefit increases." Accordingly, the first possible "cost-of-living computation quarter" under this provision is the quarter ending March 31, 1975.

(b) *Method of providing cost-of-living benefit increases.* When the Secretary determines that the first calendar quarter of any year is a "cost-of-living computation quarter" under paragraph (a) of this section, he computes the amount of the cost-of-living increase. The amount of increase is determined by applying to the appropriate benefits the same percentage (rounded to the nearest one-tenth of 1 percent) by which the Consumer Price Index for the "cost-of-living computation quarter" increased over the last "cost-of-living computation quarter" or, if later, the last calendar quarter in which a general benefit increase was effective. Such increase will be rounded to the next higher multiple of $0.10 if it is not a multiple of $0.10. The Secretary publishes in the FEDERAL REGISTER within 45 days of the close of the "cost-of-living computation quarter" the fact that such an increase is due, the amount of the increase, the increased benefit amount for the transitionally insured, and the increased payment amount for certain uninsured individuals at age 72 (which amounts shall be deemed to appear in sections 227 and 228 of the Act, respectively), and a revised table showing the increased primary insurance amounts which shall be deemed to appear in section 215(a) of the Act. The increased amounts shall be effective beginning with June of the year in which the "cost-of-living computation quarter" occurs.

Example. Assume that the calendar quarter ending March 31, 1977, was used in determining that a 4-percent cost-of-living benefit increase was due effective June 1977 (i.e., the March 31, 1977, calendar quarter was a "cost-of-living" computation quarter"). As a consequence of that increase, A's primary insurance amount of $200 was raised to $208 ($200 times 1.04 percent) effective June 1977. Following the March 31, 1978, calendar quarter, the Consumer Price Index shows that the average cost-of-living for that quarter was 5 percent higher than the average cost-of-living for the March 31, 1977, calendar quarter. Accordingly, A's primary insurance amount of $208 will be increased by 5 percent to $218.40 ($208 times 1.05 percent) effective June 1978.

§ 404.223 Table for determining primary insurance amounts and maximum family benefits after May 1975.

(a) Beginning June 1975.

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective June 1974. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after May 1974 and before June 1975) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$16.20	$93.80	----------	$76	$101.40	$152.10
$16.21	16.84	95.30	$77	78	103.00	154.50
16.85	17.60	97.50	79	80	105.30	158.10
17.61	18.40	99.30	81	81	107.30	161.00
18.41	19.24	101.10	82	83	109.20	163.90
19.25	20.00	103.20	84	85	111.50	167.30
20.01	20.64	105.10	86	87	113.60	170.40
20.65	21.28	106.80	88	89	115.40	173.10
21.29	21.88	108.90	90	90	117.70	176.60
21.89	22.28	110.80	91	92	119.70	179.60
22.29	22.68	112.60	93	94	121.70	182.60
22.69	23.08	114.40	95	96	123.60	185.40
23.09	23.44	116.50	97	97	125.90	188.90
23.45	23.76	118.50	98	99	128.00	192.10
23.77	24.20	120.80	100	101	130.50	195.80
24.21	24.60	122.50	102	102	132.30	198.60
24.61	25.00	124.50	103	104	134.50	201.80
25.01	25.48	126.80	105	106	137.00	205.50
25.49	25.92	128.80	107	107	139.20	208.80
25.93	26.40	130.90	108	109	141.40	212.20
26.41	26.94	132.90	110	113	143.60	215.40
26.95	27.46	134.80	114	118	145.60	218.40
27.47	28.00	136.90	119	122	147.90	221.90
28.01	28.68	138.90	123	127	150.10	225.20
28.69	29.25	141.10	128	132	152.40	228.70
29.26	29.68	143.00	133	136	154.50	231.80
29.69	30.36	144.90	137	141	156.50	234.80
30.37	30.92	147.10	142	146	158.90	238.40
30.93	31.36	149.10	147	150	161.10	141.70
31.37	32.00	151.00	151	155	163.10	244.70
32.01	32.60	153.20	156	160	165.50	248.30
32.61	33.20	155.10	161	164	167.60	251.40
33.21	33.88	157.20	165	169	169.80	254.70
33.89	34.50	159.20	170	174	172.00	258.10
34.51	35.00	161.20	175	178	174.10	261.20
35.01	35.80	163.40	179	183	176.50	264.80
35.81	36.40	165.20	184	188	178.50	267.80
36.41	37.08	167.50	189	193	180.90	271.60
37.09	37.60	169.50	194	197	183.10	274.80
37.61	38.20	171.40	198	202	185.20	277.80
38.21	39.12	173.70	203	207	187.60	281.50
39.13	39.68	175.70	208	211	189.80	284.70
39.69	40.33	177.40	212	216	191.60	287.40
40.34	41.12	179.60	217	221	194.00	291.00
41.13	41.76	181.60	222	225	196.20	294.30
41.77	42.44	183.80	226	230	298.60	297.90
42.45	43.20	185.80	231	235	200.70	301.10
43.21	43.76	188.10	236	239	203.20	304.80
43.77	44.44	189.90	240	244	205.10	309.10
44.45	44.88	191.70	245	249	207.10	315.50
44.89	45.60	194.10	250	253	209.70	320.60
----------	----------	196.10	254	258	211.80	326.90
----------	----------	197.70	259	263	213.60	333.10
----------	----------	200.10	264	267	216.20	338.20

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective June 1974. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after May 1974 and before June 1975) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	----------	202.10	268	272	218.30	344.60
----------	----------	204.20	273	277	220.60	350.80
----------	----------	206.20	278	281	222.70	355.90
----------	----------	208.20	282	286	224.90	362.30
----------	----------	210.40	287	291	227.30	368.70
----------	----------	212.20	292	295	229.20	373.60
----------	----------	214.40	296	300	231.60	379.90
----------	----------	216.40	301	305	233.80	386.30
----------	----------	218.30	306	309	235.80	391.40
----------	----------	220.50	310	314	238.20	397.70
----------	----------	222.40	315	319	240.20	404.10
----------	----------	224.30	320	323	242.30	409.20
----------	----------	226.50	324	328	244.70	415.50
----------	----------	228.50	329	333	246.80	421.80
----------	----------	230.80	334	337	249.30	426.90
----------	----------	232.50	338	342	251.10	433.10
----------	----------	234.50	343	347	253.30	439.50
----------	----------	236.80	348	351	255.80	444.50
----------	----------	238.70	352	256	257.80	450.80
----------	----------	240.90	357	361	260.20	457.20
----------	----------	242.80	362	365	262.30	462.30
----------	----------	244.70	366	370	264.30	468.60
----------	----------	246.90	371	375	266.70	474.80
----------	----------	248.90	376	379	268.90	480.10
----------	----------	251.10	380	384	271.20	486.40
----------	----------	252.90	385	389	273.20	492.60
----------	----------	254.90	390	393	275.30	497.70
----------	----------	257.10	394	898	277.70	504.10
----------	----------	259.00	399	403	279.80	510.50
----------	----------	261.30	404	407	282.30	515.40
----------	----------	263.00	408	412	284.10	521.80
----------	----------	264.90	413	417	286.10	528.10
----------	----------	266.80	418	421	288.20	533.10
----------	----------	268.90	422	426	290.50	539.40
----------	----------	270.70	427	431	292.40	545.80
----------	----------	272.40	432	436	294.20	552.10
----------	----------	274.70	437	440	296.70	554.60
----------	----------	276.30	441	445	298.50	557.90
----------	----------	278.20	446	450	300.50	561.00
----------	----------	280.30	451	454	302.80	563.50
----------	----------	282.10	455	459	304.70	566.60
----------	----------	284.00	460	464	306.80	569.70
----------	----------	285.80	465	468	308.70	572.40
----------	----------	288.00	469	473	311.10	575.50
----------	----------	289.60	474	478	312.80	578.70
----------	----------	291.50	479	482	314.90	581.30
----------	----------	293.60	483	487	317.10	584.50
----------	----------	295.40	488	492	319.10	587.70
----------	----------	297.30	493	496	321.10	590.20
----------	----------	299.40	497	501	323.40	593.30
----------	----------	301.10	502	506	325.20	596.40
----------	----------	303.00	507	510	327.30	599.00
----------	----------	304.90	511	515	329.30	602.10
----------	----------	306.90	516	520	331.50	605.40
----------	----------	308.70	521	524	333.40	607.80
----------	----------	310.60	525	529	335.50	611.00
----------	----------	312.70	530	534	337.80	614.10
----------	----------	314.40	535	538	339.60	616.70
----------	----------	316.30	539	543	341.70	619.90
----------	----------	318.40	544	548	343.90	623.00
----------	----------	320.20	549	553	345.90	626.20
----------	----------	322.10	554	556	347.90	628.10
----------	----------	323.60	557	560	349.50	630.70
----------	----------	325.40	561	563	351.50	632.60
----------	----------	327.10	564	567	353.30	635.10
----------	----------	328.80	568	570	355.20	637.00
----------	----------	330.40	571	574	356.90	639.40
----------	----------	332.20	575	577	358.80	641.50
----------	----------	333.70	578	581	360.40	643.80
----------	----------	335.50	582	584	362.40	645.80
----------	----------	337.00	585	588	364.00	648.40
----------	----------	338.90	589	591	366.10	650.20
----------	----------	340.60	592	595	367.90	652.80
----------	----------	342.30	596	598	369.70	654.60
----------	----------	343.90	599	602	371.50	657.30
----------	----------	345.60	603	605	373.30	659.20
----------	----------	347.30	606	609	375.10	661.50
----------	----------	349.00	610	612	377.00	663.60
----------	----------	350.70	613	616	378.80	666.10
----------	----------	352.40	617	620	380.60	668.70
----------	----------	354.00	621	623	382.40	670.50
----------	----------	355.70	624	627	384.20	673.10
----------	----------	357.40	628	630	386.00	675.40
----------	----------	359.00	631	634	387.80	678.70
----------	----------	360.80	635	637	389.70	681.90
----------	----------	362.60	638	641	391.70	685.20
----------	----------	364.10	642	644	393.30	688.20
----------	----------	365.90	645	648	395.20	691.60
----------	----------	367.50	649	652	396.90	694.60
----------	----------	368.60	653	656	398.10	696.60
----------	----------	369.60	657	660	399.20	698.50
----------	----------	370.90	661	665	400.60	701.10
----------	----------	372.20	666	670	402.00	703.60
----------	----------	373.60	671	675	403.50	706.00
----------	----------	374.90	676	680	404.90	708.60
----------	----------	376.20	681	685	406.30	711.10

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective June 1974. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after May 1974 and before June 1975) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		377.60	686	690	407.90	713.60
		378.90	691	695	409.30	716.20
		380.20	696	700	410.70	718.70
		381.60	701	705	412.20	721.20
		382.90	706	710	413.60	723.60
		384.20	711	715	415.00	726.20
		385.60	716	720	416.50	728.70
		386.90	721	725	417.90	731.20
		388.20	726	730	419.30	733.80
		389.50	731	735	420.70	736.30
		390.90	736	740	422.20	738.80
		392.20	741	745	423.60	741.30
		393.50	746	750	425.00	743.80
		394.70	751	755	426.30	746.00
		395.80	756	760	427.50	748.10
		396.90	761	765	428.70	750.20
		398.00	766	770	429.90	752.30
		399.10	771	775	431.10	754.40
		400.20	776	780	432.30	756.40
		401.30	781	785	433.50	758.50
		402.40	786	970	434.60	760.60
		403.50	791	795	435.80	762.70
		404.60	796	800	437.00	764.80
		405.80	801	805	438.30	767.00
		406.90	806	810	439.50	769.00
		408.00	811	815	440.70	771.20
		409.10	816	820	441.90	773.20
		510.20	821	825	443.10	775.40
		411.30	826	830	444.30	777.40
		412.40	831	835	445.40	779.60
		413.50	836	840	446.60	781.60
		414.60	841	845	447.80	783.80
		415.70	846	850	449.90	785.70
		416.90	851	855	450.30	787.90
		418.00	856	860	451.50	790.00
		419.10	861	865	452.70	792.10
		420.20	866	870	453.90	794.20
		421.30	871	875	455.10	796.30
		422.40	876	880	456.20	798.40
		423.50	881	885	457.40	800.50
		424.60	886	890	458.60	802.60
		425.70	891	895	459.80	804.80
		426.80	896	900	461.00	806.80
		428.00	901	905	462.30	809.00
		429.10	906	910	463.50	811.00
		430.20	911	915	464.70	813.20
		431.30	916	920	465.90	815.10
		432.40	921	925	467.00	817.30
		433.50	926	930	468.20	819.30
		434.60	931	935	469.40	821.50
		435.70	936	940	470.60	823.50
		436.80	941	945	471.80	825.70
		437.90	946	950	473.00	827.80
		439.10	951	955	474.30	829.90
		440.20	956	960	475.50	832.00
		441.30	961	965	476.70	834.10
		442.40	966	970	477.80	836.20
		443.50	971	975	479.00	838.30
		444.60	976	980	480.20	840.30
		445.70	981	985	481.40	842.40
		446.80	986	990	482.60	844.50
		447.90	991	995	483.80	846.70
		449.00	996	1,000	485.00	848.70
		450.00	1,001	1,005	486.00	850.50
		451.00	1,006	1,010	487.10	852.50
		452.00	1,011	1,015	488.20	854.30
		453.00	1,016	1,020	489.30	856.30
		454.00	1,021	1,025	490.40	858.10
		455.00	1,026	1,030	491.40	860.10
		456.00	1,031	1,035	492.50	861.90
		457.00	1,036	1,040	493.60	863.80
		458.00	1,041	1,045	494.70	865.70
		459.00	1,046	1,050	495.80	867.60
		460.00	1,051	1,055	496.80	869.40
		461.00	1,056	1,060	497.90	871.40
		462.00	1,061	1,065	499.00	873.20
		463.00	1,066	1,070	500.10	875.20
		464.00	1,071	1,075	501.20	877.00
		465.00	1,076	1,080	502.20	879.00
		466.00	1,081	1,085	503.30	880.80
		467.00	1,086	1,090	504.40	882.70
		468.00	1,091	1,095	505.50	884.60
		469.00	1,096	1,100	506.60	886.50
		470.00	1,101	1,105	507.60	888.30
		471.00	1,106	1,110	508.70	890.30
		472.00	1,111	1,115	509.80	892.10
		473.00	1,116	1,120	510.90	894.10
		474.00	1,121	1,125	512.00	895.90
		475.00	1,126	1,130	513.00	897.90
		476.00	1,131	1,135	514.10	899.70
		477.00	1,136	1,140	515.20	901.60
		478.00	1,141	1,145	516.30	903.50
		479.00	1,146	1,150	517.40	905.40
		480.00	1,151	1,155	518.40	907.20

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective June 1974. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after May 1974 and before June 1975) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$481.00	$1,156	$1,160	$519.50	$909.20
		482.00	1,161	1,165	520.60	911.00
		483.00	1,166	1,170	521.70	913.00
		484.00	1,171	1,175	522.80	914.80

(b) *Beginning January 1976.*[1]

[1] This table is an extension of the table in paragraph (a) of this section prepared in accordance with section 215(i) of the Act to reflect the increase in the contribution and benefit base effecitve January 1976.

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective June 1974. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after May 1974 and before June 1975) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
			$1,176	$1,180	$523.80	$916.70
			1,181	1,185	524.80	918.40
			1,186	1,190	525.80	920.20
			1,191	1,195	526.80	921.90
			1,196	1,200	527.80	923.70
			1,201	1,205	528.80	925.40
			1,206	1,210	529.80	927.20
			1,211	1,215	530.80	928.90
			1,216	1,220	531.80	930.70
			1,221	1,225	532.80	932.40
			1,226	1,230	533.80	934.20
			1,231	1,235	534.80	935.90
			1,236	1,240	535.80	937.70
			1,241	1,245	536.80	939.40
			1,246	1,250	537.80	941.20
			1,251	1,255	538.80	942.90
			1,256	1,260	539.80	944.70
			1,261	1,265	540.80	946.40
			1,266	1,270	541.80	948.20
			1,271	1,275	542.80	949.90

§ 404.225 Table for determining primary-insurance amounts and maximum family benefits for June 1974 through May 1975.

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
	$16.20	$84.50		$76	$93.80	$140.80
$16.21	16.84	85.80	$77	78	95.30	143.00
16.85	17.60	87.80	79	80	97.50	146.30
17.61	18.40	89.40	81	81	99.30	149.00
18.41	19.24	91.00	82	83	101.10	151.70
19.25	20.00	92.90	84	85	103.20	154.80
20.01	20.64	94.60	86	87	105.10	157.70
20.65	21.28	96.20	88	89	106.80	160.20
21.29	21.88	98.10	90	90	108.90	163.40
21.89	22.28	99.80	91	92	110.80	166.20
22.29	22.68	101.40	93	94	121.60	169.00
22.69	23.08	103.00	95	96	114.40	171.60
23.09	23.44	104.90	97	97	116.50	174.80
23.45	23.76	106.70	98	99	118.50	177.80
23.77	24.20	108.80	100	101	120.80	181.20
24.21	24.60	110.30	102	102	122.50	183.80
24.61	25.00	112.10	103	104	124.50	186.80
25.01	25.48	114.20	105	106	126.80	190.20
25.49	25.92	116.00	107	107	128.80	193.20
25.93	26.40	117.90	108	109	130.90	196.40
26.41	26.94	119.70	110	113	132.90	199.40

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
$26.95	$27.46	$121.40	$114	$118	$134.80	$202.20
27.47	28.00	123.30	119	122	136.90	205.40
28.01	28.68	125.10	123	127	138.90	208.40
28.69	29.25	127.10	128	132	141.10	211.70
29.26	29.68	128.80	133	136	143.00	214.50
29.69	30.36	130.50	137	141	144.90	217.40
30.37	30.92	132.50	142	146	147.10	220.70
30.93	31.36	134.30	147	150	149.10	223.70
31.37	32.00	136.00	151	155	151.00	226.50
32.01	32.60	138.00	156	160	153.20	229.80
32.61	33.20	139.70	161	164	155.10	232.70
33.21	33.88	141.60	165	169	157.20	235.80
33.89	34.50	143.40	170	174	159.20	238.90
34.51	35.00	145.20	175	178	161.20	241.80
35.01	35.80	147.20	179	183	163.40	245.10
35.81	36.40	148.80	184	188	164.20	247.80
36.41	37.08	150.90	189	193	167.50	251.40
37.09	37.60	152.70	194	197	169.50	254.40
37.61	38.20	154.40	198	202	171.40	257.10
38.21	39.12	156.40	203	207	173.70	260.60
39.13	39.68	158.20	208	211	175.70	263.60
39.69	40.33	159.80	212	216	177.40	266.10
40.34	41.12	161.80	217	221	179.60	269.40
41.13	41.76	163.60	222	225	181.60	272.40
41.77	42.44	165.50	226	230	183.80	275.70
42.45	43.20	167.30	231	235	185.80	278.70
43.21	43.76	169.40	236	239	188.10	282.20
43.77	44.44	171.00	240	244	189.90	286.20
44.45	44.88	172.70	245	249	191.70	292.10
44.89	45.60	174.80	250	253	194.10	296.80
----------	----------	176.60	254	258	196.10	302.60
----------	----------	178.10	259	263	197.70	308.40
----------	----------	180.20	264	267	200.10	313.10
----------	----------	182.00	268	272	202.10	319.00
----------	----------	183.90	273	277	204.20	324.80
----------	----------	185.70	278	281	206.20	329.50
----------	----------	187.50	282	286	208.20	335.40
----------	----------	189.50	287	291	210.40	341.30
----------	----------	191.10	292	295	212.20	345.90
----------	----------	193.10	296	300	214.40	351.70
----------	----------	194.90	301	305	216.40	357.60
----------	----------	196.60	306	309	218.30	362.40
----------	----------	198.60	310	314	220.50	368.20
----------	----------	200.30	315	319	222.40	374.10
----------	----------	202.00	320	323	224.30	378.80
----------	----------	204.00	324	328	226.50	384.70
----------	----------	205.80	329	333	228.50	390.50
----------	----------	207.90	334	337	230.80	395.20
----------	----------	209.40	338	342	232.50	401.00
----------	----------	211.20	343	347	234.50	406.90
----------	----------	213.30	348	351	236.80	411.50
----------	----------	215.00	352	356	238.70	417.40
----------	----------	217.00	357	361	240.90	423.30
----------	----------	218.70	362	365	242.80	428.00
----------	----------	220.40	366	370	244.70	433.80
----------	----------	222.40	371	375	246.90	439.60
----------	----------	224.20	376	379	248.90	444.50
----------	----------	226.20	380	384	251.10	450.30
----------	----------	227.80	385	389	252.90	456.10
----------	----------	229.60	390	393	254.90	460.80
----------	----------	231.60	394	398	257.10	466.70
----------	----------	233.30	399	403	259.00	472.60
----------	----------	235.40	404	407	261.30	477.20
----------	----------	236.90	408	412	263.00	483.10
----------	----------	238.60	413	417	264.90	488.90
----------	----------	240.30	418	421	266.80	493.60
----------	----------	242.20	422	426	268.90	499.40
----------	----------	243.80	427	431	270.70	505.30
----------	----------	245.40	432	436	272.40	511.20
----------	----------	247.40	437	440	274.70	513.50
----------	----------	248.90	441	445	276.30	516.50
----------	----------	250.60	446	450	278.20	519.40
----------	----------	252.50	451	454	280.30	524.70
----------	----------	254.10	455	459	282.10	524.60
----------	----------	255.80	460	464	284.00	527.50
----------	----------	257.40	465	468	285.80	530.00
----------	----------	259.40	469	473	288.00	532.80
----------	----------	260.90	474	478	279.60	536.80
----------	----------	262.60	479	482	291.50	538.20
----------	----------	264.50	483	487	293.60	541.20
----------	----------	266.10	488	492	295.40	544.10
----------	----------	267.80	493	496	297.30	546.40
----------	----------	269.70	497	501	299.40	549.30
----------	----------	271.20	502	506	301.10	552.20
----------	----------	272.90	507	510	303.00	554.60
----------	----------	274.60	511	515	304.90	557.50
----------	----------	276.40	516	520	306.90	560.50
----------	----------	278.10	521	524	308.70	562.70
----------	----------	279.80	525	529	310.60	565.70
----------	----------	281.70	530	534	312.70	568.60
----------	----------	283.20	535	538	314.40	571.00
----------	----------	284.90	539	543	316.30	573.90
----------	----------	286.80	544	548	318.40	576.80
----------	----------	288.40	549	553	420.20	579.80

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$290.10	$554	$556	$322.10	$581.50
		291.50	557	560	323.60	583.90
		293.10	561	563	325.40	585.70
		294.60	564	567	327.10	588.00
		296.20	568	470	328.80	589.80
		297.60	571	574	330.40	592.00
		299.20	575	577	332.20	593.90
		300.60	578	581	333.70	596.10
		302.20	582	584	335.50	597.90
		303.60	585	588	337.00	600.30
		305.30	589	591	338.90	602.00
		306.80	592	595	340.60	604.40
		308.30	596	598	342.30	606.10
		309.80	599	602	343.90	608.60
		311.30	603	605	345.60	610.30
		312.80	606	609	347.30	612.50
		314.40	610	612	349.00	614.40
		315.90	613	616	350.70	616.70
		317.40	617	620	352.40	619.10
		318.90	622	623	354.00	620.80
		320.40	624	627	355.70	623.20
		321.90	628	630	357.40	625.30
		323.40	631	634	359.00	628.40
		325.00	635	637	360.80	631.30
		326.60	638	641	362.60	634.40
		328.00	642	644	364.10	637.20
		329.60	645	648	365.90	640.30
		331.00	649	652	367.50	643.10
		332.00	653	656	368.60	645.00
		332.90	657	660	369.60	646.70
		334.10	661	665	370.90	649.10
		335.30	666	670	372.20	651.40
		336.50	671	675	373.60	653.70
		337.70	676	680	374.90	656.10
		338.90	681	685	376.20	658.40
		340.10	686	690	377.60	660.70
		341.30	691	695	378.90	663.10
		342.50	696	700	380.20	665.40
		343.70	701	705	381.60	667.70
		344.90	706	710	382.90	670.00
		346.10	711	715	384.20	672.40
		347.30	716	720	385.60	674.70
		348.50	721	725	386.90	677.00
		349.70	726	730	388.20	679.40
		350.90	731	735	389.50	681.70
		352.10	736	740	390.90	684.00
		353.30	741	745	392.20	686.40
		354.50	746	750	393.50	688.70
		355.50	751	755	394.70	690.70
		3[illegible].50	756	760	395.80	692.60
		357.50	761	765	396.90	694.60
		358.50	766	770	398.00	696.50
		359.50	771	775	399.10	698.50
		360.50	776	780	400.20	700.30
		361.50	781	785	401.30	702.30
		362.50	786	790	402.40	704.20
		363.50	791	795	403.50	706.20
		364.50	796	800	404.60	708.10
		365.50	801	805	405.80	710.10
		366.50	806	810	406.90	712.00
		367.50	811	815	408.00	714.00
		368.50	816	820	409.10	715.90
		369.50	821	825	410.20	717.90
		370.50	826	830	411.30	719.80
		371.50	831	835	412.40	721.80
		372.50	836	840	413.50	723.70
		373.50	841	845	414.60	725.70
		374.50	846	850	415.70	727.50
		375.50	851	855	416.90	729.50
		376.50	856	860	418.00	731.40
		377.50	861	865	419.10	733.40
		378.50	866	870	420.20	735.30
		379.50	871	875	421.30	737.30
		380.50	876	880	422.40	739.20
		381.50	881	885	423.50	741.20
		382.50	886	890	424.60	743.10
		383.50	891	895	425.70	745.10
		384.50	896	900	426.80	747.00
		385.50	901	905	428.00	749.00
		386.50	906	910	429.10	750.90
		387.50	911	915	430.20	752.90
		388.50	916	920	431.30	754.70
		389.50	921	925	432.40	756.70
		390.50	926	930	433.50	758.60
		391.50	931	935	434.60	760.60
		392.50	936	940	435.70	762.50
		393.50	941	945	436.80	764.50
		394.50	946	950	437.90	766.40

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$395.50	$951	$955	$439.10	$768.40
		396.50	956	960	440.20	770.30
		397.50	961	965	441.30	772.30
		398.50	966	970	442.40	774.20
		399.50	971	975	443.50	776.20
		400.50	976	980	444.60	778.00
		401.50	981	985	445.70	780.00
		402.50	986	990	446.80	781.90
		403.50	991	995	447.90	783.90
		404.50	996	1,000	449.00	785.80
			1,001	1,005	450.00	787.50
			1,006	1,010	451.00	789.30
			1,011	1,015	452.00	791.00
			1,016	1,020	453.00	792.80
			1,021	1,025	454.00	794.50
			1,026	1,030	455.00	796.30
			1,031	1,035	456.00	798.00
			1,036	1,040	457.00	799.80
			1,041	1,045	458.00	801.50
			1,046	1,050	459.00	803.30
			1,051	1,055	460.00	805.00
			1,056	1,060	461.00	806.80
			1,061	1,065	462.00	808.50
			1,066	1,070	463.00	810.30
			1,071	1,075	464.00	812.00
			1,076	1,080	465.00	813.80
			1,081	1,085	466.00	815.50
			1,086	1,090	467.00	817.30
			1,091	1,095	468.00	819.00
			1,096	1,100	469.00	820.80
			1,101	1,105	470.00	822.50
			1,106	1,110	471.00	824.30
			1,111	1,115	472.00	826.00
			1,116	1,120	473.00	827.80
			1,121	1,125	474.00	829.50
			1,126	1,130	475.00	831.30
			1,131	1,135	476.00	833.00
			1,136	1,140	477.00	834.80
			1,141	1,145	478.00	836.50
			1,146	1,150	479.00	838.30
			1,151	1,155	480.00	840.00
			1,156	1,160	481.00	841.80
			1,161	1,165	482.00	843.50
			1,166	1,170	483.00	845.30
			1,171	1,175	484.00	847.00

§ 404.227 Table for determining primary insurance amounts and maximum family benefits for March 1974 through May 1974.

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
	$16.20	$84.50		$76	$90.50	$135.80
$16.21	16.84	85.80	$77	78	91.90	137.90
16.85	17.60	87.80	79	80	94.00	141.00
17.61	18.40	89.40	81	81	95.70	143.60
18.41	19.24	91.60	82	83	97.40	146.10
19.25	20.00	92.90	84	85	99.50	149.30
20.01	20.64	94.60	86	87	101.30	152.00
20.65	21.28	86.20	88	89	103.00	154.50
21.29	21.88	98.10	90	90	105.00	157.60
21.89	22.28	99.80	91	92	106.80	160.20
22.29	22.68	101.40	93	94	108.50	162.90
22.69	23.08	103.00	95	96	110.30	165.50
23.09	23.44	104.90	97	97	112.30	168.50
23.45	23.76	106.70	98	99	114.20	171.40
23.77	24.20	108.80	100	101	116.50	174.80
24.21	24.60	110.30	102	102	118.10	177.20
24.61	25.00	112.10	103	104	120.00	180.00
25.01	25.48	114.20	105	106	122.20	183.30
25.49	25.92	116.00	107	107	124.20	186.30
25.93	26.40	117.90	108	109	126.20	189.30
26.41	26.94	119.70	110	113	128.10	192.20
26.95	27.46	121.40	114	118	129.90	194.90
27.47	28.00	123.30	119	122	132.00	198.00
28.01	28.68	125.10	123	127	133.90	200.90

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
$28.60	$29.25	$127.10	$128	$132	$136.00	$204.10
29.26	29.68	128.80	133	136	137.90	206.90
29.69	30.36	130.50	137	141	139.70	209.60
30.37	30.92	132.50	142	146	141.80	212.80
30.93	31.36	134.30	147	150	143.80	215.70
31.37	32.00	136.00	151	155	145.60	218.40
32.01	32.60	138.00	156	160	147.70	221.60
32.61	33.20	139.70	161	164	149.50	224.30
33.21	33.88	141.60	165	169	151.60	227.40
33.89	34.50	143.40	170	174	153.50	230.30
34.51	35.00	145.20	175	178	155.40	233.10
35.01	35.80	147.20	179	183	157.60	236.40
35.81	36.40	148.80	184	188	159.30	239.00
36.41	37.08	150.90	189	193	161.50	242.30
37.09	37.60	152.70	194	197	163.40	245.20
37.61	38.20	154.40	198	202	165.30	248.00
38.21	39.12	156.40	203	207	167.40	251.10
39.13	39.68	158.20	208	211	169.30	254.00
39.69	40.33	159.80	213	216	171.00	256.50
40.34	41.12	161.80	217	221	173.20	259.80
41.13	41.76	163.60	222	225	175.10	262.70
41.77	42.44	165.50	226	230	177.10	265.70
42.45	43.20	167.30	231	235	179.10	268.70
43.21	43.76	169.40	236	239	181.30	272.00
43.77	44.44	171.00	240	244	183.00	275.90
44.45	44.88	172.70	245	249	184.80	281.60
44.89	45.60	174.80	250	253	187.10	286.10
.....	.....	176.60	254	258	189.00	291.70
.....	.....	178.10	259	263	190.60	297.30
.....	.....	180.20	264	267	192.90	301.80
.....	.....	182.00	268	273	194.80	307.50
.....	.....	183.90	273	277	196.80	313.10
.....	.....	185.70	278	281	198.70	317.60
.....	.....	187.50	282	286	200.70	323.30
.....	.....	189.50	287	291	202.80	329.00
.....	.....	191.10	292	295	204.50	333.50
.....	.....	193.10	296	300	206.70	339.00
.....	.....	194.90	301	305	208.60	344.70
.....	.....	196.60	306	309	210.40	349.30
.....	.....	198.60	310	314	212.60	355.00
.....	.....	200.30	315	319	214.40	360.60
.....	.....	202.00	320	323	216.20	365.10
.....	.....	204.00	324	328	218.30	370.80
.....	.....	205.80	329	333	220.30	376.50
.....	.....	207.90	334	337	222.50	381.00
.....	.....	209.40	338	342	224.10	386.50
.....	.....	211.20	343	347	226.00	392.20
.....	.....	213.30	348	351	228.30	396.70
.....	.....	215.00	352	356	230.10	402.40
.....	.....	217.00	357	361	232.20	408.00
.....	.....	218.70	362	365	234.10	412.50
.....	.....	220.40	366	370	235.90	418.20
.....	.....	222.40	371	375	238.00	423.80
.....	.....	224.20	376	379	239.90	428.50
.....	.....	226.20	380	384	242.10	434.00
.....	.....	227.80	385	389	243.80	439.70
.....	.....	229.60	390	393	245.70	444.20
.....	.....	231.60	394	398	247.90	449.90
.....	.....	233.30	399	403	249.70	455.50
.....	.....	235.40	404	407	251.90	460.00
.....	.....	236.90	408	412	253.50	465.70
.....	.....	238.60	413	417	255.40	471.30
.....	.....	240.30	418	421	257.20	475.80
.....	.....	242.20	422	426	259.20	481.40
.....	.....	243.80	427	431	260.90	487.10
.....	.....	245.40	432	436	262.60	492.80
.....	.....	247.40	437	440	264.80	495.00
.....	.....	248.90	441	445	266.40	497.90
.....	.....	250.60	446	450	268.20	500.70
.....	.....	252.50	451	454	270.20	502.90
.....	.....	254.10	455	459	271.90	505.70
.....	.....	255.80	460	464	273.80	508.50
.....	.....	257.40	465	468	275.50	510.90
.....	.....	259.40	469	473	277.60	513.60
.....	.....	260.90	474	478	279.20	516.50
.....	.....	262.60	479	482	281.00	518.00
.....	.....	264.50	483	487	283.10	521.70
.....	.....	266.10	488	492	284.80	524.50
.....	.....	267.80	493	496	286.60	526.70
.....	.....	269.70	497	501	288.60	529.50
.....	.....	271.20	502	506	290.20	532.30
.....	.....	272.90	507	510	292.10	534.60
.....	.....	274.60	511	515	293.90	537.40
.....	.....	276.40	516	520	295.80	540.30
.....	.....	278.10	521	524	297.60	542.40
.....	.....	279.80	525	529	299.40	545.30
.....	.....	281.70	530	534	301.50	548.10
.....	.....	283.20	535	538	303.10	550.50
.....	.....	284.90	539	543	304.90	553.20
.....	.....	286.80	544	548	306.90	556.00
.....	.....	288.40	549	553	308.60	558.90
.....	.....	290.10	554	556	310.50	560.50
.....	.....	291.50	557	560	312.00	562.90
.....	.....	293.10	561	563	313.70	564.60
.....	.....	294.60	564	567	315.30	566.80

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		296.20	568	570	317.00	568.50
		297.60	571	574	318.50	570.70
		299.20	575	577	320.20	572.50
		300.60	578	581	321.70	574.60
		302.20	582	584	323.40	576.40
		303.60	585	588	324.90	578.70
		305.30	589	591	326.70	580.30
		306.80	592	595	328.30	582.70
		308.30	596	598	329.90	584.30
		309.80	599	602	331.50	586.60
		311.30	603	605	333.10	588.30
		312.80	606	609	334.70	590.50
		314.40	610	612	336.50	592.30
		315.90	613	616	338.10	594.40
		317.40	617	620	339.70	596.80
		318.90	621	623	341.30	598.40
		320.40	624	627	342.90	600.70
		321.90	628	630	344.50	602.80
		323.40	631	634	346.10	605.80
		325.00	635	637	347.80	608.60
		326.60	638	641	349.50	611.60
		328.00	642	644	351.00	614.20
		329.60	645	648	352.70	617.20
		331.00	649	652	354.20	619.90
		332.00	653	656	355.30	621.70
		332.90	657	660	356.30	623.40
		334.10	661	665	357.50	625.70
		335.30	666	670	358.80	627.90
		336.50	671	675	360.10	630.20
		337.70	676	680	361.40	632.40
		338.90	681	685	362.70	634.70
		340.10	686	690	364.00	636.90
		341.30	691	695	365.20	639.20
		342.50	696	700	366.50	641.40
		343.70	701	705	367.80	643.70
		344.90	706	710	369.10	645.90
		346.10	711	715	370.40	648.10
		347.30	716	720	371.70	650.40
		348.50	721	725	372.90	652.60
		349.70	726	730	374.20	654.90
		350.90	731	735	375.50	657.10
		352.10	736	740	376.80	659.40
		353.30	741	745	378.10	661.60
		354.50	746	750	379.40	663.90
		355.50	751	755	380.40	665.80
		356.50	756	760	381.50	667.60
		357.50	761	765	382.60	669.50
		358.50	766	770	383.60	671.40
		359.50	771	775	384.70	673.30
		360.50	776	780	385.80	675.10
		361.50	781	785	386.90	677.00
		362.50	786	790	387.90	678.90
		363.50	791	795	389.00	680.80
		364.50	796	800	390.10	682.60
		365.50	801	805	391.10	684.50
		366.50	806	810	392.20	686.30
		367.50	811	815	393.30	688.30
		368.50	816	820	394.30	690.10
		369.50	821	825	395.40	692.00
		370.50	826	830	396.50	693.80
		371.50	831	835	397.60	695.80
		372.50	836	840	398.60	697.60
		373.50	841	845	399.70	699.50
		374.50	846	850	400.80	701.30
		375.50	851	855	401.80	703.30
		376.50	856	860	402.90	705.10
		377.50	861	865	404.00	707.00
		378.50	866	870	405.00	708.80
		379.50	871	875	406.10	710.70
		380.50	876	880	407.20	712.60
		381.50	881	885	408.30	714.50
		382.50	886	890	409.30	716.30
		383.50	891	895	410.40	718.20
		384.50	896	900	411.50	720.10
		385.50	901	905	412.50	722.00
		386.50	906	910	413.60	723.80
		387.50	911	915	414.70	725.70
		388.50	916	920	415.70	727.50
		389.50	921	925	416.80	729.50
		390.50	926	930	417.90	731.30
		391.50	931	935	419.00	733.20
		392.50	936	940	420.00	735.00
		393.50	941	945	421.10	737.00
		394.50	946	950	422.20	738.80
		395.50	951	955	423.20	740.70
		396.50	956	960	424.30	742.50
		397.50	961	965	425.40	744.40
		398.50	966	970	426.40	746.30
		399.50	971	975	427.50	748.20
		400.50	976	980	428.60	750.00
		401.50	981	985	429.70	751.90

I		II	III		IV	V
Primary insurance benefit under 1939 act, as modified. If an individual's primary insurance benefit (as determined under sec. 404.213) is—		Primary insurance amount effective September 1972. Or the individual's primary insurance amount (as determined under sec. 404.207 for months after August 1972 and before March 1974) is—	Average monthly wage. Or the individual's average monthly wage (as determined under sec. 404.211) is—		Primary insurance amount. The amount referred to in sec. 404.207(b) shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a) of the act) on the basis of the individual's wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
.....		$402.50	$986	$990	$430.70	$753.80
.....		403.50	991	995	431.80	755.70
.....		404.50	996	1,000	432.90	757.50
.....			1,001	1,005	433.90	759.40
.....			1,006	1,010	434.90	761.10
.....			1,011	1,015	435.90	762.90
.....			1,016	1,020	436.90	764.60
.....			1,021	1,025	437.90	766.40
.....			1,026	1,030	438.90	768.10
.....			1,031	1,035	439.90	769.90
.....			1,036	1,040	440.90	771.60
.....			1,041	1,045	441.90	773.40
.....			1,046	1,050	442.90	775.10
.....			1,051	1,055	443.90	776.90
.....			1,056	1,060	444.90	778.60
.....			1,061	1,065	445.90	780.40
.....			1,066	1,070	446.90	782.10
.....			1,071	1,075	447.90	783.90
.....			1,076	1,080	448.90	785.60
.....			1,081	1,085	449.90	787.40
.....			1,086	1,090	450.90	789.10
.....			1,091	1,095	451.90	790.90
.....			1,096	1,100	452.90	792.60

CURRENT METHODS OF RECOMPUTING BENEFITS

§ 404.240 General.

Recomputation of an individual's primary insurance amount is the computing of such amount as if it were being established for the first time, although, in fact, it was determined previously. Recomputation is permitted only if it results in an increase in the primary insurance amount. That is, the recomputation is made as if the individual were first filing for and becoming entitled to monthly benefits in the year in which the recomputation is made. Recomputation of an individual's primary insurance amount was first provided for by the 1946 amendments. However, recomputations of an individual's primary insurance amount were made only upon application by the individual; or, if deceased, by someone entitled to monthly benefits based upon that primary insurance amount. The 1965 amendments eliminated the requirement that an application for recomputation be filed.

§ 404.242 When a recomputation applies.

A recomputation is usually effected to permit consideration of one or more of the following:

(a) Earnings which could not be included in the initial computation of the primary insurance amount because evidence of such earnings was then unavailable; or

(b) Earnings which were earned after the primary insurance amount was first determined; or

(c) A computation method or formula provided by an amendment to the Act which was not in effect when the primary insurance amount was first determined; or

(d) An earlier ending date for the computation period as where the ending date which was used in initially determining the individual's primary insurance amount was based upon attainment of retirement age in a future year and death occurs prior to such year.

§ 404.244 "Automatic" recomputations.

(a) *General.* (1) Since 1966, "automatic" recomputations are made by the Social Security Administration at times designated by the Secretary. An individual is no longer required to file an application requesting recomputation of his primary insurance amount. The Social Security Administration examines for each year the wage and self-employment records which it maintains for those who are entitled to monthly benefits (see Subpart I of this part for discussion of these records). When this examination indicates that recomputation of an individual's primary insurance amount is possible, the recomputation is made and any resulting increase in benefits paid (if otherwise due).

(2) The automatic recomputation provision is effective for recomputations of primary insurance amounts for individuals entitled to old-age insurance benefits for any month after December 31, 1964. However, the 1967 amendments provided that recomputation of the primary insurance amount for individuals entitled to old-age insurance benefits for months after 1965 may be made only if the individual has creditable wages or self-employment income for the year with respect to which such recomputation is made.

(b) *Method of recomputation.* (1) Under the 1965 amendments "automatic" recomputations were made as provided in § 404.211, as though the year for which the wage and self-employment records were examined was, in fact, the last "computation base year" (see § 404.211(b)) for purposes of computing the primary insurance amount. However, if such year was not the first year in which the individual was entitled to old-age insurance benefits or the year immediately preceding that year, only the method described in § 404.211 for establishing the primary insurance amount directly from the average monthly wage could be used (and not the methods described in § 404.213 or in § 404.215 for establishing the primary insurance amount from the primary insurance benefit). Increases in monthly benefits under this provision of the 1965 amendments were effective with January of the year immediately following the year considered to be the last "computation base year" under the preceding sentences of this section but: (i) no earlier than January 1966; or, (ii) if the individual died in the year considered to be the last "computation base year" under the preceding sentences, no earlier than the month in which the individual died.

(2) The 1967 amendments permitted the primary insurance amount to be recomputed under the methods described in § 404.213 or in § 404.215 when the conditions in paragraph (a) of this section were satisfied even though the year considered to be the last "computation base year" was later than the first year in which the individual was entitled to old-age insurance benefits. Such provision was effective for recomputations made after January 2, 1968. The 1972 amendments permit consideration of the special minimum primary insurance amount described in § 404.219 as an alternative computation when an individual's primary insurance amount is recomputed to increase benefits after December 1972.

(c) *Procedure for computing the recomputation.* The following example shows how the "automatic" recomputation is made under the rules in paragraphs (a) and (b) of this section.

Example. A, an insured worker, attains age 65 in June 1974, stops working, and files application for old-age insurance benefits in the same month. His primary insurance amount effective June 1974 is determined to be $304.90, based upon total earnings of $110,400 for the 18 "computation base years" (see § 404.211(b)) from 1956 through 1973. A's year with the lowest earnings which is included in this total is 1956 with $4,200. Although A's earnings for the first 5 months of 1974 total $13,200, these earnings may not be used in the initial computation since earnings in the year in which an individual is first entitled to old-age insurance benefits must be excluded from the initial computation. However, in 1975, A's earnings for 1974 may be used in recomputing his primary insurance amount. The number of "computation base years" used in the initial computation (18) remains unchanged for purposes of the recomputation. However, his 1974 earnings may be used in lieu of a "computation base year" which has lower earnings, such as the year 1956 in which he had only $4,200 in earnings. By making such a substitution in "computation base years", A's total earnings are increased to $119,400 ($110,400 minus $4,200 for 1956 plus $13,200 for 1974) and his primary insurance amount is increased to $320.20. This increased amount becomes effective with January 1975 (the first month of the year following the last "computation base year" used in the recomputation).

§ 404.246 Request for immediate recomputation.

As explained in § 404.244, an "automatic" recomputation of an individual's

primary insurance amount is made, if applicable, after the individual's earnings are reviewed each year. However, if the individual requests in writing that a recomputation be made prior to the time when the annual examination of earnings records is made, the individual's request may be honored if acceptable evidence of any creditable earnings not considered in the initial computation of his primary insurance amount is provided and consideration of these earnings would increase this amount. If these conditions are met, the Social Security Administration recomputes the individual's primary insurance amount, based upon the individual's request, prior to the time for the "automatic" examination of its annual earnings records.

§ 404.248 Waiver of recomputation.

(a) If an individual requests that an "automatic" recomputation of the primary insurance amount *not* be made, the individual's request to waive recomputation is honored if:

(1) The request is made in writing; and

(2) One of the following conditions is satisfied:

(i) The recomputation would result in decreasing the total amount of benefits payable on the basis of the primary insurance amount; or

(ii) The recomputation would result in a disadvantage to each individual entitled to benefits payable based upon that primary insurance amount, other than the disadvantage specified in paragraph (a) (2) (i) of this section; or

(iii) All other individuals entitled to benefits payable based upon that primary insurance amount consent to waiver of such recomputation.

(b) Waiver of a recomputation as described in paragraph (a) of this section does not preclude any subsequent recomputation of the individual's primary insurance amount.

§ 404.250 Continued applicability of certain recomputations in effect prior to the 1965 Amendments.

To insure that an individual eligible for retroactive benefit increases under the recomputation methods in effect prior to the Social Security Amendments of 1965 will not be disadvantaged, any individual who would have been entitled to a recomputation if the individual had filed an application on or before January 1, 1966, is deemed to have filed such application on the earliest date that it could have been filed but no earlier, in any case, than July 30, 1965.

SPECIAL COMPUTATIONS AND RECOMPUTATIONS WITH LIMITED CURRENT APPLICABILITY

§ 404.270 General.

Sections 404.272 through 404.282 deal with special provisions of the Act which still apply to cases involving individuals:

(a) whose primary insurance amount is recalculated to correct previous errors in a prior calculation; or

(b) whose primary insurance amount is recalculated or recomputed to include special credits for military service, internment during World War II, or compensation for work covered under the Railroad Retirement Act; or

(c) whose old-age insurance benefits are subject to increase because of delayed retirement credits.

§ 404.272 Recalculation of primary insurance amount.

(a) "Recalculation" with respect to an individual's primary insurance amount means the subsequent computation of such amount under the computation methods or formulas which were in effect at the time that the previous computation was made. "Recalculation" may result in either an increase or decrease in the primary insurance amount and need not be specifically provided for in the Act.

(b) Ordinarily, a "recalculation" is made to:

(1) Correct a previous computation of the primary insurance amount where correction is permitted under § 404.957; or

(2) Permit including in the computation of the primary insurance amount, earnings which could not be included when such amount was previously computed.

§ 404.274 Recalculations and recomputations to include compensation for railroad service.

(a) *Individual has railroad service but is ineligible for railroad annuity*—(1) *General.* The 1951 Amendments to the Railroad Retirement Act provided that an individual's compensation for railroad service could be credited for social security purposes if such service did not total 10 years or more. If an individual had at least 10 years of railroad service and met certain other requirements, the individual could qualify for an annuity under the Railroad Retirement Act as amended in 1951 (see Subpart O of this part). Formerly, all compensation for railroad service was disregarded for social security purposes.

(2) *Conditions for recalculation.* As a consequence of these amendments, the primary insurance amount of an individual entitled to old-age insurance benefits is recalculated if the individual:

(i) Became entitled to old-age insurance benefits before November 1951; and

(ii) Was alive throughout the month of November 1951; and

(iii) Was not a railroad annuitant; and

(iv) Had less than 10 years of railroad service; and

(v) Had a primary insurance amount which had been computed without consideration of the individual's compensation for railroad service.

(3) *Formula.* When the requirements in paragraphs (a) (2) (i)–(v) of this section are met, the individual's primary insurance amount shall be recalculated to include the individual's compensation for railroad service, using the same computation formula or method that was used in the last computation of the individual's primary insurance amount.

(4) *Effective date.* Any increase in old-age insurance benefits based upon such recalculation is effective November 1951.

(b) *Deceased individual had railroad service but survivor is ineligible for railroad survivor's annuity*—(1) *General.* The Social Security Amendments of 1951 provided that a deceased individual's compensation for railroad service could be credited for social security purposes if there was no person who would be entitled to an annuity under section 5, or a lump-sum payment under section 5(f) (1), of the Railroad Retirement Act. These amendments further provided that where an individual's railroad compensation became creditable for social security purposes upon the individual's death and the individual had been entitled to old-age insurance benefits, the individual's primary insurance amount could be recomputed to include the compensation. This permitted the use of an individual's compensation to increase benefits payable to the individual's survivors although such compensation could not be used in computing the individual's old-age insurance benefits because it was paid for 10 years or more of railroad service (see paragraph (a) of this section).

(2) *Conditions for recomputation.* An individual's primary insurance amount is recomputed according to this paragraph (b) if:

(i) The individual died after August 31, 1950; and

(ii) The individual was paid compensation for railroad service which could be credited under section 205(o) of the Act (because no person was entitled to a survivor's annuity or lump-sum payment under the Railroad Retirement Act); and

(iii) Following the individual's death, another individual becomes entitled to monthly benefits or a lump-sum death payment based upon the deceased individual's primary insurance amount.

(3) *Formula.* A recomputation under this paragraph is made by using the same computation formula or method that was used in the last computation of the individual's primary insurance amount except that the individual's compensation for railroad service is included in the computation.

(4) *Effective date.* Any increase in monthly benefits based upon this paragraph (b) is effective beginning with the month in which the individual died.

(5) *Recomputation for individuals who died after December 31, 1958, and before January 2, 1966*—(i) *General.* For individuals who died after December 31, 1958, and before January 2, 1966, the primary insurance amount is recomputed under the computation method which was in effect in the month of death, using railroad compensation and previously creditable earnings for the same years which were included in the last computation. Under the "automatic" recomputation provisions described in § 404.244, recomputations to include railroad compensation paid to the deceased

individual are made under the computation method which is in effect in the month in which the individual dies.

(ii) *Effective date.* Any increase in monthly benefits based upon such recomputation is effective beginning with the month in which the individual died.

(6) *Recomputation for individuals who died after 1967*—(i) *Requirements.* The primary insurance amount of an individual is recomputed to give credit for the individual's railroad compensation even though the individual had no earnings after 1965, if:

(*a*) Such individual died after 1967;

(*b*) Such individual had been entitled to an old-age or disability insurance benefit;

(c) Such individual had railroad compensation; and

(*d*) (*1*) Another individual was entitled to survivors' benefits or a lump-sum death payment for October 1972 or later based on the wage record for the deceased individual; or

(*2*) A determination is made on or after October 30, 1972, that another individual is entitled to such benefits or a lump-sum death payment for a month prior to October 1972.

(ii) *Effective date.* Any increase in monthly benefits based upon such recomputation is effective beginning with the later of:

(*a*) the month in which the individual died; or

(*b*) the twelfth month prior to the month in which an application for such benefits was filed.

§ 404.276 Recalculations and recomputations to include military service credits.

(a) *"Deemed" military wage credits for years after 1956.* The Social Security Amendments of 1967 provided that wage amounts would be deemed to have been paid to members of the uniformed services (as defined in section 210(n) of the Act) for each calendar quarter after 1967 for which such persons were actually paid for their services. The amount of these "deemed" wage amounts was $100 for each calendar quarter if the wages actually paid such person for the quarter was $100 or less; $200 for each calendar quarter if the wages actually paid for the quarter was over $100 and less than $201; or $300 for each calendar quarter if the wages actually paid for the quarter exceeded $200. The Social Security Amendments of 1972 provided that the "deemed" wage amount is $300 per calendar quarter, regardless of the amount of wages actually paid in such quarter, and that such $300 is deemed to have been paid to members of the uniformed services for each quarter of service after 1956. Recalculation of an individual's primary insurance amount to include "deemed" wage amounts is made only upon the filing of a written request for the recalculation. The recalculation is performed using the computation methods or formulas which are in effect at the time that the request is filed. Increases in benefits based upon such recalculation can be effective no earlier than January 1973 or the twelfth month before the month in which the request is filed, whichever is later.

(b) *Recomputation and recalculation to provide military service credits for years before 1957.*—(1) *General.* The Social Security Amendments of 1946 provided for deeming a World War II veteran to have died fully insured for social security purposes with an average monthly wage of $160 if the individual died within 3 years after separation from the military or naval service after a period of service amounting to at least 90 days during the World War II period (September 16, 1940, through July 24, 1947) under the conditions described in §§ 404.1315—404.1321. Recomputation of an individual's primary insurance amount was permitted under such amendments if an application for recomputation was filed within 6 months of enactment (August 10, 1946) by any person who is or can be entitled to benefits based upon such individual's primary insurance amount. The Social Security Amendments of 1950 provided that, effective September 1, 1950, a World War II veteran was deemed to have been paid $160 in wages for each month the individual served in active military or naval service during World War II (September 16, 1940, through July 24, 1947—see § 404.1308). The period for which $160 per month wage credits could be deemed paid was extended from July 25, 1947, through December 31, 1956, by subsequent amendments to the Act. An individual's primary insurance amount can be recomputed when the individual's widow or child waives entitlement, after December 1956, to a survivor's Federal Civil Service annuity based upon the individual's military or naval service from July 25, 1947, through December 31, 1956. (See § 404.1310(c)(2).) The Social Security Amendments of 1958 broadened the definition of World War II veteran to include any individual who served in the active military or naval service of a country which was on September 16, 1940, at war with a country with which the United States was also at war during World War II (see § 404.1304(a)(4)).

(2) *Formula.* Recalculation or recomputation under the 1950 amendments and subsequent amendments are computed by reopening the last computation of the individual's primary insurance amount and recalculating the amount, including the military wage credits, under the computation method or formula in effect at the time of the last computation or recomputation.

(3) *Application.* An application for such a recomputation is not required unless:

(i) An individual was a commissioned officer of the Coast and Geodetic Survey or the Public Health Service; and became entitled to an old-age insurance benefit or died before January 1, 1957; or

(ii) Such individual's widow or child waived a Federal Civil Service annuity based upon the individual's military or naval service from July 25, 1947, through December 31, 1956 (see § 404.1310(c)(2)); or

(iii) Such individual had active military or naval service during World War II for a country which was on September 16, 1940, at war with a country with which the United States was also at war during World War II; and became entitled to an old-age or disability insurance benefit before September 1, 1958, or died before September 1, 1958; or

(iv) Such individual or other person is entitled to benefits based upon such individual's primary insurance amount for August 1952. (However, the application for recomputation in such case must be filed before January 1, 1961.)

(4) *Effective date.* Benefit increases based upon such recomputation or recalculation are effective with the month of enactment of the pertinent amendments except that an individual is deemed to be insured under the 1946 amendments whether the individual died before, on, or after enactment; and in the case of an individual entitled to recomputation under paragraphs (b)(3)(i) and (ii) of this section, any increase is effective for a maximum of 12 months before an application is filed but not before January 1957; and in the case of an individual entitled to a recomputation under paragraph (b)(3)(iii) of this section, any increase is effective for a maximum of 12 months before an application is filed but not earlier than September 1958; and in the case of an individual who is entitled to a recomputation under paragraph (b)(3)(iv) of this section, an increase is effective no earlier than August 1952.

§ 404.278 Recalculation to include wage credits for individuals interned during World War II.

(a) *General.* The Social Security Amendments of 1972 provide for "deemed" wages for certain individuals who were interned within the United States during World War II.

(b) *Conditions for recalculation.* Recalculation of such an individual's primary insurance amount is made if:

(1) The individual was interned during any portion of the period from December 7, 1941, through December 31, 1946, at any place within the United States which was operated by the Government of the United States as a place of internment of United States citizens of Japanese ancestry; and

(2) (i) The individual files an application for recalculation and is entitled to an old-age or disability insurance benefit; or

(ii) The individual died without becoming entitled to old-age or disability insurance benefits and an application for benefits based upon the individual's primary insurance amount is filed on or after October 30, 1972; and

(3) No individual is entitled to another benefit payable by any agency or wholly-owned instrumentality of the United States which is based (in whole or in part) on the individual's internment as

described in paragraph (b)(1) of this section, during any part of the period from December 7, 1941, through December 31, 1946 (However, a lump-sum payment made in commutation of, or a substitute for, a periodic payment is not considered a "benefit" for this purpose.); and

(4) The inclusion of such "deemed" wages would result in higher monthly benefits or a higher lump-sum death payment becoming payable on the individual's earnings record.

(c) *Amount of deemed wages.* If the requirements in paragraphs (b)(1)—(4) of this section are met, an individual will be "deemed" to have been paid wages (in addition to wages actually paid the individual), for each full week during the period in which the individual was 18 or older and was an internee,

(1) At the weekly rate of 40 times the minimum hourly rate in effect at such time under section 206(a)(1) of Title 29, United States Code; or

(2) If the individual was employed before that period, 40 times the highest hourly rate the individual received while employed before that period, if higher.

(d) *Effective date.* Any increase based upon a recalculation under this section shall be effective no earlier than January 1973.

§ 404.280 Special recomputations when certain old-age insurance beneficiaries die before age 65.

(a) *General.* Under the 1960 amendments, computations of an individual's primary insurance amount were based upon the number of "elapsed years," ending with the year in which the individual attained retirement age or died. At that time, "retirement age" was 62 for women and 65 for men. The 1961 amendments provided that men could become entitled to old-age insurance benefits as early as the month in which they attained age 62; however, primary insurance amounts for men were to be based upon "elapsed years" counted up to the year in which they became age 65 or died (if earlier).

(b) *Conditions for recomputation of a man's primary insurance amount.* The 1961 amendments provided for recomputation of a man's primary insurance amount if:

(1) He attained age 65 and was entitled to old-age insurance benefits before the month in which he attained age 65, or

(2) He died before the month in which he attained age 65 and was entitled to old-age insurance benefits before the month in which he died.

(c) *Effective dates.* See paragraphs (d)(1) and (d)(2) of this section for month in which the recomputations described in paragraphs (a) and (b) are first effective. Effective January 2, 1966, when the "automatic" recomputation provisions became effective, such recomputations were no longer provided for. However, effective on and after January 3, 1968, a recomputation is made when a man who has been entitled to old-age insurance benefits dies before age 65, but has had no earnings after 1965 (see § 404.244(b)), under the conditions described in paragraph (b)(2) of this section.

(d) *Method of recomputation.* (1) When the conditions described in paragraph (b)(1) of this section were met, prior to the 1965 amendments, an individual's primary insurance amount was recomputed as if he had become entitled to old-age insurance benefits in the month in which he attained age 65, except that the year in which he became 65 could be considered as a "computation base year" (see § 404.211(b)). Increases in benefits based upon such a recomputation were effective beginning with the month in which the individual attained age 65.

(2) When the conditions described in paragraph (b)(2) of this section are met on or before January 1, 1966, or on or after January 3, 1968, an individual's primary insurance amount is recomputed as if he became entitled to old-age insurance benefits in the month in which he died, except that the year in which he died and any later year is not considered to be an "elapsed" year (see § 404.211(c)). Increases in benefits based upon such a recomputation are effective beginning with the month in which the individual died.

§ 404.282 Increases in old-age insurance benefits due to retirement credits.

(a) *General.* The 1972 amendments to the Act provided that beginning with months of entitlement after December 1972, an individual's old-age insurance benefit could be increased because of "delayed retirement credits." To qualify for these "credits," an individual must:

(1) Have become first entitled to old-age insurance benefits in the month in which the individual attained age 65 or a later month; *or*

(2) Have an old-age insurance benefit for the month in which the individual attains age 65, which is not reduced for months of entitlement before age 65 under §§ 404.410–404.413.

(b) *Amount of delayed retirement credit.* (1) If the requirements in (a)(1) and (2) of this section are met, an individual's old-age insurance benefit is increased (before any increase under this section) by 1/12 of 1 percent for each month after December 1970 in which the individual:

(i) Is age 65 but not age 72;

(ii) Is fully insured (§ 404.108); *and*

(iii) Is not entitled to old-age insurance benefits; or is so entitled but, pursuant to § 404.415, a full deduction is imposed against the individual's benefit.

(2) Such increases are added to the individual's old-age insurance benefit and rounded upward, if necessary, to the next higher multiple of $0.10 if such total is not a multiple of $0.10.

Example. A is an insured worker when he reaches age 65 in January 1974, but decides not to file application for old-age insurance benefits immediately because he is still working. When he becomes 66 years old in January 1975, he stops working and files application for these benefits beginning with the same month. Based upon his earnings, his primary insurance amount is $224.30 and his full monthly old-age insurance benefit amount would be the same without considering any delayed retirement credits. However, he is not entitled to old-age insurance benefits for 12 months from the month in which he became 65 until the first month in which he became entitled to benefits. Therefore, his monthly old-age insurance benefit is increased by 1 percent (1/12 of 1 percent times 12 months) to yield a total of $226.54, which is rounded upward to the next highest $0.10 to equal $226.60.

(c) *When determinations of delayed retirement credits are made.* The number of delayed retirement credits an individual is due is determined after the end of each calendar year. Any increase due to delayed retirement credits is effective with January of the year in which the determination is made—unless the individual attained age 72 in the year preceding the year the determination is made. In this latter case, the increase due to delayed retirement credits is effective with the month in which the individual attained age 72.

Example. A is entitled to old-age insurance benefits in the month in which she attains age 65, June 1974. However, no benefits are paid to her in 1974, because full deductions are imposed against her benefits due to her continued work and earnings. Effective January 1975, she is entitled to an increase in her benefits because of delayed retirement credits for months in 1974 for which she was entitled to benefits because she was age 65 or over but had full deductions imposed. There were 6 such months in 1974. Therefore, effective January 1975, her monthly old-age insurance benefit is increased one-half of 1 percent (i.e., $\frac{1}{12}$ of 1 percent for 6 months).

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Social Security Administration

[20 CFR Parts 404 and 405]

[Regs. No. 4 and 5]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Hearings, Appeals, and Judicial Review Under Titles II, and XVIII of the Social Security Act

Notice is hereby given, pursuant to the Administrative Procedure Act (5 the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments are designed to achieve consistency between Parts 404, 405, and 416 of title 20 of the Code of Federal Regulations. The proposed amendments to Part 404 are also applicable to appeals with respect to entitlement under Part A or Part B of title XVIII of the Social Security Act, as amended, and with respect to the amount of benefits under Part A, as provided in Part 405, Subpart G. Appeals regarding payment of benefits under

Part B of title XVIII are contained in Part 405, Subpart H, and are not affected by these proposed amendments.

The proposed amendments to Parts 404 and 405 of the regulations as set forth below include modifications for clarity and revised provisions to facilitate the hearing and appeals processes.

The existing regulations do not specify the information which should be provided with a request for hearing. A new § 404.918a has been added which specifies such information. In particular, additional evidence needs to be identified and provided with the request or be available at the hearing so a decision will not be delayed because the record does not contain all evidence relevant to the matter to be heard.

Section 404.921 is revised to remove reference to the individual who may preside at a hearing by position title. Conforming revisions are also made in other sections of Parts 404 and 405. Throughout the regulations, the person who shall conduct a hearing is referred to as presiding officer. The position titles of the presiding officers and the authority under which they are appointed are contained in § 422.203(d) of this chapter.

A new § 404.922a is added to provide for holding a prehearing or posthearing conference on request of a claimant or on the motion of the presiding officer.

The heading of § 404.923 has been changed to be more descriptive of the provision of the section. The section has been revised to indicate that the notice must contain a statement of the specific issues to be determined and the matters on which findings will be made and decision rendered. It further adds that the parties may file written objections to the issues, and the presiding officer will rule on such objections in writing or at the hearing.

In § 404.924 the heading is changed to "Issues before the presiding officer," and a new paragraph is added which indicates the issues brought before a presiding officer upon a request for hearing are those which formed the basis of the prior determination except those determined in favor of the claimant.

There are circumstances where a determination may be revised in favor of a claimant based on new evidence, changes in law, etc. A new § 404.924a is added to permit remand for such a favorable revised determined where such remand would expedite effectuation of payments to the individual. The claimant may file objections to the remand with the presiding officer.

Section 404.924b is added to provide for consolidated hearings where an individual has more than one claim pending before the Social Security Administration to obviate the need for separate hearings for the same person.

Section 404.932 adds language to set out the difference between joint hearings and consolidated hearings.

Section 404.933 is revoked. This section is repetitious since the same information is covered in § 404.924(b).

In § 404.934 part of the existing paragraph (a) has been redesignated as paragraph (b) and headed "Waiver of right to appear" so that the provisions on waiver of appearance may be more easily located. The existing paragraph (b) is redesignated as paragraph (c) "Record as basis for decision."

A new § 404.934a is added to indicate that a fully favorable decision may be rendered without scheduling an oral hearing.

The new § 404.938a, Collateral estoppel, is included to provide that previous findings of fact made under a different title of the Social Security Act or under the Federal Coal Mine Health and Safety Act, shall be binding unless there is a reasonable showing that the finding may be incorrect.

Example: In 1975, an individual files a claim under title XVI of the Social Security Act, as amended, alleging to be age 65. However, based on the evidence, he is found to have been born on March 24, 1915 (age 60). Subsequently in the same year, the same individual files a claim under title II of the Act, alleging to be age 65. There is no new and material evidence with respect to the date of birth. Therefore, the finding of fact that the individual was born March 24, 1915, shall be controlling in the title II claim.

Section 404.939 is revised to clarify that a presiding officer will usually make an initial decision, although, where appropriate the presiding officer may certify the case to the Appeals Council with a recommended decision. In a case remanded by a court, however, the presiding officer shall return the case to the Appeals Council with a recommended decision.

Section 404.942 is revised to indicate that the proceedings before the Appeals Council, when a case is certified to it with a recommended decision, shall be in accordance with the procedures in § 404.948 and § 404.949 and, therefore, § 404.943 and § 404.944 are revoked.

The basis under which the Appeals Council grants a request for review or takes review on its own motion of a presiding officer's decision or dismissal is set forth in a new section (§ 404.947a).

The revision of § 404.950 provides that, generally, when additional evidence is required for Appeals Council review, the case will be remanded to a presiding officer for rehearing and receipt of new evidence.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Social Security Administration, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland, 21203, on or before April 22, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Secs. 205, 1102, 1869, and 1871 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 79 Stat. 330, 79 Stat. 331; (42 U.S.C. 405, 1302 1395ff, and 1395hh))

(Catalog of Federal Domestic Assistance Programs No. 13.800—Health Insurance for the Aged and Disabled—Hospital Insurance; 13.801, Health Insurance for the Aged and Disabled—Supplementary Medical Insurance; 13.802, Social Security—Disability Insurance Benefits; 13.803, Social Security—Retirement Insurance; 13.804, Social Security—Benefits for persons aged 72 and over; 13.805, Social Security—Survivors Insurance.)

Dated: January 23, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 17, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

1. Section 404.918a is added to read as follows:

§ 404.918a Request for hearing.

(a) A request for hearing filed in accordance with § 404.918 may be made on Form HA-501, "Request for Hearing," or by other writing requesting a hearing. Such request shall be signed by the party and shall contain:

(1) Name of individual and social security number;

(2) The reason(s) for disagreeing with the reconsidered or revised determination;

(3) A statement of additional evidence which will be submitted and the anticipated date of submittal if it does not accompany the request; and

(4) The name and address of the individual's representative, if any.

(b) Where practicable, documentary evidence which is to be offered at the hearing by the claimant, or a summary thereof, shall be submitted to the presiding officer with the request for hearing or within 10 days after the filing of such request. Every reasonable effort shall be made to insure that all relevant evidence has been received by the presiding officer or will be available at the time and place set for the hearing.

2. Section 404.921 is revised to read as follows:

§ 404.921 Presiding officer.

The hearing provided for in this Subpart J, except as otherwise provided herein, shall be conducted by a duly appointed presiding officer. Such presiding officer shall be designated by the Director of the Bureau of Hearings and Appeals or his delegate. The Director or his delegate may also designate a member of the Appeals Council to conduct a hearing, in which case the provisions of this Subpart J governing the conduct of a hearing shall be applicable thereto.

3. Section 404.922a is added to read as follows:

§ 404.922a Prehearing and posthearing conferences.

The presiding officer, at his discretion, upon his own motion or request of any party to the hearing, may hold prehearing or posthearing conferences for the purpose of facilitating the hearing or the decision of the presiding officer. Notice shall be given to the parties of the time and place of such conference and the purpose therefor, not less than seven days prior to the conference date unless such notice is waived by the parties. The presiding officer may consider matters in addition to those specified in the notice provided the parties consent in writing thereto. A record shall be made of all agreements and actions resulting from any such conference and the presiding officer shall issue an order setting forth all such agreements and actions. Absent objections of the parties, such agreements and action at the conference shall become part of the hearing record and be binding upon all parties, unless, in the discretion of the presiding officer, such would be unreasonable or inequitable.

4. Section 404.923 is revised to read as follows:

§ 404.923 Notice of hearing.

The presiding officer shall fix a time and a place within the United States for the hearing, written notice of which, unless waived by a party, shall be mailed to the parties at their last known addresses or given to them by personal service, not less than 10 days prior to such time. As used in this section and in § 404.934, "the United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. The notice of hearing shall include the time and place of the hearing, and a statement of the specific issues to be determined, and matters on which findings will be made and decision reached. The parties shall be informed of their right to representation. Written notice of the objections of any party to the time and placed fixed for a hearing, or the issues to be decided shall be filed by the objecting party with the presiding officer at the earliest practicable opportunity before the time set for such hearing. Such notice shall state the reasons for the party's objection and, with respect to time and place, his choice as to the time and place within the United States for the hearing. The presiding officer may, for good cause, fix a new time or place for the hearing. The presiding officer shall rule, either in writing or at the hearing, on any objections raised as to the issues on which evidence will be taken and a decision issued.

5. Section 404.924 is revised to read as follows:

§ 404.924 Issues before the presiding officer.

(a) *General.* The presiding officer shall inquire fully into those issues which formed the basis of the reconsidered or revised determination except for those issues on which findings fully favorable to the party were made. However, where facts elicited before or at the hearing raise a question as to such favorable findings, said issues may be set for hearing upon notice.

(b) *Hearing on new issues.* At any time after a request for hearing has been made, as provided in § 404.918, but prior to the mailing of notice of the decision, the presiding officer may, at his discretion, either on the application of a party or his own motion, in addition to the matters brought before him by the request for hearing, give notice that he will also consider any specified new issue (see § 404.905) whether pertinent to the same or a related matter, and whether arising subsequent to the request for hearing, which may affect the rights of such party, even though the Social Security Administration has not made an initial and reconsidered determination with respect to such new issue: *Provided*, that notice of the time and place of the hearing on any new issue, unless waived, shall be given to the parties within the time and manner specified in § 404.923: *And provided further*, That the claim is not one within the jurisdiction of a State agency under a Federal-State agreement pursuant to section 221(b) or section 1633 of the Act. Upon the giving of such notice, the presiding officer shall, except as otherwise provided, proceed to hearing on such new issue in the same manner as he would on an issue on which an initial and reconsidered determination has been made by the Social Security Administration and a hearing requested with respect thereto by a party entitled to such hearing.

6. Sections 404.924a and 404.924b are added to read as follows:

§ 404.924a Remand prior to hearing.

Where new and material evidence is received or there is a change in law, regulations, or other precedents which could permit findings favorable to the individual, the presiding officer, in his discretion, may remand the case to the appropriate component of the Social Security Administration for a revised determination where such action would expedite payment to the individual. Unless the remand is requested by the individual, the order of remand shall inform the individual that any objection to the remand shall be filed with the presiding officer within 10 days from the date of such order. If the individual does not object within that time period, consent of such individual shall be presumed. If an individual files an objection, the presiding officer shall rule on such objection in writing.

§ 404.924b Consolidated hearing.

(a) *Requests for hearing pending under various laws within the jurisdiction of the Social Security Administration.* Where a request for hearing is made, as provided in § 404.918, and there is a timely request for hearing pending with respect to the same party, under any other law administered by the Social Security Administration or under section 1159(b) of the Social Security Act, the presiding officer may conduct a consolidated hearing on all such pending requests for hearing, if practicable. Such consolidated hearing shall be in accordance with this Subpart J and with provisions of Subpart G of Part 405, Subpart F of Part 410 and Subpart N of Part 416 of this chapter as appropriate to such other claim(s).

(b) *Claims involving same issues.* Where there is pending before any component of the Social Security Administration a claim with respect to the same party which presents one or more of the same issues which are properly before the presiding officer on request for hearing under this Subpart J, the presiding officer shall consider whether a consolidated hearing should be held. The presiding officer may, at his discretion, remove such other claim to himself and conduct a consolidated hearing on the claims which involve the same issues even though the Social Security Administration has not made an initial or a reconsidered determination on such other claim or even though the party has not requested a hearing. In such hearing, the provisions of this Subpart J, Subpart G of Part 405, Subpart F of Part 410, and Subpart N of Part 416 of this chapter shall be applied, as appropriate to such other claim.

(c) *Record, evidence, and decision at consolidated hearings.* When a consolidated hearing is held, a single record of the proceedings shall be made and the evidence introduced in one case may be considered as introduced in the others, and a separate or consolidated decision shall be made, as appropriate.

7. Section 404.932 is revised to read as follows:

§ 404.932 Joint hearings.

When two or more hearings, on request for hearing by two or more individuals, are to be held with respect to claims under title II or title XVIII of the Act, and the same or substantially similar evidence is relevant and material to the matters in issue at each such hearing, the presiding officer may, with consent of the parties, fix the same time and place for each hearing and conduct all such hearings jointly. Where joint hearings are held, a single record of the proceedings shall be made and the evidence introduced in one case may be considered as introduced in the others, and a separate or joint decision shall be made, as appropriate.

§ 404.933 [Reserved]

8. Section 404.933 is revoked and reserved.

9. Section 404.934 is revised to read as follows:

§ 404.934 Right to appear and present evidence.

(a) *General.* Any party to a hearing shall have the right to appear before the presiding officer, personally or by representative, and present evidence and contentions. If all parties are unwilling, unable, or waive their right to appear before the presiding officer, personally or by

representative, it shall not be necessary for the presiding officer to conduct an oral hearing as provided in §§ 404.923 to 404.932, inclusive.

(b) *Waiver of right to appear.* A waiver of the right to appear and present evidence and allegations as to facts and law shall be made in writing and filed with the presiding officer. Such waiver may be withdrawn by a party at any time prior to the mailing of notice of the decision in the case. Even though all of the parties have filed a waiver of the right to appear and present evidence and contentions at a hearing before the presiding officer, the presiding officer may, nevertheless, give notice of a time and place and conduct a hearing as provided in §§ 404.923 to 404.932, inclusive, if he believes that the personal appearance and testimony of the party or parties would assist him to ascertain the facts in issue in the case.

(c) *Record as basis for decision.* Where all of the parties have waived their right to appear in person or through a representative and the presiding officer does not schedule an oral hearing, the presiding officer shall render a decision based on the record. Where a party residing outside the United States at a place not readily accessible to the United States does not indicate that he wishes to appear in person or through a representative before a presiding officer, and there are no other parties to the hearing who wish to appear, the presiding officer shall decide the case on the record. In any case where an oral hearing is not scheduled and the decision is to be based on the record, the presiding officer shall make a record of the relevant written evidence, including applications, written statements, certificates, affidavits, reports, and other documents which were considered in connection with the initial determination and reconsideration, and whatever additional relevant and material evidence the party or parties may present in writing for consideration by the presiding officer. Such documents shall be considered as all of the evidence in the case, and the decision, as provided, shall be based thereon.

10. Section 404.934a is added to read as follows:

§ 404.934a Fully favorable decision on the record.

Where evidence of record including evidence, if any, submitted with the request for hearing or received in prehearing preparation supports a decision on the record which is fully favorable to the party or parties, the presiding officer, at his discretion, may issue a decision on such record without an oral hearing. The record for such decision shall be made as set forth in § 404.934(c). The notice of such decision issued on the record shall inform the party or parties of their right to an oral hearing and right to examine the evidence received in the record.

11. Section 404.938a is added to read as follows:

§ 404.938a Collateral estoppel.

(a) *General.* The doctrine of collateral estoppel applies with respect to findings of fact made in a previous determination or decision by the Secretary, which has become final and where no new and material evidence pertinent to such finding is presented. Collateral estoppel differs from res judicata (see § 404.937) in that it applies to findings of fact made with respect to a claim under a different title of the Social Security Act, or under Part B of title IV of the Federal Coal Mine Health and Safety Act which involve the same party(ies), whereas res judicata applies to findings of fact made with respect to a claim under the same title by the same party(ies).

(b) *Applicability of collateral estoppel.* The doctrine of collateral estoppel shall apply with respect to any specific findings of fact made with respect to the same party in a previous initial or reconsidered determination, which became final, or in a previous hearing or Appeals Council decision, which became final, under title XVI or XVIII of the Act or title IV, Part B, of the Federal Coal Mine Health and Safety Act of 1969, as amended, unless there is a reasonable showing that such prior finding of fact may be incorrect. Where the doctrine of collateral estoppel is applicable, such finding of fact in the prior action shall be controlling in the decision under this Subpart J.

12. Section 404.939 is revised to read as follows:

§ 404.939 Presiding officer's decision or certification to Appeals Council.

(a) *Decision.* As soon as practicable after the close of a hearing, the presiding officer shall issue a decision. Such decision shall be based upon the evidence adduced at the hearing or otherwise included in the record (§§ 404.923–404.934). The decision shall be made in writing and contain findings of fact and a statement of reasons in support thereof. A copy of the decision shall be mailed to the parties at their last known addresses. Where appropriate, the presiding officer may certify a case to the Appeals Council after a hearing with a recommended decision.

(b) *Recommended decision in court remand cases.* Where the presiding officer conducts a hearing on a case which has been remanded to the Appeals Council by a court, such case shall be returned to the Appeals Council with a recommended decision (see § 404.950(b)).

13. Section 404.942 is revised to read as follows:

§ 404.942 Case certified to Appeals Council by presiding officer.

(a) *Notice.* When a case has been certified to the Appeals Council by a presiding officer with his recommended decision, the presiding officer shall mail notice of such action with a copy of the recommended decision to the parties at their last known addresses. The parties shall be notified of their right to file with the Appeals Council within 10 days from the date of mailing of the recommended decision, briefs, or other written statements of exceptions or allegations as to applicable fact and law. Upon request of any party made within such 10-day period, a 10-day extension of time for filing such briefs or statements shall be granted and, upon a showing of good cause, such 10-day period may be further extended, as appropriate. Where there is more than one party, copies of such briefs or written statements shall be filed in sufficient number that they may be made available to any party requesting a copy or any other party designated by the Appeals Council. Copies or a statement of the contents of the documents or other written evidence received in evidence in the hearing record, and a copy of the transcript of oral evidence adduced at the hearing, if any, or a condensed statement thereof shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable, the estimated cost thereof, unless for good cause shown, such payment is waived.

(b) *Procedure.* The proceedings before the Appeals Council on certification pursuant to paragraph (a) of this section shall be in accordance with the rules and procedure in § 404.948 and § 404.949. The Appeals Council shall make a decision. Where the Appeals Council determines that additional evidence is required, it may remand the case to the presiding officer for further inquiry into the matters, rehearing, receipt of evidence, and a subsequent initial hearing decision, or a recommended decision to the Appeals Council except where the Appeals Council decides that it can obtain the additional evidence more expeditiously, it will take the appropriate action.

§§ 404.943 and 404.944 [Reserved]

14. Sections 404.943 and 404.944 are revoked and reserved.

15. Section 404.947a is added to read as follows:

§ 404.947a Basis for review of the presiding officer's decision or dismissal by Appeals Council.

(a) The Appeals Council, on its own motion or on request for review, will review a hearing decision or dismissal where:

(1) There appears to be an abuse of discretion by the presiding officer;

(2) There is an error of law;

(3) The presiding officer's action, findings, or conclusions are not supported by substantial evidence; or

(4) There is a broad policy or procedural issue which may affect the general public interest.

(b) Where new and material evidence is submitted with the request for review, the entire record will be evaluated and review will be granted where the Appeals Council finds that the presiding officer's action, findings, or conclusion is contrary to the weight of the evidence currently of record.

16. Section 404.950 is revised to read as follows:

§ 404.950 Decision by Appeals Council or remanding of case.

(a) *Case remanded to presiding officer.* The Appeals Council may remand to the presiding officer for rehearing, receipt of evidence, and decision, any

case which it decides to review as provided in § 404.947 and § 404.947a. Where a case is thus remanded, the presiding officer shall initiate such additional proceedings and take such action (under §§ 404.919 through 404.940) as is directed by the Appeals Council in its order of remand. The presiding officer may take any additional action not inconsistent with the order of remand. Upon completion of all action called for by the order of remand and any other action initiated by the presiding officer, the presiding officer shall promptly issue a decision in writing which contains findings of fact and reason in support thereof. A copy of the decision shall be mailed to each party at his last known address.

(b) *Court remanded case.* Where a case has been remanded by a court for further consideration, the Appeals Council may proceed to make the decision or it may, in turn, remand the case to a presiding officer with directions to return the case upon completion of the necessary action to the Appeals Council with a recommended decision for decision by the Appeals Council.

(c) *Decision on review.* The Appeals Council will issue a decision affirming, modifying, or reversing the hearing decision or issue an order to vacate such decision and remand the case to a presiding officer for rehearing and decision. A decision of the Appeals Council shall be based upon the evidence received into the hearing record and such further evidence as the Appeals Council may receive, as provided in §§ 404.942, 404.948, and 404.949. This decision shall be made in writing and contain findings of fact, and a statement of reasons. A copy of the decision shall be mailed to each party at his last known address.

17. Sections 404.918, 404.919, 404.922, 404.925, 404.926, 404.927, 404.929, 404.931, 404.935, 404.936, 404.937, 404.937a, 404.938, 404.940, 404.941, 404.945, 404.946, 404.947, 404.948, 404.949, 404.951, 404.952, 404.954, 404.955, 404.956, 405.722, 405.730, 405.740, 405.741, 405.747, and 405.750 are amended by deleting the words "administrative law judge" wherever they appear and inserting in lieu thereof "presiding officer."

18. Sections 404.917 404.918, 404.920, 404.928, 404.937, 404.946, and 404.953 are amended by deleting "Administration" wherever it appears and inserting in lieu thereof "Social Security Administration."

§ 404.956 [Amended]

19. In § 404.956(b), the term "hearing examiner" is revised to read "presiding officer."

[FR Doc.76-8196 Filed 3-22-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 430]

[FRL 508-4]

PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

Extension of Comment Period

On February 19, 1976, the Environmental Protection Agency proposed effluent limitations and standards for the Pulp, Paper, and Paperboard Point Source Category, pursuant to sections 301, 304, 306, and 307 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq., 86 Stat. 816). The notice of these proposed regulations solicited comments from interested persons and specified that such comments would be due not later than March 22, 1976.

Several requests for extensions of time for submission of comments have been received. In support of such requests, it has been pointed out that the Development Document was not available when the regulations were published. It is anticipated that the Development Document will be available in the immediate future for public review and accordingly, the Environmental Protection Agency has decided to grant an extension of the deadline. The date for submission of comments is hereby extended to and including May 21, 1976.

Dated: March 16, 1976.

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

[FR Doc.76-8245 Filed 3-22-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 20719]

UHF TELEVISION TUNING

Improvement Requirements; Extension of Comment Period

In the matter of amendment of Part 15 rules and regulations.

1. A request for an extension of time for filing comments in this proceeding was filed by Sarkes Tarzian, Inc. on March 12, 1976. Tarzian requests a 60 day extension of the April 2 date for filing comments specified in the Notice of Proposed Rule Making (41 FR 9189), to provide time in which to accumulate information on the subjective reaction of viewers to the performance of television receivers equipped with tuners having a tuning accuracy of ±2 MHz. Such information was requested by the Commission in the Notice of Proposed Rule Making.

2. The information to be accumulated by Tarzian should be helpful to us in making a decision in this proceeding. The rule under consideration herein (as presently written or as amended) does not take effect until July 1, 1977. For these reasons, the extension will be granted. Authority for this action is set out at 47 CFR 0.251(b).

3. Accordingly, the time for filing comments in this proceeding is extended to June 2, 1976, and the time for filing reply comments is extended to June 16, 1976.

Adopted: March 16, 1976.

Released: March 17, 1976.

[SEAL] ASHTON R. HARDY,
General Counsel.

[FR Doc.76-8191 Filed 3-22-76;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Reg. Q; Docket No. R-0027]

INTEREST ON DEPOSITS

Withdrawals From Savings Deposits

The Board of Governors, pursuant to its authority under § 19 of the Federal Reserve Act to define the terms used in that section and to prescribe rules governing the payment of interest on deposits (12 U.S.C. 461, 371b), proposes to amend Regulation Q to permit member banks to transfer funds from customers' savings accounts to customers' demand deposit or other deposit accounts or directly to the bank itself where the depositor's demand deposit balance is insufficient to permit payment of checks or drafts. Under existing regulations, such transfers are prohibited, and, therefore, member banks generally return such items through the check clearing system. The proposed amendment would require that transfer of credit be made pursuant to a written agreement between a member bank and its depositor that authorizes the transfer. This agreement would require that transfers be made in multiples of $100 or more and that the depositor forfeit an amount equivalent to no less than 30 days' interest at the savings rate on the funds transferred.

The Board's proposal is made in recognition of the increasing cost incurred by consumers, banks, merchants, and other businessmen as a result of checks and drafts returned by banks for insufficient funds. Because of the special handling procedures required to process customer overdrafts, many banks impose a substantial charge to their customers for checks and drafts that must be returned because of insufficient funds. The presence of return items also has a substantial effect upon the speed and efficiency of the check clearing operations of the Federal Reserve System. As a result, the Federal Reserve System incurs a substantial expense in the handling of these returned checks and drafts. The Board's proposed amendment is intended to present an alternative to the existing practice of returning checks and drafts drawn on insufficient funds. The Board believes that the proposed amendment represents a reasonable accommodation that may be offered by member banks to their depositors.

As proposed, member banks could agree, in writing, with depositors that, in the event there are insufficient funds in the depositor's demand deposit account (or other deposit account) to cover checks that have been presented to the bank for payment or in the event that the balance in the depositor's demand deposit account falls below a certain specified amount, the bank will transfer funds in multiples of $100 or more from the depositor's savings account to the customer's demand deposit account. This amendment would require that the depositor forfeit an amount equivalent to no less than 30 days' interest on the funds withdrawn and transferred from the savings account. The proposed

amendment also provides that funds may be transferred directly to the bank itself from the depositor's savings account to cover overdrafts. Member banks would continue to be required to reserve the right to impose a 30-day notice period on intended withdrawals of savings deposits as presently required in § 217.-1(c) of Regulation Q.

The Board is interested in receiving public comment on whether some other minimum interest forfeiture would be appropriate and whether transfers of minimum denominations different from the proposed $100 would be appropriate.

This proposal would not affect existing arrangements whereby a thrift institution has agreed with its customer to transfer funds automatically or otherwise to the customer's demand deposit at a commercial bank in accordance with a preauthorized agreement.

Interested persons are invited to submit their views or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 14, 1976. All material submitted should include the docket number R–0027. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

Pursuant to its authority under § 19 of the Federal Reserve Act (12 U.S.C. 461, 371b), the Board of Governors proposes to amend § 217.5(c) of Regulation Q (12 CFR 217.5(c)) as follows:

§ 217.5 Withdrawal of savings deposits.

* * * * *

(c) *Manner of payment of savings deposits*

(1) * * *

(2) Withdrawals may be permitted by a member bank to be made from a savings deposit, through payment to the bank itself or through transfer of credit to a demand or other deposit account of the same depositor pursuant to a written agreement between a member bank and its depositor that authorizes such payments or transfers in order to cover checks or drafts drawn by the depositor upon the bank; provided that such payments or transfers are made in multiples of no less than $100 and that the depositor shall forfeit an amount equivalent to no less than 30 days' interest on the amount of funds withdrawn and transferred from a savings deposit in a manner described in this subparagraph.

* * * * *

By order of the Board of Governors, March 15, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76–8188 Filed 3–22–76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS EDUCATION

Authority To Suspend Course Approvals

The following regulatory changes are made in Part 21, Title 38, Code of Federal Regulations to clarify and update existing provisions.

Section 21.4250 is amended to clarify that a State approving agency may suspend as well as disapprove courses which fail to meet the requirements for approval.

Section 21.4259 is amended for the same reasons and also provides similar authority to the Veterans Administration in situations in which the Veterans Administration acts as an approving authority.

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 April 23, 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 records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make these changes effective date of final approval.

1. In § 21.4250, paragraph (b)(2) is revised to read as follows:

§ 21.4250 Approval of courses.

* * * * *

(b) *State approving agencies.* * * *

(2) *Notice of suspension of approval or disapproval.* Each State approving agency will notify the Veterans Administration of the suspension of approval or disapproval of any course previously approved and will set forth the reasons for such suspension of approval or disapproval. See § 21.4259. (38 U.S.C. 1772(a))

* * * * *

2. Section 21.4259 is revised to read as follows:

§ 21.4259 Suspension or disapproval.

(a) If the evidence of record indicates that any course, after being approved, fails to meet any of the requirements for approval, or if it indicates that an investigation is necessary to determine if any such failure exists, the appropriate State approving agency may suspend the approval of new enrollments in the course for a reasonable, determinate period to establish the facts. If it is found that any of the requirements for approval are not being met and cannot be corrected within a reasonable, determinate period, the appropriate State approving agency will immediately disapprove the course. If it is found that the requirements can be met within a reasonable, determinate period, the approval of new enrollments in the course may be suspended for such period to enable the institution to meet the requirements. Upon suspension or disapproval, the State approving agency will notify the school by certified or registered letter with a return receipt secured (38 U.S.C. 1779). It is incumbent upon the State approving agency to determine the conduct of courses and to take immediate appropriate action in each case in which it is found that the conduct of a course in any manner fails to comply with the requirements for approval.

(b) Each State approving agency will immediately notify the Veterans Administration of each course which it has suspended or disapproved.

(c) The Veterans Administration will suspend approval for or disapprove courses under conditions specified in paragraph (a) of this section where it functions for the State approving agency. See § 21.415(c).

(d) The Veterans Administration will immediately notify the State approving agency in each case of Veterans Administration suspension or disapproval of any school under chapter 31. (38 U.S.C. 1779.)

Approved: March 17, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76–8179 Filed 3–22–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

[Docket No. AO–283–A2]

ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Hearing on Proposed Amendment of Marketing Agreement and Order

Notice is hereby given of a public hearing to be held April 14, 1976, beginning at 1:30 p.m., local time, in the Community House, 4th and Bates Street, Parma, Idaho, with respect to proposed amendment of the marketing agreement and Order No. 958, both as amended, regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oregon.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, of the marketing agreement and the order.

The proposed amendment would make minor changes in several of the existing sections, add a new section on contributions and add production research authority to the existing authority for marketing research and development.

The proposed amendment has not received the approval of the Secretary of Agriculture.

The proposals are as follows:

1. Revise § 958.5 to read:

§ 958.5 Onions.

"Onions" means all varieties of *Allium cepa*, commonly known as onions, grown, or which may be grown, in the production area.

2. Revise paragraph (h) of § 958.25 to read:

§ 958.25 Duties.

* * * * * *

(h) Prior to each fiscal period, to submit to the Secretary a budget of its proposed expenses for such fiscal period, together with a report thereon;

* * * * * *

3. Revise § 958.26 to read:

§ 958.26 Expenses.

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part. However, at its discretion the committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

4. Add a new § 958.46 to read:

§ 958.46 Contributions.

The committee may accept voluntary contributions but these shall only be used to pay expenses incurred pursuant to § 958.47. Furthermore, such contributions shall be free from any encumbrances by the donor and the committee shall retain complete control of their use.

§ 958.47 [Amended]

5. Delete the word "marketing" from the section heading and from paragraph (c) in both places.

6. In § 958.47(a) amend the first sentence to read:

(a) The committee, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of onions.

7. In § 958.47 (a) and (c) add "or § 958.46" following "§ 958.42."

8. Add a new § 958.47(d) to read:

(d) Upon conclusion of each activity, but at least annually, the committee shall summarize and report the results of such activity to its members and to the Secretary.

9. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the Northwest Marketing Field Office, 1220 SW. Third Avenue, Room 1566, Portland, Oregon 97204.

Signed at Washington, D.C., on March 18, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-8224 Filed 3-22-76;8:45 am]

Farmers Home Administration

[7 CFR Part 1861; Part 1871; Part 1872; Part 1955]

REAL ESTATE AND CHATTEL PROPERTIES

Proposed Redesignation-Consolidation-Revision

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the establishment of, under Chapter XVIII, Title 7, a new Subchapter K—"Property Management—Part 1955, Real Estate and Chattel Properties," Subparts A through D, in the Code of Federal Regulations. These changes are proposed to clarify, consolidate and revise the regulations concerning Property Management.

Subpart A, "Liquidation of Loans and Acquisition of Property," (§§ 1955.1–1955.50); Subpart B, "Maintenance of Property," (§§ 1955.51–1955.100); Subpart C, "Disposal of Acquired Property," (§§ 1955.101–1955.150); Subpart D, "Purchasing of Services for Program Property," (§§ 1955.151–1955.200) of this new Part are revised, transferred and redesignated as set forth below. Most of the new sections were taken from various units and sections of Subpart F of Part 1861; Subpart B of Part 1871; and Subparts A and C of Part 1872 of this Chapter XVIII. The major revisions of Subparts A through D of Part 1955 are described as follows:

Subpart A—"Liquidation of Loans and Acquisition of Property," deals with voluntary conveyance of real estate and related security, conveyance of property to FmHA by trustee in bankruptcy, foreclosure of loans secured by real estate, and acquisition of chattels. The following revisions and additions are being proposed:

A. Revisions.

1. Revises definition for loans to individuals and loans to organizations.

2. Permits voluntary conveyance of Rural Rental Housing (RRH), Labor Housing (LH), and Rural Housing Site (RHS) loans to individuals to be approved by the County Supervisor, (up to $100,000 in value) and District Director, (up to $160,000 in value).

3. Requires voluntary conveyance of Business and Industrial (B&I) and Community Program-type loans to be approved at the National Office level.

4. Permits approval by the State Director for voluntary conveyance of RRH, Rural Cooperative Housing (RCH), LH, RHS, shifts in land use, Irrigation and Drainage, and Indian Tribe and Tribal Corporation loans, if total indebtedness does not exceed his loan approval authority.

5. Requires an appraisal of all property to be conveyed to establish present market value.

6. Requires Rural Rental Housing and Labor Housing properties acquired for less than the debt where the borrower is released from liability to be sold, under the Consolidated Farm and Rural Development Act.

7. Permits State Director to approve foreclosure of RH and Farmer Program loans.

8. Requires Administrator's approval for foreclosure on Community Program and B&I loans.

B. Addition.

1. Permits conveyance of property to the Government by borrower trustee in bankruptcy.

Subpart B—"Management of Property," prescribes the procedures for management of acquired real estate and chattels and management of real estate after approval of foreclosure, but before it is acquired. The following revisions and additions are being proposed:

A. Revisions.

1. Revises definition for loans to individuals and loans to organizations.

2. Expands the use of contracts when needed.

3. Permits expenses to be paid directly from income received from the property.

4. Limits the payment of State and local real estate taxes on acquired housing property.

5. Authorizes expenditure limits for property repair and maintenance.

B. Additions.

1. Establishes flood and mudslide hazard area precautions.

2. Provides for utilization of acquired property by victims of a major disaster.

Subpart C—"Disposal of Acquired Property," sets forth the policy and procedures for the sale of acquired real estate and chattels. The following revisions and additions are being proposed:

A. Revisions.

1. Establishes definitions of terms used.

2. Revises procedure of sale of property in parcels.

3. Provides for the use of real estate brokers to sell acquired property.

B. Additions.

1. Restricts sales of property located in a designated flood or mudslide area.

2. Restricts sale of property located on a site listed in the National Register of Historic Places.

Subpart D—"Purchasing of Services for Program Property," lists the step by step procedures to acquire goods and services needed. These procedures were not previously prescribed in FmHA regulations. All material in this proposed Subpart D is new.

1. Sets forth monetary limits of a contract obtained through this regulation.

2. Describes policy on publishing needs.

3. Provides for the receipt of supplier quotations.

4. Requires the issuance of a purchase order.

5. Provides for inspection and acceptance of completed work.

6. Includes provisions for payment for services received.

Interested persons are invited to submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before April 22, 1976. All written submissions pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m.-4:45 p.m.). As proposed, Subparts A through D of Part 1955 are set forth below.

PART 1955—REAL ESTATE AND CHATTEL PROPERTIES

Subpart A—Liquidation of Loans and Acquisition of Property

Sec.

1955.1 Purpose.
1955.2 Policy.
1955.3 Definitions.
1955.4 [Reserved].
1955.5 General actions.
1955.7–9 [Reserved].
1955.10 Voluntary conveyance of real estate and related security.
1955.11 Conveyance of property to FmHA by trustee in bankruptcy.
1955.12–14 [Reserved].
1955.15 Foreclosure of loans secured by real estate.
1955.16–9 [Reserved].
1955.20 Acquisition of chattel security, and Economic Opportunity (EO) loan property.
1955.21–50 [Reserved].

Exhibit A—Report on Association Problem Case (Association-Type Projects)

Exhibit B—Report on Association Loan Problem Case (Additional Information for Recreation Loans)

AUTHORITY: 7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, Sec. 10 Pub. L. 93–357, 88 Stat. 392, delegation of authority by the Sec. of Agri., 7 CFR 2.23, delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70, delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Subpart A—Liquidation of Loans and Acquisition of Property

§ 1955.1 Purpose.

This subpart delegates authority and prescribes procedures for the liquidation of Farmers Home Administration (FmHA) loans and acquisition of property by voluntary conveyance to the Government, or by foreclosure of security instruments.

§ 1955.2 Policy.

Loans will be liquidated when continued servicing will not accomplish the objectives of the loan or when further servicing cannot be justified in accordance with servicing instructions for the loan. Cash sales or transfer of real estate and chattel property and assumption of loans will be considered as servicing actions.

§ 1955.3 Definitions.

The following definitions apply to Part 1955:

(a) *Acquired real estate.* Real estate and any growing crops, improvements, appturenances, and rights that pass with the land; inventory acquired as part of a business; and other property that is necessary to the efficient operation of the real estate or business and that is usually sold with the real estate.

(b) *Loans to individuals.* For purposes of Part 1955, the following loans will be considered loans to individuals: Farm Ownership (FO), Soil and Water (SW), Recreation (RL), Land Conservation and Development (LCD), Economic Opportunity (EO), Operating (OL) whether to groups or individuals, Emergency (EM) whether to groups or indivduals, sections 502 and 504 Rural Housing (RH), Rural Rental Housing (RRH) loans without a loan agreement, and Labor Housing (LH) loans without a loan agreement.

(c) *Loans to organizations.* For purposes of Part 1955 the following loans will be considered loans to orangizations: Community Facility (CF); Water and Waste Disposal; Association Recreation; Watershed (WS); Resource Conservation and Development (RC&D); loans to associations for Shift-in-land-use; loans to associations for Irrigation and Drainage and other Soil and Water Conservation measures; loans to Indian Tribes and Tribal Corporations; Timber Development (TD); RRH except to individuals without a loan agreement; Rural Housing Site (RHS); LH except to individuals without a loan agreement; and Rural Cooperative Housing (RHC); Business and Industrial (B&I) to both individuals and groups. Economic Opportunity Cooperative (EOC) loans are no longer being made, but those already made will be referred to as organization loans.

§ 1955.4 [Reserved]

§ 1955.5 Authorities and responsibilities.

(a) *Line authority.* This authority is from the Administrator to State Director, District Director, and County Supervisor. Assistance, guidance, and counsel are available from the Property Management Specialist and Program Staff in the State Office and from appropriate program divisions and Property Management staff in the National Office. Full use will be made of these resources.

(b) *Redelegation of authority.* FmHA will redelegate authorities to the maximum extent possible consistent with program requirements and available resources.

(1) The State Director is authorized to redelegate, in writing, any authority delegated to the State Director in this subpart, except where specifically excluded, to the Chief, Property Management; Chief, Rural Housing; Chief, Farmer Programs; Chief, Community Programs; Chief, Business and Industry; Rural Housing Specialist; Farmer Programs Specialist; Property Management Specialist; Community Programs Specialist; and Business and Industry Specialist.

(2) The County Supervisor is authorized to redelegate, in writing, any authority delegated to the County Supervisor in this subpart to any employee in the County Office determined by him or her to be qualified.

§ 1955.6 General actions.

(a) *Assignment of notes to FmHA.* If voluntary conveyance or foreclosure is approved and the insured note is not held in the insurance fund or the County Office, the approval official will request the Director, Finance Office, to have the note assigned to the insurance fund. Voluntary conveyance may be closed and the deed recorded before assignment of the note to the insurance fund.

(b) *Execution of documents.* After liquidation has been approved by the appropriate official, the County Supervisor is authorized to execute all necessary forms, satisfactions, releases, and other documents required to complete any transaction in this subpart.

(c) *Payment by voucher.* Any cost related to a loan account paid, under this part, by SF 1034 or other approved voucher while the property is owned by the borrower will be charged to the borrower's account when authorized in the security instrument or agreed to by the borrower, except where otherwise indicated.

§ 1955.7–9 [Reserved]

§ 1955.10 Voluntary conveyance of real estate and related security.

Voluntary conveyance is a method of liquidation by which title to security property is transferred to the Government. Voluntary conveyance should be considered only after all efforts to sell or transfer the security in accordance with the servicing instructions for the loan have been exhausted.

(a) *Authority.* (1) *Loans to individuals.* The County Supervisor, District Director, and State Director are authorized to approve voluntary conveyance, provided the total debts against the security do not exceed the following amounts (these monetary limits may not be redelegated by the State Director to the District Director or County Supervisor or by the District Director to the County Supervisor.):

(i) $100,000—County Supervisor

(ii) $160,000—District Director

(iii) Above $160,000 and for any amount if the County Supervisor or Dis-

trict Director requests assistance—State Director

(2) *Loans to organizations.* (i) The State Director is authorized to approve voluntary conveyance of property securing RRH, RCH, LH, RHS, Shift-in-land-use, Irrigation and Drainage, and Indian Tribes and Tribal Corporation loans, if the total principal and interest owed (including the indebtedness owed to prior and junior lienholders) to FmHA do not exceed his approval authority for the type of loan involved.

(ii) The State Director is authorized to approve voluntary conveyance of property securing EOC loans, regardless of the amount.

(iii) Offers to convey property securing loans other than those mentioned in paragraphs (a)(2)(i) and (ii) of this section will be submitted to the Administrator for approval, Attention: (insert appropriate title) Program Loan Division. The State Director will forward Form FmHA 465–4, "Offer to Convey Security," the County Office docket, the "Report on Association Problem Case," a statement of essential facts, and his recommendations.

(b) *Problem case report and documentation.* (1) In situations in which the County Supervisor does not have the authority to approve voluntary conveyance, he will complete a problem case report using Form FmHA 465–7, "Report on Real Estate Problem Case," for loans to individuals, or "Report on Association Problem Case (Association-Type Projects)", for loans to organizations (see Exhibit A) and, for Association Recreation loans, "Report on Association Loan Problem Case (Additional Information for Recreation Loans)," (see Exhibit B) as appropriate. The report will be submitted to the appropriate approval official as a part of the voluntary conveyance docket.

(2) A problem case report will not be prepared for loans to individuals that are within the County Supervisor's approval authority. However, the County Supervisor will record in the case file the circumstances of the conveyance.

(c) *Prior and junior liens.* (1) The Government will pay prior liens in full if:

(i) A substantial recovery on the Government's secured indebtedness plus the amount of any prior liens can be obtained; and

(ii) The holder of the prior lien will not agree to the Government accepting voluntary conveyance, unless it is paid in full, and the concurrence of the holder of the prior lien is required.

(2) Prior liens will be paid by Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal." If the property is acquired subject to prior liens, payment of installments on these liens may be made while title to the property is held by the Government.

(3) The borrower, to the extent of his ability, must satisfy all junior liens on the property, (except FmHA liens) and taxes and assessments which are or will become liens on the property. However, the State Director may determine that payment by FmHA of the junior liens will better protect the Government's interests, considering all factors including the results of any delay from foreclosure.

(4) If a mortgage has been taken on the property to further secure other FmHA loans, the borrower must sell all security not to be conveyed to FmHA and apply sales proceeds to the secured debts in order of their priority before the conveyance is closed. The word "property" as used in this paragraph (c) includes:

(i) Items which are considered real estate,

(ii) Items which customarily pass with the real estate in the change of ownership, and

(iii) Any irrigation or other equipment such as bulk milk tanks, feed storage facilities, association equipment, or household furnishings which are normally considered chattel security if they are necessary for the successful operation of the farm or facility, will enhance the sale of the property, and are a part of the security for the loan involved in the conveyance.

(d) *Offer of voluntary conveyance.* (1) *Documents required from borrowers.* Borrowers who offer to voluntarily convey property to FmHA should execute Form FmHA 465–4. In addition, a warranty deed on an FmHA-approved form or a deed meeting the requirements of § 1807.2(e) of this Chapter (FmHA Instruction 427.1, paragraph II E) should be completed and signed at the same time as Form FmHA 465–4. However, it will not be recorded until voluntary conveyance is accepted.

(i) If water rights are not fully conveyed in the deed, any assignments or transfers to the Government of water stock, membership certificates, or other water rights documents will be obtained when Form FmHA 465–4 is executed if possible, but not later than the execution of the deed. These documents will be recorded, if required, in connection with closing the transaction.

(ii) A bill of sale in favor of the Government listing personal property items to be conveyed will be obtained.

(2) *Taxes.* If the offer on Form FmHA 465–4 does not obligate the borrower to pay taxes and assessments which are a lien or will become a lien on the property, or water assessments or charges to protect the right to receive water, the County Supervisor will complete Standard Form 1034 to pay such costs and submit it with the voluntary conveyance docket to the approval official. If voluntary conveyance is approved, the approval official will forward Standard Form 1034 to the Finance Office.

(3) *Acceptance of offer and release from liability.* If a borrower indebted for any loan offers to convey the property securing the loan to FmHA, the approval official will make or request an appraisal of the property to be conveyed to establish its present market value. This value is the amount for which the property in its existing condition would sell if put on the open market and sold in the way property is ordinarily sold in the community in which it is located. The present market value of the security property will be determined by an appraisal made by a qualified FmHA employee. If a qualified FmHA employee is not available to appraise property securing a loan other than farm and housing, the State Director may obtain an appraisal from a qualified appraiser outside FmHA; for property securing farm or housing loans, the Administrator must authorize an appraisal from a source outside FmHA. Offers made on Form FmHA 465–4 may be accepted as follows:

(i) *Section 502 or 504 RH loans to individuals under the Housing Act of 1949.*

(A) The approval official will immediately accept the offer in full satisfaction of the FmHA debt, and will not consider the present market value as established by the appraisal of the property, after determining that the borrower has cooperated in good faith; used due diligence to maintain the property against loss; farmed in a workmanlike manner if engaged in a farming operation; and otherwise fulfilled the covenants of the loan to the best of his or her ability.

(B) The borrower's account will be satisfied in accordance with paragraph (j)(4) of this section after the transaction has been closed.

(C) If the approval official accepts the conveyance but determines that the borrower and any cosigner should not be released from personal liability for the balance owed on debts secured by the property being conveyed, the account will be handled in accordance with paragraph (j)(5) of this section after the transaction is closed. Borrowers will not be released from liability unless the cosignors and guarantors can also be released.

(ii) *Loans to individuals under the Consolidated Farm and Rural Development Act.* If the amount of the FmHA debt secured by a lien on the property, plus any prior liens, exceeds the present market value of the property, the County Committee must determine whether the borrower should be released from liability for any balance owed on the debt. In such cases, the recommendation of the County Supervisor and the Committee certification set forth in paragraph (d)(3)(ii)(C) of this section will be submitted with the borrower's loan docket and Form FmHA 465–4 to the approval official for consideration.

(A) If the present market value of the property is equal to or exceeds the FmHA debts and any prior liens against the security property, the borrower will be released from liability and the account satisfied in accordance with paragraph (j)(4) of this section.

(B) If the present market value of the property being conveyed is less than the FmHA debts plus any prior liens and the County Committee does not recommend a release from liability, the account will be handled as an unsatisfied account in accordance with paragraph (j)(5) of this section.

(C) If the present market value of the property being conveyed is less than the FmHA debts plus any prior liens, the County Committee must make the following certification if it is to recommend that the borrower and any cosigner be released from liability. The certification will be made on Form FmHA 440–2, "County Committee Certification or Recommendation," in the blank space following item No. 10:

In our opinion (*Name of Borrower(s) and any cosigner*) does not have reasonable ability to pay all or a substantial part of the balance of the debt owed after the voluntary conveyance, taking into consideration his or her assets and income at the time of the conveyance. The borrower has cooperated in good faith, used due diligence to maintain property against loss, and has otherwise fulfilled the covenants incident to the loan to the best of his or her ability. Therefore, we recommend that the borrower and any cosigner be released from personal liability for any balance due on the secured indebtedness upon conveyance of the property to the Government.

(iii) *Loans to organizations.* Release from liability for these loans will be in accordance with the following:

(A) If the present market value of the property being conveyed less the amount of the prior lien(s) is equal to or exceeds the total FmHA debt, the borrower will be released from liability and the account satisfied in accordance with paragraph (j)(4) of this section.

(B) If the present market value of the property is less than the total FmHA debt, the State Director will determine whether the borrower is to be released from liability. This determination will be based upon the reasonable debt-paying ability of the borrower and recommendation of the County Committee. In determining the reasonable debt-paying ability of the borrower, the State Director will consider its assets and income at the time of the proposed conveyance. To recommend a release from liability, the County Committee must make a certification similar to the following which will be recorded on Form FmHA 440–2 in the blank space following item No. 10.

In our opinion (*Name of Borrower(s)*) has no reasonable debt-paying ability taking into consideration its (his, her) assets and income at the time of the conveyance. The borrower has cooperated in good faith, used due diligence to maintain the security property against loss, and otherwise fulfilled the covenants incident to the loan to the best of its (his, her) ability. Therefore, we recommend that the borrower be released from personal liability due on the secured indebtedness upon conveyance of the property to the Government.

(e) *Unused loan funds and statement of account.* Any funds remaining in the supervised bank account will be applied as a refund on the loan before accepting the offer to convey. Form FmHA 451–10, "Request for Statement of Account" will be used to obtain a statement of account when a current transaction record or monthly payment account status report is not available.

(f) *Voluntary conveyance docket.* (1) The following tabulation will be used as a guide in distributing forms that apply to voluntary conveyance. These forms will be used as applicable for the type of loan involved.

FmHA No.	Name of form	Number of copies	Signed by borrower	Voluntary conveyance docket
422–1	Appraisal report (farm tract)	1		One—original.
422–3	Map of property	1		Do.
422–7	Appraisal report for multiunit housing	1		Do.
422–8	Property information and appraisal report—rural housing nonfarm tract.	1		Do.
431–2	Farm and home plan	1	One—original	Do.
431–3	Family budget	1	do	Do.
440–2	County committee certification or recommendation.	1		Do.
442–3	Balance sheet	2	Two—original and copy.	Two—original and copy.
442–10	Appraisal report—water and waste disposal systems.	1		One.
451–10	Request for statement of account	2		One—copy (original to Finance Office).
451–11	Statement of account	2		Two—original and one copy.
465–2	Lease of security property	3		Three—original and two copys.
465–4	Offer to convey security	2	Two—original and copy.	Two—original and copy.
465–8	Release from personal liability	2		Do.
Exhibit A	Report on association problem case (association-type projects).	2		Do.
Exhibit B	Report on association loan problem case (additional information for recreation loans).	2		Do.
	Borrower's deed or other instruments of conveyance.	2	Two—original and copy.	Do.
	Water rights evidence			
	Copy of resolution of the governing body authorizing the conveyance to the Government.	2	Two—original and copy.	Do.

(2) If the present market value of security property does not equal or exceed the total FmHA debt, and if the voluntary conveyance involves a release from liability, the County Supervisor will obtain a current financial statement and information about the present income of the borrower and any cosigner. The County Supervisor will execute Form FmHA 465–8 after voluntary conveyance has been approved and the determination made to release the borrower from personal liability.

(3) For multiple housing facilities, the County Supervisor will, whenever possible, obtain a statement from the borrower as to any income or expenses related to the property which are due but unpaid for such as rent or lease proceeds, security deposits, and utility bills.

(g) *Title examination and closing instructions.* (1) *Loans secured by real estate to individuals.* On accepting the borrower's offer, the County Supervisor will determine whether title clearance and closing of conveyance will be completed with the assistance of a designated attorney, title insurance company, or by another method, as outlined in a State Supplement. The County Supervisor will notify either the designated attorney or title insurance company to furnish title services in accordance with Part 1807 of this Chapter, (FmHA Instruction 427.1). If the borrower is unable to pay the closing costs they may be paid by voucher (SF 1034) and charged to the borrower's account.

(i) Any title defects or encumbrances must be removed by the borrower except those stated in the FmHA mortgage or subsequently approved or waived by FmHA. If the borrower agrees to remove title defects or encumbrances as required, the title evidence will be submitted to the designated attorney or title insurance company by memorandum. The memorandum will contain a request for the preparation of necessary legal instruments, including any separate instruments of assignment (which will become effective when the deed is recorded) according to Form FmHA 465–4, and a request for a closing date. Form FmHA 465–4, the deed of conveyance, any water rights documents, the original or a conformed copy of the FmHA mortgage, any assignment instruments, and conformed copies of any remaining encumbrances such as mineral leases, agricultural leases, easements, rights-of-way, and partial releases will be attached.

(ii) The designated attorney or title insurance company will determine how any necessary notices of assignment of leases will be given to the lessees. When needed, the assistance of the Office of the General Counsel (OGC) will be obtained.

(2) *Loans to organizations.* (i) If the borrower's offer is accepted, title examination will be completed in accordance with the advice of OGC. The borrower will remove title defects and encumbrances except those stated in the FmHA mortgage or subsequently approved by FmHA.

(ii) When title defects and encumbrances have been removed or waived, the State Director will send the voluntary conveyance docket including the title examination information to OGC for review and issuance of closing instructions. The State Director's transmittal memorandum will include information as to expenses incident to conveyance of title which have been paid by FmHA but are not shown on the statement of ac-

count. It also will show expenses to be paid by FmHA, a statement as to whether the account is to be fully satisfied, and a request for preparation of necessary legal instruments.

(h) *Closing of conveyance.* (1) *Individual loans secured by real estate.* (i) The State director will issue a State Supplement with general guidelines when it will expedite closing voluntary conveyances. The voluntary conveyance will be closed in accordance with Part 1807 of this Chapter (FmHA Instruction 427.1).

(ii) After the designated attorney, title insurance company, or OGC determines that the transaction has been properly closed, all documents will be returned to the County Supervisor with the notation of date when title to the property was vested in the Government. The County Supervisor will forward copies of this memorandum to the State Director and to the Finance Office. The County Supervisor will notify the District Director of completion of any conveyance which the District Director approved.

(2) *Loans to organizations.* The conveyance transaction will be closed in accordance with closing instructions issued by OGC. Expenses authorized to be paid by FmHA will be handled in accordance with FmHA Instruction 322.1, available in FmHA Offices. After the transaction is closed, all appropriate items will be returned to OGC for review. After OGC determines that the transaction has been properly closed, it will return all documents to the State Director indicating the date when title to the property was vested in the Government. The State Director will send this information to the Finance Office.

(3) *Property insurance.* Property insurance will be handled in accordance with § 1806.5(d) of this Chapter (FmHA Instruction 426.1 paragraph V D). Ordinarily fidelity bond coverage will be dropped. However, in individual cases such as when a manager will continue to operate the facility under a management agreement contract in accordance with § 1955.63(a)(2) and will be handling a substantial amount of revenue, the State Director may require a performance bond as a contract provision.

(i) *Determination of suitability of property.* Based on the recommendation of the County Supervisor, the approval official will make a written determination at the time of acquisition whether such property is suitable for sale to eligible applicants or as surplus or unsuitable property under the terms and conditions of Subpart C of this part.

(j) *Indebtedness and inventory records.* (1) *Crediting borrower's account.* The credit to be entered on the borrower's loan records will be either:

(i) The total amount of the debt owed after all expenses have been charged to the account when the property is accepted in full satisfaction of the debt, or

(ii) The present market value of the security conveyed when the debt is not satisfied and the borrower is not released from personal liability for the remaining balance owed on the debt.

(2) *Completing Form FmHA 465–6, "Advice of Mortgaged Real Estate Acquired".* Immediately after the transaction is closed in accordance with the closing instructions and the amount of credit to be allowed on the account is determined, the County Supervisor will complete and send Form FmHA 465–6 to the Finance Office. The value of acquired real property entered into the inventory account in all cases will be the present market value. The County Supervisor will inventory and appraise acquired personal property and submit a list of this property to the Finance Office with Form FmHA 465–6.

(a) *Leases.* (i) The County Supervisor will send a copy of any assigned agricultural, mineral, or other lease on the property to the Finance Office with Form FmHA 465–6. If an oral lease on the property or on a portion of it existed, a new lease will be executed in writing on Form FmHA 465–2, "Lease of Security Property" or other form approved by OGC. The lessee and the County Supervisor (for FmHA lessor) will execute the form. The County Supervisor will assign a number to the lease. This number for an individual will consist of the FmHA State and County Codes, the last digit of the fiscal year, and a sequential number beginning with 1, e.g., 48–71–6–1. Each fiscal year the sequential number will begin again with 1. For an organization or business it will be the FmHA State and County Code and Internal Revenue Service employer number. The County Supervisor will send a copy of the lease to the Finance Office. After assigning an advice number to Form FmHA 465–6, the Finance Office will advise the County Supervisor by memorandum, with a copy to the State Director, of such identification of the inventory property and lease.

(ii) The County Supervisor will collect payments due and payable after the Government inventory conveyance is closed and forward them to the Finance Office as miscellaneous income. Receipts for collections made in accordance with this subpart will be issued to: "Lease proceeds from property formerly owned by (borrower's name and case number) and leased to (name of lessee)."

(4) *Satisfied account.* The Finance Office or the County Supervisor, as appropriate, will stamp the borrower's note "Satisfied by surrender of security and release from liability," when the account is fully satisfied. The County Supervisor will release the lien of record and deliver the satisfied note to the borrower.

(5) *Unsatisfied account.* When the account is not satisfied, the borrower will be classified as "collection-only" by processing Form FmHA 404–1, "Case Reclassification," and Form FmHA 450–10, "Advice of Borrower's Change of Address or Name," and submitting them to the Finance Office with Form FmHA 465–6. The remaining amount will be accelerated by written notice. The Finance Office will send the County Supervisor a current transaction record or Form FmHA 451–11, "Statement of Account." The loan record will be reconciled with the transaction record of Form FmHA 451–11 and the account serviced for collection in accordance with § 1861.1(b) of this Chapter (FmHA Instruction 451.1, paragraph I B). In such cases, the FmHA mortgage will be released of public record, but not satisfied. The type of release will be prescribed by a State Supplement approved by OGC.

§ 1955.11 Conveyance of property to FmHA by trustee in bankruptcy.

(a) *Authority.* With the advice of OGC, the State Director is authorized to accept a conveyance of property to the Government by the borrower's trustee in bankruptcy, provided:

(1) The conveyance will permit a substantial recovery on the FmHA debt.

(2) FmHA will acquire title free of all liens and encumbrances except FmHA liens.

(b) *Fees and deeds.*

(1) FmHA may pay any necessary proper fees, except a fee to the trustee for a deed, in connection with the conveyance. The State Director will use Standard Form 1034 to pay such fees.

(2) Conveyance may be by a trustee's deed instead of a warranty deed. If required by OGC, a deed from the borrower also will be obtained.

§§ 1955.12–14 [Reserved]

§ 1955.15 Foreclosure of loans secured by real estate.

Foreclosure will be recommended when liquidation has been decided upon; all reasonable attempts to liquidate the loan through sale, transfer, or voluntary conveyance have been exhausted; and either a substantial net recovery can be obtained on the FmHA account or failure to foreclosure would adversely affect the FmHA program in the area.

(a) *Authority.* (1) *Individual loans.* The State Director is authorized to approve foreclosures and to execute any necessary documents except when the amount of the secured debt exceeds the loan approval authority of the State Director.

(2) *Organization loans.* (i) The State Director is authorized to approve all foreclosures of EOC loans. He may also approve foreclosure of RRH, RCH, RHS, LH, Shift-in-land-use, Irrigation and Drainage, and Indian Tribes and Tribal Corporations loans when the amount of the secured debt does not exceed his loan approval authority.

(ii) For all other organization loans, foreclosure will not be started without prior authorization of the Administrator. The State Director will forward the docket, a Report on Association Problem Case (Association-Type Projects) and a Report on Association Loan Problem Case (Additional Information for Recreation Loans), a copy of the OGC opinion outlining steps necessary to foreclose the loan if appropriate, a statement of essential facts, and his recommendation to the Administrator, Attention: (insert appropriate title) Program Loan Division, requesting authority to begin foreclosure.

(b) *Problem case report.* If foreclosure is recommended, Form FmHA 465–7, "Report on Real Estate Problem Case," or Exhibit A of this subpart, as appropriate, will be completed. The problem case report or attachment to the report will contain the County Supervisor's recommendations as to the suitability of the property for retention in FmHA programs. It will also contain the County Committee recommendations for foreclosing FO, SW, RL, LCD, OL, EM, and Economic Opportunity (EO) loans. If chattel security is involved, Form FmHA 455–1, "Request for Legal Action," and Form FmHA 455–2, "Evidence of Conversion," when appropriate, providing necessary supplementary information, will be attached to the problem case report.

(1) *Appraisal report.* The County Supervisor will submit a current appraisal report with the problem case report if the existing report cannot be relied on for determining the present market value of the security property. For organization loans, the County Supervisor will request assistance from the State Office in completing the report.

(2) *Recommendation for deficiency judgment.* If is appears that proceeds from the foreclosure sale will not fully satisfy the debts secured by the property, the County Supervisor will review the borrower's situation to determine if there is a possibility of making a further recovery on the account. The facts revealed by this review should be included in or attached to the problem case report. When judicial or nonjudicial foreclosure does not automatically result in a deficiency judgment and there are other assets from which a substantial recovery can be made, the State Director will request OGC to obtain such judgment if legally permissible. No deficiency judgment may be sought if the borrower has received a moratorium on payments as provided for in § 1861.10 of this Chapter (FmHA Instruction 451.1, paragraph X) when that moratorium was obtained on the Section 502 or 504 RH loan being foreclosed and the borrower has faithfully tried to meet loan obligations.

(3) *Submission of file to State Director.* The County Supervisor will submit the problm case report, the County Office case file, and recommendations, to the State Director through the District Director. The District Director will attach his recommendation and forward the file to the State Director.

(c) *Foreclosure not approved.* The State Director or other employee authorized to act for the State Director in his absence may disapprove a foreclosure request. This authority may not be redelegated. If foreclosure is not approved, the State Director will instruct the County Supervisor on future servicing of the account. The original of the problem case report will be forwarded to the County Supervisor, a copy retained in the State Office, and a copy sent to the District Director.

(d) *Approval of foreclosure.* The State Director or other employee authorized to act for the State Director in his absence may approve a foreclosure request. This authority may not be redelegated. When foreclosure is approved, the State Director will forward to the County Supervisor any title information or evidence of ownership of water rights held in the State Office. The foreclosure will be completed as follows:

(1) *Prior lienholders.* If there is a prior lien(s) and foreclosure is determined necessary, the State Director will contact the prior lienholder, either directly or through the County Supervisor, and give the prior lienholder an opportunity to foreclose.

(i) If the prior lienholder is unable or unwilling to foreclose, FmHA will foreclose, either subject to the prior lien or paying the prior lien in full. Factors such as the rights of the prior lienholder under State law and the action or inaction of the prior lienholder will determine whether the FmHA mortgage may be foreclosed subject to the prior lien. The condition of the prior lien account and the amount of the prior lien debt in relation to the total debt are factors to consider in determining whether FmHA foreclosure should be subject to the prior lien or whether the prior lien should be paid in full.

(ii) If the prior lienholder agrees to foreclose, the State Director will contact the prior lienholder to determine whether a cash payment is required on the date of the sale, or whether a Standard Form 1034 may be processed on the date of the sale for payment at a later date if the Government is successful bidder. If the prior lienholder requires a cash payment, the State Director will process Standard Form 1034 for the amount of the prior lien debt including the cost of foreclosure, in sufficient time for the County Supervisor to receive a U.S. Treasury check before the sale.

(2) *Acceleration of account.* After the State Director approves foreclosure, the account should be accelerated immediately. Acceleration of the account means to declare the entire debt due and payable. The State Director will date, sign, and forward the acceleration notice to the borrower with one conformed copy to the Finance Office, and two conformed copies and any necessary instructions to the County Supervisor.

(i) For all types of default other than monetary, the account will not be accelerated until reviewed by OGC. In such cases, a State Supplement will be issued to prescribe the information to assemble and send to OGC. If the borrower obtained the loan before entering and is now in, the Armed Forces of the United States, the account will not be accelerated for monetary or any other default until clearance is obtained from OGC.

(ii) After the acceleration notice has been issued and the State Director has referred the case for foreclosure, account and security servicing (other than accepting payment in full, transfer, voluntary conveyance, and vouchers for insurance and taxes) will be done only with the advice of OGC. Except as otherwise provided in State Supplements where State law requires acceptance of defaulted installments after acceleration, the County Supervisor will not accept payment of less than the full amount of the debt but will notify the State Director of any such offer and ask for instructions.

(iii) Before the case is referred for foreclosure if the borrower and State Director agree to other servicing action which makes foreclosure unnecessary, such action will be handled in accordance with appropriate servicing instructions.

(3) *Unused loan funds.* The State Director will forward an order through the County Supervisor to the bank for withdrawal of any funds remaining in the supervised bank account in accordance with § 1803.11 of this Chapter (FmHA Instruction 402.1, paragraph XI). The County Supervisor will apply these funds in accordance with § 1861.5 of this Chapter (FmHA Instruction 451.1, paragraph V).

(4) *Statement of account.* When a current transaction record is not available or a statement of account is required for foreclosure, Form FmHA 451–10 will be forwarded to the Finance Office to obtain a statement of account for each account to be included in the foreclosure. The Finance Office will be requested not to issue any statements of account to the borrower or apply any payments to the account until further notice.

(5) *Forwarding docket to OGC.* If a borrow fails to satisfy the account during the period provided in the acceleration notice, the State Director will:

(i) Request the Director, Finance Office, if the note is not held in the County Office, to send the original note, a photocopy, or statement that the note is held in the insurance fund, as appropriate, to the State Director.

(ii) Forward the borrower's case folder, including a photocopy of each FmHA note, any assumption or cosigner agreements, and such additional information and copies as appropriate, to OGC for instructions to complete foreclosure or, with prior approval of the Administrator, handle the matter as provided in a State Supplement approved by OGC. The expiration date of the property insurance will be indicated so that OGC will know that an additional cost will be incurred if the sale is not completed before the expiration date. Also, any title evidence required by OGC will be submitted at that time so that they can give an opinion as to whether FmHA will obtain a title merchantable in fact if it is the successful bidder. On receiving advice from OGC, the County Supervisor will prepare and submit Standard Form 1034 to the Finance Office for payment of all real estate taxes and assessments, including water assessments, which are due and payable. Attached to Standard Form 1034 will be a request to the Finance Office that OGC be furnished a current statement of account or transaction record which reflects the amount of vouchers

processed in connection with the foreclosure.

(iii) Ordinarily, take no curative action with respect to title defects before foreclosure sale. However, the State Director may authorize necessary curative action if he determines, with the advice of OGC, that it would be in the best interest of FmHA to cure certain defects before the sale.

(iv) Request, through OGC, in judiical foreclosure cases, that the U.S. Attorney petition the court to enforce the provision in the mortgage in which the borrower waives redemption rights.

(6) *Nondiscrimination.* Title VI of the Civil Rights Act of 1964 applies to any real property that was subject to this title when Federal financial assistance was extended and that continues to be used for the same or similar purposes. The advertisement of foreclosure sale for such property should include a statement that the property is subject to Title VI of the Civil Rights Act of 1964 and that the purchaser will be required to sign Form FmHA 400–4, "Nondiscrimination Agreement," if he intends to use the property for its original or similar purposes.

(7) *Expenses.* Expenses which OGC recommended for payment by FmHA will be paid in accordance with FmHA Instruction 121.3, FmHA Instruction 121.6, and FmHA Instruction 322.1, (available in FmHA Offices) as appropriate.

(8) *Maximum bid.* The State Director will establish the maximum amount of the FmHA bid. Such bid will be either the present market value of the security or FmHA gross investment, whichever is less.

(i) The present market value of the security property will be determined by an appraisal made by a qualified FmHA employee. If a qualified FmHA employee is not available to appraise property securing a loan other than farm and housing, the State Director may obtain an appraisal from a qualified appraiser outside FmHA; for property securing farm and housing loans, the Administrator must authorize an appraisal from a source outside FmHA.

(ii) In establishing the present market value, the State Director will consider:

(A) The effect that any outstanding mineral rights, easements, other interests, or title defects will have on the resale of the property;

(B) Any prior liens that will remain outstanding after the foreclosure sale; and

(C) The appraisal report, the County Supervisor's recommendation concerning suitability of the property for FmHA programs, and any other pertinent information affecting or indicating the value.

(iii) Gross investment means the amount of the FmHA secured debt including all advances made or to be made by FmHA and charged to the account. It also includes the amount of any prior liens or other costs which OGC advises must be paid from proceeds of the foreclosure sale before paying the FmHA secured debts.

(9) *Bidding.* The State Director or an employee designated by him is authorized to bid on behalf of FmHA. In appropriate cases the State Director may request that the U.S. Marshall be designated. The State Director will inform the County Supervisor by memorandum as to the maximum amount to be bid and the name of the person authorized to bid. The State Director will also indicate whether the property is suitable for retention in the FmHA program. A copy of this memorandum will be sent to OGC.

(i) Ordinarily, the State Director will designate the County Supervisor to bid on behalf of FmHA unless circumstances make it necessary or desirable to designate another person. In judicial foreclosure, OGC will be requested to inform the U.S. Attorney of the maximum amount recommended by FmHA to be bid and in appropriate cases that an FmHA employee will be available at the sale to make the bid.

(ii) The FmHA employee will make only one bid and that will be for the authorized maximum bid. This bid will be made when no other party makes a bid or when the last bid made will result in the property being sold for less than the authorized maximum bid.

(10) *Reports on sale.* Immediately after a foreclosure sale at which an FmHA employee was designated to bid, the employee will furnish the State Director a report about the sale. The State Director will send a copy of the report to OGC. When OGC receives this report or a report from the U.S. Attorney in judicial foreclosure, this report will serve as request to OGC to send to the County Supervisor through the State Director instructions for completing the transactions or a final title opinion, as appropriate.

(11) *Completion of Form FmHA 465–6.* If FmHA is the successful bidder at the foreclosure sale, the County Supervisor will complete and forward Form FmHA 465–6 to the Finance Office. The form will be completed without waiting for the final title opinion from OGC and will be dated as of the day of the sale.

(12) *Appraising personal property.* The County Supervisor will inventory and appraise personal property acquired at the foreclosure sale with the real estate and submit a list of such items to the Finance Office with Form FmHA 465–6.

(13) *Leases.* If the sale is made subject to an agricultural, mineral, or other lease in which the lessor's interest is acquired by FmHA through the sale, the County Supervisor will submit a copy of the lease to the Finance Office with Form FmHA 465–6. If a lease terminated on act of sale, a new lease may be considered as provided by § 1955.63(a)(1).

(i) Any oral lease in effect at the time the Government acquires the property will be reduced to writing on Form FmHA 465–2 or other form approved by OGC. If a written lease cannot be obtained, request assistance from OGC. The lessee and County Supervisor (for FmHA lessor) will execute the form. The County Supervisor will notify any lessee in writing that the Government has acquired the former lessor's rights under any lease and will direct the lessee to remit all payments to the County Supervisor.

(ii) Payments to FmHA under a lease which were due and payable before the date of the foreclosure sale will be applied first on any balance remaining on the debt after foreclosure and then on any other FmHA claim against the borrower. Any surplus remaining will be remitted to the borrower.

(iii) The County Supervisor will collect payments due and payable after the date of foreclosure and forward them to the Finance Office as miscellaneous income.

(iv) Receipts for collections made in accordance with this subpart will be issued to: "Lease proceeds from property formerly owned by (borrower's name and case number) and leased to (name of lessee)."

(14) *Deficiency judgment.* (i) If a deficiency judgment is obtained in accordance with paragraph (b)(2) of this section, the account will be classified as a judgment case and the County Supervisor will send Form FmHA 455–20, "Notice of Judgment," to the Finance Office. The account will be serviced in accordance with § 1871.35(d) of this Chapter (FmHA Instruction 455.1, paragraph XV D). When action to obtain a deficiency judgment is pending at the time Form FmHA 465–6 is sent to the Finance Office, the action will be indicated on the form.

(ii) If a deficiency judgment is not obtained and the debt cannot be settled under Part 1864 of this Chapter (FmHA Instruction 456.1), the County Supervisor will submit Forms FmHA 404–1 and FmHA 450–10 to the Finance Office to reclassify the account to collection only in accordance with FmHA Instruction 450.5, available in FmHA Offices.

(15) *Property insurance.* Property insurance will be handled in accordance with Subpart A of Part 1806 of this Chapter (FmHA Instruction 426.1).

(16) *Cancellation of foreclosure action.* If the State Director determines that circumstances have changed and foreclosure is no longer necessary, he may stop foreclosure and reinstate the loan account if the case has not been sent to OCG. If the case has been sent to OGC, he may request OGC to stop foreclosure. The State Director will reinstate the loan account after he is notified that foreclosure has been stopped. In either case, the borrower, County Supervisor, Finance Office, and OGC, if previously consulted, will be informed of any actions taken.

§§ 1955.16–19 [Reserved]

§ 1955.20 Acquisition of chattel security and Economic Opportunity (EO) loan property.

(a) *Acquiring chattel property.* Acquired chattel property is former FmHA chattel security or EO loan property that FmHA has acquired title to through bidding at any of the following types of

sales or by simple conveyance from the borrower.

(1) Execution sales conducted by marshals, sheriffs, or other parties acting under court orders to satisfy judgment liens.

(2) FmHA foreclosure sales conducted by U.S. Marshals (or local sheriffs in those States in which State Supplements provide for sales to be conducted by them).

(3) Sales by trustees in bankruptcy and other officials under court orders.

(4) Public sales conducted by prior lienholders.

(5) Public sales conducted under the terms of Form FmHA 455–4, "Agreement for Voluntary Liquidation of Chattel Security," Form FmHA 441–19, "Loan Agreement," the power of sale in security agreements, or the power of sale in crop and chattel mortgages, and similar instruments if authorized by State Supplement.

(b) *Attending sales.* The County Supervisor will:

(1) Attend all sales set forth in paragraph (a)(5) of this section.

(2) Attend public sales described in paragraph (a)(4) of this section when he determines the present market value of the chattel property is significantly more than the amount of the prior liens.

(3) Obtain the advice of the State Director on attending sales described in paragraphs (a)(1), (2), and (3) of this section.

(c) *Appraising chattel property.* The County Supervisor will determine the present market value of chattel property. Form FmHA 440–21, "Appraisal of Chattel Property," may be used to make the appraisal.

(d) *Bidding.* The County Supervisor is authorized to bid at sales described in paragraph (a) of this section. The County Supervisor will make one bid, which will not exceed the present market value of the property or the unpaid balance of the FmHA debt, whichever is less. This bid will be made only when no other party bids or when it appears that the bidding will stop and result in the property being sold for less than its present market value or the unpaid balance of the FmHA debt.

(1) The County Supervisor will not bid on any chattel property under prior lien(s) when the present market value of the property is not significantly more than the amount of the prior lien(s).

(2) In complicated cases such as those in which FmHA holds a junior lien on several items of chattel property, or a lien on fixtures, etc., the County Supervisor may obtain advice from the State Director about the procedure to follow in bidding.

(3) The County Supervisor will not bid after sufficient chattel property has been sold and/or acquired to repay the FmHA debt, prior lien(s), and costs of sale.

(4) Under no circumstances will any FmHA employee bid on or acquire property at sales except in behalf of FmHA.

(5) The County Supervisor will not bid at:

(i) Sales held by junior lienholders

(ii) Private sales

(iii) Sales conducted under the provisions of Form FmHA 455–3, "Agreement for Public Sale by Borrower"

(e) *Reporting acquisition of chattel property.* Parts I and II of Form FmHA 455–13, "Report of Sale of Chattel Security" will be completed in accordance with the Forms Manual Insert.

§§ 1955.21–50 [Reserved]

EXHIBIT A - REPORT ON ASSOCIATION PROBLEM CASE
(Association-Type Projects)

Name of Borrower:	State	County	Case No.
Address:	Type of Assistance Loan ☐ Insured ☐ Direct ☐ Grant ☐		
Date Loan Closed	Date Facility Placed in Operation		

1. Financial Status - FmHA Debt(s)

Initial Loan	$_____	Sub. Loan(s)	$_____	Total	$_____
Initial Grant	$_____	Sub. Grant(s)	$_____	Total	$_____
Balance Owed - Prin.	$_____	Interest	$_____		
Account Status-Amt Del.	$_____	Ahead	$_____		
Net Worth	$_____				
Liquid Assets	$_____				

2. Other Debts Owed:

To Whom Owed	Amount	Amt. Delinquent	Purpose of Loan	How Secured

3. Were Outside Debts Authorized by FmHA? _____

4. Present Market Value of Facilities: Appraised ☐ Estimated ☐ Other ☐

a. Land	$_____	d. Equipment	$_____
b. Nonmovable Buildings	$_____	e. Furnishings	$_____
c. Movable Buildings	$_____	f. Total	$_____

5. Membership (Users)

a. Number Required for Closing _____ Present _____ If Present Number is Less - Why? _____

b. What Actions Have Been Taken to Increase Members (Users)? _____

c. Number Delinquent on Dues (Charges) _____

d. Total Amount of Delinquency $_____

e. Cost of Initial Fee $_____ Due (Annual) $_____
Mo. Minimum $_____ Mo. Average $_____

f. Can Membership be Assessed? ___ If Yes, When? _____

6. Management
   a. Is Board of Directors carrying out responsibilities? _____
   b. Has Board of Directors delegated responsibility and provided appropriate guidance for the manager? _____
   c. Is the manager doing adequate job? _____ Explain: _____
   d. Does the management try to promote cooperation among the membership? _____ Explain: _____
   e. Are records, bookkeeping, and reports being maintained properly? _____
   f. Are records and reports being used to improve management and operation? _____ How? _____
   g. Did changes to Bylaws, rules, and regulations, or management practices, which were made without FmHA's consent contribute to the problem? _____ If so, explain: _____
   h. Is membership adequately informed about the problem _____ How: _____
   i. Will manager and Board of Directors accept supervision? _____ Explain: _____
   j. Condition of Facilities:
      (1) Buildings _____
      (2) Equipment _____
      (3) Water System (Well- Lines-Treatment Plant-Storage, etc.) _____
      (4) Sewer System (Lines-Manholes-Lagoons-Treatment Facilities) _____
      (5) Other _____

7. What is the problem? _____

8. Action taken to solve problem: _____

9. Additional information for Recreation Loans will be submitted on Exhibit B.

10. Alternatives (The alternatives considered should give first priority to furthering the objectives for which the loan was made.)
    A. Will these management improvement practices help? _____
       (1) New management _____
       (2) New governing body _____
       (3) Promoting membership (users) campaign _____
       (4) Better records, audits, reports _____

FmHA Instruction 1955-A
Exhibit A

10 A (Con.)

   (5) Closing out unprofitable and/or unpopular enterprises _____
   (6) Lowering or raising fees and/or rates _____
   (7) Reamortization _____

B. If it is determined that voluntary conveyance to or foreclosure by the Government is the only alternative, then definite recommendations will be made as to:
   (1) Plans for care and maintenance of property taken in inventory:
      (a) Will caretaker be needed: _____
      (b) Who will it be? _____
      (c) How will he be paid? _____
   (2) How will the property be used while in inventory? _____
      (a) Who will manage and operate the facility and under what arrangement? _____
      (b) If the property will be leased, give details of lease arrangement: _____
      (c) What present and future maintenance is needed and how will it be accomplished? _____
      (d) Detail plans for disposing of property from inventory: _____
   (3) Recommendations for Release of Liability: _____
   (4) Recommendations for maximum Bid for Foreclosure Sale: _____

11. Comments and Recommendations of Employees:
    a. County Supervisor

Date _____ Signature _____

    b. District Director

Date _____ Signature _____

    c. State Director

Date _____ Signature _____

Exhibit B - REPORT ON ASSOCIATION LOAN PROBLEM CASE
(Additional Information for Recreation Loans)

FmHA Instruction 1955-A
Exhibit B

Name _____ Case No. _____

State _____ County _____ Amount of Loan _____

1. Enterprise Analysis (Last operating year).

a. Enterprise	Income	Expenses	Profit or Loss
	Total		

2. Condition of Facilities and Maintenance needed.

Golf Course _____

Swimming Pools _____

Club House _____

Equipment _____

Other _____

3. Can Facility be used on a Daily Fee Basis? Yes ☐ No ☐
Amount of:

a. Daily Fee $_____
b. Annual Membership, Full Family $_____
c. Annual Membership, Single $_____
d. Summer Membership $_____
e. Other Membership $_____

4. Special Efforts Made to Interest (Youth, Women, Retirees) (Additional Use Users) etc.

_____

_____

5. What other Facilities in the Area Compete with This? _____

_____

6. Will the Population of the Area Support the Facility? _____

_____

7. Is the Board willing to close out enterprise which is losing money or causing unsavory reputation? _____
Explain: _____

_____

_____

_____

8. Are facilities adequately and accurately advertised? ____ How? _____

_____

9. Attitude:

a. What reputation does facility have in the community? _____

_____

b. Is there a sincere desire to retain this facility by the - (Explain)

Board _____

Manager _____

Membership _____

Community _____

County Governing Body _____

City or Town Governing Body _____

c. What is the attitude of community leaders, such as Mayor, City Council, Board of County Commissioner, etc. (Explain in detail)

_____

_____

_____

_____

d. Results of meetings with Civic Clubs, School Officials, Industry or Union Leaders, Newspaper Editors, Minority Group Leaders, concerning attitude toward facility _____

_____

_____

_____

_____

e. Is there any general consensus among these interviewed on the need for any specific charges in the policies or practices of the project? For example, do the think the charges are too high or too low, certain phases should be eliminated, or certain services be added? (Explain)

_____

_____

_____

_____

_____ _____
Date County Supervisor

Subpart B—Management of Property

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Exhibit A—Memorandum of Understanding Between Federal Disaster Assistance Administration and Farmers Home Administration.

AUTHORITY: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, 42 U.S.C. 2942, Sec. 10 P.L. 93–357, 88 Stat 392, delegation of authority by the Sec. of Agri., 7 CFR 2.23, delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70, delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Subpart B—Management of Property

§ 1955.51 Purpose.

This subpart delegates authority and prescribes policies and procedures for management of acquired real estate, related rights, and chattels and management of real estate after approval of foreclosure but before it is acquired.

§ 1955.52 Policy.

The Farmers Home Administration (FmHA) will manage acquired property and abandoned property pending completion of foreclosure to preserve its value and protect FmHA's financial interest. Acquired property will be sold in accordance with Subpart C of this Part 1955. Contracts for services may be made as needed in the management of property not to exceed the limitations under this subpart, when the services cannot be performed by FmHA personnel.

§ 1955.53 Definitions.

(a) *Definitions found in § 1955.3.* The definitions for "acquired real estate," "loans to individuals," and "loans to organizations" also apply to this subpart.

(b) *Contracting officer.* The FmHA employee who signs the contract.

§ 1955.54 Authorities and responsibilities.

(a) *Line authority.* This authority is from the Administrator to State Director, District Director, and County Supervisor. Assistance, guidance, and counsel are available from the Property Management Specialist and Program Staff in the State Office and from appropriate program divisions and Property Management Staff in the National Office. Full use will be made of these resources.

(b) *Redelegation of authority.* FmHA will redelegate authorities to the maximum extent possible consistent with program requirements and available resources.

(1) The State Director is authorized to redelegate, in writing, any authority delegated to the State Director in this subpart except where specifically excluded to the Chief, Property Management; Chief, Rural Housing; Chief, Farmer Programs; Chief, Community Programs; Chief, Business and Industry; Rural Housing Specialist; Farmer Programs Specialist; Property Management Specialist; Community Programs Specialist; and Business and Industry Specialist.

(2) The County Supervisor is authorized to redelegate, in writing, any authority delegated to the County Supervisor in this subpart to any employee in the County Office determined by him or her to be qualified.

§ 1955.55 Management of real estate after approval of foreclosure.

After foreclosure has been approved and if the borrower has abandoned or is not maintaining the security property, the County Supervisor will report the facts to the State Director immediately.

(a) *No prior lienholders.* If there are no prior liens and the State Director determines that foreclosure proceedings will be lengthy, the State Director may authorize the County Supervisor to take possession of the property, make necessary repairs, and enter into a lease, management agreement, or caretaker's agreement for the account of the borrower when necessary to protect the interest of the Government. The State Director will obtain prior authorization from the Office of the General Counsel (OGC) if the case has been submitted to them for foreclosure, or if there is a question as to whether or not the property has, in fact, been abandoned.

(b) *Prior lienholders.* If there are prior liens, the County Supervisor will contact the prior lienholder to determine what the lienholder plans to do to protect the security. If the prior lienholder does not respond or will not protect the property, the State Director may authorize the County Supervisor to take appropriate steps as set forth in paragraph (a) of this section, and in accordance with the security instrument.

(c) *Costs and income.* Any cost for protective advances (e.g., emergency repairs or other expenses made to protect the Government's interest as provided in the security instrument) FmHA has undertaken not paid by a prior lienholder will be paid by Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," and charged as an expense to the borrower's account. Income to the extent of protective advances or income not claimed by a prior lienholder will be applied to the borrower's account as an extra payment.

§§ 1955.56–59 [Reserved]

§ 1955.60 Acquired real estate subject to redemption.

If acquired real estate is subject to redemption rights, the State Director, with the advice of OGC, will instruct County Supervisors in the care and management of such property during the redemption period. These instructions may be given in a State Supplement or in individual cases, and will provide guidance concerning the former borrower's rights to possess the property or to obtain any lease proceeds during the redemption period. They will also cover action such as payment of taxes, maintenance, and repairs. If the former borrower under redemption rights possesses the property or has a right to lease proceeds, the Government will not enter into any lease until the redemption period has expired unless the State Director obtains prior authorization from OGC.

§ 1955.61 Property in flood or mudslide hazard area.

Acquired property located in areas identified by the Federal Insurance Administration of the Department of Housing and Urban Development as special flood or mudslide hazard areas will not be leased or operated under a management agreement without prior written notice of such hazard to the prospective lessees. The written notice will be completed and signed by the County Supervisor and the prospective lessee or the manager and any prospective lessee if the property is operated under a management agreement in accordance with § 1955.63 (a) (2) at least 1 day before the lease is signed. The written notice will be attached to the lease.

§ 1955.62 Removal and disposition of nonsecurity personal property not acquired by FmHA.

If the Government has acquired title to the real estate and the former borrower has vacated the property but left items that did not pass with the real estate such as furniture, personal effects, or chattels not included in the FmHA or any other mortgage, the County Supervisor will, except as amplified by an applicable State Supplement, handle the case as follows:

(a) If the former borrower is available in the area, the County Supervisor will notify the former borrower informally (in person or by telephone) that the personal property should be removed from the premises within a specified time, usually 10 days. The County Supervisor will keep a written record including date of notification, and the former borrower's response.

(b) If the former borrower or someone authorized to act for him does not remove the personal property within the specified period, the County Supervisor will check the appropriate public records to determine if a creditor has a lien on any of the personal property. The County Supervisor will notify any lienholder by

certified letter, return receipt requested, that the property will be impounded and disposed of by FmHA if it is not removed from the premises in 5 days from receipt of letter. The notice should contain a request that the lienholder notify the County Supervisor whether or not he will repossess the property.

(c) In all cases, either following informal notice to the former borrower or formal notice to the lienholder, or both, the County Supervisor will notify the former borrower by certified letter, return receipt requested, that the property, unless it is removed within 5 days from receipt or refusal of letter, will be impounded and disposed of by FmHA.

(d) If no response is received from the former borrower or the lienholder after notification by certified mail in accordance with paragraph (b) and (c) of this section, the County Supervisor will prepare a list of items showing their complete description, estimated value, and any lienholder of record and submit it to the State Director recommending removal and disposal of the property. Based on advice from OGC, the State Director will provide instructions for the removal and disposal of the property. The property may be disposed of by the County Supervisor as follows:

(1) If a reasonable amount can likely be realized from the sale of the property, the property may be sold at public sale and the net proceeds up to the amount of the prior lien, after deducting all expenses incurred by the Government, will be paid to the lienholder with a statement listing items sold and their sale price. If there is no lienholder, the amount will be applied to the deficiency. Also, any excess after payment to the lienholder will be applied to the deficiency on the borrow's account. If there is no deficiency, the amount will be paid to the former borrower. A statement listing the items sold, the sale price, and the distribution or proceeds will be mailed to the borrower at his or her last known address.

(2) If the property is not worth selling, a mover may be authorized to take the property in exchange for his moving cost, or, if necessary, payment by voucher can be made for removing the property.

(e) The County Supervisor will allow the former borrower or lienholder to reclaim the personal property before its disposal by paying all expenses incurred by the Government in caring for the property.

§ 1955.63 Management of acquired real estate.

Acquired real estate includes real estate and any growing crops, improvements, appurtenances, and rights that customarily pass with the land; inventory acquired as part of a business; and other property that is necessary to the efficient operation of the real estate or business and that is usually sold with the real estate.

(a) *Methods of managing property.* Acquired real estate will be sold promptly pursuant to Subpart C of this Part 1955. If the property cannot be sold promptly, it may be leased or operated under a management agreement or protected under a caretaker's agreement, as appropriate, to best protect the interests of the Government. In certain cases such as when there are no buildings on the property or they have been adequately secured, the County Supervisor may require no outside services. The State Director will select the best method of managing property previously securing organization or multiple housing loans; the County Supervisor will select the best method for managing property that formerly secured single-family housing and all other loans to individuals.

(1) *Lease.* Criteria to consider in selecting a lessee will be: potential as an eligible applicant, ability to preserve the property, affect on future sales value of property, and rental income.

(i) *Lease form.* Form FmHA 465–2, "Lease of Security Property," will be used to approve the leasing of inventory property. The County Supervisor will assign a contract number to the lease. For an individual, it will consist of the FmHA State and County Codes, the last digit of the fiscal year, and a sequential number beginning with 1, e.g. 48–71–6–1. Each fiscal year the sequential number will begin with 1. For an organization or business it will be the FmHA State and County Codes, the last digit for the fiscal year, and the Internal Revenue Service employer number of the lessee. The lease form will be completed and distributed in accordance with the Forms Manual Insert (FMI).

(A) *Single family and multiple housing property.* The County Supervisor may approve the leasing of single family dwellings. In leasing living units of multiple housing facilities, the County Supervisor will submit Form FmHA 465–2 and recommendations for leasing the property to the State Director for approval. The terms of the lease will provide for cancellation by the lessee or the Government on 30–day notice in writing. The State Director must approve the leasing of multiple housing property. After approval, the County Supervisor may sign individual leases for living units.

(B) *Farm property.* The County Supervisor may approve the leasing of farm property on Form FmHA 465–2. The terms of the lease will provide that the Government may terminate for purposes of sale of property, but in that event the lessee will retain the right to harvest existing crops. Rental payment will be prorated between the Government and the purchaser of the property. The County Supervisor will report all leased land to the local Agricultural Stabilization and Conservation Service (ASCS) County Office. The report will be in sufficient detail to permit ASCS to identify the property and to preserve its allotments. Any change in ownership or in the lease will be reported to ASCS during the month in which it occurs.

(C) *Organization property (property previously securing Organization loans).* The State Director will approve the lease of organization property. The County Supervisor will forward a complete report and recommendation to the State director along with Form FmHA 465–2 or other lease form approved by OGC. The lease will provide for cancellation by the lessee or the Government by written notice. The lease period will be up to 1 year and can contain provisions for not more than two renewal periods of like length. Leases of utility property may require concurrence or approval by State regulatory agencies. Consult OGC for advice.

(ii) *Costs.* (A) Costs such as real estate taxes if appropriate and repairs will be paid by the Government and not the lessee. Such costs will be considered in establishing the rents payable under the lease.

(B) The Government will not pay operating costs for leased property. If it is customary in the area for the landlord to pay a portion of the operating costs of the property, rents payable to the Government under the lease may be reduced to compensate for the additional costs paid by the lessee.

(iii) *Lease Income.* All lease income will be credited to the lease account.

(2) *Management agreement.* A management agreement is a contract and must be approved by the State Director. Such an Agreement may be used for managing property such as rental housing units, groups of single family housing units, manufacturing facilities, recreation complexes, and water and waste disposal systems, provided the property is in usuable condition.

(i) *Advertising for managerial services.* The County Supervisor will submit a list of all known sources of management services within a reasonable radius of the site of the work to the State Director. The State Director will solicit management services in accordance with Subpart D of Part 1955.

(ii) *Specifications of services.* The agreement will provide that it may be terminated at any time on 30 days' written notice by either party. The agreement also will provide that the services of the contractor will be terminated immediately upon the sale or lease of the property or if the contractor fails to perform satisfactorily, as determined in accordance with the terms of Form FmHA 120–10, the responsibilities set forth in the agreement. The agreement will provide for the contractor to:

(A) Manage and maintain the property in a professional and businesslike manner, including day-to-day operation of the facility; rent individual rental units; authorize, make or pay for minor repairs and take care of normal maintenance as limited by paragraph (a) (2) (ii) (C) of this section.

(B) Prepare and deliver a written notice to prospective lessees for property located in a flood or mudslide area in accordance with § 1955.61.

(C) Pay all operating costs of the project. In addition, the contractor may be permitted to authorize, make, or pay for minor repairs and take care of normal maintenance not to exceed $100 for each repair or a total of $300 each month without prior approval of the contracting officer. Such costs may be paid from in-

come received from operation of the property. If income is not sufficient, costs will be reimbursed monthly on receipt of contractor's invoice.

(D) Collect and remit to the contracting officer any fees, rents, or other income from the operation of the property after deducting authorized costs.

(E) Prepare and forward an itemized report to the contracting officer not later than the 10th of each month showing all income received and costs for the past month. The statement also will show the costs that remain unpaid.

(F) Obtain a performance bond in an amount equal to the highest estimated gross monthly income from operation of the property, rounded to the next highest $1,000. Bonds may be waived when the monthly income is expected to total less than $2,000.

(G) Not discriminate against any person in connection with the contract or property because of race, religion, color, sex, age, national origin, or marital status.

(iii) *Additional provisions of management agreement for multiple housing property.* In addition to the requirements in paragraph (a)(2)(ii) of this section, the management agreement will provide that:

(A) The contracting officer will establish the amount of rent for all units. (The monthly rent usually will remain unchanged for families occupying housing when the management agreement is executed.)

(B) Each tenant will be asked to provide a copy of the existing lease with the borrower. If there is no existing written lease, a new lease will be entered into using Form FmHA 465–2 or other form approved by OGC.

(C) All units will be offered first for lease to occupants eligible under the applicable loan program. Units may be offered for lease to ineligible occupants if eligible occupants cannot be located and the written approval of the contracting officer is given.

(D) The contractor, with the prior concurrence of the contracting officer, will have persons peaceably removed from the units for nonpayment of rent or for other violations of the lease. The contracting officer will request advice from OGC through the State Director before beginning eviction action. OGC will be requested to take any legal action necessary.

(iv) *Additional Agreements.* Management agreements for acquired community facilities and business and industrial properties will be written on a case-by-case basis with the prior approval of the Administrator.

(v) *Fees.* The fee paid for management services will not exceed the usual fee for similar services in the area. The management agreement will contain the fee schedule.

(3) *Caretaker's agreement.* A caretaker is a person who, under contract with FmHA, agrees to protect and preserve acquired property. Specific services will be set forth in the agreement.

(i) A caretaker's agreement will cover the shortest feasible period, usually one month, and will provide for termination by the caretaker or FmHA with 7 days' written notice. FmHA will terminate the agreement when the services of the caretaker are no longer needed, or the property is sold, leased, or to be operated under a management agreement. Caretaker services will not be paid from sale proceeds or other income derived from the acquired real estate.

(ii) Caretaker service fees must not exceed the usual charge for similar services in the area.

(iii) For Rural Housing (RH) property, the caretaker's agreement will be used only for vacant property.

(iv) The County Supervisor may approve the use of caretaker's agreements for farm and single family housing property. State Directors will approve the use of caretakers' agreements for multiple housing and organization property.

(b) *Posting.* The County Supervisor will display, as appropriate, "Warning," "No Trespassing," "For Sale," and other suitable signs on the real estate.

(c) *Reporting vandalism or theft.* The County Supervisor will report vandalism or theft in accordance with FmHA Instruction 110.1, available in FmHA Offices.

(d) *Eviction of persons.* Advice in evicting persons from acquired property will be requested from OGC through the State Director.

(e) *Payment of liens.* (1) If real estate is acquired subject to a lien, the State Director will authorize the County Supervisor to pay installments that may include advances made by the prior lienholder for taxes, if the property is taxable (see § 1955.63(f)), and insurance premiums.

(2) If the State Director determines that paying the lien in full would be in the best interest of the Government, he will obtain the advice of OGC with respect to paying the lien in full and getting the mortgage released or assigned to the Government. The County Supervisor will obtain a receipt for payment of such items from the lienholder and send it to the Finance Office with Standard Form 1034.

(f) *Taxes.* (1) Property acquired pursuant to the Consolidated Farm and Rural Development Act (see § 1955.116 for those properties) is subject to taxation by State, territory, district, and local public subdivisions in the same manner and to the same extent as other property, unless State law specifically exempts taxation of real estate owned by the Federal Government. The County Supervisor will notify the appropriate taxing authority in writing when title to real estate has been acquired by the Government, and that claims for taxes during the Government's ownership will be billed to FmHA at the County Office address. If taxes become due and payable while the Government owns the property, and are not paid by a prior lienholder, the County Supervisor will pay taxes by using Standard Form 1034.

(2) Property acquired pursuant to the Housing Act of 1949 (all housing properties not included under paragraph (f)(1) of this section) is not subject to State or local taxes. Inform the tax collector of Government ownership upon acquisition. Do not pay any taxes on such property. Payment for assessments for property improvements is permitted.

(3) If both paragraphs (f)(1) and (f)(2) of this section apply (e.g., if the acquired property had secured both FO and RH loans), pay taxes as indicated in paragraph (f)(1) of this section.

(g) *Insurance.* Any insurance in force when property is acquired by the Government will not be canceled. However, no additional premiums will be paid for fire and extended coverage insurance. Continue to carry workmen's compensation and other types of insurance required by Part 1806 of this Chapter (FmHA Instruction 426.1, and FmHA Instruction 426.2) if ongoing activities continue on the property. On receipt of notification of cancellation from the insurance company, the original policy should be returned to the borrower unless there is an outstanding claim which FmHA may collect. Any outstanding claim will be handled in accordance with Part 1806 of this Chapter (FmHA Instruction 426.1 and, as appropriate, FmHA Instruction 426.2). If title to real estate is acquired subject to a prior lien, the County Supervisor will advise the lienholder that the Government will not carry insurance on the property, and will not pay premiums for any insurance carried by the lienholder, unless required by the prior lienholder's security instrument.

(h) *Securing, maintaining, and repairing acquired property.* (1) *General.* When property is acquired, the County Supervisor will inspect the property to be sure it is secured and protected.

(i) In no case should expenditures be made, except when needed to secure and protect the property, until the final title opinion showing Government ownership of the property has been received.

(ii) Prior authorization from the State Director is required for any repairs or renovations if redemption rights are involved.

(iii) If the property has been determined to be suitable for retention in FmHA programs, the County Supervisor will determine the nature, extent, and estimated cost of any needed repairs or renovation, and maintenance needed to sell or rent the property immediately, and will take steps to obtain the services as described in paragraph (h)(2), (3), (4), and (5) of this section.

(iv) Ordinarily, unsuitable property will be sold in the condition in which it is acquired. However, if the property cannot be sold as is, improvements needed to sell the property may be made. Such improvements must increase the value of the property by an amount at least equal to their cost, unless prior approval of the State Director is obtained.

(v) The County Supervisor is authorized to pay all costs authorized under

this paragraph (h). All costs will be charged as expenses to the inventory account.

(2) *Securing and protecting property.* The County Supervisor is authorized to approve and execute agreements for expenditures not to exceed $500 for work such as installing locks, doors, windows, and gates; repairing a leaky roof; winterizing; and removing fire hazards when necessary to secure and protect the property. Services will be obtained in accordance with Subpart D of Part 1955. Costs exceeding $500 must be authorized by the State Director.

(3) *Maintenance.* The County Supervisor is authorized to approve and execute agreements for expenditures not to exceed $500 for total maintenance of single family dwellings or farm property and $1,000 for other property. Prior authorization from the State Director, without redelegation, will be obtained for larger amounts. Maintenance may include mowing lawns and golf course fairways and greens, trimminm shrubs and hedges, removing trash and debris, cleaning windows, walls, ceilings, and floors, etc. Procurement of services will be done in accordance with Subpart D of Part 1955.

(4) *Repairs and renovation.* The County Supervisor is authorized to approve and execute agreements for repairs and renovation if the cost for each acquired property does not exceed $2,000. If the cost exceeds $2,000, the County Supervisor will submit complete information to the State Director for consideration. If the State Director authorizes repairs costing more than $2,000, he will forward a request for contract action to the Administrator, Procurement of services will be obtained in accordance with Subpart D of Part 1955.

(5) *Inspection of property.* The County Supervisor will inspect property at a frequency he determines necessary. Inspections should be made in connection with usual travel plans and noted in the case file.

(i) *Operating expenses.* The County Supervisor is authorized to approve and pay up to $500 of monthly operating expenses for any acquired property operated by FmHA. The State Director is authorized to approve monthly operating expenses up to $5,000 for any acquired property. A plan of operation must be submitted to the Administrator, for approval, when monthly operating expenses are expected to exceed $5,000.

§ 1955.64 Utilization of property by Federal Disaster Assistance Administration (FDAA).

By a memorandum of understanding between FmHA and FDAA, acquired real estate not under lease or agreement to sell may be utilized to shelter victims in an area that has been designated a major disaster area by the President (see Exhibit A).

§§ 1955.65–66 [Reserved]

§ 1955.67 Management of acquired chattel property.

Immediately after chattel property is acquired, the County Supervisor will arrange for its care.

(a) *Care of acquired chattel property.* In all cases, a new custody agreement will be executed by the County Supervisor and caretaker on Form FmHA 455–6, "Agreement for Temporary Custody of Property." Acquired chattel property will be sold in accordance with Subpart C of Part 1955 as quickly as possible. The State Director must approve the holding of acquired chattel property for more than 120 days.

(b) *Payment of costs.* The County Supervisor will pay charges for the care, custody, and transportation of acquired chattel property using Standard Form 1034 or certified invoice.

(c) *Reports of inventory transactions.* (1) *Reporting losses.* The County Supervisor will report all losses of inventory immediately to the Finance Office on Form FmHA 455–16, "Statement of Loss of Acquired Security Property."

(2) *Reporting increases.* The County Supervisor will report to the Finance Office increases resulting from the birth of livestock as "natural increase" on Form FmHA 455–14, "Invoice," at the time of their sale or in the annual inventory report on Form FmHA 455–15, "Report of Inventory Transactions (Acquired FmHA and Corporation Security Property)" on June 30, whichever occurs first following their birth.

(3) *Annual inventory report.* The County Supervisor will prepare Form FmHA 455–15 by County Office unit as of June 30 of each year for acquired chattel property. The report will be sent to the Finance Office by July 10 of each year.

(4) *Reporting change of custody.* Whenever acquired chattel property will become the responsibility of a new FmHA official, the outgoing official will prepare Form FmHA 455–15. The new official will verify the accuracy of the report by signing Form FmHA 455–15 and distributing it in accordance with the FMI.

(5) *Reporting inventory differences.* In July of each year the Finance Office will send the State Office a schedule of inventory differences, if any, between the inventory records of the Finance Office and each County Office unit as reported on Form FmHA 455–15. On receiving copies of Form FmHA 455–15 from County Offices and the schedules of inventory differences from the Finance Office, the State Office will analyze the inventories and take action to correct differences.

§§ 1955.68–100 [Reserved]

EXHIBIT A

MEMORANDUM OF UNDERSTANDING BETWEEN FEDERAL DISASTER ASSISTANCE ADMINISTRATION AND FARMERS HOME ADMINISTRATION

Purpose. This Memorandum of Understanding and attachment establishes authorities and procedures whereby the Federal Disaster Assistance Administration, an Agency of the Department of Housing and Urban Development, hereinafter referred to as FDAA, may utilize both single family and multiple housing units which are habitable and to which the Farmers Home Administration, an Agency of the Department of Agriculture, hereinafter referred to as FmHA, has title and possession. The housing units assigned to FDAA by FmHA are to provide temporary housing to victims of major disasters or emergencies declared by the President, in accordance with sections 302(a) and 404(a) of Public Law 93–288, the Disaster Relief Act of 1974.

Effective date of this memorandum. This memorandum shall be effective on the date of the last signature hereto.

Duration of agreement. This memorandum shall continue to be in effect for a period coinciding with the authority under which it is entered.

Modifications. This Memorandum of Understanding and Attachment No. 1, a guide letter for "FDAA–FmHA Letter of Assignment," may be modified in writing by mutual consent of the parties.

Responsibility. FmHA shall make available to FDAA on request all habitable single family and multiple housing units in its inventory that are located in designated disaster areas and that are not under leases or under agreement of sale. FDAA will reimburse FmHA for authorized expenses, as set out herein, resulting from utilization of assigned housing units.

Implementation. This memorandum shall be implemented in accordance with the following general procedures. FDAA and/or FmHA may prepare other detailed operating procedures as necesary for internal use of the agencies. These latter procedures will be in compliance with the provisions of this Memorandum of Understanding.

(a) *Delegtion of authority.* FDAA and FmHA will delegate authority, to implement this agreement to their respective employees, in writing, and when a disaster occurs identify agents, including contractors and employees, and independent contractors authorized to implement the appropriate provisions of this Memorandum of Understanding and other, if any, FDAA and/or FmHA detailed operating procedures. FDAA and FmHA will exchange a list containing names, addresses, and telephone numbers of agents, including contractors and employees, and independent contractors designated to implement this agreement in providing temporary housing assistance to victims of a designated major disaster. Other references to FDAA and FmHA in the following paragraphs will be interpreted to include contractors (agents) and employees designated to implement the provisions of this Memorandum of Understanding.

(b) *Assignment of FmHA housing units to FDAA.*

(1) In the event of a major disaster or emergency described by authorizing legislation, FDAA shall request from the appropriate FmHA State Director a list of all habitable housing units available in designated disaster areas indicating the county or counties where housing is needed.

(2) FmHA borrowers known to have become displaced because of the emergency will be given first priority by FmHA to buy or lease properties owned by FmHA. A list of FmHA owned properties sold or leased to displaced FmHA borrowers because of the emergency will be given to FDAA for information purposes.

(3) At the time of occupancy or during the occupancy of a housing unit by an FmHA borrower or other disaster victim, FDAA, if it determines that the occupant will require permanent housing other than that which was occupied prior to the disaster, will inform the occupant that FmHA lending assistance may be available for purchase of the housing unit.

(4) Before occupancy by a disaster victim, the housing unit will be inspected jointly by FDAA and FmHA. These agencies will then execute a Letter of Assignment (Attachment #1—Guide Letter) for each habitable housing unit assigned to FDAA. An inspection report shall be attached to a Letter of Assignment for each unit assigned to FDAA and contain the following minimum information:

(A) FmHA advice number.

(B) Complete address. Attach map or narrative description if rural route.

(C) General description of the housing unit and appliances, etc., included with the property.

(D) General condition of the property.

(E) Date and names of FDAA and FmHA authorized agents and/or employees conducting the inspection.

(5) FmHA will remove all FmHA signs, such as "no trespassing," "for sale," etc. for housing units assigned to FDAA.

Management of housing units.

(a) FDAA is responsible for the management, maintenance, and repairs of housing units assigned to them by FmHA during the period of assignment.

(b) FDAA shall furnish to FmHA the names and mailing addresses of FmHA unit occupants, the FmHA property designation, the beginning occupancy date, and notice of changes in occupancy.

(c) During business hours, FmHA authorized employees may inspect housing units. Advance notice of forty eight (48) hours will be given FDAA, who will, in turn, advise the occupant.

(d) FDAA shall not permit a disaster victim to occupy a housing unit beyond the period of their eligibility in accordance with 24 CFR 2205.45.

(e) There shall be no rental charge to FDAA by FmHA for assigned housing units for the first twelve (12) months from the date of the letter of assignment. If housing unit is assigned to FDAA for more than one (1) year after the date of the letter of assignment, FDAA shall pay to FmHA the fair rental value as determined by FmHA for each month the unit is assigned after one (1) year.

(f) If an occupant fails to vacate a housing unit after housing benefits are terminated, it is the responsibility of FDAA to evict the occupant and his or her possessions.

Return of housing units to FmHA.

(a) When a housing unit is vacated and FDAA determines that it is no longer needed, FDAA shall notify FmHA.

(b) FDAA and FmHA authorized employees or contractors (agents) will jointly inspect the housing unit to determine maintenance, cleanup, and repairs required to return the housing unit to a physical condition comparable to that existing at the time of the initial joint FmHA–FDAA inspection. Necessary maintenance and repairs shall be performed by FDAA at their expense in accordance with the latest edition of the Minimum Property Standards (MPS) as published by the Department of Housing and Urban Development.

(c) FDAA shall return the keys, custody, and responsibility to FmHA when needed repairs are completed. FmHA shall prepare a receipt with copies for FDAA and FmHA.

Approvals. This agreement is executed by the Administrator of the Farmers Home Administration and the Administrator of the Federal Disaster Assistance Administration by virtue of their general authorities to do so.

Dated: February 5, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Dated: February 5, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

FEDERAL DISASTER ASSISTANCE ADMINISTRATION AND FARMERS HOME ADMINISTRATION

FDAA–FMHA LETTER OF ASSIGNMENT

State: _____
County: _____

Under the Memorandum of Understanding between the Federal Disaster Assistance Administration (FDAA) and the Farmers Home Administration (FmHA) effective *February 5, 1976,* the habitable housing unit identified on the attached inspection report is made available for use as temporary housing for victim(s) located within the following described designated disaster area and who are eligible for such assistance under the provisions of the Disaster Relief Act of 1974:

This Letter of Assignment shall become effective on the date signed by the authorized employees or contractors (agents). This assignment is for the housing unit identified by the attached inspection report and having the following FmHA advice number: _____

	FDAA	*FmHA*
Name:	_____	_____
Title:	_____	_____
Date:	_____	_____

Subpart C—Disposal of Acquired Property

Sec.

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Exhibit A—Notice of Flood or Mudslide Hazard Area.

AUTHORITY: 7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, Sec. 10 P.L. 93–357, 88 Stat. 392, delegation of authority by the Sec. of Agri., 7 CFR 2.23, delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70, delegation of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Subpart C—Disposal of Acquired Property

§ 1955.101 Purpose.

This subpart delegates authority and prescribes policies and procedures for the sale of acquired real estate and related rights and acquired chattels. It also covers the granting of easements and rights-of-way on acquired property and the disposal of surplus property to or through other agencies.

§ 1955.102 Policy.

(a) Acquired property will be sold for its present market value as soon as practicable.

(b) Priority will usually be given an applicant who proposes to use the property for the same purpose for which the loan was made. However, sales may be authorized for different program purposes if it is in the best interest of the Government. For example, association or farm real estate may be subdivided into Rural Housing (RH) nonfarm tracts; detached Labor Housing (LH) or Rural Rental Housing (RRH) units may be sold as individual dwellings; LH projects may be sold as RRH projects.

§ 1955.103 Definitions.

In addition to the following definitions, those in § 1955.3 and § 1955.53 apply to this subpart.

(a) *Credit sale.* A sale in which financial assistance is given to an applicant for the purchase of inventory property.

(b) *Eligible applicant.* One who meets the legal and administrative requirements for obtaining the particular FmHA program loan applied for.

(c) *Ineligible applicant.* One who does not meet the legal and administrative requirements for obtaining the particular FmHA program loan applied for, but who may be given financial assistance under more stringent terms and conditions.

(d) *Market value.* The amount for which property in its existing condition would sell if put on the open market and sold in the way property is ordinarily sold in the community in which it is located.

(e) *Suitable property.* Property that could be used by a borrower to carry out the objectives of a Farmers Home Administration (FmHA) loan program.

(f) *Surplus property.* Real estate acquired pursuant to the CONACT that is not suitable for sale to eligible applicants. It also includes suitable property acquired pursuant to the CONACT which is not sold within three years.

(g) *Unsuitable property.* Property acquired pursuant to the Housing Act that is unfit for a borrower to carry out the objectives of an FmHA loan program; e.g., a dilapidated house requiring extensive repairs to make it safe and sanitary or a house that is no longer in a rural area.

§ 1955.104 Authorities and responsibilities.

(a) *Line authority.* This authority is from the Administrator to State Director, District Director, and County Supervisor. Assistance, guidance, and counsel are available from the Property Management Specialist and Program Staff in the State Office and from appropriate program divisions and Property Manage-

ment Staff in the National Office. Full use shall be made of these resources.

(b) *Redelegation of authority.* FmHA will redelegate authorities to the maximum extent possible consistent with program requirements and available resources.

(1) The State Director is authorized to redelegate, in writing, any authority delegated to the State Director in this subpart, except when specifically excluded, to the Chief, Property Management; Chief, Rural Housing; Chief, Farmer Programs; Chief, Community Programs; Chief, Business and Industry; Rural Housing Specialist; Farmer Programs Specialist; Property Management Specialist; Community Programs Specialist; and Business and Industry Specialist. The State Director will redelegate authorities to his immediate staff in order to assist, in particular, the County Supervisor to a greater degree.

(2) The County Supervisor is authorized to redelegate, in writing, any authority delegated to the County Supervisor in this subpart to any qualified empolyee in the County Office determined by him or her to be qualified.

§ 1955.105 Nondiscrimination.

If the property to be sold secured a loan that was subject to Title VI of the Civil Rights Act of 1964, and the property will be used for its original or similar purpose, or if Government financial assistance is provided and the property then becomes subject to Title VI, the buyer will sign Form FmHA 400-4, "Nondiscrimination Agreement."

§ 1955.106 Loss or damage to acquired property.

If a sales contract has been signed by the Government and the purchaser and loss or damage occurs before closing the transaction, the State Director may either have the loss replaced or damage repaired or adjust the sale price in accordance with terms specified in Form FmHA 465-10, "Invitation, Bid, and Acceptance—Sale of Real Property by the United States." However, if the loss or damage is the result of negligence by a prospective buyer, the sale price will not be adjusted. The Government does not provide any warranty on property that it sells.

§ 1955.107 Taxes.

For property that is taxable while owned by FmHA, the County Supervisor will process Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," to pay all taxes due and payable as of the date the property is sold. The purchaser will be responsible for all taxes due and payable after the property is sold. The County Supervisor will advise the taxing authority of the sale and the purchaser's name and describe the property sold. Taxes will not be paid on property that is not taxable while owned by FmHA. Only assessments for property improvements due and payable as of the date property is sold will be paid for all types of inventory property.

§ 1955.108 Real property located in flood or mudslide hazard area.

(a) *Notice of hazards.* Acquired real property located in an identified special flood or mudslide hazard area as defined in Subpart B of Part 1806 of this chapter, (FmHA Instruction 426.2) will not be sold without prior written notice of such hazard to prospective buyers. The notice will be prepared in accordance with the following:

(1) *Property offered for sale by FmHA.* The County Supervisor will inform prospective buyers at the time of the first inquiry and in any notice of public sale that the property is located in a special flood or mudslide hazard area. The County Supervisor will also prepare and deliver a written notice to the prospective buyer at the time the option to purchase and Form FmHA 465-10 or other agreement for purchase is signed. The prospective buyer will acknowledge in writing the receipt of the notice. Exhibit A of this subpart may be used as a guide for preparing the notice and the acknowledgment. The acknowledgment will be placed in the County Office case file.

(2) *Property offered for sale through real estate brokers.* If real estate brokers are engaged to sell acquired property, the broker must notify prospective buyers in writing that the property is located in a special flood or mudslide hazard area.

(i) When sending Form FmHA 1955 C-3, "Notice of Property for Sale," to the brokers listing such property for sale, the County Supervisor will attach a written notice and acknowledgment for use by the broker as a guide in meeting this requirement (see Exhibit A).

(ii) After the prospective buyer signs the acknowledgment, the agent will forward it to the County Supervisor.

(b) *Limitations placed on financial assistance.* Financial assistance (credit sale) is limited to property located in areas where flood insurance is available (and the insurance must be obtained and maintained as a condition of sale) unless the flood hazard area was identified less than 1 year before the date of the sale and the approval official determines that the property would not be excessively damaged in the event of flooding. In such cases, the applicant must agree to purchase flood insurance on the property when it becomes available. Appraisals of property in these areas will reflect this condition and restrictions upon use.

(c) *Restrictions in the deed.* Provisions in the deed from the Government conveying title to the property located in a flood or mudslide hazard area will:

(1) Require that any future land use or development be in accordance with local laws and ordinances that affect or control development and construction in identified flood or mudslide hazard areas, and

(2) Prohibit the use of any dwelling presently located on the property as a residence if the dwelling does not comply with the requirements of Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2) and if the County Supervisor determines that the property would likely be severely damaged if a flood occurs.

§ 1955.109 National Historic Preservation Act.

Any acquired real estate property that is listed or is likely to be listed in the National Register of Historic Places under the National Historic Preservation Act of 1966 (Public Law 89-665) will be sold in accordance with directions from the Administrator.

§ 1955.110 Property subject to redemption rights.

(a) If under applicable law the Government's interest may be sold during a redemption period, the State Director is authorized to sell the Government's interest in accordance with the following:

(1) The sale price of the property is at least equal to the amount bid by FmHA at the foreclosure sale.

(2) The sale would not result in a financial loss to the Government if redemption was made.

(3) There is no apparent likelihood of the property being redeemed during the redemption period.

(4) No subsequent loan may be approved during the redemption period except those needed to protect the security interest of the Government.

(b) Each purchaser will sign a statement acknowledging that:

(1) The property is subject to redemption rights (the terms will be set forth in the statement), and

(2) If the property is redeemed, ownership and possession of the property would revert to the previous owner and likely result in loss of any additional investment in the property not recoverable under provisions of redemption.

(c) The signed original statement will be filed in the purchaser's County Office case folder.

(d) If real estate brokers are engaged to sell the property, the County Supervisor will inform such brokers about the redemption rights of the borrower and the conditions under which the property may be sold.

§ 1955.111 Disposition of perishable items and crops, and property rights.

(a) *Perishable items and crops.* The State Director may authorize the sale of any perishable items and crops, except timber, for the best cash price, either by public sale or negotiations in accordance with applicable law. Request advice from the Office of the General Counsel (OGC). (A State Supplement will be issued.) Copy of the sale instrument will be kept in the County Office case file. Sales proceeds will be handled in accordance with Part 1862 of this chapter (FmHA Instruction 451.2).

(b) *Easements or rights-of-way.* The State Director is authorized to convey easements or rights-of-way as follows:

(1) Easements or rights-of-way may be conveyed to public bodies if such conveyance is in the public interest and will not adversely affect the value of the real estate. Compensation (even nominal) must be received.

(2) Easements or rights-of-way may be sold for adequate cash consideration through negotiation to any purchaser without giving public notice if such conveyance would not make otherwise suitable property unsuitable. Sales proceeds will be handled in accordance with Part 1862 of this chapter (FmHA Instruction 451.2).

(3) A copy of the conveyance instrument will be kept in the County Office case file.

(c) *Mineral and water rights, and mineral, agricultural, or other leases.*

(1) Mineral and water rights, mineral lease interests, mineral royalty interests, and agricultural and other lease interests will be sold with the surface land and will not be sold separately. If the land is to be sold in separate parcels, any rights or interests that apply to each parcel will be included with the sale.

(2) When property is sold, lease or royalty interests not passing by deed will be assigned to the purchaser. The County Supervisor will notify the lessee or payor of the assignment. A copy of this notice will be furnished to the purchaser.

§ 1955.112 Sale in parcels.

Property may be offered for sale as a whole or in parcels as determined by the State Director. The State Director may permit subdivision of the land or separate sales of portions of the property, such as timber, growing crops, inventory for small business enterprises, buildings, facilities, and similar items if a better price for the property can be obtained in this manner, and provided the subdivision does not change the character of the property from suitable to unsuitable or surplus. Environmental effect should also be considered pursuant to 7 CFR 1824.

§ 1955.113 Selling price.

The selling price of the property will be established on the basis of the appraisal information at the time the appraisal is made. When it is determined that the property requires no repairs or maintenance before being offered for sale, the selling price will be the established present market value. When property requires repairs or maintenance before it can be sold comparable to property in good condition, then the selling price will reflect the value after the repairs and maintenance are finished.

§§ 1955.114–1955.115 [Reserved]

§ 1955.116 Sale of real estate that was acquired pursuant to the Consolidated Farm and Rural Development Act (CONACT).

This is property which secured any of the following loans: Farm Ownership; Recreation; Soil and Water; Operating; Emergency; Economic Opportunity; Community Facility; Water and Waste Disposal; Resource Conservation and Development; Watershed; Association Recreation; Economic Opportunity Cooperative; Rural Renewal; Water Facility; Business and Industrial; Irrigation and Drainage; Shift-in-Land Use (Grazing Association); Timber Development; and loans to Indian Tribes and Tribal Corporations. It also includes property which secured RRH, Rural Cooperative Housing (RCH), LH, and Rural Housing Site (RHS) loans acquired by voluntary conveyance when the present market value is less than the debt and the borrower was released from personal liability.

(a) *Sale of suitable property.* Real estate that was acquired pursuant to the CONACT and that has been declared suitable for sale to eligible applicants will be offered for sale in accordance with the subparts that apply to the type of loan being made under the credit sale.

(1) The State Director may use real estate brokers to sell such property to eligible applicants after determining that the use of these brokers will be in the best interest of the Government. Selection of these brokers will be in accordance with § 1955.118.

(2) The credit sale to eligible applicants will be processed as follows:

(i) The current interest rate for the type of loan being made will apply.

(ii) The credit sale will be identified as an initial loan on the docket forms. However, if the applicant is presently indebted for the same type of loan, the credit sale will be identified as a subsequent loan. If the applicant obtains another similar loan simultaneously with the credit sale, the loan also will be identified as a subsequent loan. The docket forms also will show the inventory advice number. The appropriate promissory note for the type of loan being closed will be used. These forms will be made a part of the docket.

(iii) The County Supervisor will handle any downpayment collected on or before the date the sale is closed with all other payments for the day. The collection will be identified by the inventory advice number.

(iv) The loan and debt limits for the type of loan being made apply to a credit sale to an eligible applicant.

(v) Loan closing and title clearance for the credit sale and any subsequent loan to be closed at the same time with the credit sale will be the same as for an initial loan except that:

(A) A Quitclaim Deed, as developed or approved by OGC, will be used instead of a warranty deed. The State Director will execute the deed, and his signature will be acknowledged. This authority may not be redelegated.

(B) The buyer will pay attorney's fees and title insurance costs, recording fees, and other customary fees unless they are included in a subsequent loan made for other than loan closing purposes.

(b) *Sale of surplus property.* Acquired real estate will be declared surplus immediately if it is determined not suitable for sale to eligible applicants. Property that has been declared suitable and is not sold within 3 years from the date of acquisition must be declared surplus. Property should be offered for public sale in accordance with paragraph (b)(2) of this section within 10 days after it has been declared surplus and made available for sale. However, if property is offered for sale as surplus and an eligible applicant is the successful purchaser, the County Supervisor for property which secured a loan to an individual and the State Director for organization property may reclassify it from surplus to suitable property, if it is in fact suitable. This determination must be documented in the case file. Suitable property may be reclassified to surplus if there is physical damage or a change in economic conditions which makes it unfeasible to maintain the property for program purposes.

(1) *Rates and terms for surplus property.* (i) *Property which secured a loan to an individual.* Such property will be offered for cash or terms of not less than a 10 percent downpayment with the remaining balance amortized over a period not to exceed 10 years. In no case, however, will the terms be longer than the period for which this property will serve as adequate security. The interest rate will be the current rate charged for operating loans less 1 percent. When it has been determined that the property cannot be sold on terms of 10 years or less because of economic or other conditions in the area, the State Director will stop any negotiations (under paragraph (b)(3)(iii) of this section) and readvertise the property for public sale on a longer term not to exceed 15 years.

(ii) *Organization property.* If OGC advises that it is legally permissable under State statutes, organization property will be offered for cash or terms of not less than 10 percent downpayment with the remaining balance payable over not more than 15 years. The amount of each of the first 14 annual installments will not be less than the amount that would be required to be repaid annually if the outstanding balance was amortized over the maximum repayment period for the type of loan that the property originally secured. The remaining balance will be due and payable at the end of the 15th year. The interest rate will be the current rate charged for operating loans less 1 percent. If the State Director determines that more liberal rates and terms are needed, justification for such rates and terms will be submitted to the Administrator for his decision. However, the repayment period will not exceed the maximum repayment period for the type of loan that the property originally secured or the period for which the property will serve as adequate security whichever is the shorter period.

(2) *Sale by public notice.* Surplus property other than perishable items or growing crops, not including timber, must first be offered for sale by public notice.

(i) *Form of public notice.* Public notice includes posters, and advertising in newspapers, periodicals, or other media. The State Director, with the advice and approval of OGC, will develop a standard form of notice to be used in the State. The notice will include the following:

(A) A description of the property including its location and conveniences.

(B) Terms of sale, deposit required, and time when the property may be inspected by prospective bidders.

(C) A statement, if sealed bids are to be obtained, that the opening of the bids is to be public; also the place, date, and time that the bids will be opened.

(D) If sale is by public auction, the place, date, and time of sale.

(E) A statement that the Government reserves the right to reject any or all bids.

(F) A statement that the property will be sold without regard to race, color, religion, sex, age, national origin or marital status.

(G) If property is located in a flood plain, a statement indicating such.

(ii) *Determining kind of notice.* (A) *Property valued in excess of $5,000.* Notices to adequately inform interested parties of the sale will be placed in newspapers or periodicals, or both. Posted notices will be used when they will assist in the sale.

(B) *Property valued at $5,000 or less.* Notices will be posted to adequately inform interested parties of the sale. If the State Director determines that more advertising is needed, periodicals and newspapers also may be used.

(iii) *Advertising costs.* These costs will be paid in accordance with FmHA Instruction 121.6, available in any FmHA Office.

(3) *Method of sale.* The State Director will decide whether the sale will be by sealed bids or public auction. If no acceptable bid is received by sealed bids or public auction, the State Director may negotiate the sale of the property or, if he determines that FmHA does not have adequate resources to sell the property, authorize it to be offered for sale by real estate brokers.

(i) *Sealed bids.* Sealed bids will be made on Form FmHA 465–10. Each bidder will execute a form and attach to it a deposit in the form of cash, a cashier's or certified check, or postal money order of not less than 5 percent of the bid payable to the Treasurer of the United States.

(A) *Opening bids.* Sealed bids will be held in a secured file before opening them at the place and time specified in the notice. The bid opening will be public and held at an FmHA office. The State Director or his designee will open the bids with at least one other FmHA employee present. When opened, each bid will be tabulated showing the name and address of the bidder, the amount of the bid, the amount and form of the deposit, and any conditions of the bid. The tabulation will be signed by the State Director or his designee and kept in the County Office files.

(B) *Successful bids.* If the State Director or his designee determines that the highest qualified bid represents the best price obtainable, the bid will be accepted by signing Form FmHA 465–10. The State Director will give this executed form to the successful bidder or his representative. If the bidder or his representative is not present at the bid opening, the form will be sent by certified mail, return receipt requested, to the bidder. The State Director will send the deposit of the successful bidder to the Finance Office along with the name and case number of the former borrower and the inventory advice number so the deposit can be processed.

(C) *Unsuccessful bids.* The deposit of each unsuccessful bidder will be returned promptly by certified mail with a letter of explanation. If there were no acceptable bids, the letter will advise each bidder about any anticipated negotiations for the sale of the property.

(D) *Disqualified bids.* Any bid that does not comply with the terms of the offer will be disqualified. Minor deviations and defects in bid submission may be waived by the State Director. However, a disqualified bid may indicate the probability of obtaining a higher price than offered in qualified bids and may justify rejection of other bids.

(ii) *Auction sale.* Before the auction, the State Director will determine the minimum sale price, and the auctioneer will be so advised. Ordinarily an FmHA employee to conduct the auction sale. The State Director may utilize a professional auctioneer if the value of the property and the complexity of the sale will require such action, and no qualified FmHA employee will be available.

(A) The professional auctioneer's fee cannot exceed the fee that is customary for the area and for the type of property to be sold. Services will be procured in accordance with Subpart D of this Part 1955.

(B) Successful bidders will be required to make a deposit of not less than 5 percent of their bid in the form of cash, a cashier's or certified check, or postal money order, payable to the Treasurer of the United States. The bid will be put in writing on Form FmHA 465–10, and will be accepted as provided in paragraph (b) (3) (i) (B) of this section.

(iii) *Negotiated sale.* If no acceptable bid is received either from sealed bids or at a public auction, the State Director may sell the property at the best price obtainable without further public notice by negotiating with interested parties including all previous bidders. In addition to price, the amount of downpayment and term of repayment, but not interest rate, may be negotiated. A satisfactory offer received under such negotiations will be put in writing on Form FmHA 465–10, and will be accepted as provided in paragraph (b) (3) (i) (B) of this section.

(A) In negotiating a sale, offers may be solicited orally and in writing. Such sales may be advertised in local newspapers. In some instances it may be possible to assemble the persons interested in purchasing the property for open competitive bidding. If offers are solicited, the invitation to negotiate will include the minimum price at which the Government will negotiate and the place, date, and time when offers will be considered.

(B) If a satisfactory offer is obtained at that time, the State Director will accept it immediately. If an acceptable offer is not made on that date, a new date may be set for further negotiations. Other acceptable methods of negotiation may be followed, but each prospective purchaser must be given equal opportunity to make an offer. The amount offered by one interested party should not be disclosed to any other interested party except when negotiation is by open competitive bidding. No offer on the basis of a specified sum above the best offer made will be considered.

(C) In connection with such negotiations, reasonable administrative expenses including the cost of advertising, postage, and similar items to complete the sale are authorized. Advertising costs will be paid using Standard Form 1143 "Advertising Order." Standard Form 1034 will be used to pay for other purchases and services.

(iv) *Real estate brokers.* The State Director may authorize the use of real estate brokers to sell surplus farm and organization property to ineligible applicants in accordance with § 1955.118 only after the following conditions have been met:

(A) The property has been declared surplus.

(B) The State Director has determined that the property cannot be sold by FmHA employees.

(C) The property has been advertised for sale by public notice, and no acceptable bids or offers have been received through public notice or subsequent negotiation.

(D) Negotiations have been discontinued.

(4) *Processing.* (i) Determining repayment ability. If a credit sale is involved, the applicant must furnish necessary information to assist in determining repayment ability. Forms FmHA 431–2, "Farm and Home Plan," or FmHA 431–3, "Family Budget," if housing is included should be used unless the applicant has furnished all required information in another format.

(ii) *Form of payment.* Payments for the property will be made in the form of cash, cashier's check, certified check, postal or bank money order, bank draft, or purchaser's check made payable to FmHA. Third party checks are not acceptable.

(iii) *Farm property.* On accepting a bid or offer, the County Supervisor will provide the escrow agent, designated attorney or title insurance company the necessary information and instructions for closing the sale. The County Supervisor will complete the quitclaim deed and forward it to the State Director for execution and acknowledgment. Deed execution may not be redelegated. The County Supervisor will send the original of Form FmHA 465–10 or other appropriate form, and a copy of Form FmHA 440–16 if the sale is a credit sale to the Finance Office. The County Supervisor will advise the State Director by memorandum when the transaction is closed.

(iv) *Organization property.* On accepting a bid or offer, the State Director will forward the original Form FmHA 465–10, the names and legal description to be placed in the deed, the amount and terms of note and mortgage, and other pertinent material to OGC requesting

that they provide appropriate legal instruments and instructions for closing the transaction. When the transaction is closed, the State Director will send the originals of Form FmHA 465–10, and, if the sale is a credit sale, a copy of Form FmHA 440–22 to the Finance Office. The State Director will sign the quitclaim deed. This authority to sign the deed may not be redelegated.

§ 1955.117 Sale of real estate that secured Rural Housing RH loans.

This includes property that secured sections 502 and 504 loans as well as RRH, RCH, LH, and RHS loans except those acquired by voluntary conveyance when the present market value is less than the debt, and the borrower was released from personal liability.

(a) *Method of sale.* The State Director will determine whether acquired RH property will be offered for sale by FmHA employees or by licensed real estate brokers.

(1) *Sale by FmHA employees.* If a prospective purchaser eligible to buy the property is not available, the County Supervisor will post notices and signs to adequately inform interested parties of the property for sale. The property also may be advertised in newspapers having general circulation in the area when the State Director determines that such advertisement will assist in the sale. See FmHA Instruction 121.6 available in any FmHA Office.

(i) The advertisement or notice will be in display type but not legal notice style, can include pictures of property and will contain sufficient information to readily identify the property including:

(A) A brief description of each property, its location, and conveniences.

(B) Terms of the sale, including nondiscrimination provisions,

(C) Time the property may be inspected by prospective buyers.

(D) Place where additional information can be obtained, and

(E) A statement that the Government reserves the right to reject any or all offers.

(ii) The State Director, with the advice and approval of OGC, will develop a standard form of advertisement and notice to be used in the State.

(iii) The County Supervisor, if unable to sell acquired property, may submit a detailed report to the State Director documenting his efforts to sell the property and requesting authority to offer the property for sale by real estate brokers.

(2) *Sale by real estate brokers.* (i) If the State Director determines that the County Supervisor is unable to sell either certain acquired RH property or acquired RH property in general to best protect the financial interest of the Government, the State Director may authorize the listing of RH property for sale with real estate brokers. The State Director will document this determination and place a copy in the general operational "465 Real Property" file in the County Office.

(ii) In such cases, FmHA employees will not attempt to sell the property unless a prospective buyer has indicated an interest in buying a specific property before it is listed, but will list the property immediately after it is readied for sale with brokers that have signed a listing agreement. Real estate brokers will be selected in accordance with § 1955.118.

(b) *Sale of suitable property.* Suitable property will be offered for sale to eligible and ineligible applicants as follows:

(1) All housing properties of two units or less will be offered only to eligible applicants for the first 15 days after they are offered for sale.

(2) Multiple housing property of more than two units and housing site property will be offered only to eligible applicants for the first 30 days after it is offered for sale.

(3) Property not sold to eligible applicants in the periods authorized by paragraphs (b) (1) and (2) of this section may then be offered to the general public. A sale to a person or organization ineligible for an FmHA loan, however, must be for cash or at rates and terms in accordance with paragraph (c) of this section.

(4) Sale to persons or organizations eligible for FmHA financing will be made in accordance with the subparts pertaining to the type of loan being made.

(c) *Sale of unsuitable property.* (1) Unsuitable property will be offered for sale for cash or not less than a 10 percent cash downpayment and usually not more than 10 amortized annual payments or 120 amortized monthly payments for the balance of the purchase. If terms of more than 10 years are necessary because of the location of the property or conditions in the area, the State Director may authorize individual RH dwellings to be sold on longer terms, but not to exceed 15 years, and multiple housing properties on terms not to exceed 20 years. In no case, however, may the terms be longer than the period for which the property will serve as adequate security.

(2) The interest rate will be the rate set for above-moderate Section 502 RH loans.

(d) *Processing sale to eligible applicants.* The following provisions will apply to all credit sales to eligible applicants:

(1) The FmHA subpart pertaining to the type of loan being made will be followed in making credit sales to eligible applicants. RRH credit sales may be made for up to 100 percent of the current market value of the security less any prior lien, except that 90 percent financing is the maximum for limited profit organizations.

(2) The docket form will show the inventory advice number and identify the credit sale as an initial loan unless the applicant is already indebted for the same type of loan. A loan of the same type made simultaneously with the credit sale will be a subsequent loan.

(3) A cash downpayment collected at the time the credit sale is closed will reduce the amount due on the promissory note by the amount of such payment. The payment will be identified by the inventory advice number and handled in accordance with Part 1862 of this Chapter (FmHA Instruction 451.2).

(4) The current interest rate for the type of loan being made will apply.

(5) The appropriate promissory note for the type of loan being closed will be used.

(6) Loan closing and title clearance for the credit sale and any additional loan closed simultaneously with the credit sale will be the same as for an initial loan except that:

(i) The property will be conveyed by a Quitclaim Deed. The State Director, with the assistance of OGC, will develop a Quitclaim Deed for use in the State. The State Director will execute the deed, and his signature will be acknowledged. Authority to sign the deed may not be redelegated.

(ii) The buyer will pay any loan closing costs from personal funds unless they are included in a subsequent loan made for other than loan closing purposes.

(e) *Processing sale to ineligible applicants.* The following provisions will apply:

(1) The Section 502 RH above-moderate interest rate will be charged in all credit sales of housing property to ineligible applicants. The approval official must determine that the applicant has repayment ability for the requested credit.

(2) The repayment period for credit sales will be in accordance with paragraph (c) of this section.

(3) The property will be conveyed by Quitclaim Deed and the buyer will pay closing costs.

(4) For loans to individuals, the County Supervisor will advise the escrow agent, designated attorney, or title company representative to give a final title opinion or, if an insurance company, a title insurance policy; to prepare and record the mortgage and deed; and to prepare the note. Closing instructions for organization loans will be requested from OGC.

(5) Payments will be made by cash, cashier's check, certified check, postal or bank money order, bank draft, or purchaser's check. Such payments will be handled in accordance with Part 1862 of this Chapter (FmHA Instruction 451.2).

(6) After the transaction is closed, the County Supervisor will distribute Forms FmHA 465–10 and a copy of the promissory note when appropriate, in accordance with the Forms Manual Insert.

(7) Form FmHA 444–3 will be used for all loans to individuals, and Form FmHA 440–22 will be used for loans to organizations.

§ 1955.118 Selection and use of real estate brokers.

If property is to be offered by licensed read estate brokers, the State Director will determine whether their solicitation will be by public notice or by direct mailing to licensed real estate brokers.

(a) *Public notice.* Real estate brokers may be invited to participate in selling property on a County Office term listing or individual case basis.

(1) *County Office term listing.* A public notice will be published at least once every 12 months inviting licensed real estate brokers to participate in selling properties. The notice will be published in newspapers having general circulation in the area in which the properties are located and will read substantially as follows:

PUBLIC NOTICE

THE FARMERS HOME ADMINISTRATION HAS FOR SALE, FROM TIME TO TIME, FARM, RESIDENTIAL, BUSINESS, RECREATION AND/OR OTHER PROPERTIES. ANY LICENSED REAL ESTATE BROKER INTERESTED IN LISTING THESE PROPERTIES SHOULD CONTACT THE FARMERS HOME ADMINISTRATION AT _____

_____

TELEPHONE _____

_____

The notice will be paid for by using Standard Form 1143 and charged as a nonrecoverable cost to the Salaries and Expenses account.

(2) *Individual case basis.* For a specific property, the notice will be published in newspapers having general circulation in the area in which the property is located. The State Director may authorize the notice to be placed in trade journals, magazines, and other publications having wider circulation and may contact real estate brokers that specialize in selling particular kinds of property (e.g. golf courses, business enterprises, multiple housing facilities) if he determines that such action is necessary to protect the interest of the Government. The notice describing the property offered for sale will be similar to the following:

PUBLIC NOTICE

THE FARMERS HOME ADMINISTRATION HAS FOR SALE THE FOLLOWING PROPERTIES:

1. 18-HOLE GOLF COURSE WITH CLUBHOUSE AND OTHER FACILITIES LOCATED AT THE NORTH EDGE OF ANYTOWN, VIRGINIA.

2. 80-ACRE FARM LOCATED 3 MILES WEST OF ANYTOWN, VIRGINIA.

3. DWELLING 3 MILES EAST OF ANYTOWN, VIRGINIA.

LICENSED REAL ESTATE BROKERS WHO ARE INTERESTED IN LISTING THESE PROPERTIES SHOULD CONTACT THE FARMERS HOME ADMINISTRATION OFFICE AT _____

_____

TELEPHONE _____

(b) *Direct mailing to licensed real estate brokers.* If the State Director selects this method of solicitation, he will obtain a listing showing the names and addresses of all licensed real estate brokers in the State. The list should be obtained from the office of State Government which issues real estate licenses. The State Director may issue a State Supplement listing the real estate brokers in the State by County Office jurisdictional areas. Real estate brokers will be solicited from this list. However, all brokers within the County Office jurisdiction must be contacted if any one is contacted. They will be solicited by notices similar to those shown in paragraphs (a) (1) and (2) of this section. Newly licensed real estate brokers or those who previously declined to participate may be added to the list during the calendar year.

(c) *Listing agreements.* Any real estate broker who agrees to list acquired property for sale will execute Form Fm HA 1955C–2, "Nonexclusive Real Property Master Listing Agreement." The County Supervisor or the State Director within their contracting authority are authorized to execute listing agreements on behalf of the Government.

(1) Brokers solicited on a term basis may execute a listing agreement at any time during the year. Such listing agreement will be reviewed prior to December 31 of the year of its effective date, and, if appropriate, may be renewed for a period not to exceed 1 year. Renewals will be made if there is the necessity for continud use of real estate brokers.

(2) A listing agreement on an individual case basis will be executed at the time a property is offered for sale.

(3) A uniform fee or fees will be established by FmHA within a sales area, and will not exceed those for similar services provided to other sellers of real property. No fee will be due or payable if the broker or salesperson purchases the property for his or her own, a relative's, or an affiliate's account.

(d) *Advising real estate brokers of property for sale.* As acquired property becomes available for sale, Form FmHA 1955C–3 (a), "Notice of Real Property for Sale (Single Family Residence)," and Form FmHA 1955C–3(b), "Notice of Real Property for Sale (Farm Commercial or Special Property)," will be used to advise the brokers who have signed listing agreements. When the property is sold, or other change in the listed property occurs, all brokers will be notified using Form FmHA 1955C–4, "Notice to Brokers—Status Change of Listed Property."

(e) *Conditions for sale by real estate brokers.* (1) The property will be placed on an open listing.

(2) The real estate broker's fee will be that established pursuant to § 1955.118 (c) (3) and will be paid from proceeds of the sale if sufficient funds are available. Otherwise, Standard Form 1034 or other approved voucher will be processed to pay such fees. The cost will be charged to the appropriate insurance fund as a nonrecoverable cost. The broker's fee will not be paid until the transaction is closed. No fee will be paid if the broker or salesperson purchases the property for his or her own, a relative's, or an affiliate's account.

(3) No offer from any prospective buyer for less than the listed price will be accepted.

(4) The County Supervisor will not accept any downpayment collected from a prospective buyer by a real estate broker before closing the transaction. Such money must be returned to the prospective buyer by the broker if the offer submitted is not accepted or if the prospective buyer applied as an eligible applicant but is determined ineligible for the requested loan. If, however, an offer is accepted and the prospective buyer refuses to close the transaction, the broker and the prospective buyer will agree on the amount of the fee to be paid by the prospective buyer.

(f) *Processing offers obtained by real estate brokers.* Such offers will be accepted or rejected in the order received in the County Office. Offers will be reviewed for compliance with price, repayment ability of buyer, and terms of sale if credit is involved. The first acceptable offer received will be accepted regardless of whether a higher offer is received later.

§§ 1955.119–120 [Reserved]

§ 1955.121 Sale of acquired chattels.

(a) *Authority.* County Supervisors are authorized to sell acquired chattels for the best cash price obtainable. Sale will be by one of the following methods:

(1) *Established public auction.* When practical, acquired chattels will be sold at a public auction held on a regular scheduled basis.

(2) *Other public auction.* The contractual services of a professional auctioneer may be obtained to sell acquired chattels if it is not practical to sell such chattels at an established public auction. Services will be contracted in accordance with Subpart D of this Part 1955.

(3) *Private negotiated sale.* The County Supervisor may negotiate the sale of acquired chattels if it is not practical to sell the chattels by auction sale.

(4) *Sealed bid.* Items such as golf carts, recreation equipment and other specialty chattels may be sold through sealed bids if the County Supervisor determines that such method of sale will be in the best financial interest of the Government.

(5) *Sale with acquired real estate.* Chattels may be sold with acquired real estate if a higher price can be obtained. Proceeds from a joint sale will be applied to the respective loan accounts based on the value of the property sold. Form FmHA 440–21, "Appraisal of Chattel Property," will be used for appraising the chattels.

(b) *Public notice.* If sale is to be by any method other than establishd public auction, the County Supervisor will post notice of the sale in at least 5 public places not less than 5 days before the sale date, so that the public will be adequately informed of the planned sale. Form FmHA 455–8, "Notice of Sale," will be used.

(c) *Transferring title.* The County Supervisor will complete Form FmHA 455–10, "Bill of Sale 'A' (Sale of Government Property)," and deliver it to the purchaser when payment for the chattels is received. Payment will be by cash, a cashier's or certified check, or postal or bank money order, or purchaser's check made payable to FmHA. Third party checks are not acceptable.

(d) *Reporting sale.* The County Supervisor will complete Form FmHA 455–14, "Invoice," covering all the property sold to each purchaser at the time of the sale. The original and one copy will be sent to the Finance Office, and one copy will be kept in the County Office operational files. Sales proceeds will be handled with other collections for the day.

§ 1955.122 Report on property not sold.

Any property not disposed of in accordance with this subpart should be readvertised in newspapers and publications not previously used to get larger coverage. If such advertising does not result in disposal of the property, the State Director will send the inventory file, advertisements, and a summary of the facts covering the efforts to sell the property to the Administrator, Attention: Property Management Staff, for further instructions.

§ 1955.123 Disposal of surplus property to or through other agencies.

If surplus real or chattel property cannot be sold, the State Director will forward all essential facts to the Administrator for consideration in disposing of such property to or through other Federal agencies such as the General Services Administration.

§§ 1955.124–150 [Reserved]

FmHA Instruction 1955–C
Exhibit A

EXHIBIT A—NOTICE OF FLOOD OR MUDSLIDE HAZARD AREA

To:

Date:_____

This is to notify you that the property located at_____

_____

_____

is in an area identified by the Federal Insurance Administration of the Department of Housing and Urban Development as having special (*flood*) (*mudslide*)* hazards. This identification means that the area likely will be (*flooded*) (*affected by mudslide*)* at least once in each 100 years. The Government deed conveying title to the property will require that any further land use or development will be in accordance with local laws and ordinances which affect or control development and construction in identified flood or mudslide hazards areas. [Add if applicable: Also the dwelling now located on the property may not be used as a residence because of the flood or mudslide hazard.]

_____
(County Supervisor or Real Estate Broker)

Acknowledgment

Date:_____

I hereby acknowledge receipt of the notice that the property located at_____

_____

_____

is in a special (*flood*) (*mudslide*)* hazard area as identified by the Federal Insurance Administration of the Department of Housing and Urban Development and that appropriate restrictive covenants will be contained in the deed conveying title to the property. [Also if I purchase the property through a credit sale, I agree to insure the property against loss from (*floods*) (*mudslides*)* in accordance with requirements of the Farmers Home Administration.]

_____
(Prospective Buyer)

*Delete the hazard that does not apply.

Subpart D—Purchasing of Services for Program Property

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AUTHORITY: 7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, Sec. 10 P.L. 93–357, 88 Stat 392, delegation of authority by the Sec. of Agri., 7 CFR 2.23, delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70, delegation of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Subpart D—Purchasing of Services for Program Property

§ 1955.151 Purpose.

This subpart describes procedures for purchasing goods and services for maintenance, management, repair, and disposal of property. The monetary limit of a contract signed by a County Supervisor is $2,000. The monetary limit of a contract signed by the State Director or Property Management Specialist is $5,000. The monetary limit of a contract signed by the Director, Property Management Staff is $10,000. A contract entered into through this subpart for alteration or repair of acquired property may not exceed $2,000. Requirements aggregating more than the foregoing limitations shall not be broken down into several purchases which are less than the limiting amount merely for the purpose of utilizing this method of purchase. This information pertains only to the systems of purchasing. Program approval must be first determined in accordance with the delegation of program authority.

§ 1955.152 [Reserved]

§ 1955.153 Publicizing the requirements.

(a) *Policy.* It is the policy of the Farmers Home Administration (FmHA) to seek maximum competition for all purchases consistent with local conditions and prudent business practices. The sources of potential suppliers will normally not extend beyond a 25-mile radius of the site of work, provided that there are suppliers within the area. Placing orders with small business concerns and minority business enterprises is specifically encouraged. Solicitations will not be limited to only well known suppliers. The area of competition must never be designed to exclude a particular potential supplier. Although adequate competition is sought, excess competition is not particularly desired for small dollar volume work. There is no prescribed number of potential suppliers to be solicited. If only two plumbing contractors are in the area of work, and both do bid work, solicit both.

(b) *Oral vs. written solicitations.* (1) Oral solicitations may be used for any contract when the estimated value of work does not exceed $2,000. A contract awarded from an oral solicitation will be reduced to writing.

(2) Written solicitations may be used for contracts of any value and must be used for all work when extensive specifications are required. Written solicitations normally will require written quotations. However, lump sum quotations given orally are sufficient in many instances. When oral quotations are acceptable, the solicitation must clearly state this information.

(c) *Solicitation announcement.* (1) *Places of public notices.* When using written solicitations, in addition to sending them to prospective suppliers, copies of the solicitation will be posted on bulletin boards in public or semipublic places such as post offices, county courthouses, municipal buildings, libraries, and community buildings. Before posting, secure permission of the person in charge of the bulletin board.

(2) *Oral solicitations.* Oral solicitations are announced either by telephone or in person. The specifications, terms and conditions, and other pertinent information are announced by reading the information previously written in items 1 through 7 of Form FmHA 120–10, "Solicitation, Quotation, Purchase Order, Inspection and Invoice." (Available in FmHA County Offices.)

(3) *Length of publicizing period.* Solicitations should be publicized for sufficient time to permit prospective suppliers to examine the site, compute the price quotation, and deliver the response. The following is a guide to length of publicizing: Emergency work—no minimum period, Oral solicitations—3 workdays minimum, 7 workdays maximum, Written solicitations—1 week minimum, 3 weeks maximum.

§ 1955.154 Preparation of solicitation.

(a) *Oral solicitations.* Prepare an original and three written copies of Form FmHA 120–10 (Items 1 through 7 specifications—See Exhibit A for typical specifications for repair services. See Exhibits B, C, D, and H for examples of services. Exhibit E shows a request for contract action to be used when the estimated cost exceeds $2,000).

(b) *Written solicitations.* Prepare original and sufficient copies of Form FmHA 120–10 for the following: 2 copies for each prospective supplier, 3 copies for

execution of purchase order, and additional copies for posting in public places.

§ 1955.155 Receiving, opening, and evaluation of quotations.

(a) *Receiving quotations.* (1) *Oral quotations.* As oral quotations are received, either by telephone or in person, the FmHA employee receiving the response will record the supplier's name, address, telephone number, and the amount of the quotation including any unit prices that may be required. Care must be taken to preserve secrecy of the quotation until the deadline for submission arrives. Do not receive quotations in the presence of clients or potential suppliers.

(2) *Written quotations.* As written quotations are received, place them in a container which can be locked until opening time. If a supplier brings the quotation in person and does not have it in an envelope, furnish the supplier a blank envelope in which to place the quotation. Advise the supplier to be sure to include his name and address and to date the quotation before delivering it.

(b) *Opening of quotation.* At the precise time and date set for opening, open the quotations and if suppliers are present, read aloud the names and addresses of the suppliers and the amounts of the quotations.

(c) *Recording.* An employee other than the one announcing the quotations will record the tabulation information on Form FmHA 120–11, "Solicitation, Quotation, Purchase Order Continuation Sheet No. ____." Oral responses are recorded at the time they are received, but are announced at opening time if there are any prospective contractors present. (See Exhibit F for typical tabulation.)

(d) *Evaluation of quotations after opening.* (1) *Do not make any pen or pencil marks or notations on written quotations.* Verify that the supplier's name, address, and quotation date have been listed. Then verify the mathematics of the computations, particularly when there are several units of work and unit prices. If there is an error, the corrected total should be entered on the recording sheet.

(2) *Do not correct figures on the written quotation.* If there is a discrepancy between the prices as extended and the unit price (which was multiplied by the number of units), the unit price is considered to be correct. On the recording sheet, correct the extensions and the total price.

(3) *Compare the supplier's prices with your own estimate of the work.* If the low price is within 15 percent of your estimate and also within the limit approved for expenditure, the purchase order may be executed on block 9 of Form FmHA 120–10 without further review. If the low quotation is an amount lower than your estimate by more than 15 percent, have this supplier verify the amount before signing the purchase order to be sure that an error was not made.

§§ 1955.156–160 [Reserved]

§ 1955.161 Issuance of purchase order, acceptance, and notice to proceed.

(a) *Issuance of purchase order.* The purchase order is normally issued to the low responsive and responsible supplier by executing block 9 of Form FmHA 120–10, in an original and two copies. The word "responsive" means that the supplier has capacity to do the work and has entered a realistic price. The word "responsible" means that the supplier has demonstrated the ability to perform an acceptable standard of work. A quotation that contains changes in the specifications made by the supplier is nonresponsive unless such change provides for an equal or better product or service. Nonresponsive quotations will be rejected.

(b) *Notification.* (1) The successful supplier may be initially notified by telephone that a purchase order is being issued to him. If there is no urgency, mail the original and two copies of Form FmHA 120–10 with block 9 completed.

(2) After the successful supplier has accepted the purchase order (see paragraph (c) of this section), notify unsuccessful suppliers of the name of the contractor and the amount of the contract. This notification is not mandatory, but is good business practice in order to retain the interest of suppliers.

(c) *Acceptance of purchase order.* Have the successful supplier (contractor) indicate acceptance of the purchase order by completing block 10 (date and signature) of the original and one copy of Form FmHA 120–10, and returning these forms to the issuing office.

(d) *Notice to proceed.* Notify the contractor at the time of receipt of the fully executed purchase order if he is to proceed with the work immediately, or if deferred, the date to begin with the service or work.

§ 1955.162 Control of material and work.

(a) *Inspections.* Depending on the volume and complexity of the work and the authorized length of time of performance, from one to three or more inspections will be required. These inspections may be performed by the Contracting Officer or other FmHA employee. If the inspection involves many details, Form FmHA 424–12, "Inspection Report," may be used to record information and inform the contractor of deficiencies.

(1) *Category of inspections.* (i) *Final.* Always required after completion of all contract work.

(ii) *Prefinal.* An inspection made as completion nears, the purpose of which is to make a list of missing or defective work which must be accomplished or corrected before acceptance. This inspection is usually performed when extensive or complex work is involved.

(iii) *Interim.* One or more inspections made during the progress of work to ascertain compliance with material and workmanship requirements. These inspections are normally reserved for contracts containing complex specifications.

(b) *Contract modifications.* During the course of the contract it may be necessary to amend the contract as on-site conditions are uncovered or changed. Some modifications will involve changes in cost, or time of performance, or both. It is recommended that the Contracting Officer and the contractor agree to all terms of the modification before it is started. (See Exhibit G for examples of contract modifications.)

(c) *Government furnished property.* To repair or service Government owned property, the contractor may be required to reinstall or repair certain existing components and, at the same time, may also have to furnish or supply items. The contractor is responsible for the Government property under his control and this responsibility continues until work is completed and accepted by the Government. Obtain a receipt from the contractor at the time Government furnished property is turned over to him.

§ 1955.163 Acceptance of work.

This is the acknowledgement by the Contracting Offices that the contract work has been completed in accordance with the terms and conditions of the contract. Acceptance relieves the contractor of responsibility for Government property, and it permits FmHA to proceed with program actions.

§ 1955.164 [Reserved]

§ 1955.165 Payment.

Payment to the contractor follows acceptance. (Exhibit B–2 shows partial payment.)

(a) *Partial payment.* A partial payment is made for a completed separable unit of contract work; e.g. maintenance is to be performed each month and the first month's work is finished.

(b) *Progress payment.* A progress payment is made when a percentage of the total contract work is attained. Only one progress payment is made each month. A progress payment must not exceed 90 percent of the value of accumulated work.

(c) *Final payment.* If there have been previous partial payments or progress payments, final payment is only for the last and unpaid separate unit of work or the unpaid percentage of the total work.

§ 1955.166–169 [Reserved]

§ 1955.170 Term contracts.

A term contract is written for service during a specific period, generally a fiscal or calendar year. The distinguishing characteristic of this contract from others is that while the specification is definite, the quantity of services and location of performance may be unknown at the time the procurement is started.

(a) *Single award term contract.* This type of procurement is typified by management or maintenance services. It is used when it is expected that there will be several properties coming into inven-

tory during the 1-year period of performance. Examples of use would be "Provide property management services in accordance with specifications at all assigned properties in Smith County during fiscal year 1976," or "Provide trash removal in accordance with specifications at assigned properties in magisterial districts A and B in calendar year 1975". Follow the solicitation and award procedures set forth in prior sections of this Subpart. The total amount paid for services under a single award term contract *cannot* exceed the specific contract limitations of § 1955.151.

(b) *Multiple award term agreements.* A multiple award term agreement is one where several suppliers agree to participate in a needed service activity, but for any specific instance of service, the function is performed by only one of the suppliers. The best example of this type of agreement is that where open listing agreements are entered into with all interested real estate brokers in a given geographical area. Each is given the same opportunity to find purchasers of inventory property in accordance with the terms and conditions set forth in the listing agreement. The service is performed and a payment made in each individual completed service to that contractor who provided the service. The amount paid for each individual completed service (the sale of one property) cannot exceed the specific limitations of § 1955.151.

§ 1955.171–200 [Reserved]

EXHIBIT A—TYPICAL SPECIFICATIONS FOR REPAIR TYPE CONTRACTS

INTRODUCTION—This is an example set of specifications for the repair of a hypothetical dwelling. The format and divisions follow the order of the 1973 HUD–MPS and contains only typical divisions. *Each case must have its own specifications.* The MPS is used as a basis for determining acceptable materials and construction methods in Chapters 5 and 6 and Site Conditions in Divisions 310 and 311 of Chapter 3.

EXAMPLE DWELLING SPECIFICATIONS REPAIR TYPE

DIVISION I—General Requirements

101 *Scope of work Under this Contract*

All material, equipment, and construction must comply with all National, State, and Local codes and regulations and must be equal or better in quality and standards to the requirements contained in DHUD Minimum Property Standards. The work shall consist of removing existing flooring, cabinets, sink, and hot water heater, and kitchen back door and rebuilding to the enclosed Drawings and Specifications.

102 *Government Occupancy*

Where the dwelling is occupied by a tenant, work must be coordinated and scheduled so it does not leave the family without electrical, water, or heating service for a period in excess of 4 hours. Utility service shall not be interrupted during cold weather when it would cause temperature within the building to drop below 55 F. The occupant shall remove all personal items, etc., from the work areas prior to contractor beginning work. Water heater shall be reinstalled and placed in service within one working day.

103 *Removal of Existing Fixtures and Cabinets*

All electrical, plumbing, cabinets and flooring scheduled to be removed shall become property of the contractor and shall be removed from the site. Any fixtures scheduled to be removed and reinstalled shall be handled in such a manner as to prevent damage.

104 *Repair and Refinishing*

Contractor shall repair or replace existing structural members or finishes damaged while performing the work required in this contract.

105 *Samples and Shop Drawings*

Before painting begins, the contractors shall furnish samples of the paint for approval of quality and color. Furnish samples before ordering for approval of color and quality of any finish materials. Shop Drawings are required of custom-built cabinets. All manufactured factory finished cabinets shall comply with ANSI A161.1 as required by the MPS.

105.1 Contractor shall furnish samples and materials for equipment brochures for approval before or during any color and quality of any finish materials or equipment.

105.1.1 Before painting begins, the contractor shall furnish samples of the paint, including the label indicating lead content, if any.

105.2 Shop drawings are required of all custom-built cabinets. All manufactured factory finished cabinets shall comply with ANSI A161.1 standards as required by the MPS.

106 *Incidental Work*

Incidental work which is inherent in remodeling work, such as repairing cracks in wallboard, patching holes left from removal of items, etc., shall be considered a subsidiary item for which no additional payment will be made.

107 *Method of Measurement and Basis for Payment*

The unit of measurement shall be lump sum for all work required in the contract. Upon completion and acceptance the contractor shall be paid at the contract lump sum price.

DIVISION II—Site Work

201 *Main Entrance Walk Repair*

201.1 Carefully remove to reduce uncontrolled cracking about 12 linear feet of concrete walk in front of dwelling at 1234 Main Street, Yourton; being those three 4-foot sections that have become raised from original level by tree roots and the freeze-thaw cycle.

201.1.1 Cut all roots which are above base grade back at least 1 foot on both sides of walk and remove.

201.2 Provide sand to form a new base for concrete walk. Compact sand by hand tamping. Level to original base grade.

201.3 Reinstall and mortar in place the three 4-foot concrete sections removed to provide a true and continuous level walkway as if original walk.

DIVISION III—Concrete

301 *Carport Concrete Slab Floor Replacement*

301.1 Remove existing broken concrete slab in carport and remove from site.

302 Place new carport concrete slab of nominal dimensions of 20 feet by 12 feet by 4 inch thickness. Provide ¾-inch by 4-inch expansion joint between dwelling and carport. Concrete shall be designed to acquire 7-day strength of 2,000 psi and a 28-day strength of 3,000 psi. The slab shall have a light broom finish. Concrete shall be properly moisture cured for first 7 days. Slab shall slope away from dwelling at rate between 1 inch and 2 inches in 12 feet.

303 Clean up concrete spillage and remove forms from premises returning surrounding grade to near original shape providing slope away from carport to match dwelling slope at about 6 inches in 10 feet to a drainage swale.

DIVISION IV—Masonry

401 Remove cracked mortar in the masonry material to a depth of not less than 1 inch in existing exterior walls as follows:

a. The zig-zag crack in the west wall at the North wall from top to bottom, approximately 16 feet total length.

b. The zig-zag crack in the west wall at the North end under the window, approximately 8 feet total length.

c. The two zig-zag cracks in the South wall from top to bottom, approximately 16 feet total length.

d. The horizontal crack at floor level in the carport on the East wall.

402 Repoint all cracks in the masonry mortar. Existing cracked mortar dust shall be cleaned out of cracks by air pressure and dampened to provide slower setting time of mortar.

403 New mortar of a mix or one part portland cement, type I, II or III, one part hydrated lime, five parts clean washed sand and sufficient water for plasticity shall be used. Place mortar in cracks and thoroughly compact. Finish shall be concave matching existing undamaged mortar.

DIVISION V—Metals

501 The two existing damaged wooden columns shall be removed from the front of the storage area. Provide temporary adequate support for the beam above during construction.

502 Install two 4-inch ID steel structural columns having a 3/16-inch integral steel base plate and top plate of not less than 64 square inch surface.

503 Concrete floor shall be cut to a depth of 2 inches below the surface in dimensions to fit the base plates. Base plate shall be embedded in mortar struck flush with floor surface. After 28-day moisture curing, seal the shrinkage crack around steel column with coal-tar pitch carefully apply so as prevent water entrance and neat appearance with no spillage on concrete surface. Top plates shall be drilled and secured to beam with four ¼-inch by 3-inch lag screws.

DIVISION VI—Carpentry

601 Install ⅜-inch minimum thickness exterior grade plywood exterior covers over all first floor windows and basement windows. Installation shall be accomplished by bolting covers to 2 x 4 cross bars on the inside of the building. Windows shall be lowered or raised as required. At least two ¼-inch carriage bolts per cross bar shall be used. See detail drawing.

DIVISION VII—Thermal and Moisture Protection

701 Provide positive exterior foundation drainage. Finish grade slope from 8 inches below bottom wooden members to a drainage swale at a rate of about 6 inches in 10 feet to carry ground water away from building and the site.

702 Provide additional blown-in glass fiber insulation in the attic. The total R value of the ceiling and insulation shall be brought up to a minimum of R20. Provide Certification of type. Provide protection against edge blowing of loose insulation by use of a baffle which allows a 2-inch positive air flow between insulation and underside of rook sheathing in the rafter spaces. Method must have prior approval of the FmHA Contractor Officer.

DIVISION VIII—Doors, Windows and Glasing

801 Replace existing front entrance door frame with equal or better quality wooden materals.

802 Furnish and install new solid core Type I hardwood slab exterior front entrance door with new approved lock. Use existing 3 butt hinges from damaged door.

803 Provide and apply exterior and interior finish for entrance door matcing colors as approved by FmHA. Provide new weather stripping for exterior front entrance door. Prime seal top and bottom of door before installation of new weather stripping.

804 Replace 12 broken window panes including picture window. Provide SSB in sizes smaller than 36 by 24 inches and DSB for larger sizes up to 36 by 36 inches. Picture window approximate size 48 inches by 48 inches shall be crystal plate or approved equal.

DIVISION IX—Finish Materials

901 Exterior Finishes.

901.1 Repair build-up roof matching undamaged areas.

901.2 Clean exterior wood siding for preparation of new paint. Remove loose scales and feather sand paper edges of paint.

901.2.1 Provide and apply one coat of exterior vinyl acrylic paint when temperature will not reach below 50 degrees Fahrenheit for 24 hours.

DIVISION X—Equipment

1001 Provide and install new kitchen base cabinet with new counter top as approved by FmHA.

DIVISION XII—Furnishings

1101 Provide and install new inlaid sheet linoleum in kitchen. Color and pattern as approved by FmHA.

1102 Relay loose vinyl asbestos tiles in bathrooms.

DIVISION XV—Mechanical

1501 Remove damaged electric water heater.

1502 Replace water heater with electric water heater and install according to N.E.C. Capacity shall be 40-gallon glass lined tank with 18 gallons per hour recovery and a minimum 5-year warranty.

1503 Water heater connection pipes shall be of electrically inert materials.

1504 Replace missing water closet and stool in bathroom with approved fixture.

1505 Replace missing submersible pump in water well with deep well 4-inch submersible pump unit, 110V AC, capacity of 20 GPM at 60-foot lift.

DIVISION XVI—Electrical

1601 Check Electrical Service Entrance panel. Replace or repair circuit breakers as necessary.

1602 Repair as necessary and Reset Dining Room Ceiling Light fixtures.

1603 Replace cover plates on (number) convenience outlets and switches.

1604 Provide and install approved smoke detector on separate electrical circuit. Locate detector in Bedroom Hall ceiling near opening to Dining Room.

Form FmHA 120-10 (11-5-75) EXAMPLE OF MAINTENANCE OR CARETAKER SERVICES EXHIBIT B-1

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 358 E. Washington Street Greenville, South Carolina 29602	multiple	June 10, 1976
	4. ADVICE NUMBER multiple	5. SOLICITATION NUMBER 46-23-6-18

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time, DATE: June 17, 1976

6. a. This is a request for information and quotations furnished are not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services. When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services			QUOTATION
All work to be completed within N/A calandar days after receipt of notice to proceed			$
Mow the grass to a height of approximately two (2") inches within the entire property boundaries of the below listed addresses. THREE MOWINGS for EACH PROPERTY are required; one during the first week of the months of July, August, and September, 1976.			
ORAL QUOTATIONS ARE ACCEPTABLE	Price Each Mowing	Quantity	
24 Melody Lane, Sun Subdivision, Greenville (Case#987-65-4321)	$4.50	3	$13.50
26 Melody Lane, Sun Subdivision, Greenville (Case#876-54-3219)	$5.25	3	$15.75
128 South Branch Road, Yourtown, S.C. Advice #12345 (Case#765-43-2198)	$6.75	3	$20.25
*			

8a. This Section to be completed by Supplier - DATE SUBMITTED: 6-16-76	8b. $ 49.50
8c. Name and Address of Supplier (Street, City, State, Zip (Type or Print.))	9. PURCHASE ORDER (This section for Government only)
John B. Worker 38 Melody Lane Greenville, S. C.	PURCHASE ORDER AMOUNT $ 49.50 ☒ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office. ☐ Notice to proceed will be issued by Separate Letter.
10. ACCEPTANCE OF ORDER (Contractor)	
The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calandar days after receipt of notice to proceed	By A. B. Jones 6-19-76 (Contracting Officer) DATE
John B. Worker 6-19-76 CONTRACTOR DATE	A. B. Jones, County Supervisor (Name and Title)

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on (Date)	SIGNATURE	TITLE
July 10	July 20, 1976	A. B. Jones	C.O.

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c.
I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

13e. PAYMENT
Partial No. 1 [X]
Final [ ]

12a. DATE	12b. SIGNATURE (Payee or his representative)	12c. TITLE	AMOUNT DUE
7-20-76	John B. Worker	Prop.	Cost spread Attached
PAYMENT RECOMMENDED	13a. DATE	13b. SIGNATURE OF COR	
PAYMENT APPROVED	13c. DATE 7-30-76	13d. SIGNATURE OF CONTRACTING OFFICER A. B. Jones	$ 16.50
REMARKS			

* NOTE: MONTHLY PAYMENTS WILL BE MADE.
NOTE: WORK SHALL BE TERMINATED FOR A PROPERTY WHEN IT IS SOLD. FmHA 120-10 (11-5-75)

USDA-FmHA
Form FmHA 120-11
(11-5-75)

EXAMPLE OF INVOICE COST SPREAD — EXHIBIT B-2

SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. _____

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 300 E. Washington Street Greenville, South Carolina 29602	multiple	June 10, 1976
	4. ADVICE NUMBER multiple	5. SOLICITATION NUMBER 46-23-6-18

6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE:

7. SPECIFICATION - Articles or Services	QUOTATION
PARTIAL PAYMENT NO. 1 COST SPREAD	
Case No. 987-65-4321 — Advice No. N/A	$4.50
876-54-3219 — N/A	$5.25
765-43-2198 — 12345	$6.75
Total Payment No. 1	$16.50

NAME OF SUPPLIER

Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10. $

FmHA 120-11 (11-5-75)

USDA-FmHA
Form FmHA 120-10
(11-5-75)

EXAMPLE OF SECURITY SERVICES — EXHIBIT C-1

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration Room 220 - Court House Elkins, West Virginia 26241	292-18-1454	December 17, 1975
	4. ADVICE NUMBER 54321	5. SOLICITATION NUMBER 57-42-6-1

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time, DATE: Dec. 23, 1975

6. a. This is a request for information and quotations furnished are not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services. When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services	QUOTATION
All work to be completed within 20 calandar days after receipt of notice to proceed At the dwelling (formerly owned by A.A. Owner) located on the South side of County Road #28, Duck Run Road, 3/8 mile East of the intersection of County Road #33, Bell Road: Furnish and install 3/8" minimum thickness plywood exterior grade, covers over the exterior of fourteen (14) first floor windows, and four (4) basement windows. Plywood to be primed with shellac and then painted one coat on all six surfaces with white exterior latex paint. Covers to be fastened to 2" by 4"'s placed horizontally across the interior of the window openings by means of carriage bolts. INSTALLATION DETAILS ON ATTACHED DRAWING (Continuation Sheet No. 1) BASIS OF PAYMENT - LUMP SUM FOR THE JOB	$

8a. This Section to be completed by Supplier - DATE SUBMITTED: — 8b. $

8c. Name and Address of Supplier *(Street, City, State, Zip (Type or Print.))*

9. PURCHASE ORDER (This section for Government only)
PURCHASE ORDER AMOUNT $ _____
☐ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office.
☐ Notice to proceed will be issued by Separate Letter.

10. ACCEPTANCE OF ORDER (Contractor)
The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calandar days after receipt of notice to proceed

By _____ *(Contracting Officer)* *DATE*

CONTRACTOR *DATE* — *(Name and Title)*

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on *(Date)*	SIGNATURE	TITLE

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c. I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

13e. PAYMENT
Partial No. ☐
Final ☐

12a. DATE	12b. SIGNATURE *(Payee or his representative)*	12c. TITLE	AMOUNT DUE

PAYMENT RECOMMENDED	13a. DATE	13b. SIGNATURE OF COR	
PAYMENT APPROVED	13c. DATE	13d. SIGNATURE OF CONTRACTING OFFICER	$

REMARKS

PROPOSED RULES

Form FmHA 120-11
(11-5-75)

EXAMPLES OF SECURITY SERVICES - CONTINUED

EXHIBIT C-2

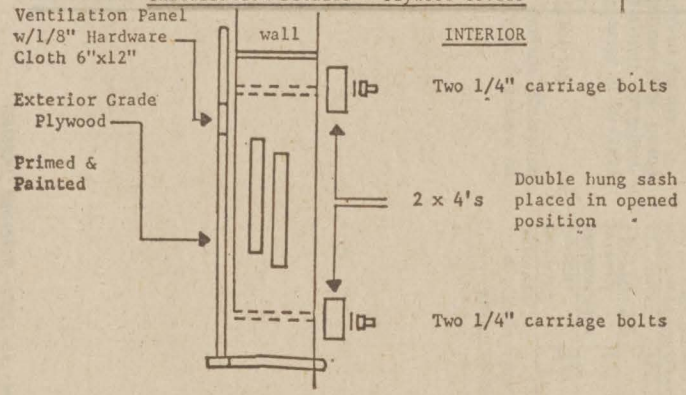
SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. 1

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration Room 220 - Courthouse Elkins, West Virginia 26241	292-18-1454	December 17, 1975
	4. ADVICE NUMBER 54321	5. SOLICITATION NUMBER 57-42-6-1

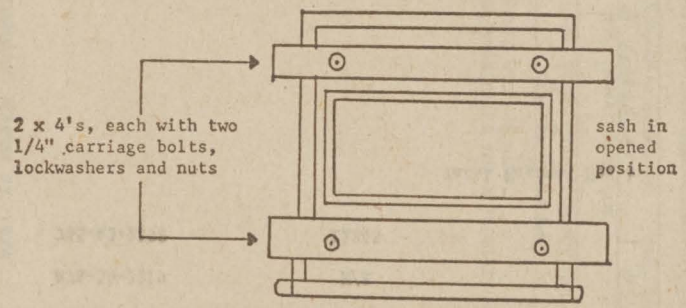
6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE:

7. SPECIFICATION - Articles or Services	QUOTATION

Installation Details - Plywood Covers



SECTION



INTERIOR VIEW

NAME OF SUPPLIER

Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10. $

FmHA 120-11 (11-5-75)

Form FmHA 120-10
(11-5-75)

EXAMPLE OF REPAIR SERVICES

EXHIBIT D

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 1019 S. Willow Street Effingham, Illinois 62401	120-11-7451	December 4, 1975
	4. ADVICE NUMBER 8888	5. SOLICITATION NUMBER 13-25-6-4

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time, DATE: 12-19-75

6. a. This is a request for information and quotations furnished are not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services. When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services	QUOTATION
All work to be completed within 15 calendar days after receipt of notice to proceed At the four (4) unit apartment building located at 1234 Main Street, Thistown, prepare the existing exterior wall surfaces and trim, and paint the exterior wall surfaces and trim with one coat of exterior vinyl acrylic paint. Main surfaces to be white, trim surfaces to be light green. Furnish color chip of trim color before application. ORAL QUOTATIONS ARE ACCEPTABLE	$

8a. This Section to be completed by Supplier - DATE SUBMITTED: 12-18-75

8b. $ 1125.00

8c. Name and Address of Supplier (Street, City, State, Zip (Type or Print.))

Big Dipper Painting Co.
500 Industrial Avenue
Mytown, Illinois

9. PURCHASE ORDER (This section for Government only.)

PURCHASE ORDER AMOUNT $ 1125.00

☒ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office.

☐ Notice to proceed will be issued by Separate Letter.

By A.P. Newman 12-23-75
(Contracting Officer) DATE

A.P. Newman, Supervisor
(Name and Title)

10. ACCEPTANCE OF ORDER (Contractor)

The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calendar days after receipt of notice to proceed

Prime Splatter 12-23-75
CONTRACTOR DATE

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on (Date)	SIGNATURE	TITLE
1-25-76	1-27-76	A.P. Newman	Cont. Off.

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c.

I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

13e. PAYMENT
Partial No. ☐
Final ☒

12a. DATE	12b. SIGNATURE (Payee or his representative)	12c. TITLE
2-4-76	Prime Splatter	Partner

PAYMENT RECOMMENDED	13a. DATE	13b. SIGNATURE OF COR

PAYMENT APPROVED	13c. DATE	13d. SIGNATURE OF CONTRACTING OFFICER
	2-4-76	A.P. Newman

AMOUNT DUE 1125.00
less Partial Payment 555.00
NET DUE $ 570.00

REMARKS

Form FmHA 120-10
(11-5-75)

EXAMPLE OF REQUEST FOR CONTRACT ACTION — EXHIBIT E

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 921 Moss Street Lake Charles, Louisiana 70601	Multiple	November 19, 1975
	4. ADVICE NUMBER Multiple	5. SOLICITATION NUMBER 22-10-6-3

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time, DATE: _____

6. a. This is a request for information and quotations furnished are not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services. When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services	QUOTATION
All work to be completed within _____ calandar days after receipt of notice to proceed Repairs to Five Dwellings as per attached specifications: (as per Exhibit A)	$ Government Estimate
Bid Item 1. (address) (Case number) (advice number)	$2,150
Bid Item 2. " " " " "	2,800
Bid Item 3. " " " " "	2,650
Bid Item 4. " " " " "	3,200
Bid Item 5. " " " " "	4,800
Note: In actual practice, the true addresses, case numbers and advice numbers if known would be used. Lists of prospective Bidders would also be included.	
8a. This Section to be completed by Supplier - DATE SUBMITTED:	8b. $15,600

8c. Name and Address of Supplier *(Street, City, State, Zip (Type or Print.))*

9. PURCHASE ORDER (This section for Government only)

PURCHASE ORDER AMOUNT $ _____

☐ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office.

☐ Notice to proceed will be issued by Separate Letter.

10. ACCEPTANCE OF ORDER (Contractor)

The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calandar days after receipt of notice to proceed

By _____
(Contracting Officer) *DATE*

CONTRACTOR *DATE*

(Name and Title)

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on *(Date)*	SIGNATURE	TITLE

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c.

I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

13e. PAYMENT
Partial No. ☐
Final ☐

12a. DATE	12b. SIGNATURE *(Payee or his representative)*	12c. TITLE	AMOUNT DUE
PAYMENT RECOMMENDED	13a. DATE	13b. SIGNATURE OF COR	
PAYMENT APPROVED	13c. DATE	13d. SIGNATURE OF CONTRACTING OFFICER	$

REMARKS

USDA-FmHA
Form FmHA 120-11
(11-5-75)

EXAMPLE OF QUOTATION TABULATION — EXHIBIT F

SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. _____

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 808 Pines Altos Street Silver City, New Mexico 88061	070-16-6666	December 2, 1975
	4. ADVICE NUMBER 2435	5. SOLICITATION NUMBER 36-09-6-12

6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE:

7. SPECIFICATION - Articles or Services		QUOTATION
CONTRACTOR AND ADDRESS	QUOTATION Dated	
Expert Construction Co. Silver City	Yes	$1755.00
Home Repairs and Remodeling Box 40 Route #1 Silver City	No	$1452.33
Community Development Inc. Deming, New Mexico	No	Nonresponsive
Santa Rita Builders Santa Rita, New Mexico	Yes	$1525.00
FmHA Estimate $1500.00		
NAME OF SUPPLIER	Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10.	$

PROPOSED RULES

USDA-FmHA
Form FmHA 120-11
(11-5-75)

EXAMPLES OF CONTRACT MODIFICATIONS — EXHIBIT G

SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. ____

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 32 Garden Valley Shopping Center Roseburg, Oregon 97470	301-12-5708	
	4. ADVICE NUMBER 7528	5. SOLICITATION NUMBER 43-10-6-3

6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE:

7. SPECIFICATION - Articles or Services	QUOTATION
1 Change Order No. 1 Install the used submersible water well pump instead of purchasing a new one. Note: The sheriff recovered the pump which had been stolen and it may now be installed. Net Decrease in Contract Price.	-$85.00
2 Suspend Work Order No. 1 Effective with the close of business January 29, 1976, stop all work of painting the exterior of the buildings. Severe winter storm has precluded work. Count of contract time is suspended.	
3 Resume Work Order No. 1 Effective with beginning of business December 31, 1975, all work may be resumed now that you have complied with my order to have your employees wear hard hats during demolition work.	
4 Change Order No. 5 Substitute 1/4" masonite wood-grained panels in lieu of 1/2" plywood panels, since plywood is not available because of strike. As both type panels have the same cost of materials and installation, there is no change in contract price or time of performance.	
5 Change Order No. 16. Date: January 20, 1976 Properties removed from assignment 567 Main Street, your town Advice #12479 Properties added to assignment 34 Elmwood Drive, Countryside Town Advice #14852 124 Seventh Street, That town Advice #15011	

NAME OF SUPPLIER	Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10.	$

USDA-FmHA
Form FmHA 120-10
(11-5-75)

EXAMPLE OF MANAGEMENT SERVICES — EXHIBIT H-1

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration Your Street and town including zip	multiple	Follow instruction
	4. ADVICE NUMBER multiple	5. SOLICITATION NUMBER Follow instruction

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time, DATE: Follow instruction

6. a. This is a request for information and quotations furnished are **not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services.** When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services	QUOTATION
All work to be completed within N/A calandar days after receipt of notice to proceed In accordance with specifications, terms and conditions shown on Continuation Sheet No. 1, provide management services, including rental, rent collection, tenant eviction, maintenance and minor repairs at all assigned single family Government dwellings in Alpha County during the period July 1, 1976, through June 30, 1977. Quotation per dwelling per month of service. ORAL QUOTATIONS ARE ACCEPTABLE	$ Quotation per dwelling per month of service.

8a. This Section to be completed by Supplier – DATE SUBMITTED:	8b. $

8c. Name and Address of Supplier *(Street, City, State, Zip (Type or Print.))*	9. PURCHASE ORDER (This section for Government only) PURCHASE ORDER AMOUNT $ ____ ☐ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office. ☐ Notice to proceed will be issued by Separate Letter.
10. ACCEPTANCE OF ORDER (Contractor) The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calandar days after receipt of notice to proceed	By ____ *(Contracting Officer)* *DATE*
CONTRACTOR *DATE*	*(Name and Title)*

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on *(Date)*	SIGNATURE	TITLE

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c.
I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

13e. PAYMENT
Partial No. ☐
Final ☐

12a. DATE	12b. SIGNATURE *(Payee or his representative)*	12c. TITLE	AMOUNT DUE
PAYMENT RECOMMENDED	13a. DATE	13b. SIGNATURE OF COR	
PAYMENT APPROVED	13c. DATE	13d. SIGNATURE OF CONTRACTING OFFICER	$

REMARKS

USDA-FmHA
Form FmHA 120-11
(11-5-75)

EXAMPLE OF MANAGEMENT SERVICES - CONTINUED EXHIBIT H-2

SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. 1

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER multiple	3. DATE OF SOLICITATION Same as 120-10
	4. ADVICE NUMBER multiple	5. SOLICITATION NUMBER Same as 120-10

6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE:

7. SPECIFICATION - Articles or Services	QUOTATION
SPECIFICATIONS 1. Use diligent efforts to place tenants without discrimination in all unoccupied properties on a month-to-month basis at monthly rates set forth in the assignment of properties notices. Obtain rental agreement from each tenant. 2. Collect all rents and remit to FmHA monthly. 3. Cause the eviction of persons for nonpayment of rent or other significant violations of rental agreements. 4. Prepare and submit a monthly business report. 5. Cut grass monthly and remove any accumulated trash monthly on all unoccupied properties. 6. Inspect all properties monthly for security and condition. 7. Make minor repairs (not to exceed $25.00 per building). Include invoice for repairs with monthly statement for reimbursement. 8. Advise County Supervisor immediately of any needed repairs estimated in excess of $25.00. Proceed with repair work for that authorized. Submit invoices for reimbursement. TERMS For properties assigned between the 1st and 15th of any month, the full monthly fee will be paid for that month. For properties assigned after the 15th, 1/2 fee will be paid. For properties removed from assignment between the 1st and 15th of a month, no fee will be paid for that month. For properties removed after the 15th, a 1/2 fee will be paid.	
NAME OF SUPPLIER — Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10.	$

FmHA 120-11 (11-5-75)

Dated: March 15, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-8017 Filed 3-22-76;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

"BUY AMERICAN" REQUIREMENT

Notice of Revised REA Bulletin

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue revised REA Bulletin 43-9 (Electric): 344-3 (Telephone), "Buy American" Requirement, to notify REA electric and telephone borrowers and their engineers, contractors and materials suppliers, regarding compliance with the "Buy American" requirement in connection with the expenditure of REA loan or guaranteed funds.

Persons interested in the provisions of the proposed revision in REA Bulletin 43-9:344-3 may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, on or before April 22, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

The text of the proposed revised REA Bulletin 43-9:344-3 is as follows:

REA BULLETIN 43-9 (Electric)
REA BULLETIN 344-3 (Telephone)

SUBJECT: "Buy American" Requirement

I. *Purpose:* To notify borrowers and their engineers, contractors and material suppliers, regarding compliance with the "Buy American" requirement in connection with the expenditure of REA loan or guaranteed funds. The term "materials" includes articles, supplies and equipment, and each item thereof, whether acquired by purchase order, contract, or otherwise.

II. *Statutory Provision:* The Rural Electrification Act of 1938 includes the following provision:

"In making loans pursuant to this title and pursuant to the Rural Electrification Act of 1936, the Administrator of the Rural Electrification Administration shall require that, to the extent practicable and the cost of which is not unreasonable, the borrower agree to use in connection with the expenditure of such funds only such unmanufactured articles, materials, and supplies, as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced or manufactured, as the case may be, in the United States."

All loan contracts between REA and its borrowers contain a provision requiring compliance with this statutory requirement. REA standard forms of construction contracts, materials and equipment contracts and purchase orders contain similar provisions.

III. *"Buy American" Certificates:* Borrowers shall be responsible for compliance with the "Buy American" requirements by their contractors and suppliers. "Buy American" certificates executed by borrowers' contractors and suppliers need be furnished to REA only when specifically requested.

IV. *Determinations Under "Buy American" Requirement:*

A. *Applicability of Executive Order 10582:* Executive Order 10582, issued on December 17, 1954, and published in Volume 19, Federal Register No. 246 (issue of December 21, 1954) as amended by Executive Order 11051, issued on September 27, 1962, and published in Volume 19, Federal Register No. 191 (issue of October 2, 1962) is hereby applied as provided herein to purchases of materials made with REA loan funds. Where such purchases are made with general funds, the requirements of this bulletin will be applicable if reimbursement from REA loan funds is sought for such expenditures.

B. *Manufactured Materials:* Manufactured materials are considered to be of foreign origin for the purpose of compliance with the "Buy American" requirement if the cost of the foreign products used therein constitutes fifty percent or more of the cost of all products used therein. The term "foreign products" means only those components of manufactured materials which are directly incorporated therein but does not include materials used in the manufacture of such components.

C. *Price Differential:* [1]

1. Except as provided in paragraph (2) of this section, where the bid or offered price of materials of domestic origin exceeds the bid or offered price of like materials of foreign origin by a sum determined by computing six percent of the bid or offered price of materials of foreign origin, delivered at the

[1] Revised to provide for a bid evaluation price differential between foreign materials and materials of certified-eligible and labor surplus area concerns.

place specified by the borrower including applicable duty and all costs incurred after arrival in the United States, purchases of such material of foreign origin are deemed to be in compliance with the "Buy American" requirement.

2. If the firm submitting the low acceptable domestic bid or offer establishes to the satisfaction of the Administrator that it qualifies as a certified-eligible concern or as a labor surplus area concern, or both, then each foreign bid or offer shall be adjusted for purposes of evaluation by adding to the bid or offer a factor of 12 percent of the bid or offered price of the materials of foreign origin.

3. "Certified-eligible concern" means a "certified-eligible concern with a first preference" which has been certified by the Secretary of Labor in accordance with 29 CFR 8.7(b) and 8.9(c) or a "certified-eligible concern with a second preference" which has been certified by the Secretary of Labor in accordance with 29 CFR 8.7(c) and 8.9(d), and which will agree that a substantial portion of the contract on which it is submitting a bid or offer will be performed by itself or other certified-eligible concerns. A concern shall be deemed to perform a substantial proportion of a contract, if the costs that the concern will incur on account of manufacturing or production (by itself, if a certified-eligible concern, or by certified-eligible concerns acting as first-tier subcontractors) amount to more than 25 percent of the contract price.

4. "Labor surplus area concern" means a concern which will perform, or cause to be performed, a substantial proportion of a contract on which it is submitting a bid or offer in a labor surplus area. A concern shall be deemed to perform a substantial proportion of a contract in a labor surplus area if the costs that will be incurred by the concern on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

a. The term "labor surplus area" means a geographical area which at the time of the award is either a section of concentrated unemployment or underemployment or a substantial labor surplus area.

b. "Section of concentrated unemployment or underemployment" means appropriate sections of States or labor areas so classified by the Secretary of Labor.

c. "Substantial labor surplus area" means an area which is classified by the Department of Labor as an "Area of Substantial Unemployment" or as an "Area of Persistent Unemployment," or both, and is listed as such by that Department in conjunction with its publication "Area Trends in Employment and Unemployment."

D. *Availability of Domestic Materials:* Where materials of foreign origin do not meet the price differential requirements of paragraph C above, borrowers may nevertheless request authorization from the Administrator to purchase such materials upon a showing that the purchase of domestic materials is not practicable on the ground that:

1. Like or comparable products are not available from domestic sources; or

2. Like or comparable products of domestic origin are in such short supply as to unduly delay the borrower's construction progress.

E. *Materials Constituting Only Part of a Purchase Order or Contract:* Where a supplier or contractor offers or furnishes several items under a purchase order or contract, the provisions of this bulletin are applicable to each of such items. If any such items do not meet the requirements of paragraphs IV.B. or IV.C., borrowers may request the Administrator's authorization to acquire such items in the same manner as provided in paragraph IV.D.

F. *Preference Addendum for Certified-Eligible or Labor Surplus Area Concern:* In order to permit a proper evaluation of bids and offers in accordance with the provisions of this bulletin, an implementing addendum, in a form prescribed by the Administrator, shall be included with the proposed contract documents where bids or offers including materials of foreign origin may be considered in the evaluations.

This bulletin supersedes all other existing material in conflict with its provisions.

Dated: March 16, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76-8022 Filed 3-22-76;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.

DEPARTMENT OF STATE

[Public Notice CM-6136]

SHIPPING COORDINATING COMMITTEE

United States National Committee for the Prevention of Marine Pollution; Meeting

The working group on segregated ballast in existing tankers of the United States National Committee for the Prevention of Marine Pollution, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Thursday, April 8, 1976, in Room 7234 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting will be to discuss working papers related to environmental aspects of the segregated ballast issue and alternative measures on vessels to protect the marine environment.

Requests for further information on the meeting should be directed to Captain F. P. Schubert, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2010.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

MARCH 18, 1976.

[FR Doc.76-8155 Filed 3-22-76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Notice of Meetings and Determination

Notice is hereby given, pursuant to Section 10 of Public Law 92-463, that meetings will be held in Washington on April 27 and 28, 1976, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.
Securities Industry Association, Government Securities and Federal Agencies Committee.

The agenda for the meetings provides for working sessions by the two committees on April 27, a report to the Secretary of the Treasury and Treasury staff by the American Bankers Association Government Borrowing Committee on April 27 and a report to the Secretary of the Treasury and Treasury staff by the Securities Industry Association Government Securities and Federal Agencies Committee on April 28.

Pursuant to the authority placed in Heads of Departments by Section 10(d) of Public Law 92-453, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under Section 552(b)(4) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of this office. When so utilized they are recognized to be advisory committees under Public Law 92-463. The advice provided consists of commercial and financial information given and received in confidence in order to avoid adverse effects of premature disclosure on the financial markets and the economy. As such these debt management advisory committee activities concern matters which fall within the exemption covered by Section 552(b)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

The Special Assistant to the Secretary (Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the provisions of 5 U.S.C. 552(b)(4).

Dated: March 17, 1976.

[SEAL] EDWIN H. YEO, III,
Under Secretary for Monetary Affairs.

[FR Doc.76-8200 Filed 3-22-76;8:45 am]

Office of the Secretary

[Department Circular; Public Debt Series No. 9-76]

TREASURY NOTES OF SERIES E-1981

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series E-1981. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Standard time, Wednesday, March 24, 1976, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated April 5, 1976, and will bear interest from that date, payable on a semiannual basis on August 15, 1976, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. The will mature February 15, 1981, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,0000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. Tenders and Allotments

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Standard time, Wednesday, March 24, 1976. Each tender must state the face amount of notes bid for which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetative tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make

primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposoit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of 1 percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,500,000,000 of notes offered, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or bfeore April 5, 1976, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, in other funds immediately available to the Treasury by April 5, 1976, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, March 31, 1976, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Monday, March 29, 1976, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submited to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requests to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necesasry, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.76-8254 Filed 3-22-76;8:45 am]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

ENVIRONMENTAL SECURITY COMMITTEE

Meeting

Notice is hereby given that the Environmental Security Committee of LEAA's Private Security Advisory Council will meet April 8-9, 1976. The meeting will convene at 9:30 a.m., Thursday, April 8, in Conference Room No. 1, at the American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. The Friday, April 9, portion of the meeting will be from 9:30 a.m. to 12:30 p.m.

Discussion at the meeting will focus upon societal impacts of environmental security concepts, and development of crime impact statements and homeowners' security warranty certificates. The meeting will be open to the public.

For further information, please contact Mr. Irving Slott, Director, Program Evaluation and Monitoring Staff, Office of Regional Operations, LEAA, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531. 202/376-3830.

JAY A. BROZOST,
Attorney-Adviser,
Office of General Counsel.

[FR Doc.76-8325 Filed 3-22-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(CA 2398)

CALIFORNIA

Proposed Withdrawal and Reservation of Land

MARCH 16, 1976.

The Forest Service, U.S. Department of Agriculture, has filed application CA 2398, for withdrawal of the land described below, subject to valid existing rights, for addition to the Tahoe National Forest.

MOUNT DABLO MERIDIAN

T. 17 N., R. 11 E.,
Section 32, Lot 44 (M.S.C.-10)

The area described aggregates 20.87 acres in Nevada County, California.

The land consists of an isolated parcel of public land completely surrounded by Tahoe National Forest. The applicant desires that the land be added to the National Forest in order to promote the efficient management of land and to effect national resource conservation in the area.

On or before April 26, 1976, all persons who wish to submit comemnts, 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, U.S. Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that 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 lands and their resources. Adjustments will be made as necessary to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested.

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, a public hearing will be held at a convenient time and place, which will be announced.

WALTER F. HOLMES,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-8173 Filed 3-22-76;8:45 am]

Fish and Wildlife Service
ENDANGERED SPECIES PERMIT
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Thomas John Rauber, 62 Main Street, Dansville, New York 14437

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR *(Indicate only one)*
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.

3. APPLICANT. *(Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)*
Thomas John Rauber
62 Main Street
Dansville, NY 14437

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6'3" WEIGHT: 230
DATE OF BIRTH: 5/27/24
COLOR HAIR: brown COLOR EYES: hazel
PHONE NUMBER WHERE EMPLOYED: 716-335-3234
SOCIAL SECURITY NUMBER: 088-18-4936
OCCUPATION: Telephone Communications Technician

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

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

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
to band young bald eagles in Environmental Conservation Region #8 of New York State

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Banding permit #20081 for birds of prey

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
N. Y. State Scientific Collector's License #SC 1330

9. CERTIFIED CHECK OR MONEY ORDER *(if applicable)* PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: 1/1/76

11. DURATION NEEDED: Duration of study

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED *(See 50 CFR 13.12(a))* MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED
From 50CFR13--Type of permit--Banding or marking #21.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE *(In ink)* Thomas John Rauber DATE 12/19/75

3-200
16/74)

To: Dept. of the Interior, U.S. Fish and Wildlife Service.
From: Thomas J. Rauber, 62 Main Street, Dansville, NY 14437.
Subject: Federal Fish and Wildlife License/Permit Application.
Date: December 19, 1975.

Telephone conversation on 12/18/75 with Mr. Len Sims concerning this application.

This statement to accompany application. (In answer to 17.22)

1. The common and scientific names of the species sought to be covered by the permit are Southern Bald Eagle—Haliaeetus Leucocephalus Leucocephalus. Young bald eagles to be banded at the eyrie, they are not to be taken from the eyrie.

2. At the time of application the eaglets will be hatched in the early part of May, in the wild, of the coming year 1976.

3. In a study made by James Grier printed in Journal of Wildlife Management Vol. 33 No. 4, October 1969, pp. 961–966—"Bald Eagle Behavior and Productivity Responses to Climbing to Nests," would be an excellent guide as to the best time to do the banding at the eyrie—a quote—nestlings less than 4 or 5 weeks old ignore the intrusion.

4. The wildlife sought to be covered by the permit will be in the wild; will not be removed from the wild. They are not to be raised in captivity.

5. The results of information gained by this permit would greatly add to 12 years of research on one single pair of nonmigrating bald eagles. This would accompany data gained through Patuxent Wildlife Research Center at Laurel, Maryland and analytical report made on bald eagle eggshells at Canadian Fish and Wildlife Service, Ottawa, Canada.

6. Bald eagles will not be in captivity nor will their young be.

7. The enclosed photostatic copies. 1. Scientific collector's license SC #1330. 2. U.S. Dept. of the Interior Permit #20081.

The dates for banding would greatly depend on the dates the bald eagles start to incubate. This varies.

	March
1971	28
1972	25
1973	21
1974	12
1975	18

Allowing 34 days for incubation to be completed then allowing 4 weeks additional would be very close to the banding time.

8. Reasons to justify obtaining this permit:

1. Activities to be authorized by the permit—climbing to the eyrie of bald eagles for purpose of banding its young.

2. Nestling banding of bald eagles will be limited to one visit to the eyrie. Coordinate eyrie visits in advance with Special Agent Leonard Lisenbee, P.O. Box 8, Manchester, NY. Also coordination with the Department Wildlife unit in the Region 8 office in Avon, NY—New York State Dept. of Environmental Conservation.

3. The relationship of such activities to scientific objectives. In a condensed form—from 1965 until end of 1975 seven hundred (700) visits made and observations recorded.

In the years of 1955, 56, and 57 to control pine spittlebug infestation, the lake where a pair of non-migrating bald eagles lived and fed was sprayed with DDT xylene some inert material in fuel oil suspension. To our knowledge no young eagles were hatched until 1973. This study was made starting the spring of 1965.

In a report dated Nov. 5, 1971 from the Director, Patuxent Wildlife Research Center, Laurel, Maryland, of an egg analyzed after 53 days of incubation stated that it was highly contaminated—DDE being at a very high level.

One year later one eagle was raised to the fledgling stage. In 1975 eagle eggshells sent to Canadian Fish and Wildlife to be analyzed. I am waiting for the results. I believe possibly the adult eagles are becoming less contaminated. Future years will possibly disclose this. In the meantime, if we can possibly band and keep track of the young it will give greater insight into the dwindling numbers of our bald eagles.

If there is any further information needed, I will be glad to submit it. Thank you.

THOMAS J. RAUBER

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 22, 1976 will be considered.

Dated: March 17, 1976.

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

[FR Doc.76–8251 Filed 3–22–76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Glenn C. Yoder, Route 1, Box 34, Topeka, *Indiana* 46571

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Purchase 1 pair of Brown-eared Pheasants (Endangered Species) from Salem, N.H.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Glenn C. Yoder
Rt. 1 Box 34
Topeka, Ind. 46571
Phone - 219-593-2951

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5' 8" WEIGHT: 160
DATE OF BIRTH: 2/13/49 COLOR HAIR: Brown COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 219-593-6235 SOCIAL SECURITY NUMBER:
OCCUPATION: Carpenter
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Interstate purchase from Salem, N.H. to Indiana.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit numbers*)
Game Breeders License # 23-4045

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)
Not Required

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $

10. DESIRED EFFECTIVE DATE: 11/15/76

11. DURATION NEEDED: 1 month to complete activity

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22 Permit for propagation

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*): Glenn C. Yoder
DATE: 11/12/75

3-200
(6/74)

Glenn C. Yoder

Attachment for permit 17.22.

(1) Pheasants Brown-eared (*Crossoptilon mantchuricum*) Interstate purchase from N.H. to Ind.

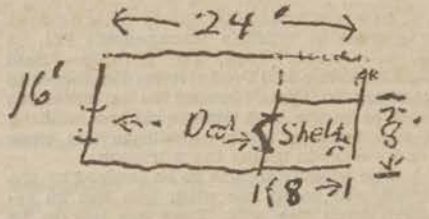
(2) Pheasants I want to purchase were born in captivity.

(3) I will purchase from other breeder so would not cause the death or removal such birds from the wild.

(4) The birds I want to be covered by the permit were raised in captivity by Don Meisner from Salem, N.H.

(5) Glenn C. Yoder, Rt. I Box 34, Topeka, Ind. 46571. Where I have exotic pheasant and quail farm.

(6) (i) Pen is 16' x 16' x 6' high with shelter 8' x 8' x 6' high. The floor of pen is grass with small trees and shrubs for cover.



(ii) I have been raising exotic pheasants and quail the last 3 years with good results.

(iii) I would be willing to participate in a cooperative breeding program, and to maintain or contribute data to a studbook.

(iv) Birds will be shipped in crate big enough for birds to stand up and turn around in, will have containers with plenty of feed and water.

(v) I have only had mortalities in chicks by not having enough heat; I now have a new heater. I give all my birds medication in their water once a week for prevention of mortalities.

(7) Don Meisner, 6 Karen Lane, Salem, N.H. Don has agreed to ship me one pair of Brown-eared pheasants as soon as I receive a permit from you.

(8) (i) To purchase Brown-eared pheasants (Endangered-species) from Salem, N.H.

(ii) I will receive these birds by air freight.

(iii) I want these birds for propagation.

(iv) I will sell young birds I raise for propagation purposes.

Thank you,

GLENN C. YODER.

GLENN C. YODER,
RT. 1 BOX 34,
Topeka, Ind., February 9, 1976.

DEAR MR. HESTER: Here is information you requested to continue processing my application for Endangered Species Permit.

I talked to Mr. Meisner by phone. He said he ships his birds by air freight in heavy duty cardboard boxes 24" x 24" x 18" high with straw in bottom of boxes. He drills holes in boxes for ventilation, and puts in containers with water fastened to boxes, he puts apples and lettuce in for food.

Mr. Meisner said he ships birds almost every week with this type of container with no birds lost. He said duration birds would be in boxes would not be over 36 hours.

If these containers are not convenient please advise us as to what type of container you prefer and we will ship in that type of container.

Sincerely yours,

GLENN C. YODER.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before April 22, 1976, will be considered.

Dated: March 17, 1976.

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

[FR Doc.76-8252 Filed 3-22-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 12, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976 (41 FR 1590), written comments concerning the significance of these property under the National Register criteria for evaluation may be for-

warded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comment, or a request for additional time to prepare comments, should be submitted by April 2, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALABAMA

Cullman County

Cullman, *Louisville & Nashville Railroad Depot*, 309 1st Ave., NE.

Jefferson County

Birmingham, *Powell School*, 2331 6th Ave., N.

ARIZONA

Navajo County

Whiteriver vicinity, *Fort Apache Historic District*, S of Whiteriver off AZ 73 on Fort Apache Indian Reservation.

CALIFORNIA

Siskiyou County

Fort Jones, *Fort Jones House (Louis Heller Studio)*, Main St.

KENTUCKY

Grayson County

Leitchfield vicinity, *The Cedars (Benjamin Lone Rogers House)*, Ky 1214, E of Leitchfield.

LOUISIANA

St. Tammany Parish

Mandeville vicinity, *Tchefuncte Type Site*, E. of Mandeville.

MASSACHUSETTS

Essex County

Newburyport, *First Religious Society Church and Parish Hall*, 26 Pleasant St.

NEW JERSEY

Mercer County

Trenton, *State House District*, Capitol Plaza, Willow, and State Sts.

OKLAHOMA

Kay County

Blackwell, *Electric Park Pavilion*, 300 S. Main St.
Ponca City, *Marland-Paris Home*, 1000 E. Grand Ave.

PENNSLYVANIA

Allegheny County

Springdale, *Carson, Rachel, House*, 613 Marion Ave.

Franklin County

Blue Ridge Summit, *Monterey Historic District*, off PA 16.

TEXAS

El Paso County

El Paso, *Trost, Henry C., House*, 1013 W. Yandell Dr.

Grayson County

Denison, *Kohl, Ernst Martin, Building*, 300 E. Main St.

WISCONSIN

Fond du Lac County

Fond du Lac, *Newton-Galloway House*, 336 E. Pioneer Rd.
Ripon, *Pedrick, Marcellus, House*, 515 Ransom Ave.

Ozaukee County

Port Washington, *Ozaukee County Courthouse*, 109 W. Main St.

Vernon County

LaFarge vicinity, *Rose, F., Archeological Sites (Ve-218, Ve-219)*, N of LaFarge.
LaFarge vicinity, *Rose, F., Site III, (Ve-208)*, N of LaFarge.
LaFarge vicinity, *Rose, F., Site IV, (Ve-217)*, N of LaFarge.
LaFarge vicinity, *Trappe Archeological District (Ve-61, Ve-182, Ve-361, Ve-362, Ve-363)*, N of LaFarge.
Ontario vicinity, *Anderson Archeological District (Ve-432, Ve-433, Ve-434, Ve-435)*, S of Ontario.
Ontario vicinity, *Gillen Site IV, (Ve-140)*, S of Ontario.
Ontario vicinity, *Gillen Site IV (Ve-140)*, S of Ontario.
Ontario vicinity, *Gillen Site XI (Ve-179)*, S of Ontario.
Ontario vicinity, *Lawrence, L., Archeological Sites (Ve-429, Ve-430)*, S of Ontario.
Ontario vicinity, *Lawrence, L., Site I (Ve-153)*, S of Ontario.
Ontario vincinity, *Ve-428*, S of Ontario.
Ontario vicinity, *Ve-436*, S of Ontario.
Ontario vicinity, *Ve-441*, S of Ontario.
Rockton vicinity ,*Allikas Site I (Ve-98)*, E of Rockton.
Rockton vicinity, *Bessbrook Farm Archeological Sites (Ve-100, Ve-101)*, E of Rockton.
Rockton vicinity, *Byers Archeological Sites (Ve-378, Ve-379, Ve-380)*, N of Rockton.
Rockton vicinity, *Campbell Site II (Ve-96)*, E of Rockton.
Rockton vicinity, *Earll Site I (Ve-42)*, N of Rockton.
Rockton vicinity, *Earll Site II (Ve-87)*, E of Rockton.
Rockton vicinity, *Erwin, C. and R., Site II (Ve-94)*, E of Rockton.
Rockton vicinity, *Frye Archeological District I (Ve-41, Ve-411 through Ve-422)*, NE of Rockton.
Rockton vicinity, *Frye Archeological District II (Ve-191, Ve-192)*, NE of Rockton.
Rockton vicinity, *Frye Archeological District III (Ve-300, Ve-301, Ve-302)*, N of Rockton.
Rockton vicinity, *Frye Archeological District IV (Ve-298, Ve-423)*, N of Rockton.
Rockton vicinity, *Hanson Archeological District (Ve-295, Ve-323, Ve-324)*, SW of Rockton.
Rockton vicinity, *Indian Creek Archeological District (Ve-256, Ve-257, Ve-258, Ve-268, Ve-278, Ve-279)*, SW of Rockton.
Rockton vicinity, *Jug Creek Archeological Sites (Ve-387, Ve-397)*, S of Rockton.
Rockton vicinity, *Kaukl Archeological District I (Ve-31, Ve-32, Ve-165)*, SW of Rockton.
Rockton vicinity, *Kaukl Archeological District II (Ve-34, Ve-35)*, SW of Rockton.
Rockton vicinity, *Kaukl Archeological District III (Ve-390, Ve-391)*, SW of Rockton.
Rockton vicinity, *Kaukl Site VI (Ve-47)*, SW of Rockton.
Rockton vicinity, *Kaukl Site XVI (Ve-272)*, SW of Rockton.
Rockton vicinity, *Kaukl Site XVIII (Ve-288)*, SW of Rockton.
Rockton vicinity, *Nottlestad, N., Site XIV (Ve-261)*, SW of Rockton.
Rockton vicinity, *Silbaugh Archeological District (Ve-398, Ve-399, Ve-400)*, SW of Rockton.
Rockton vicinity, *Ve-326*, SW of Rockton.
Rockton vicinity, *Ve-334*, SW of Rockton.
Rockton vicinity, *Ve-335*, SW of Rockton.
Rockton vicinity, *Ve-366*, NE of Rockton.
Rockton vicinity, *Ve-384*, NE of Rockton.
Rockton vicinity, *Ve-393*, SW of Rockton.
Rockton vicinity, *Ve-395*, SW of Rockton.
Rockton vicinity, *Ve-406*, SE of Rockton.
Rockton vicinity, *Ve-424, N* of Rockton.

[FR Doc.76-7834 Filed 3-22-76;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Modification of System Notice

Notice is hereby given that the Department of the Interior has under consideration modification of the system notice describing a records system which it maintains which is subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

By notice published in the FEDERAL REGISTER on September 26, 1975 (40 FR 44517-44521), the Department adopted a system notice describing the Indian Business Development Program (Grants) System (Interior/Bureau of Indian Affairs—11). At the time this notice was adopted, the system was maintained in manual form only.

It is now proposed to computerize a portion of the system. The proposed modifications in the system notice will reflect this change.

The system notice, as it is proposed to be modified, is set out below. The modified portions of the notice are indicated in italics.

Comments on the proposed modification may be submitted to the Assistant Solicitor, General Legal Services, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. All comments received on or before March 1, 1976, will be considered. Copies of any comments received may be inspected in Room 6525 at the above address.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.
MARCH 17, 1976.

System name: Indian Business Development Program (Grants)—Interior, BIA-11.

System location: (1) Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets, NW., Washington, D.C. 20245. (2) Area and Agency Offices, (3) *Division of ADP Services, Bureau of Indian Affairs, P.O. Box 2088, Albuquerque, New Mexico 87103.* (See appendix for addresses.)

Categories of individuals covered by the system: Indian Business Grant applicants.

Categories of records in the system: Grant application and supporting documents, *including financial transactions recording obligations and disbursements of grant funds.*

Authority for maintenance of the system: 88 Stat. 77 (1974).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: (1) Identification of individual receiving grant. (2) Transfer or disclosure to another Federal agency, a state or local government, an Indian tribal group or a contractor that will have jurisdiction over programs now managed by the BIA. (3) Transfer to the U.S. Department of Jus-

tice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer in the event there is indicated a violation or a potential violation of a statute, regulation, rule, order or license whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether federal, state, local or foreign, charged with the responsibility of enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated. (5) *A history of funds obligated and disbursed and information regarding the status of the business receiving the grant to be used to monitor the program and improve the management of grant funds.*

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage—maintained in manual form in file folders *and in computerized data files.* (2) Retrievability—indexed by individual's name or control number. (3) Safeguards—maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal—not authorized for disposal. *Manual records not authorized for disposal. Automated files will be periodically purged of information or inactive grants. History files will be retained.*

System manager(s) and address: Director, Office of Tribal Resources Development, Bureau of Indian Affairs, 18th and C Streets, NW., Washington, D.C. 20245.

Notification procedures: System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency superintendent. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area or Field Office Director, or an Agency Superintendent. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Legal records such as titles, deeds, probates and birth notices. Applicants.

[FR Doc.76-8176 Filed 3-22-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A315]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Nebraska Counties as a result of various adverse weather conditions shown in the following chart:

Antelope.—Drought August 1, 1974, through November 1, 1975, caused severe damage and loss to the corn crop of 135 farmers in the county.

Boyd.—Drought August 11, 1974, through November 1, 1975, caused severe damage and loss to hay, wild hay, silage, pastures and crops.

Brown.—Drought September 10, 1974, through November 1, 1975, caused severe damage and loss to crops, hay, wild hay and pastures.

Cass.—Drought August 11, 1974, through November 1, 1975, caused severe damage and loss to hay and crops.

Cedar.—Drought October 2, 1974, through November 1, 1975, caused severe damage and loss to hay, pastures, and crops.

Cherry.—Drought November 1, 1974, through November 15, 1975, caused severe damage and loss to hay, pasture, and crops.

Custer.—Drought August 1, 1974, through November 1, 1975, caused severe damage and loss to hay and crops.

Dakota.—Drought August 6, 1974, through November 1, 1975, caused severe damage and loss to hay, pasture and crops.

Dixon.—Drought August 1, 1974, through November 1, 1975, caused severe damage and loss to hay, pasture and crops.

Dodge.—Drought August 6, 1974, through November 1, 1975, caused severe damage and loss to crops.

Frontier.—Drought August 1, 1974, through November 1, 1975, caused severe damage and loss to hay and crops of 200 farmers in the county.

Gage.—Drought August 1, 1974, through November 1, 1975, caused severe damage and loss to hay and crops.

Johnson.—Drought November 6, 1974, through November 1, 1975, caused severe damage and loss to hay, pasture and crops.

Keya Paha.—Drought October 2, 1974, through November 1, 1975, caused severe damage and loss to hay, pasture and crops.

Knox.—Drought August 1, 1974, through November 1, 1975, caused severe damage and loss to hay, pasture and crops.

Lincoln.—Drought November 1, 1974, through November 1, 1975, caused severe damage and loss to crops of 180 farmers in the County.

Nance.—Drought November 1, 1974, through November 1, 1975; Hailstorm July 19, 1975, caused severe damage and loss to crops of 340 farmers in the County.

Nuckolls.—Drought August 1, 1974, through November 1, 1975, caused severe damage and loss to crops.

Otoe.—Drought August 11, 1974, through November 1, 1975; Hailstorms May 24 and June 2, 1975, caused severe damage and loss to hay and crops.

Pierce—Drought August 1, 1974, through November 1, 1975, caused severe damage and loss to crops.

Rock.—Drought September 10, 1974, through November 1, 1975, caused severe damage and loss to hay, pasture, and crops.

Sherman.—Drought October 2, 1974, through November 1, 1975, caused damage and loss to crops.

Thayer.—Drought October 2, 1974, through November 1, 1975, caused severe damage and loss to crops.

Thurston.—Drought August 6, 1974, through November 1, 1975, caused severe damage and loss to the corn crop.

Valley.—Drought August 1, 1974, through November 1, 1975, caused severe damage and loss to crops.

Wayne.—Drought August 11, 1974, through November 1, 1975, caused severe damage and loss to crops of 50 farmers in the County.

Webster.—Drought August 1, 1974, through November 1, 1975, caused severe damage and loss to hay and crops.

Therefore, the Secretary has designated these areas as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 26, 1976, for physical losses and November 29, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 16th day of March, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-8151 Filed 3-22-76;8:45 am]

[Notice of Designation Number A317]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following North Carolina Counties as a result of the natural disasters shown below:

Alamance.—Extreme drought June 1, 1975, to July 4, 1975; excessive rainfall July 4, 1975, to July 15, 1975; extreme drought July 15, 1975, to August 31, 1975, (and continuing throughout October and November).

Bladen.—Extreme drought June 2, to July 3, 1975; excessive rainfall July 4, to July 26, 1975; extreme drought July 27, to August 27, 1975; excessive rainfall September 8, to September 30, 1975.

Edgecombe.—Extreme drought May 1, to July 3, 1975; excessive rainfall July 4, to July 21, 1975; extreme drought July 22, to September 1, 1975; excessive rainfall October 1 to October 15, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor James E. Holshouser, Jr. that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 3, 1976, for physical losses and December 2, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of pro-

posed rule making and invite public participation.

Done at Washington, D.C., this 15th day of March, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-8152 Filed 3-22-76;8:45 am]

(Notice of Designation Number A321)

SOUTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following South Dakota Counties as a result of the natural disasters shown below:

Charles Mix.—Drought June 1, 1975, through September 15, 1975.

Gregory.—Extreme heat and drought July 1, 1975, through September 1, 1975.

Hutchinson.—Drought July 1, 1975, through September 15, 1975.

Miner.—Drought April 1, 1975, through September 1, 1975.

Yankton.—Extreme heat and drought June 15, 1975, through September 15, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard F. Kneip that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 4, 1976, for physical losses and December 6, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 16th day of March, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-8153 Filed 3-22-76;8:45 am]

(Notice of Designation Number A314)

TENNESSEE

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Tennessee Counties as a result of various adverse weather conditions shown in the following chart:

Fayette.—Excessive rainfall April 9 through May 18, 1975; excessive rainfall contributed substantially to the flourishing of insects July 19 through August 17, 1975; drought August 18 to September 6, 1975.

Giles.—Excessive rainfall and flooding October 15 through October 17, 1975.

Hardeman.—Excessive rainfall April 8 through May 18, 1975; intermittent rainfall contributed substantially to the flourishing of insects July 5 through September 24, 1975.

Haywood.—Excessive rainfall April 8 through April 15; and May 26 through May 31, 1975; hailstorm July 4, 1975; intermittent rainfall contributed substantially to the flourishing of insects July 5 through August 31, 1975.

Lauderdale.—Excessive rainfall May 2 through May 16, 1975; intermittent rainfall contributed substantially to the flourishing of insects August 1 to August 14 and September 5 to September 25, 1975; excessive rainfall November 7 through November 14, 1975.

Madison.—Excessive rainfall April 9 through May 18, 1975; intermittent rainfall contributed substantially to insects July 19 through August 17, 1975; drought August 18 through September 6, 1975.

Marion.—Excessive rainfall and flooding October 17 through October 19, 1975.

Shelby.—Excessive rainfall April 9 through May 18, 1975; intermittent rainfall and cool weather contributed substantially to the flourishing of insects July 20 through August 5, 1975; drought August 17 through September 15, 1975.

Tipton.—Intermittent rainfall contributed substantially to the flourishing of insects August 1 through September 4; and September 6 through September 25, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Ray Blanton that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 20, 1976, for physical losses and November 22, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 16th day of March, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-8154 Filed 3-22-76;8:45 am]

Forest Service

WOODS 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 the Woods Planning Unit in Arizona, USDA–FS–DES(Adm.) R3–76–04.

The environmental statement considers probable environmental effects of various alternatives for management of the Woods Planning Unit.

The draft environmental statement was transmitted to CEQ on March 16, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 14th & Independence Ave., SW., Washington, D.C. 20250

USDA, Forest Service, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102

Forest Supervisor, Coconino National Forest, 114 No. San Francisco Street, Flagstaff, Arizona 86001

Single copies are available upon request from the Forest Supervisor of the Coconino National Forest. Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

M. J. HASSELL,
Deputy Regional Forester, Region 3.

MARCH 16, 1976.

[FR Doc.76-8171 Filed 3-22-76;8:45 am]

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC., BENSON, ARIZONA

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602.

This loan application, together with funds from other sources, includes financing for two (2) 175 MW coal-fired generating units and related transmission facilities.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4322, or at Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602.

Final REA action may be taken with respect to this matter after thirty (30) days.

Any loan which may be pursuant to this application will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final REA action will be taken only after compliance with En-

vironmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 16th day of March 1976.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.76-8023 Filed 3-22-76;8:45 am]

Soil Conservation Service

ELMDALE GROUP DRAINAGE AND FLOOD PREVENTION RC&D MEASURE, KANSAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550), August 1, 1973; and Part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651), June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Elmdale Group Drainage and Flood Prevention Measure, Chase County, Kansas.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for land drainage and flood prevention. The planned works of improvement include conservation land treatment supplemented by 4.1 miles of drainage mains and laterals and two grade stabilization structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401

The negative declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until 15 days after the date this notice is published.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: March 16, 1976.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.76-8106 Filed 3-22-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

Population

Correction

In FR Doc.76-6639 appearing at page 10102 in the issue of Tuesday, March 9, 1976, on page 10103 in Table 1, under the fourth column designated "Population" the last entry for the State of Illinois now reading, "12,686" should read "12,689".

Domestic and International Business Administration

INDUSTRY ADVISORY COMMITTEE ON METAL SCRAP PROBLEMS

Open Meeting

The Industry Advisory Committee on Metal Scrap Problems will meet starting at 9:30 a.m. on Tuesday, April 27, 1976, in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.)

The Committee was established to provide advice to Department officials in order to identify and overcome problems in metal scrap consumption. The Committee advises on such national issues as conservation of natural resources, solid waste management, and environmental quality.

The purpose of the meeting is to review developments in the statistical programs on scrap in follow-up to the discussion and recommendations of the Advisory Committee Meeting of June 18, 1975. A representative of the Commodity Futures Trading Commission will make a presentation on the possible application of futures trading to ferrous scrap. A discussion of this and other issues pertaining to metal scrap problems will follow.

The meeting will be open to public observation, and a period will be set aside for oral comments or questions by the public. Any member of the public who wishes to file a statement with the Committee may do so before or after the meeting.

Approximately 20 seats will be available for the public (including 5 seats reserved for media representatives) on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting. Requests are to be made in writing only and are to be addressed to:

Domestic and International Business Administration, DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230

Inquiries may be addressed to the Committee Control Officer, Mrs. Diana B. Friedman, Materials Division, Room 2007, U.S. Department of Commerce, Washington, D.C. 20230, Telephone, 202/967-5505.

Dated: March 16, 1976.

SAMUEL B. SHERWIN,
Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.76-8107 Filed 3-22-76;8:45 am]

National Bureau of Standards

SIMPLIFIED PRACTICE RECOMMENDATION

Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Simplified Practice of Recommendation R 231-48, "Coffee Grinds."

It has been determined that this standard is obsolete and no longer used by the industry and that revision would serve no useful purpose. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of February 4, 1976 (41 FR 5164), to withdraw this standard.

The effective date for the withdrawal of this standard will be May 24, 1976. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: March 17, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-8115 Filed 3-22-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

AGING REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on May 20-21, 1976, in Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on May 20 for introductory remarks by Dr. Robert Butler, Director-designate, National Institute on Aging, and Dr. Leroy Duncan, Jr., Chief, Adult Development and Aging Branch, NIA. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on May 20 from 10:00 a.m. to adjournment for the

review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Suzanna H. Porter, Committee Management Officer, NIA, Building 31, Room 4B63, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5345, will provide a summary of the meeting and a roster of committee members. Dr. Walter Spieth, Executive Secretary of the Aging Review Committee, NIA, Landow Building, Room A–710, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1033, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: March 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–8125 Filed 3–22–76;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NICHD

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, May 24–25, 1976, Building 31, Conference Room 7. This meeting will be open to the public from 9:00 a.m. to 3:00 p.m. on May 24 and from 9:00 a.m. to 3:00 p.m. on May 25 for review of the NICHD Intramural Research Programs. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 3:00 p.m. to 5:00 p.m. on May 24 and from 3:00 p.m. to 5:00 p.m. on May 25 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and a roster of committee members. Dr. James Sidbury, Scientific Director, NICHD, Building 31, Room 2A–50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–2133, will furnish substantive program information.

Dated: March 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–8127 Filed 3–22–76;8:45 am]

CANCER CONTROL GRANT REVIEW COMMITTEE

Notice of Renewal

The Director, National Institutes of Health, announces the renewal of a charter, March 1976, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410A(a) of the Public Health Service Act (42 U.S.C. 286e). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92–463) setting forth standards governing the establishment and use of advisory committees.

Name: Cancer Control Grant Review Committee.

Purpose: The Committee provides to the Director, NCI and the Director, Division of Cancer Control and Rehabilitation advice on the technical merit of grant proposals for projects in cancer control.

Dated: March 12, 1976.

DONALD S. FREDRICKSON,
Director, National Institutes of Health.

[FR Doc.76–8119 Filed 3–22–76;8:45 am]

COMBINED COMMITTEES OF THE BREAST CANCER TASK FORCE

Meeting

Notice is hereby given of the meeting of the Combined Committees of the Breast Cancer Task Force, National Cancer Institute, May 19, 1976, Holiday Inn, Versailles Rooms I and II, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to adjournment on May 19, 1976, for a program on the epidemiology of breast cancer. Attendance by the public will be limited to space available.

For additional information, please contact: D. Jane Taylor, Ph.D., Landow Building, Room A–422, Division of Cancer Biology and Diagnosis, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 496–6718.

Dated: March 17, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–8124 Filed 3–22–76;8:45 am]

MATERNAL AND CHILD HEALTH RESEARCH COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on May 6–7, 1976, in the Landow Building, Room C–418, 7910 Woodmont Avenue, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. to discuss general business of the Committee and for reports from the Director, Center for Research for Mothers and Children, Program Director for Pregnancy and Infancy Branch, Program Director for Growth and Development Branch, and the Executive Secretary of the Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 10:30 a.m. to adjournment for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of the committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and a roster of committee members. Dr. Nancy Felipe Russo, Executive Secretary of the Maternal and Child Health Research Committee, NICHD, Room C–717, Landow Building, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5575, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: March 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–8121 Filed 3–22–76;8:45 am]

NATIONAL SICKLE CELL EDUCATION SYMPOSIUM

Meeting

Notice is hereby given of the meeting of the National Sickle Cell Education Symposium entitled "Grand Rounds", May 16–18, 1976 at the Chase-Park Plaza Hotel, St. Louis, Missouri, sponsored by the Sickle Cell Disease Branch, Division

of Blood Diseases and Resources, National Heart and Lung Institute. The purpose of the Symposium is to present current clinical and scientific information and basic techniques for developing effective educational programs on sickle cell anemia.

The entire meeting will be open to the public from 6:00 p.m., May 16, 1976 to 5:00 p.m., May 18, 1976. Attendance by the public will be limited to space available.

Dr. Clarice D. Reid, Chief, Sickle Cell Disease Program, Building 31, Room 4A29, NHLI, National Institutes of Health, Bethesda, Maryland 20014, Phone: (301) 496-6931, will provide summaries of the meeting and a roster of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.839, National Institutes of Health).

Dated: March 17, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-8123 Filed 3-22-76;8:45 am]

PRESIDENT'S CANCER PANEL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, May 13, 1976, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 7. The entire meeting will be open to the public from 9:30 a.m. to adjournment for a report from the Director, National Cancer Program, National Cancer Institute, report from the Chairman, President's Cancer Panel and review of the budget. Attendance by the public will be limited to space available.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information, transcripts of the meeting and roster of committee members.

Dated: March 17, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-8122 Filed 3-22-76;8:45 am]

PRESIDENT'S CANCER PANEL

Meeting

Notice is hereby given of a change in the meeting April 1; 1976, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 7 of the President's Cancer Panel, National Cancer Institute, which was published in the FEDERAL REGISTER on March 3, 1976, vol. 41, No. 43, page 9239.

The entire meeting will be open to the public.

Dated: March 17, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-8116 Filed 3-22-76;8:45 am]

CONFERENCE ON THE PREVENTION OF KIDNEY AND URINARY TRACT DISEASE

Meeting

Notice is hereby given of the Conference on the Prevention of Kidney and Urinary Tract Diseases sponsored by the National Institute of Arthritis, Metabolism, and Digestive Diseases, May 24-25, 1976, National Institutes of Health, Building 31, Conference Room 10, Bethesda, Maryland.

This meeting, open to the public at 8:30 a.m. each morning to adjournment, will consist of presentations and discussions by leading nephrologists, pathologists, urologists, epidemiologists, statisticians, experts in the field of preventive medicine, family health and public health who will discuss various aspects involved in the prevention and arrest of the diseases to be included in a monograph.

There will be 35 scientists presenting or discussing papers and many other scientists are being issued invitations to participate. Since space is limited to 120, individuals interested in attending are encouraged to notify Dr. Scherbenske, address below, of their plans to attend.

Dr. M. James Scherbenske, Kidney Disease and Urology Program Director, NIAMDD, Westwood Building, Room 726, Bethesda, Maryland 20014, (301) 496-7458, will provide additional information.

(Catalog of Federal Domestic Assistance Program No. 13.849, National Institutes of Health)

Dated: March 15, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-8126 Filed 3-22-76;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Virus Cancer Program Scientific Review Committee B, Viral Oncology Program, Division of Cancer Cause and Prevention, National Cancer Institute which was published in the FEDERAL REGISTER on March 3, 1976, Vol. 41, No. 43, page 9239.

This Virus Cancer Program Scientific Review Committee B meeting was to have convened on April 26-27, 1976, but has been cancelled due to conflict with the International Symposium on Detection and Prevention of Cancer which is being held in New York City at the same time.

Dated: March 15, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-8117 Filed 3-22-76;8:45 am]

VISION RESEARCH PROGRAM COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute on April 24 and 25, 1976 at the Azure Tides Hotel Court, Sunset Room, Sarasota, Florida, convening at 9:00 a.m. on both days.

This meeting will be open to the public from 9:00 a.m. April 24 until 11:00 a.m. for discussion of NEI Training programs and workshops and the administrative report. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 11:00 a.m. until adjournment on April 25 for the review, discussion, and evaluation of individual initial pending and renewal grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Head, Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, Room 6A-27, telephone (301) 496-5248, will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. Wilford L. Nusser, Chief, Scientific Programs Branch, Extramural and Collaborative Programs, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, Room 6A-52, telephone (301) 496-5301.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health).

Dated: March 10, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-8120 Filed 3-22-76;8:45 am]

NATIONAL CANCER INSTITUTE

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEES A AND B

Notice of Renewal

The Director, National Institutes of Health, announces the renewal of two charters, March 1976, of the advisory committees indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92-463) setting forth standards governing the establishment and use of advisory committees.

Name: Carcinogenesis Program Scientific Review Committees *A* and *B*

Purpose: The Committees provide to the Director, NCI and the Director, Division of Cancer Cause and Prevention, advice on the scientific excellence and technical competence of contract proposals. The Committees will terminate

two years from the date of renewal, unless renewed by appropriate action as authorized by law.

Dated: March 10, 1976.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.76-8118 Filed 3-22-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS OPERATIONS

Applications for Exemptions or Renewals

In accordance with the procedures governing the applications for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B) notice is hereby given that the Office of Hazardous Materials Operations has received applications for exemptions and renewals of exemptions that are described below. The modes of transportation requested are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor Vehicle, 2—Rail Freight, 3—Cargo Vessel, 4—Cargo-only Aircraft, 5—Passenger-carrying aircraft.

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6213, Trans-Point Builidng, 2100 Second Street, S.W., Washington, D.C.

Interested persons are invited to submit views or comments with respect to any one or more of the applications. Comments should refer to the application number and be submitted in triplicate to the Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on the specified comment closing date will be considered and will be available in the docket for inspection and copying, both before and after the closing date.

This notice of receipt of applications for exemptions and renewals of exemptions is published in accordance with section 107(a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806(a)) and the Materials Transportation Bureau's regulations on this subject (49 CFR 107.109(a)), and does not represent any agency decision or other exercise of judgment concerning the merits of the petitions.

Application No.	Applicant	Regulation(s) affected	Nature of application
		NEW EXEMPTIONS [1]	
76-106	State Stove & Manufacturing Co., Inc., Ashland City, Tenn.	49 CFR 173.302, 173.402 and 46 CFR 146.24-100.	To allow shipments of compressed air or nitrogen in non-DOT specification, single-trip welded steel tanks similar to special permit 6260 packaging (modes 1, 2, 3).
76-107	Monsanto Co., St. Louis, Mo.	49 CFR 173.190	To allow a one-time shipment of phosphorus solid sludge residue in 3 storage tanks (mode 2).
76-108	Mason & Hangar-Silas Mason Co., Inc., Amarillo, Tex.	49 CFR 173.65	To allow hexanitrostilbene and trichlorotrinitrobenzene, class A explosives, to be shipped as reagents when packaged in accordance with 49 CFR 713.65(d) (modes 1, 4).
76-109	do	49 CFR 173.65	To allow shipments of triaminotrinitrobenzene and trichlorotrinitrobenzene, class A explosives, in sealed paper or plastic bags overpacked in DOT-21C fiber drums and cushioned therein with inorganic materials (modes 1, 4).
76-110	Key Polymer Corp., Lawrence, Mass.	49 CFR 173.132	To allow shipments of a liquid cement in 5-gal pails similar to DOT specification 37C except for leakproof openings in the head and bottom covers (mode 1).
76-111	Airwick Industries, Inc., Teterboro, N.J.	49 CFR 173.217	To extend the partial exemption provisions of 49 CFR 173.217(b) to shipments of a certain oxidizing material in outside polypropylene cellular board cartons (modes 1, 2, 3).
76-112	American Hoechst Somerville, N.J.	49 CFR 178.131-6, 178.131-9 and 46 CFR 146.22-100 and 146.22-200.	To allow the use of foreign-made drums comparable to DOT 37A drums, without markings, for flammable solids and certain oxidizing materials (modes 1, 2, 3).
76-113	do	49 CFR 178.116-6, 178.116-10 and 46 CFR 146.21-100, 146.25-200.	To allow the use of foreign-manufactured drums comparable to DOT 17E drums, without markings, for poisonous liquids, poisonous solids, and flammable liquids (modes 1, 2, 3).
		RENEWALS [2]	
76-114	James Russell Engineering Works, Inc., Boston, Mass.	49 CFR 173.315	To amend special permit 6464 to include certain design modifications on non-DOT specification cargo tanks used for cryogenic liquids (mode 1).
76-115	Chem Service, Inc., West Chester, Pa.	49 CFR 173.286, 46 CFR 146.23-100.	To renew special permit 6971 allowing the shipment of various hazardous materials in one outside container and described as chemical kits (modes 1, 2, 3, 4).
76-116	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.315, 177.824	To convert special permit 6768 to an exemption to allow for modifications of trailers in liquified carbon monoxide service (mode 1).
76-117	do	49 CFR 173.304	To renew special permit 5454 for the use of DOT specification cylinders not presently authorized for the shipment of sulfur hexafluoride (mode 1).

Application No.	Applicant	Regulation(s) affected	Nature of application
76-118	Alken-Murray Corp., New York, N.Y.	46 CFR 146.23-100	To renew U.S. Coast Guard permit 46-74 which allows shipment of hydrochloric acid solution in DOT specification 34 polyethylene drums (mode 3).
76-119	E. I. du Pont de Nemours & Co., Wilmington, Del.	46 CFR 146.23-100	To renew U.S. Coast Guard permit 10-74 which allows shipment of certain corrosive liquids in plastic lined removable head fiber or metal drums (mode 3).
76-120	U.S. Naval Weapons Station, Concord, Calif.	46 CFR 146.29-11, 146.29-75.	To renew U.S. Coast Guard permit 35-70 which allows use of smaller size lumber for blocking and bracing of military ammunition or explosives (mode 3).
76-121	do	46 CFR 146.29-45	To renew U.S. Coast Guard permit 22-75 which allows split-level loading of military explosives (mode 3).
76-122	Ozark-Mahoning Co., Tulsa, Okla.	49 CFR pt. 173	To renew special permit 5600 which allows certain hazardous materials to be shipped in monel cylinders otherwise constructed to DOT specification 3A (modes 1, 2, 4).
76-123	Hercules, Inc., Wilmington, Del.	49 CFR 173.113	To renew special permit 6764 which allows shipments of blasting caps inside plastic spools overpacked in DOT-12H boxes without inside pasteboard cartons (modes 1, 2).
76-124	FMC Corp., Philadelphia, Pa.	49 CFR 173.266 and 46 CFR 146.23-100.	To renew special permit 6475 which allows shipments of hydrogen peroxide solutions in DOT specification 37P steel drums having an inside 2U polyethylene container (modes 1, 2, 3).
76-125	Carleton Controls Corp., East Aurora, N.Y.	49 CFR 173.302	To renew special permit 7009 which allows a limited number of shipments of nitrogen in nonrefillable, non-DOT specification steel cylinders (mode 1).
76-126	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.302	To renew special permit 3302 which allows non-DOT specification sampling bottles to be used for shipments of argon, oxygen, or nitrogen (modes 1, 2, 4).
76-127	E. I. du Pont de Nemours & Co., Wilmington, Del.	49 CFR 173.119, 46 CFR 146.21-100.	To renew special permit 5602 which allows shipments of certain flammable liquids in DOT specification 37P or 37M nonreusable steel overpack with an inside polyethylene liner or container (modes 1, 2, 3).
76-128	Dow Chemical USA, Midland, Mich.	49 CFR 173.182	To renew special permit 5690 allowing transportation of nitrocarbonitrate in plastic bags similar to DOT specification 44P (modes 1, 2).
76-129	Pennwalt Corp., Philadelphia, Pa.	49 CFR pt. 173, subpt. E	To renew special permit 5220 which allows corrosive materials to be shipped in portable tanks comparable to DOT specification 57 (modes 1, 2).
76-130	FMC Corp., Philadelphia, Pa.	49 CFR 173.266, 49 CFR 146.23-100.	To renew special permit 6757 which allows shipments of hydrogen peroxide in non-DOT specification aluminum portable tanks meeting I8O standards (modes 1, 3).
76-131	Military Traffic Management Command, Department of the Army, Washington, D.C.	49 CFR 173.242, 46 CFR 146.23-100.	To convert special permit 7071 to an exemption to allow photographic processing mixtures in the same outside container as nonhazardous liquids (modes 1, 2, 3).
76-70	Dow Chemical USA, Midland, Mich.	49 CFR 173.315	To renew DOT-E 6923 to ship liquefied ethylene in a cargo tank comprised of an aluminum inner tank, insulated with polyurethane covering, and an outer steel jacket (mode 1).
76-72	Ireco Caribbean, Inc., San Juan, P.R.	46 CFR 146.22-40	To renew DOT-E 7090 which allows the loading of nitrocarbonitrate on board vessels at nonisolated facilities (mode 3).

PARTIES TO AN EXEMPTION [2]

76-116	PPG Industries, Barberton, Ohio.	49 CFR 173.315, 177.824	To become a party to an application filed by Air Products & Chemicals, Inc., to convert special permit 6768 to an exemption to allow use of non-DOT specification cargo tanks for liquefied carbon monoxide service (mode 1).
76-116	Van de Mark Chemical Co., Inc., Lockport, N.Y.	49 CFR 173.315, 177.824	Do.
76-131	Philip A. Hunt Chemical Corp., Palisades Park, N.J.	49 CFR 173.242, 46 CFR 146.23-100.	To become a party to an application filed by MTMC, to convert special permit 7071 to an exemption to allow photographic processing mixtures in the same outside container as nonhazardous liquids (modes 1, 2, 3).

[1] The closing date for filing comments on the above applications is Apr. 28, 1976.
[2] The closing date for filing comments on the above applications for renewals and for parties to an exemption is Apr. 13, 1976.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.76-8052 Filed 3-22-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-3-118; Docket 27115]

ALIA—THE ROYAL JORDANIAN AIRLINES CORP.

Order Waiving Inclusive Tour Charter Restrictions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of March 1976.

In the matter of the Inclusive Tour Charter Authority of VARIOUS CHARTER FOREIGN AIR CARRIERS.

Motion of ALIA-The Royal Jordanian Airlines Corporation, for clarification of foreign air carrier permits issued pursuant to Order 75-3-85.

ALIA-The Royal Jordanian Airlines Corporation has filed a motion requesting clarification of the terms of its foreign air carrier permits issued pursuant to Order 75-3-85 with respect to the operation of One-stop-inclusive Tour Charters (OTC's) and Special Event Charters (SEC's), recently authorized pursuant to Part 378a (SPR-85, effective September 13, 1975). Since the questions raised by ALIA generally affect foreign air carrier permits held by various charter foreign air carriers, pursuant to which certain foreign-originated inclusive tour charters are authorized subject to restrictions contained in the permits, the Board has concluded that it is in the public interest to issue a general order, applicable to all charter foreign air carrier permits containing restrictions of the type addressed herein, which would waive those restrictions in the case of the performance of OTC and SEC charters, to the extent specified herein.

ALIA first notes that its so-called "agreement permit," which grants charter rights as specified pursuant to the Nonscheduled Air Service Agreement between the United States and the Hashemite Kingdom of Jordan, signed September 21, 1974, provides that the authority of the holder to perform charter flights shall be subject to the provisions of Part 214 of the Board's Economic Regulations and Part 378 of the Board's Special Regulations, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt. It seeks assurance that the condition grants authority to perform OTC's and SEC's pursuant to Part 378a. This condition is somewhat different in wording from but basically fulfills the same purpose as, the relatively standard condition contained in the foreign air carrier permits of many European charter foreign air carriers, which provides:

"The exercise of the privileges granted by this permit, except with respect to inclusive tour charters, shall be subject to the provisions of Part 214 of the Board's Economic Regulations, and all

amendments and revisions thereof of the Board, by order or regulation and without hearing, may adopt." [1]

(Inclusive tours originating in the United States are also made subject to Part 378 by a different condition, inclusive tours originating in the homeland of the carrier are made subject to the rules of that country, and inclusive tours originating in third countries are made subject to specific conditions set forth in the permit.) [2]

When the OTC–SEC Regulations were adopted (SPR–85), Part 214 of the Board's Economic Regulations (the Part setting forth the conditions and restrictions applicable to foreign air carrier permits held by charter foreign air carriers) was amended to specifically authorize the operation of OTC's and SEC's pursuant to the new Part 378a of the Special Regulations (Section 214.7(a)(6), (b)(6); ER–924). This has created some confusion, particularly with respect to the condition quoted above in that foreign air carrier permits held by foreign charter air carriers generally provide that Part 214 should be applicable, "except with respect to inclusive tour charters," and the new amendment to Part 214 specifically incorporates the most recent types of inclusive tour charters, namely OTC's and SEC's. The difficulty is, nevertheless, merely one of language, and the intent is clear. The exception from the applicability of Part 214, obviously does not apply to those inclusive tour charters specifically provided for under Part 214.[3] Accordingly, pursuant to Part 214, foreign air carriers are authorized to provide OTC's and SEC's in accordance with the provisions of Part 378a. Inclusive tour charters not provided for by Part 214, particularly inclusive tours subject to Part 378, or those foreign-originating inclusive tours subject to the homeland rules or the rules set forth in the permit, would be governed by the provisions in the foreign air carrier permit specifically applicable to such charters. Thus, with respect to ALIA's "agreement permit," all inclusive tour charters other than OTC's and SEC's (i.e., provided for under Part 214) would be subject to the provisions of Part 378. With respect to foreign air carriers holding permits subject to the condition similar to that in the British Midland permit (note 2, supra), U.S. originating inclusive tour charters (other than OTC's and SEC's provided for by Part 214) would be subject to Part 378, homeland-originating charters would be subject to the homeland rules, and European-originating fifth freedom inclusive tour charters would be subject to the rules specified in the permit.

ALIA further requests clarification of its second permit issued pursuant to Order 75–3–85 which authorizes foreign-originating circle tour and fifth freedom charter operations not provided for in the Nonscheduled Air Service Agreement of September 21, 1974 between the United States and Jordan. That permit, like the condition applicable to European-originating fifth freedom charters in the British Midland permit, subjects inclusive tour charters to the specific conditions set forth in the permit, namely: (a) a three-stop requirement, and (b) the requirement that split charters constitute a group of 40 or more tour participants. ALIA urges that the three-stop requirement should not apply to OTC and SEC charters, at least such charters as are conducted in conformity with the requirements of Part 378a of the Special Regulations. To the extent that the three-stop requirement would, nevertheless, apply, ALIA requests a waiver pursuant to the provisions for such waiver in subparagraph (c) of the inclusive tour charter condition in both ALIA's and British Midland's permits.

With the adoption of Part 378a, the Board concluded that a three-stop requirement would no longer be essential with respect to inclusive tours operated in conformity with the restrictions specified in Part 378a. Accordingly, there would appear to be no reason to subject fifth freedom charters to the three-stop requirement, provided that the charter is operated in conformity with the alternative restrictions specified in Part 378a. Accordingly, the Board has concluded that it is in the public interest to grant a blanket waiver, pursuant to subparagraph (c) of the permit condition of respective charter foreign air carrier permits which include such a condition, from the three-stop restriction contained in that permit condition; *Provided that*, And only provided that, the charter is operated in accordance with the provisions of Part 378a of the Board's Special Regulations.

Accordingly, it is ordered:

1. That, pursuant to subparagraph (c) of the condition in the charter foreign air carrier permits of any charter foreign air carrier holding a foreign air carrier permit which includes a condition governing, inter alia, foreign-originating fifth freedom inclusive tours of the nature described herein, which condition, pursuant to subparagraph (a) thereof requires that "Each tour shall provide overnight hotel accommodations at a minimum of three places other than the point of origin, such places to be no less than 50 air miles from each other," a waiver from the three-stop restriction contained in said paragraph (a) be and it hereby is granted to any charter foreign air carrier holding a permit including such a condition: *Provided that*, This waiver shall be applicable with respect to, and only with respect to, inclusive tour charters operated in accordance with the provisions of Part 378a of the Board's Special Regulations;

2. The provisions of all outstanding charter foreign air carrier permits be and they hereby are clarified to the effect that the provisions of Part 214 of the Board's Economic Regulations shall be applicable to OTC's and SEC's conducted pursuant to Part 378a of the Board's Special Regulations;

3. That, except to the extent granted herein, the motion of ALIA-The Royal Jordania Airlines Corporation for clarification of Order 75–3–85, or for other relief, be and it hereby is denied;

4. That this order shall be served upon all foreign air carriers holding foreign air carrier permits limited to the authorization of charter foreign air transportation; and

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–8198 Filed 3–22–76;8:45 am]

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[1] See e.g., British Midland Airways Limited, Order 75–9–53, permit condition (4).

[2] The somewhat standard inclusive tour condition for European charter carriers, as contained in the British Midland permit reads as follows:

"(3) The authority of the holder to perform inclusive tour charters originating in the United Kingdom shall be subject to the terms, conditions, and limitations contained in licenses to be issued by the Civil Aviation Authority of the United Kingdom authorizing the performance of such charters. The authority of the holder to perform inclusive tour charters originating in the United States shall be subject to the provisions of Part 378 of the Board's Special Regulations, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt. The authority of the holder to perform inclusive tour charters originating in a named European country or point shall be subject to the following conditions:

(a) Each tour shall provide overnight hotel accommodations at a minimum of three places other than the point of origin, such places to be no less than 50 air miles from each other.

(b) If more than one group is carried, each of the groups shall consist of 40 or more tour participants.

(c) The Board, by order or regulation and without hearing, may waive conditions (a) and (b) in whole or in part."

[3] See in this connection, P.N. Merpati Nusantara Airlines, Foreign Permit, Order 75–12–89.

[Docket 27464]

HUGHES AIRWEST (OAKLAND-LAS VEGAS/PHOENIX)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on April 27, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Dated at Washington, D.C., March 17, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76–8197 Filed 3–22–76;8:45 am]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Intra–Pacific and South Pacific Passenger Fares

[Order 76–3–120; Docket 26494, Agreement C.A.B. 25707, R–1 and R–2; Docket 27813, Agreement C.A.B. 25570, R–1 through R–36]

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of March, 1976.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to Intra-Pacific and South Pacific passenger fares.

ORDER

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted either at the February 1976 San Diego Reconvened Passenger Traffic Conference or the 1975 Cannes Composite Passenger Traffic Conference have been assigned the above C.A.B. agreement numbers.

Insofar as air transportation, as defined by the Act, is concerned, Agreement C.A.B. 25707 extends the present South Pacific passenger-fare structure, presently due to expire March 31, 1976, for a one-month period through April 1976, and cancels increases in various surcharges on Australia/New Zealand-originating IIT and GIT fares that were to have become effective at the end of March 1976. Agreement C.A.B. 25570, proposed for effectiveness from April 1, 1976 through March 31, 1977, establishes a new intra-Pacific fare structure and directly affects air transportation only insofar as the U.S. points Guam and American Samoa are concerned.

We will approve the one month extension of the South Pacific fare structure as well as a resolution in Agreement C.A.B. 25570 which reserves for future IATA mail vote or conference action the final adoption of fares between Japan and Guam, and will approve or disclaim jurisdiction over, as appropriate, the remaining resolutions in Agreement C.A.B. 25570 insofar as they relate to traffic wholly between foreign points. Insofar as the remaining resolutions in Agreement C.A.B. 25570 directly affect Guam and American Samoa, they will be disposed of in the context of the overall transpacific passenger-fare agreements which are either now pending or are expected to be filed shortly with the Board.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25570:			
R–5	004h	Restriction of Application for Specified and Constructed Fares Between Japan and Guam (New).	3.
25707:			
R–1	002b	Expedited Special Revalidation Resolution	3/1 (South Pacific).
R–2	022t	Expedited JT3/1 (South Pacific), Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	3/1.

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25570 as indicated, are adverse to the public interest or in violation of the Act insofar as they would establish rates and charges wholly between foreign points:

Agreement CAB	IATA No.	Title	Application
25570:			
R–1	001b	TC3 Special Effectiveness Resolution (Tie-In)	3
R–2	002	Standard Revalidation Resolution	3
R–3	004d	Restriction of Applicability Papua New Guinea (Revalidating and Amending).	
R–4	004f	Restriction of Application for Travel Solely Between Australia/Papua New Guinea and New Zealand (Revalidating and Amending).	3
R–6	014a	Construction Rule for Passenger Fares (Revalidating and Amending)	3
R–7	014t	Special TC3 Construction Rule (Australia/Papua New Guinea/New Zealand) (Revalidating and Amending).	3
R–8	022e	TC3 Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	3
R–9	022n	TC3 Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	3
R–10	053	TC3 First-Class Fares	3
R–11	063	TC3 Economy-Class Fares	3
R–12	070a	TC3 Excursion Fares (Revalidating and Amending)	3
R–15	071L	TC3 Australia-Fiji Advance Purchase Excursion Fares (New)	3
R–16	072a	TC3 Special Round- and Circle-Trip Excursion Fares within the South West Pacific (Revalidating and Amending).	3
R–18	075f	Public Group Fares—Australia-Fiji (New)	3
R–19	076c	TC3 Affinity Group Travel (Revalidating and Amending)	3
R–23	077f	TC3 Individual Fares for Ships' Crews (Revalidating and Amending)	3
R–25	080e	TC3 Individual Inclusive Tour Fares (Revalidating and Amending)	3
R–31	084kk	TC3 Group Inclusive Tour Fares—Asia/South West Pacific (Revalidating and Amending).	3
R–32	084L	TC3 28- and 35-Day Group Inclusive Tour Fares (Revalidating and Amending).	3
R–33	084u	Group Inclusive Tour Fares Australia-Fiji (New)	3
R–34	084z	TC3 Group Inclusive Tour Fares—South West Pacific (Revalidating and Amending).	3
R–36	102a	Passenger Expenses en route (TC3 Filing Procedure) (New)	3

3. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25570 as indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
25570:			
R–13	070h	TC3 Excursion Fares—Fiji to India (Revalidating and Amending)	3
R–14	070n	TC3 45-Day Excursion Fares—Australia, New Zealand and New Caledonia to Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka (Revalidating and Amending).	3
R–17	072c	TC3 New Zealand/Fiji Early Purchase Individual Contract (Revalidating and Amending).	3
R–20	076v	TC3 Incentive Group Fares (Revalidating and Amending)	3
R–21	077b	TC3 Group Fares for Ships' Crew (Revalidating and Amending)	3
R–22	077c	TC3 Group Fares for Ships' Crews—Bangladesh, India, Pakistan and Sri Lanka (Revalidating and Amending).	3
R–24	079f	TC3 Contract Bulk Inclusive Tour Rules (Revalidating and Amending)	3
R–26	080f	TC3 35-Day Individual and Group Inclusive Tour Fares—Australia/New Zealand to Bangladesh/Burma/India/Nepal/Pakistan/Sri Lanka (Revalidating and Amending).	3
R–27	086i	TC3 28-Day Inclusive Tour Fares—Japan to Afghanistan/Bangladesh/India/Nepal/Pakistan/Sri Lanka (Revalidating and Amending).	3
R–28	081j	TC3 17-Day Group Inclusive Tour Fares—Bangkok to Calcutta (Revalidating and Amending).	3
R–29	081jj	Special Group Inclusive Tour Fares Between the People's Republic of China and Japan (Revalidating and Amending).	3
R–30	084k	TC3 Group Inclusive Tour Fares (Revalidating and Amending)	3
R–35	092e	TC3 Youth Fares (Revalidating and Amending)	3

Accordingly, It is ordered that:

1. Those portions of Agreements C.A.B. 25570 and C.A.B. 25707 set forth in finding paragraph one above be and hereby are approved, provided that approval is subject, where applicable to conditions previously imposed by the Board;

2. Those portions of Agreement C.A.B. 25570 set forth in finding paragraph two above be and hereby are approved insofar as they would establish fares and practices wholly between foreign points; and

3. Jurisdiction be and hereby is disclaimed with respect to the resolutions set forth in finding paragraph three above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76–8199 Filed 3–22–76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Grant of Authority To Make a 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 Commerce to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

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

[FR Doc.76-8141 Filed 3-22-76;8:45 am]

DEPARTMENT OF COMMERCE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary and Director of Communications, Office of the Secretary.

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

[FR Doc.76-8142 Filed 3-22-76;8:45 am]

DELAWARE RIVER BASIN COMMISSION

PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission has scheduled a public hearing to be held on March 26, 1976, commencing at 2 p.m. The hearing will be held in the main conference room of the Commission's headquarters building, 25 State Police Drive, West Trenton, N.J.

The subject of the public hearing will be the following two projects for which water quality certification has been requested pursuant to Section 401 of the Federal Water Pollution Control Act:

1. *Sohio Petroleum Co. (D-74-67-rev.)* Expansion of the docking area at the company's existing Sohio Refinery in Marcus Hook, Delaware County, Pa. The docking area parallel to the Delaware River will be expanded to 500 feet in length, and about 100 feet of additional dredging will be required immediately upstream.

2. *Acorn Iron and Supply Co. (D-76-8).* A fill project between existing Piers 36-37 and 38-39 in the City of Philadelphia, Pa. The two fill areas will extend 100 feet wide by 360 feet in length and 70 feet wide by 219 feet in length along the Delaware River and will be brought to an elevation 5 feet above mean high water.

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

Dated: March 16, 1976.

W. BRINTON WHITALL,
Secretary.

[FR Doc.76-8172 Filed 3-22-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 508-7; OPP-50084]

CHEVRON CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Chevron Chemical Company, Richmond, California 94804. Such permit is in accordance with, and subject to the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 239-EUP-73) allows the use of the quantity remaining from the 2,540 pounds A. I. authorized last year; the active ingredient is the resin soaking-herbicide paraquat dichloride, which will be used on conifers. Approximately 3,000 acres are involved; the program is authorized only in the States of Alabama, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Washington. The experimental use permit is effective from March 28, 1976, to March 28, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 17, 1976.

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

[FR Doc.76-8249 Filed 3-22-76;8:45 am]

[FRL 598-8; OPP-50086]

ELANCO PRODUCTS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Elanco Products Company, Indianapolis, Indiana 46206. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect ot the use of pesticides for experimental purposes.

This experimental use permit (No. 1471-EUP-43) allows the use of 2,000 pounds of the herbicide tebuthiuron on rangeland (with grazing restriction). No more than 2,000 acres is involved; the program is authorized only in the States of Oklahoma and Texas. The experimental use permit is effective from March 9, 1976, to March 9, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 17, 1976.

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

[FR Doc.76-8250 Filed 3-22-76;8:45 am]

[FRL 508-6; OPP-50056]

OREGON DEPARTMENT OF FISH AND WILDLIFE

Receipt of Application for Experimental Use Permit To Use Sodium Cyanide in M-44 and Solicitation of Public Views

Pursuant to Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Oregon Department of Fish and Wildlife has applied to the Environmental Protection Agency (EPA) for an experimental use permit allowing use of sodium cyanide in the M-44 ejector mechanism to assess the effect of a reduced coyote population on fawn survival in the Steens Mountain deer range (an area of about 1,500 square miles) near Frenchglen, Oregon. The program is proposed to be carried out from July 1, 1976, to June 30, 1977, using M-44 cyanide stations and helicopter gunning from November to April on the deer winter range, and with M-44 stations alone from April to July on the deer summer range on the west side of Steens Mountain. This application for an experimental use permit is subject to the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental use purposes.

According to the section 5 regulations, the Administrator shall publish notice in the FEDERAL REGISTER of receipt of an application for an experimental use permit upon finding that issuance of the permit may be of regional or national significance; the determination has been made that this application falls within that category. Accordingly, all interested

parties are invited to submit written comments pertinent to the application to the Federal Register Section, Room E-401, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, 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 the submissions. The comments must be received within 30 days after date of publication of this notice in the FEDERAL REGISTER, and should bear the identifying notation OPP-50056. 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 a.m. Monday through Friday.

This document contains a summary of information required by regulation to be included in the notice and does not indicate a decision by this Agency on the application. For more detailed information, interested parties are referred to the application itself on file with the Registration Division (WH-567), Office of Pesticide Programs, Room E-315, located at the Headquarters address mentioned above. A copy of the application is also available for inspection in the EPA Region X office, Pesticides Branch, 1200 6th Avenue, Seattle, Washington 98101.

The application requests an experimental use permit to use sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) in controlling coyotes as part of the Steens Mountain Mule Deer Population Study, which is searching for causes for the decline in population of the mule deer herd in this area. An effective coyote control program on Steens Mountain would allow the testing of the hypothesis that fawns are predisposed to mortality and, if not killed by the coyote, would die from other causes, i.e., severe weather conditions, lack of fawning areas because of a previous sagebrush eradication program, etc.

According to the Oregon Department of Fish and Wildlife, there is no adequate control for this study, but two comparisons are possible that might indicate the effectiveness of the coyote control program as it relates to fawn survival. One comparison would be that of fertility, composition, and mortality factors of the mule deer herd before and after coyote control. Data on these subjects from 1968 to 1975 is available for comparison. The second point of comparison would be the data on deer population on the east side of Steens Mountain, which would act as a control area, where no major coyote control activity would be undertaken.

The Control Program. Two methods for controlling coyotes would be applied to the Steens Mountain west side deer range. The proposed testing site conists of approximately 210 square miles within this area. One hundred M-44 (SCSLEM) devices and 300 sodium cyanide capsules (each containing 880 mg. of the active ingredient or a total of 8.49 ounces of sodium cyanide) would be located at strategic crossings, passes on trails, and at other locations favored by coyotes. Stations would be maintained weekly. Records would be kept on set locations, number of days of exposure, number of M-44's tripped, and number of coyotes killed and collected. Records would also be kept of any other animal species killed by the M-44's. M-44 control would be applied to the west side deer winter range area from November through April, and to the summer range of the study area from May to the first of July. Weather permitting, helicopter gunning flights from November to April would be made as frequently as required over the west side winter range study area. A record of all coyotes killed and observed would be maintained. Observed deer carcasses would also be recorded during these flights.

Several methods would be used in an attempt to measure coyote density, such as measuring scent post routes, preparing a coyote kill index, taking a periodic helicopter census, and correlating biological statistics concerning collected coyote carcasses relative to seasonal and annual changes in the coyote populations during the control program. Along the same line, deer conditions and productivity would be monitored by radio tagging of fawns, observing and recording weather data in the study area as it relates to mortality, etc.

A record would also be kept of all monetary costs of coyote control work. Costs would be compiled for calculation of the total cost of control work and for correlation with benefits derived from the control effort. At the conclusion of the experimental program, all unused sodium cyanide capsules will be disposed of by deep burial in a remote location distant from human habitation. All aspects of the program would be supervised by the Fish and Wildlife Service of the U.S. Department of the Interior; experienced State personnel would be assigned to the program.

Dated: March 18, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-8247 Filed 3-22-76;8:45 am]

[FRL 509-1; OPP-240008]

STATE OF SOUTH CAROLINA

Approval of Requests for Interim Certification To Register Pesticides to Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A state may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed § 162.158(c).

The Agency has received a Request for Interim Certification to register pesticides to meet special local needs (Request) from the State of South Carolina. After reviewing the Request, the Agency found that it satisfied the requirements set forth in the FEDERAL REGISTER announcement, and that it demonstrates that the State is capable of exercising adequate controls to assure that special local needs registrations it issues pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the EPA has approved a Request for Interim Certification from the State of South Carolina as described below,

subject to the terms set forth in the FEDERAL REGISTER document of September 3, 1975.

South Carolina

The South Carolina Request for Interim Certification sought authority to register "new products", as that term is defined in section 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as that term is defined in § 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agency which has been designated responsible for issuance of such registrations is the Division of Regulatory and Public Service Programs, College of Agricultural Sciences, Clemson University. This Agency was notified on March 5, 1976, that their Request had been approved.

A copy of the South Carolina Request for Interim Certification, along with letters reflecting the Agency's decision to approve the Request, is available at the following location:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St., S.W., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 1421 Peachtree Street, N.E., Room 112, Atlanta, Georgia 30309.

Dated: March 18, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-8248 Filed 3-22-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-238]

FCC FORMS TASK FORCE ON COMMON CARRIER RULES AND PROCEDURES

Notice of Formation

MARCH 17, 1976.

The Commission announced today the formation of a Task Force on Common Carrier Rules and Procedures.

The Task Force will engage in a comprehensive evaluation of existing Common Carrier rules and procedures with the objective of identifying unnecessary or unwarranted regulations, and will consider possible changes in existing procedures that might improve the Commission's Common Carrier processes or result in reduced times for its proceedings.

This Task Force will be headed by Joseph A. Marino, Deputy Chief of the Common Carrier Bureau; assisted by Philip V. Permut, Acting Chief of the Bureau's Policy and Rules Division; and, R. Michael Senkowski, Legal Assistant to the Chairman. The Task Force will prepare a Report to the Chairman that will set forth possible actions and options for improving Common Carrier rules and procedures.

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

[FR Doc.76-8192 Filed 3-22-76;8:45 am]

[FCC 76-239]

FCC FORMS TASK FORCE ON SAFETY AND SPECIAL RULES AND PROCEDURES

Notice of Formation

MARCH 17, 1976.

The Commission announced today the formation of a Task Force on Safety and Special Radio Services Rules and Procedures.

The Task Force will engage in a comprehensive evaluation of existing Safety and Special rules and procedures with the objective of identifying unnecessary or unwarranted regulations, and to consider possible changes in existing procedures that might improve the Commission's Safety and Special processes or result in reduced times for its proceedings.

This Task Force will be headed by Terrence P. O'Brien, Supervisory General Attorney, Aviation and Marine Division. The Task Force will prepare a Report to the Chairman that will set forth possible actions and options for improving Safety and Special rules and procedures.

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

[FR Doc.76-8193 Filed 3-22-76;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

FARMERS BANK OF THE STATE OF DELAWARE

Suspension of Trading

It appearing to the Federal Deposit Insurance Corporation that an extension of its Order, issued March 8, 1976 suspending trading in the common stock of Farmers Bank of the State of Delaware being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 12(i) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in such securities otherwise than on a national securities exchange is extended for the period beginning at 9:00 a.m. (e.s.t.) on March 18, 1976 through March 27, 1976 or upon termination of the suspension by the Federal Deposit Insurance Corporation, whichever occurs first.

By order of the Board of Directors, March 17, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-8148 Filed 3-22-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NAVAL PETROLEUM RESERVE NUMBER 4 REPORT

Public Hearing

The Federal Energy Administration (FEA) hereby announces that it will conduct public hearings in Alaska in conjunction with its report to the Congress on Naval Petroleum Reserve Number 4, which is required by section 164 of the Energy Policy and Conservation Act of 1975 (P.L. 94-165). Section 164 of the Act provides as follows:

The Administrator shall, in cooperation and consultation with the Secretary of the Navy and the Secretary of the Interior, develop and submit to the Congress within 180 days after the date of enactment of this Act, a written report recommending procedures for the exploration, development, and production of Naval Petroleum Reserve Number 4. Such report shall include recommendations for protecting the economic, social, and environmental interests of Alaska Natives residing within the Naval Petroleum Reserve Number 4 and analyses of arrangements which provide for (1) participation by private industry and private capital, and (2) leasing to private industry. The Secretary of the Navy and the Secretary of the Interior shall cooperate fully with one another and with the Administrator; the Secretary of the Navy shall provide to the Administrator and the Secretary of the Interior all relevant data on Naval Petroleum Reserve Number 4 in order to assist the Administrator in the preparation of such report.

FEA believes that exploration, development and production of Naval Petroleum Reserve Number 4 (NPR-4) should proceed in a manner compatible with protection of the social, economic and environmental interests of Alaska natives residing in the area. FEA also shares the view of Alaska's State and local officials that these actions be considered for their potential impacts on the interests of all residents of the State.

In order to prepare a comprehensive report, and to assure maximum protection of the interests of Alaska's people, FEA intends to augment existing information on the potential impacts of the actions authorized by Congress by seeking comment from interested parties. To this end, FEA is particularly interested in obtaining at the hearing, data, views and arguments on the following topics:

A. *Basic information and data with respect to NPR-4, including:*

1. Estimates of undiscovered, recoverable resources;

2. Geologic and geophysical data;

3. Climatic and meteorologic data;
4. Existing and proposed transportation networks (e.g., pipeline corridors);
5. Existing and proposed infrastructure facilities;
6. Labor base; and
7. Materials availability.

B. *Scope of Programs Necessary to Explore NPR–4.*

FEA seeks to define, in as much detail as posible, a set of alternative exploraas possible, a set of alternative exploratory programs. FEA wants to examine a number of alternative programs, which should reflect varying rates of exploration as well as coverage of all NPR–4 potential (i.e., exploratory "zones").

1. Based in part on data developed at the hearings, FEA will define these exploratory programs in terms of:

a. Geophysical program adequate to explore the stratigraphic and structural areas of interest;

b. Exploratory well requirements, including location, depth, and timing;

c. Delineation well requirements; and

d. Environmental control needs.

2. For each program, FEA seeks data, comments and views on the cost, material, and manpower requirements, and on the extent to which environmental, finding rate, climate, and other uncertainties affect each possible program.

C. *Alternate Development and Production Efforts Needed to Bring NPR–4 into Production at the Earliest Time and/ or Maximize the "Present Value" of the Reserve.*

Based in part on data, comments and views advanced at the hearing, FEA will define three alternative development and production scenarios (based upon a small find, a medium find, and a large find of oil) needed to meet the Government's oil and gas development goals. In order to define these scenarios, FEA is especially interested in:

1. Estimates of the ability of NPR–4 to produce so as to meet the oil and gas needs of other States based on existing infrastructure and resource estimates and likely development timetables.

2. Development of reasonable estimates of market demand and possible resource levels, and identification of existing and potential constraints to such development. These scenarios should include the following considerations:

Level of oil and gas resources and timetable for exploration, development, production, and transportation alternatives;

Infrastructure, materials, and capital requirements of various production scenarios (including such questions as how large must discoveries be to justify connection to, or even expansion of, the Alaska oil pipeline and the proposed gas pipelines);

Role of Federal, State of Alaska, and native and local groups in participating in the development (including infrastructure) process;

Role of private industry in participating in each aspect of the exploration, development, and production process; and

Environmental protection requirements.

D. *Alternate Means of Achieving Government Exploration Goals for NPR–4.*

In order to assess impacts on the State of Alaska and its people, FEA seeks to identify and analyze various means of conducting the exploratory programs. FEA seeks to elicit data on a range of alternative institutional arrangements (i.e., industry, Government, and a combination of both), and on the distribution of the costs, risks, and benefits of each. In order to assist in evaluating the alternative means of conducting exploration, comments at the hearing should address the following:

1. To what extent is the system used by Canada in their frontier areas applicable to NPR–4 exploration?

2. What is the proper level of private participation, in view of the risks and benefits attached to various levels of participation? The options range from:

Limited—all Government wells and pipelines, similar to NPR–1 development, with private participation through contracting.

Extensive—privately owned wells and pipelines through competitive bid leases that provide adequate compensation to the Government in the form of bonuses, royalties, fixed prices, or profit-sharing agreements.

3. What are the various strategies by which a cooperative industry/Government effort might be implemented?

4. What criteria should be employed by the Government in selecting an exploration program?

E. *Social, Economic and Environmental Impacts of NPR–4 Exploration, Development and Production on the State of Alaska and on Alaskan Natives.*

In preparing its report, FEA is primarily interested in the environmental and socioeconomic impacts of exploration, development and production programs (including infrastructure) on the State of Alaska and its people. Special consideration should be given to the interests of Native Alaskans who reside on the reserve and who own or lease lands or mineral resources in near proximity to the reserves or pipelines.

1. *Environmental Impacts.* FEA invites submission of data and views that focus on specific environmental problems (e.g., impact on Caribou migration); and that offer specific recommendations to ameliorate any adverse impacts to the maximum extent practicable.

2. *Socioeconomic Impacts.* Data, comments and views at the hearing that treat socioeconomic issues should include the following:

Role of local and Native groups in participating in the development (including infrastructure) process;

Costs to the State of Alaska and Native Alaskans of providing infrastructure facilities and related services;

Benefits to State of Alaska and Alaskan Natives from NPR–4 development;

The impact of "new finds" and resultant oil and gas production on Native lands; and

Recommendations for provisions which might be made by the Government as a part of its NPR–4 development programs to accommodate Native interests similar to the requirements for jobs for Alaskan Natives in the construction of the Alyeska Pipeline.

Public Hearing

The public hearing will be held in two locations, Anchorage, Alaska and Barrow, Alaska. The hearing in Anchorage will begin at 9:00 a.m., Wednesday, April 7, 1976, at Z. J. Loussac Library, 427 F Street, Anchorage, Alaska 99501.

The hearing in Anchorage will continue on Thursday, April 8, 1976, if necessary. The hearing in Barrow will begin at 9:30 a.m., on Saturaday, April 10, 1976, at The Assembly Room, North Slope Borough Administration Building, Barrow, Alaska 99723.

Any person who has an interest in this proceeding, or who represents a group or class of persons that has an interest, may make a written or verbal request for an opportunity to make an oral presentation at the hearings. Such request must be delivered before 4:30 p.m., local time, April 2, 1976, to the FEA Alaska Subregional Office in Anchorage, Alaska, at G–11 Federal Office Building, 605 West Fourth Avenue, Anchorage, Alaska 99501, telephone, (907) 265–5361. A request may be hand delivered between the hours of 8 a.m. and 4:30 p.m. Monday through Friday. Requests to make an oral presentation should be submitted in accordance with the Request Procedures set forth below.

Request Procedures

The following request procedures are applicable to the hearings:

1. Persons requesting an opportunity to make an oral presentation to the appropriate address given above. Written requests should be labeled both on the document and the envelope, "NPR–4 Report Hearing."

2. The person making the request should briefly describe the interest concerned, give a concise summary of the proposed oral presentation and give a phone number where he or she may be contacted through April 5, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Monday, April 5, 1976.

3. The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

4. All those who are selected to testify must submit 10 copies of their statements on the day of the hearing.

5. An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject

matter of the hearings will be based on all information available to the FEA.

6. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit him to present it for answer.

7. Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

8. A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection between the hours of 8:00 a.m. and 4:30 p.m. daily (local time) at the following locations:

(a) Room 3400, the Administrator's Reception Area, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C.;

(b) FEA, Region X office, 1992 Federal Building, 915 Second Avenue, Seattle, Washington; and

(c) Region X Alaska Sub-regional Office at G-11 Federal Office Building, 605 West Fourth Avenue, Anchorage, Alaska.

9. Any person may purchase a copy of the transcript from the reporter.

10. Any questions concerning the hearing should be directed to the FEA, Region X office in Seattle, (206) 442-7285, or to the Region X Alaska Sub-regional Office in Anchorage, (907) 265-5361.

WRITTEN COMMENTS

Interested persons who do not intend to participate in the hearings, or who wish to submit additional information, are invited to submit written data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Washington, D.C. 20461. Such written comments should specify Box GG, at the address set forth above, and should be identified on the outside of the envelope and on documents submitted with the designation, "Naval Petroleum Reserve Number 4 Report."

Ten copies should be submitted. All comments received by April 9, 1976, and all relevant information, will be considered by the Federal Energy Administration. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to the determination.

Issued in Washington, D.C., March 18, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-8253 Filed 3-19-76;9:19 am]

ENVIRONMENTAL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee (EAC) will meet Wednesday, Apirl 7, 1976, at 9 a.m., Room 5041B, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide advice and information to FEA concerning environmental aspects of FEA policies and programs.

The agenda for the meeting is as follows:

1. Project Independence Evaluation System II.
   a. Discussion of FEA's Report.
   b. Status Report on Analysis of EAC Scenario.
2. Report and Recommendation from Energy Conservation Subcommittee.
   a. EAC Queries to FEA in Reference to the Annual Cycle Energy Systems.
   b. Queries on FEA's Views on S. 2932, the "Energy Conservation Act of 1976".
   c. Funding of FEA Energy Conservation Programs under EPCA.
3. EAC Assessment of its Effectiveness and Future.
4. Lunch.
5. Discussion of Richard Garwin's Submission on Solar Commercialization.
6. Industrial Energy Centers.
7. Report and Recommendations from Coal Leasing and Mining Subcommittee.
   a. FEA's Response of February 5, 1976 to EAC Letter of December 11, 1975.
   b. Draft EAC Letter on Subsidies for Synthetic Fuels Development.
8. Report and Recommendations from OCS Development/Energy Facility Siting Subcommittee.
   a. Status of EAC Letter on the OCS Issue.
   b. Energy Development Impact Aid Legislation.
   c. Tanker Standards.
9. Report and Recommendations from Transportation Subcommittee.

Subcommittees may meet informally in Washington, the preceding evening, at the discretion of the Subcommittee Chairmen; the meetings will be open to the public. For further information on subcommittee activities, call Lois Weeks, Director, Advisory Committee Management at (202) 961-7022.

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 the Director, Advisory Committee Management at least 5 days prior to 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 Enegry Administration.

Issued at Washington, D.C. on March 17, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-8104 Filed 3-18-76;9:38 am]

RETAIL DEALERS ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Retail Dealers Advisory Committee will meet Monday, April 26, 1976, at 9:30 a.m. in the Pavilion Room, The Fairmont Hotel, Atop Knob Hill, San Francisco, California.

The Committee was established to provide the Administrator, FEA, with expert technical and timely information on a wide range of activities associated with the retail sale of gasoline and diesel fuel.

The agenda for the meeting is as follows:

1. Standby Controls on Allocation and Pricing.
   a. Major Refiners.
   b. Medium-Size Refiners.
   c. Small Refiners.
2. New Business.
3. 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 permited 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 March 17, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-8105 Filed 3-18-76;9:39 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-396]

BANGOR HYDRO-ELECTRIC CO.

Compliance Filing

MARCH 15, 1976.

Take notice that on March 8, 1976, Bangor Hydro-Electric Company (Bangor) tendered for filing additional data in the above-captioned docket. Bangor states that on December 29, 1975, it tendered for filing a fuel adjustment clause for the Class E-1 Rate within its FPC Electric Tariffs. The Commission by letter dated January 27, 1976 declared such filing to be deficient in certain respects. The additional data is submitted in response to the Commission's letter of January 27, 1976 and is tendered to cure such deficiency.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before March 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8164 Filed 3-22-76;8:45 am]

CONSERVATION-TECHNICAL ADVISORY TASK FORCE—EFFICIENCY IN USE OF GAS

Meeting

Federal Power Commission, Union Plaza Building, Conference Room 5200, 825 North Capitol Street, NE., Washington, D.C. 20426, April 7, 1976, 9:30 a.m.

Presiding: Mr. James R. Kirby, Coordinating Representative & Secretary, Federal Power Commission.

Call to Order and Introductory Remarks—Mr. James R. Kirby.

Discussion of Task Force Progress to Date—Mr. James Woodruff and Mr. John A. Irwin.

Assignment of Work to Task Force Members—Mr. James Woodruff and Mr. John A. Irwin.

Establishment of Priorities and Completion Dates for Work of the Task Force—Mr. James Woodruff and Mr. John A. Irwin.

Selection of Next Meeting Date.

Discussion of Other Matters.

Adjournment—Mr. James Kirby.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8162 Filed 3-22-76;8:45 am]

[Docket No. CI76-203]

KEYSTONE FUEL OIL CO.

Findings and Order After Statutory Hearing Permitting and Approving Abandonment, Terminating Certificate and Cancelling FPC Gas Rate Schedule

MARCH 10, 1976.

On October 3, 1975, Keystone Fuel Oil Company, Inc., (Keystone) filed in Docket No. CI76-203 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Mid Louisiana Gas Company (Mid Louisiana) from certain acreage in Morehouse Parish, Louisiana (other Southwest Area), covered under a contract dated April 1, 1974. Keystone asserts that it was issued a small producer certificate in Docket Nos. CS75-142, *et al.* The gas is delivered into Ashland Oil, Inc.'s (Ashland) gathering system for redelivery to Mid Louisiana.

In its application Keystone shows as follows. It is currently selling its entire production to Mid Louisiana from approximately 80 acres in Morehouse Parish, Louisiana, on which it operates 2 wells. The gas is delivered to the gathering facilities of Ashland for redelivery to Mid Louisiana gathering system. Erratic pressures in Ashland's lines and declining wellhead pressures have caused damage to the wells isvolved. The wells deliver gas at pressures which average from 8 to 12 psig, whereas the operating pressures in Ashland's lines frequently reach 20 psig and usually average 16 psig. As a result thereof, the pressure differential is frequently so small that production is not adequate to prevent accumulation of water in the well bores, thus causing the wells to cease producing, necessitating expensive remedial work. The remedial work requires pumping the accumulated water from the well bore and venting the well to the atmosphere to restore the flow of gas; but even when the flow is induced again, damage is done to the well's production capability and the prospect of repeated production failures continue since the cause of the water accumulation has not been eliminated. The only alternatives to premature abandonment of the remaining gas would be either the installation of compression or finding another outlet which operates at a lower line pressure. Installation of compression is not economically practical because the result would be a small increase in production, and therefore the only realistic alternative is to seek another outlet for the production. The availability of gas from the wells involved would make such an alternate outlet possible. Estimated production from these wells in 1975 was 300 Mcf per month. Mid Louisiana concurs with the conclusion of the application.

According to the abandonment application, the last effective rate under the April 1, 1974, contract which expired by its own terms on July 1, 1975, was 41.0¢ per Mcf at 15.025 psia. Even though Mid Louisiana had offered to increase the price to 150% of the national base rate on the condition that Keystone refund down to the national rate, the increased price would not be sufficient to solve its delivery problem.

Under these circumstances to require continued service under the outstanding certificate would not serve the public interest. Abandonment should be granted.

At a hearing held on March 5, 1976, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, submitted in support of the authorization sought herein and upon consideration of the record,

The Commission finds: (1) Applicant, Keystone Fuel Oil Company, Inc., is a "natural gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sale of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the application, is subject to the requirements of Subsection (b) of Section 7 of the Natural Gas Act.

(3) The abandonment proposed by Applicant herein is permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of public convenience and necessary heretofore issued to Applicant in Docket No. CS75-142 should be terminated.

The Commission orders: (A) Permission for and approval of the abandonment of service by Applicant as heretofore described and as more fully described in the application, are granted.

(B) The certificate of public convenience and necessity issued in Docket No. CS75-142 is terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8161 Filed 3-22-76;8:45 am]

[Docket No. CP76-259]

MOUNTAIN FUEL SUPPLY CO.

Application

MARCH 15, 1976.

Take notice that on February 12, 1976, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP76-259 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 35 miles of 10-inch pipeline in Converse County, Wyoming, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it entered into a gas purchase and exchange agreement with Colorado Interstate Gas Company (CIG) dated July 5, 1973, for the sale of natural gas to CIG from the Spearhead Ranch field and commenced emergency construction of approximately 13-miles of 10-inch pipeline from the said field to the existing facilities of McCulloch Interstate Gas Corporation (McCulloch). Applicant further states that it entered into a gas transportation agreement dated September 5, 1973, for a term of five years with McCulloch, pursuant to which McCulloch agreed to accept and transport natural gas delivered to it by Applicant from the Spearhead Ranch area for the account of and for redelivery to CIG at a point of interconnection between CIG's and McCulloch's facilities near Douglas, Wyoming. Applicant states that the sale and exchange of natural gas was authorized by an order of the Commission issuing temporary authorization in Docket No. CP74–64.

Applicant states further that the transportation agreement between itself and McCulloch was amended concurrently with the gas sale and exchange agreement between itself and CIG on November 1, 1974, and November 29, 1974, to enlarge the area from which natural gas was dedicated to be sold and transported. It is stated that continued development to the Spearhead Ranch field has resulted in the discovery of natural gas outside of the area that is technically dedicated to the aforesaid agreements. Applicant estimates that it owns or controls by gas purchase contract about 32 billion cubic feet of gas reserves in the Spearhead Ranch area, and that the deliverability of the reserves is approximately 32,000 Mcf per day.

Applicant alleges that the additional gas available to Applicant requires that it enlarge the area dedicated under the forestated Applicant-CIG and Applicant-McCulloch agreements and that Applicant and CIG did agree to the enlarged dedicated area. It is stated that McCulloch has refused to enlarge the dedicated area by its letter dated October 16, 1975, and further, has notified CIG by letter dated July 14, 1975, of McCulloch's intention to terminate the present transportation agreement on September 5, 1978, the expiration dated of the primary period. Applicant further alleges that McCulloch filed a request with the Commission for a increase from 3.5 cents to 7.73 cents per million Btu transported, the higher of which rates is said to be equal to 9.76 cents per Mcf. Applicant states that McCulloch refuses to enlarge the dedicated area under the agreement even though it has excess capacity available in its pipeline facilities.

Applicant requests Commission authorization for the construction and operation of 35 miles of 10-inch pipeline and appurtenant facilities extending from the end of Applicant's existing facilities in Converse County, to a point of interconnection with CIG's facilities near Douglas, Wyoming. It is stated that the proposed facilities would parallel the existing 16-inch pipeline of McCulloch. Applicant estimates that the cost of the proposed facilities would be approximately $2,350,000, which costs would be borne out of revenues generated from internal sources or from short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission'e Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–8169 Filed 3–22–76;8:45 am]

[Docket No. ER76–546]

NIAGARA MOHAWK POWER CORP.

Tariff Filing

MARCH 15, 1976.

Take notice that Niagara Mohawk Power Corporation, on March 8, 1976, tendered for filing revisions to its Rate Schedule R–1 of FPC Electric Tariff, Original Volume No. 1. By the provisions of this rate schedule, Niagara Mohawk supplies wholesale electric service to the Villages of Richmondville and Green Island, both located in the State of New York.

The revisions are made to conform the fuel adjustment clause, contained in this rate schedule, with the provisions of the Commission's Order No. 517.

Copies of the filing were served upon the following:

Village of Richmondville, Richmondville, N.Y. 12149

Village of Green Island, 73 George Street, Green Island, N.Y. 12183

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All petitions or protests should be filed on or before March 29, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–8166 Filed 3–22–76;8:45 am]

[Docket No. RP73–48 (PGA76–2)]

NORTHERN NATURAL GAS CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

MARCH 15, 1976.

Take notice that Northern Natural Gas Company (Northern) on March 8, 1976 tendered for filing Eleventh Revised Sheet No. 3a of its F.P.C. Gas Tariff, Original Volume No. 4. Northern requests the proposed change to become effective April 1, 1976. Northern states that it would increase the rate per Mcf to jurisdictional customers by 6.72¢ per Mcf. Northern states that this change results from revised rates filed by Colorado Interstate on February 20 to become effective April 1, 1976. Northern states that the revised rates of Colorado Interstate reflect the effect of a refund in accordance with the Stipulation and Agreement of Settlement in Docket No. RP74–77 and Purchase Gas Adjustments. Northern states that Colorado Interstate is the pipeline supplier to Northern for sales made under Volume No. 4.

Northern states that copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8., 1.10). All such petitions or protests should be filed on or before March 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any

person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8163 Filed 3-22-76;8:45 am]

[Docket No. ER76-242]

NORTHERN STATES POWER CO.

Order Granting Motion and Rehearing for the Purpose of Further Consideration

MARCH 15, 1976.

On March 2, 1976 the Municipal intervenors in this proceeding filed a Motion for an Order Granting Application for Rehearing For Purposes Of Further Consideration. This motion states that Municipals and Northern States Power Company (NSP) have reached an agreement for settlement of the rate proceedings in Docket No. E-9148. The interventors state that the settlement should resolve the issues raised by their Application for Rehearing filed on February 18, 1976. Since it will be a matter of weeks before the settlement agreement is certified to the Commission, the intervenors request that we grant this application for rehearing for further consideration to hold action on the merits until the settlement agreement is acted upon.

The Commission finds: Good cause exists to grant the Municipal's Motion for Granting Rehearing of the Order issued January 19, 1976 in this proceeding for the purpose of further consideration.

The Commission orders: (A) The Municipals' Motion is hereby granted.

(B) Rehearing for the purpose of further consideration is hereby granted.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8170 Filed 3-22-76;8:45 am]

[Docket No. ER76-549]

PUBLIC SERVICE CO. OF COLORADO

Tariff Change

MARCH 15, 1976.

Take notice that Public Service Company of Colorado (PSCO) on March 5, 1976 tendered for filing proposed changes in its FPC Electric Service Tariff. PSCO states that the proposed change is Supplement No. 8 (Supplement) to PSCO's Contract for Interconnections and Transmission Service with United States Department of the Interior, Bureau of Reclamation, Pick-Sloan Missouri Basin Program—Western Division, Colorado River Storage Project (USBR) on file with the Commission under PSCO's FPC Rate Schedule No. 7.

The Supplement, dated June 13, 1975, grants PSCO permission to construct and maintain additional facilities at its existing point of delivery for transmission service at USBR's Sterling Substation. The additional facilities are being installed to enhance the protection of PSCO's and USBR's system.

PSCO states that copies of the filing were served upon all parties to the Agreement and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests or petitions should be filed on or before March 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8168 Filed 3-22-76;8:45 am]

[Docket No. ER76-550]

PUBLIC SERVICE CO. OF COLORADO

Tariff Change

MARCH 15, 1976.

Take notice that Public Service Company of Colorado (PSCO) on March 5, 1976 tendered for filing proposed changes in its FPC Electric Service Tariff. PSCO states that the proposed change is a letter agreement (Letter Agreement) with Southern Colorado Power, a Division of Central Telephone and Utilities Corporation (Southern Colorado) which supplements a Power Purchase Agreement with Southern Colorado on file with the Commission under PSCO's FPC Rate Schedule No. 13.

The Letter Agreement provides for an interconnection of electrical facilities at PSCO's Boone Substation. The interconnection is necessary to provide additional transmission facilities between PSCO's Comanche Plant and its Midway Substation. Also, it provides a source of power to transmission facilities in the area as growth necessitates.

PSCO states that copies of the filing were served upon all parties to the Agreement and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests or petitions should be filed on or before March 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8165 Filed 3-22-76;8:45 am]

[Project No. 1895]

SOUTH CAROLINA ELECTRIC & GAS CO.

Application for the Use of Project Property

MARCH 15, 1976.

Public notice is hereby given that an application was filed on January 19, 1976, under the Federal Power Act, 16 U.S.C. 791a–825r, by South Carolina Electric & Gas Company (SCE&G) (Correspondence to: Mr. Edward Roberts, Senior Attorney, and Mr. W. E. Moore, Manager, Hydroelectric Engineering, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218; and to Messrs. Peyton G. Bowman, III, and Brian McManus, Reid & Priest, Attorneys at Law, 1701 K Street, N.W., Washington, D.C. 20006), for Commission approval of a request to permit the South Carolina Highway Department (Highway Department) to use Columbia Project No. 1895 lands located in Richland County, South Carolina, at the confluence of the Broad and Saluda Rivers, within the City of Columbia.

SCE&G requests Commission authorization to grant to the Highway Department an additional width of right-of-way over Columbia Project No. 1895 lands and waters for the purpose of widening the existing Interstate Highway I–26 Bridge from four to six lanes at the foot of Elmwood Street, crossing the Broad River at its confluence with the Saluda River. In the locale of project crossing, the present 150 foot I–26 right-of-way would be widened on the south to coincide with the northern boundary of the Seaboard Coastline Railroad right-of-way, providing an extra width of 105 feet on the western side and 110 feet on the eastern side of Columbia Project lands. The new bridge would be of similar structural design as the existing bridge and would be used to carry eastbound traffic with the existing Bridge then carrying westbound traffic.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commissionby Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b) (18 C.F.R. § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. The applicant or initial pleader has requested that the shortened procedure of Section 1.32(b) be issued. If an issue of substance is raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for aplicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-8167 Filed 3-22-76;8:45 am]

FEDERAL RESERVE SYSTEM

CITI BANCORP

Formation of Bank Holding Company

Citi Bancorp, Lincoln, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97.8 per cent of the voting shares of Citibank and Trust Co. of Lincoln, Lincoln, Nebraska. 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 Kansas City. 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 no later than April 7, 1976.

Board of Governors of the Federal Reserve System, March 12, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8180 Filed 3-22-76;8:45 am]

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, as applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Commerce Bank of Grandview, N.A., Grandview, Missouri, a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted on behalf of the Grandview Bank and Trust Company, Grandview, Missouri, and Bank of Belton, Belton, Missourt ("Protestants"), in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Missouri, controls 31 banks with aggregate deposits of approximately $1.2 billion, representing 8.4 percent of total deposits in commercial banks in the State. (All banking data are as of December 31, 1974, and reflect bank holding company formations and acquistions approved by the Board through June 30, 1975.) Since Bank is a proposed new bank, its acquisition by Applicant would not increase the concentration of banking resources in Missouri nor change Applicant's rank among banking organizations in the State.

Bank is to be located near U.S. 71 in the city of Grandview, a residential community of approximately 23,000 in the south-central portion of the Kansas City market.[1] One of the protestants, (Grandview Bank and Trust Company) is the only bank presently located in Grandview. Applicant is the largest banking organization in the revelant market with five of its subsidiary banks holding 13.9 percent of the deposits in the market; however, it does not appear that Applicant holds a dominant position in the market. The second and third largest banking organizations in the market are of comparable size to Applicant, and the market also includes subsidiaries of some of the State's largest banking organizations. Since Bank is a proposed new bank, consummation of the proposal would not eliminate any existing competition, nor does it appear that the proposal would have adverse effects on potential competition. Since Applicant's subsidiaries are now precluded from establishing offices in the city of Grandview proper because of Missouri's branching laws, the subject proposal represents the only means by which Applicant can extend its operations in that city. Moreover, it appears that the proposal may increase competition in this area through the introduction of another competitor. Accordingly, on the basis of the facts of record, the Board concludes that consummation of the proposal would not have significant adverse effects on existing or potential competition and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory and consistent with approval of the application. Similarly, the financial and managerial resources and future prospects of Bank as a subsidiary of Applicant are satisfactory and consistent with approval of the application. Since Grandview is located in the Kansas City market, the residents of the area have a full range of banking services available to them from the banks in that market. However, as noted above, there is only one bank located in Grandview at the present time. Thus, consummation of this proposal would benefit the convenience and needs of the area by introducing an alternative source of a full range of banking services. The Board regards such a factor as lending weight toward approval of the application.

In its review of the subject application, the Board has given careful consideration to the comments submitted on behalf of Protestants, two banks that are located near the proposed site of Bank. In adddition to requesting a hearing on the application and a delay in the processing, which requests the Board has denied,[2] Protestants contend, *inter alia*, that Bank's proposed affiliation with Applicant would offend Missouri law prohibiting branch banking, R.S. Mo. § 362.-105(1). The facts of record indicate that Bank will be a separate corporation, with its own reserve requirements and capital stock and a loan limit based on such capital stock; that Bank will be managed by its own officers; that Bank's board of directors will be generally separate and independent from the boards of Applicant and of Applicant's subsidiaries; and that Bank will maintain its own separate books of account,[3] issue its own distinctive checks, and use its own stationery. Applicant further states that Bank will be managed by its own local officers and that money deposited at Bank will not be credited to the ac-

[1] The relevant banking market is approximated by Clay, Jackson, and Platte Counties and the northern half of Cass County, Missouri, and Johnson and Wyandotte Counties in Kansas. Protestants have urged that the relevant market is Jackson County; however, economic and demographic considerations indicate that Jackson County is not a separate market insulated from the competitive influence of the other banks in the overall Kansas City area. Accordingly, the Board concludes that the relevant market is as hereinbefore described.

[2] Protestants requested that the Board hold a hearing on the application and that the Board delay acting on the application until a suit which Protestant, Grandview Bank and Trust Company, has filed against the Comptroller of the Currency is resolved. Under § 3(b) of the Act, the Board is required to hold a hearing when the primary supervisor of the Bank to be acquired recommends disapproval of the application (12 U.S.C. 1842(b)). In this case, after a hearing on the charter application, the Comptroller of the Currency issued preliminary charter approval to Bank on January 23, 1975, and he has not subsequently recommended that the subject application be denied. Thus, there is no statutory requirement that the Board hold a hearing. In view of the Board's conclusion that the record in this case is sufficiently complete to render a decision, the Board has denied Protestant's requests for a hearing and a continuance pending resolution of Protestant's action versus the Comptroller of the Currency.

[3] Applicant states, however, that one of its affiliates, Compac Services, Inc., may provide automated general ledger service to Bank.

count of a depositor at any other banking subsidiary of Applicant and, conversely, any money deposited at any other banking subsidiary of Applicant will not be credited to the account of a depositor at Bank.

The Board concludes, based upon the above and other facts of record, that Applicant is a "traditionally recognized bank holding company which, with its own capital, invests in or buys the stock of banks," *Whitney National Bank* v. *Bank of New Orleans*, 323 F. 2d 290 (D.C. Cir. 1963), *rev'd on other grounds*, 379 U.S. 411 (1965), and that, upon consummation of the proposed acquisition, a unitary operation will not exist between Bank and any of Applicant's other banking subsidiaries.

In view of the foregoing discussion and having considered the facts of record and all the comments of Protestants in light of the statutory factors the Board must consider under § 3(c) of the Act, it is the Board's judgment that consummation of the subject proposal would be in the public interest and that the application to acquire Bank should be approved.

Accordingly, on the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Commerce Bank of Grandview, N.A., Grandview, Missouri, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 15, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8181 Filed 3-22-76;8:45 am]

COMMERCIAL NATIONAL CORP.

Proposed Acquisition of Commercial National Life Insurance Company

Commercial National Corporation, Peoria, Illinois, 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 voting shares of Commercial National Life Insurance Company, Scottsdale, Arizona, a proposed new company. Notice of the application was published on February 21, 1976 in the Journal Star, a newspaper circulated in Peoria, Illinois.

Applicant states that the proposed subsidiary would engage in the activities of underwriting credit life and credit accident and health insurance related to extensions of credit by Applicant's bank holding company system; presently, the only subsidiary of Applicant extending credit is Commercial National Bank of Peoria, Peoria, Illinois. 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 acordance 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 April 13, 1976.

Board of Governors of the Federal Reserve System, March 15, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8182 Filed 3-22-76;8:45 am]

RIBANCO, INC.

Order Approving Acquisition

Ribanco, Inc., North Loup, Nebraska ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of Regulation Y, for permission to acquire 100 percent of the voting stock of Rising City Insurance Agency, Inc., Rising City, Nebraska ("Agency"). Applicant, through Agency, would conduct a general insurance agency business that would include the sale of accident and health insurance, fire and casualty insurance, and credit life and credit accident and health insurance in a community of less than 5,000 population. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

This application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under the provisions of section 265.2(f)(32) of Rules Regarding Delegation of Authority.

Notice of receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given (41 FR 825). The time for filing comments and views has expired and none has been received. This Reserve Bank has considered the application in light of the public interest factors set forth in section 4(c)(8) of the Act.

Applicant controls one bank with deposits of $7.9 million, representing approximately .67 percent of the total deposits in commercial banks in Nebraska (all banking data are as of June 30, 1975).

Agency engages in the business of a general insurance agency in Rising City, Nebraska, a community with a population of less than 5,000 persons. Inasmuch as Agency is presently controlled by the same shareholders who control Applicant, this proposal essentially represents a restructuring of the existing relationship. Accordingly, it does not appear that consummation of this proposal would have any adverse effect on competition in any relevant area.

It is anticipated that consummation of this proposal will assure the residents of Rising City of a continued alternative source of insurance services. There is no evidence in the record to indicate that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects upon the public interest.

Based on the foregoing and other considerations reflected in the record, this Reserve Bank has determined, in accordance with the provisions of section 4(c)(8), that consummation of the proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects and that the application to acquire Agency should be approved.

Pursuant to authority delegated by the Board, this Reserve Bank approves the application for the reasons summarized above. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modifications or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

MARCH 11, 1976.

[FR Doc.76-8183 Filed 3-22-76;8:45 am]

SOUTHEAST BANKING CORP.

Order Denying Acquisition of Bank

Southeast Banking Corporation, Miami, Florida ("Applicant"), a bank holding company within the meaning of

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governors Holland and Partee.

the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Worth Avenue National Bank, Palm Beach, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Florida, controls 47 banks with aggregate deposits of approximately $2.6 billion, representing approximately 10.8 percent of the total deposits in commercial banks in Florida.[1] Acquisition of Bank ($28.1 million in deposits) would increase Applicant's share of the total commercial bank deposits in the State by 0.1 of 1 percent and would not significantly increase the concentration of banking resources in Florida.

Bank ranks 12th among the 21 banking organizations located in the West Palm Beach banking market (approximated by the upper two-thirds of Palm Beach County) and controls approximately 2.3 percent of total market deposits. Applicant's closest banking subsidiary to Bank is located approximately 28 miles southwest of Bank in a separate banking market. There is no significant existing competition between any of Applicant's banking or nonbanking subsidiaries and Bank, and it appears unlikely that any such competition would develop in the future. Since a number of other banks would remain as potential entry points, ease of entry into the market would not be significantly diminished by the proposed acquisition. Therefore, on the basis of the record, the Board concludes that consummation of the proposal would not have significant adverse effects on existing or potential competition in any relevant area.

As the Board has previously stated on a number of occasions, a bank holding company should be a source of financial and managerial strength for its subsidiary banks. Acquisition of Bank at this time, especially in light of Bank's financial and managerial needs, would necessarily divert some of Applicant's attention and resources from its present subsidiaries. Applicant's recent acquisition of the financially-troubled Palmer Bank Corporation,[2] has placed additional demands upon the financial and managerial resources of Applicant. While Applicant has taken vigorous steps to meet these demands, including reducing its annual dividends, it is the Board's view that, at the present time, Applicant would better serve the public by directing its resources toward developing and maintaining strong and efficient operations within its existing and recently expanded structure. Accordingly, the Board concludes that the considerations relating to the financial and managerial aspects of Applicant's proposal weigh against approval of the application.

Applicant claims that through affiliation Bank will be capable of offering additional services to its customers, including trust and investment services. While convenience and needs considerations appear to be consistent with approval of the application, they are not sufficient, in the Board's judgment, to outweigh the aforementioned adverse banking factors reflected in the record. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[3] effective March 16, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8184 Filed 3-22-76;8:45 am]

[1] All banking data are as of June 30, 1975, and reflect bank holding company formations and acquisitions approved through January 31, 1976.

[2] Board Order dated November 17, 1975, approving the application of Southeast Banking Corporation, Miami, Florida, to acquire Palmer Bank Corporation, Sarasota, Florida.

[3] Voting for this action: Chairman Burns and Governors Gardner, Wallich, and Coldwell. Absent and not voting: Governors Holland, Jackson, and Partee.

SOUTHWEST FLORIDA BANKS, INC.

Acquisition of Bank

Southwest Florida Banks, Inc., Fort Myers, Florida, 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 80 per cent or more of the voting shares of First National Bank and Trust Company of Naples, Naples, Florida. 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 Atlanta. 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 April 13, 1976.

Board of Governors of the Federal Reserve System, March 15, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8185 Filed 3-22-76;8:45 am]

UNION-ADAMS BANCORP.

Formation of Bank Holding Company

Union-Adams Bancorp., Creston, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 83.81 per cent or more of the voting shares of the Iowa State Savings Bank, Creston, Iowa. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 7, 1976.

Board of Governors of the Federal Reserve System, March 15, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-8186 Filed 3-22-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 17, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before April 12, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

The Federal Energy Administration requests clearance of its Form G101-P-1, Alternative Fuel Demand Due to Natural Gas Curtailment which is a revision of Form G101-Q-0, Alternative Fuel Demand Due to Natural Gas Curtailment, and will replace that form. FEA Form G101-P-1 has been simplified and condensed from the old G101-Q-0 form. Some data elements have been expanded (specifically for hospitals and schools) to better clarify the natural gas curtailment problem. FEA estimates the number of respondents to be approximately 1700. The average time to complete each form is estimated by FEA to be 250 hours.

The form has been changed from quarterly submission to semi-annually submission.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-8150 Filed 3-22-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

BROOMS

Estimated Domestic Consumption

MARCH 17, 1976.

To the President: In accordance with Executive Order 11377 of October 23, 1967 (copy attached), to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), the U.S. International Trade Commission herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1975, and the basis for that estimate. For convenience, the Commission also reports corresponding data for the years 1965 and 1974.

Estimated consumption of broom corn brooms.

In the judgment of the Commission, consumption in the calendar years 1965, 1974, and 1975 of brooms wholly or in part of broom corn was as shown in the table below:

Brooms, wholly or in part of broom corn—U.S. consumption, 1965, 1974, and 1975

[In dozens]

Type of broom	1965 [1]	1974 [2]	1975
Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive, of the tariff schedules	470,612	410,246	376,025
Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive, of the tariff schedules	2,878,995	2,480,646	2,270,010

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Apr. 1, 1975.

Basis for the Commission's judgment with respect to broom corn brooms.

The Commission estimated consumption of broom corn brooms in 1975 by the same methods it used to estimate consumption in its previous reports pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and subtracting therefrom the quantity of exports. Data on imports were obtained from the U.S. Customs Service, Department of the Treasury; data on shipments and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

The data for each of the components used in the computation of apparent annual consumption of broom corn brooms was as shown in the table below:

Whiskbrooms provided for in TSUS items 750.26 to 750.28, inclusive, and other brooms provided for in TSUS items 750.29 to 750.31, inclusive—U.S. producers' shipments, imports, exports, and apparent consumtpion, 1965, 1974, and 1975

[In dozens]

Item	1965 [1]	1974 [2]	1975
	Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive		
U.S. producers' shipments	318,691	294,885	255,379
Imports	152,686	116,327	121,102
Exports	765	966	456
Apparent consumption	470,612	410,246	376,025
	Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive		
U.S. producers' shipments	2,596,457	2,255,341	2,120,341
Imports	296,897	229,881	153,638
Exports	14,359	4,576	3,969
Apparent consumption	2,878,995	2,480,646	2,270,010

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Apr. 1, 1975.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.76-8110 Filed 3-22-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

Agenda Change

MARCH 18, 1976.

The agenda for the meeting previously announced for April 12 and 13, 1976, in the FEDERAL REGISTER of March 12, 1976, has been changed to include discussions of future use of the GLOMAR EXPLORER and of ocean and coastal resources, science and technology legislation, rather than the briefings on diving technology originally scheduled. The amended agenda is as follows:

Monday, April 12, beginning at 9:00 a.m.

MORNING

Briefing on some issues in Defense Department marine and atmospheric research NACOA discussions of:

Future use of the GLOMAR EXPLORER, Ocean and coastal resources, science and technology legislation.

AFTERNOON

Continuation of above NACOA discussions.

Plans for 5th Annual Report.

Work group sessions on topics for annual report including tentatively: weather modification, weather and air safety, research and air pollution control, climate programs, Sea Grant, coastal zone management, energy from the sea, Federal organization, defense oceanography, protection of offshore assets, diving physiology, submersibles, and follow-up to recommendations in previous reports such as: fisheries plan, ocean engineering, etc.

Tuesday, April 13, beginning at 9:00 a.m.

Continuation of work group sessions.

Adjournment at approximately 4:30 p.m.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is (202) 967-3343. (NOTE: Effective 6 p.m. April 2, 1976, that number will be changed to 377-3343).

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.76-8211 Filed 3-22-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

PUBLIC MEDIA ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Public Media Advisory Panel to the National Council on the Arts will be held on April 7, 1976 from 9:30 a.m.-3:30 p.m. in room 1215 of the Columbia Plaza Building, 2401 E Street NW., and on April 8, 1976 from 9:00 a.m.-4:30 p.m. inthe 5th floor conference room of the Corporation for Public Broadcasting, 1111 16th Street NW., Washington, D.C.

A portion of this meeting will be open to the public on April 7 from 9:30 a.m.-1:00 p.m. on a space available basis. Accommodations are limited. There will be a policy discussion of Public Media's Cable Intern Program.

The remaining sessions of this meeting on April 7 from 1:00 p.m.-3:30 p.m. and on April 8 from 9:00 a.m.-4:30 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 Endownment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-8307 Filed 3-22-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY GROUPS ON CONTRIBUTIONS OF TECHNOLOGY TO ECONOMIC STRENGTH, AND ANTICIPATED ADVANCES IN SCIENCE AND TECHNOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subgroup on Food and Nutrition of the Advisory Groups on Contributions of Technology to Economic Strength, and Anticipated Advances in Science and Technology.
Date: April 9, 1976.
Time: 10:00 a.m. to 5:00 p.m.
Place: Dean's Conference Room in Education Building (Corner Eastchester Ave. and Morris Park Avenue) Albert Einstein College of Medicine, Bronx, New York.
Type of meeting: Open.
Contact person: Dr. Richard C. Staples, Policy Research and Analysis Division, National Science Foundation, Washington, D.C. 20550, telephone 202-632-7800.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of meeting: To review the list of issues and develop a list of the most important potential policy recommendations to be made to the two advisory groups on Science and Technology in the area of food and nutrition. For this purpose, the committee will focus on the policies or commitments that this country has either consciously or unconsciously followed in the fields of food production and distribution especially with regard to our ability to feed ourselves, to help the rest of the world to feed itself, to help to relieve acute famines elsewhere in the world and to improve our financial and political position in the world. In addition, the committee will develop a list of consultants with appropriate backgrounds in topical areas such as food production, processing, distribution, consumption, and nutrition for reviewing and commenting on potential recommendations.
Agenda: 10:00—Remarks by the Chairman. 10:15—Subgroup discussion of major issues. 12:30—Recess. 2:00—Subgroup discussion to complete list of most important potential recommendations. 2:45—Subgroup discussion to develop list of consultants. 3:15—Consideration of future activities. 5:00—Adjournment.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 17, 1976.

[FR Doc.76-8087 Filed 3-22-76;8:45 am]

ADVISORY PANEL FOR SCIENCE EDUCATION PROJECTS

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

NAME: Subpanel on Minority Institutions Science Improvement Program (MISIP), Advisory Panel for Science Education projects.
Dates and Times: April 14, 1976—8 p.m. to 9 p.m., April 15 and 16—9 a.m. to 5 p.m. each day, April 17—9 a.m. to 12 noon.
Place: Sheraton-Park Hotel, 2660 Woodley Road, N.W., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Shirley M. McBay, Program Manager, MISIP, Room W-450, National Science Foundation, Washington, D.C. 20550, tel: (202) 282-7760.
Purpose of subpanel: To provide advice and recommendations concerning support in the MISIP Program.
Agenda: To review and evaluate specific education proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4), (5), and (6) of the U.S.C. 552(b), Freedom of Information Act.
Authority to close meeting: The determination made by the Committee Management Officer pursuant to provisions of Section 10(d) of Public Law 92-463.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 18, 1976.

[FR Doc.76-8149 Filed 3-22-76;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 March 9, 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

RAILROAD RETIREMENT BOARD

Work and earnings may affect your railroad retirement annuity, G-103, on occasion, retirement annuitants, Caywood, D. P. 395-3443.

DEPARTMENT OF COMMERCE

Bureau of Census 1976, Recordkeeping Practices survey (mailout forms), S428 (L-2), S-427, S-429, single-time, large, industrial, commercial, construction, Peterson, M. O. 395-5631.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, CMHC grant applications package, PHS 5161-1, on occasion applicants for CMHC grants, human resources division, Lowry, R. L. 395-3532.

DEPARTMENT OF TRANSPORTATION

Departmental and other notice of section 503 data request, single-time, all class I railroads, Lowry, R. L. 395 3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-8282 Filed 3-22-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19433; (70-5815)]

AMERICAN ELECTRIC POWER CO., INC.

Certificate of Incorporation To Increase Authorized Shares of Common Stock and Order Authorizing Solicitation of Proxies in Connection Therewith

MARCH 17, 1976.

Notice is hereby given that American Electric Power Company, Inc. ("AEC"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(e)(2), 7(e) and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to amend its Certificate of Incorporation to increase the number of shares of its common stock, par value $6.50 per share, which AEP is authorized to issue from 100,000,000 to 125,000,000 shares. At the present time, 83,000,000 shares are outstanding and after the completion of a rights offering, authorized by Commission order February 11, 1976 (HCAR No. 19382), there will be 93,000,000 shares outstanding.

AEP intends to submit the proposed amendment of its Certificate of Incorporation to its shareholders for their consideration and approval at the annual meeting to be held on April 28, 1976. In connection therewith, AEP proposes to solicit proxies from the holders of its common stock through the use of solic-

itation material which sets forth the proposal in detail. AEP also proposes to solicit proxies for the election of directors, for the approval of the selection of auditors, and for the approval of an employee stock purchase plan. The proposed amendment to the Certificate of Incorporation increasing the number of authorized shares requires an affirmative vote of a majority of the shares present or represented at the meeting.

It is stated that the construction expenditures for 1976 of AEP's operating subsidiaries will aggregate about $583,000,000, and, in order to finance such a construction program, it may be necessary for AEP to invest up to $100,000,000 in the common equities of its operating subsidiaries. In connection therewith, it may also be necessary for AEP to raise additional monies through the issue and sale of shares of its common stock in 1977.

The fees and expenses to be incurred by AEP in connection with the proposed transaction, including legal fees, are estimated not to exceed $133,250. An organization tax payable to the State of New York upon filing the increase in the number of shares of AEP's common stock is estimated at $81,250. The declaration states that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 16, 1976, request in writing that a hearing be held with respect to the proposed transaction, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, as amended, insofar as it proposes the solicitation of proxies from AEP's common stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

IT IS ORDERED that the declaration, as amended, regarding the proposed solicitation of proxies from AEP's common stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-8227 Filed 3-22-76;8:45 am]

[Release No. 34-12213; File No. SR-AMEX-76-7]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations

The American Stock Exchange, Inc., submitted on February 27, 1976, a rule change under Rule 19b-4 amending the fees charged for last sale information. The text of the rule change is as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc., (Amex) proposes to revise its free schedule applicable to Amex last sale information distributed to news services and, through vendors, to subscribers of interrogation devices. New material is underscored. Material deleted is enclosed in [brackets].

Last sale information monthly charge

	(Previous rate)	(New rate)
i. News services	[0]	$250.00
ii. Vendors	[0]	250.00
iii. Subscribers of last sale interrogation device service.		
Per unit in an office	[$7.75]	7.82

On April 30, 1976, when Phase II of the consolidated transaction reporting system becomes effective pursuant to Securities Exchange Act Release No. 12138 these fees will be charged by the Consolidated Tape Association for the receipt of consolidated last sale reports.[1]

[1] Section XI(c) of the Joint Industry Plan for the operation of the consolidated transaction reporting system provides in part that:

Charges to subscribers, Vendors and others for the privilege of reeciving current consolidated last sale prices disseminated over Network A following commencement of Phase II shall initially be the same as the charges imposed for the privilege of receiving the last sale prices of NYSE disseminated over Network A immediately preceding the commencement of Phase II. . . . Such charges as in effect at the commencement of Phase II will be furnished to CTA and the SEC. Any additions, deletions or modifications in any such charges following the commencement of Phase II shall be established by amendment to the Plan adopted and filed as provided in Section III(b) hereof.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before April 22, 1976. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-76-7.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing will also be available at the principal office of the abovementioned self-regulatory organization.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 16, 1976.

[FR Doc.76-8235 Filed 3-22-76;8:45 am]

[Rel. No. 19432; (70-5823)]

APPALACHIAN POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding and Issuance and Sale of Common Stock by Subsidiary to Holding Company

MARCH 17, 1976.

NOTICE IS HEREBY GIVEN that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, and Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, its electric utility subsidiary company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(b) and 10 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $60,000,000 principal amount of First Mortgage Bonds, to mature in not less than 5 and not more than 30 years. The interest rate (which will be expressed in a multiple of ⅛ of 1%) and the price to be paid to Appalachian for the Bonds (which shall not be less than 100% unless

Appalachian shall authorize a lower percentage not less than 99%, and shall not exceed 102.75%) will be determined by competitive bidding. The terms of the Bonds preclude Appalachian from redeeming any such Bonds prior to April 1, 1981, if such redemption is for the purpose of refunding such Bonds with proceeds of funds borrowed at a lower effective interest cost. The Bonds will be issued under and secured by the Mortgage and Deed of Trust, dated as of December 1, 1940, to Bankers Trust Company and G. E. Maier ("Trusttes"), and a new Indenture Supplemental thereto which will be dated as of the first day of the month in which the Bonds are to be issued. Appalachian will notify prospective bidders, not less than 72 hours prior to the time for receiving bids, of the maturity date of the Bonds.

Appalachian also proposes to issue and sell to AEP, its parent, and AEP proposes to purchase from Appalachian, 750,000 shares of Appalachian common stock, no par value, at a price per share of $40, for a total consideration of $30,000,000. By previous order of this Commission, dated June 30, 1975 (HCAR No. 19067), AEP was authorized to purchase from time to time prior to June 30, 1976, a total of 1,250,000 shares of common stock of Appalachian at a price per share of $40, or a total consideration of $50,000,000. Pursuant to that authorization, AEP has purchased 625,000 shares for a total consideration of $25,000,000. AEP, therefore, seeks authorization to acquire an additional 125,000 shares for a total consideration of $5,000,000. It is proposed that AEP purchase the said 750,000 shares upon the receipt of the required authorization and prior to the issuance and delivery of the Bonds.

The proceeds realized from the sale of the Bonds and common stock, except to the extent that proceeds from the sale of the Bonds will be required to be deposited with the Trustees under Appalachian's Mortgage and Deed of Trust, are to be used to retire unsecured short-term debt of Appalachian and to help finance its construction program. As of February 29, 1976, Appalachian had $2,000,000 principal amount of unsecured short-term debt outstanding; and it is expected that Appalachian will have short-term debt outstanding not to exceed $35,000,000 at the time of the issue and sale of the bonds and common stock. The estimated cost of Appalachian's construction program for 1976 is approximately $130,000,000.

Expenses of Appalachian in connection with the proposed transactions will be filed by amendment. It is stated that the proposed issuance and sale of the Bonds and common stock is subject to the jurisdiction of the State Corporation Commission of Virginia and the Public Service Commission of Tennessee and that the proposed issuance and sale of the common stock is also subject to the jurisdiction of the Public Service Commission of West Virginia. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 9, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-8223 Filed 3-22-76;8:45 am]

[Release No. 34-12227; File No. SR-BSE-76-7]

BOSTON STOCK EXCHANGE

Self-Regulatory Organization, Constitutional Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given that on March 17, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed constitutional change as follows:

Statement of the Terms of Substance of the Proposed Constitutional Change Article I—Section 3(a)(b)(c) of the Constitution.

Section 3(a) *"Associated Person"* or *"Person Associated"* with a Broker or Dealer shall have the meanings assigned to such terms pursuant to Section 3(a)(18) of the Securities Exchange Act of 1934.

Section 3(b) *Member.* The term "Member" means any person who is a Member of the Exchange as of January 1, 1976, or who is admitted to membership in accordance with Article XI, Section 1 hereof.

Section 3(c) *Member Organization.* The term "Member Organization" means any broker or dealer which is a Member Firm or Member Corporation of the Exchange January 1, 1976, or which qualifies as a Member Organization in accordance with Article XI, Section 2, hereof. In this constitution, if a member organization is a partnership, it may be referred to as a "Member Firm" and, if a corporation, as a "Member Corporation." A Member Organization may designate any one of its associated persons to be a Member of the Exchange. Article XI of the Constitution.

Section 1. *Qualification for Membership.* The Exchange shall, upon application, accept for membership any natural person associated with a broker or dealer which is a Member Organization (a) who is designated by such member organization as its representative generally, with respect to all transactions, dealings and business which such member organization might have on the floor of, or with or through, the Exchange, (b) who is not subject to a statutory disqualification, (c) who meets such standards of training, experience and competence as the Board of Governors prescribes for members, and (d) who signs the constitution as provided in Section 8 of this Article.

Section 2. *Qualification of Member Organization.* The Exchange shall, upon application, qualify as a Member Organization any broker or dealer registered as such with the Securities and Exchange Commission (a) which is not subject to a statutory disqualification, (b) which meets such standards of financial condition and operational capacity as are set forth in Section 3 hereof and (c) which, with its associated persons, either has not engaged in or is not reasonably likely again to engage in acts or practice inconsistent with just and equitable principles of trade.

Section 3. *Standards of Financial Condition and Operation Capacity.* Any registered broker or dealer making application as a member organization must affirmatively demonstrate that it has (i) sufficient resources, including bonds and policies of insurance, and (ii) adequate operational capability, including skilled personnel, physical facilities, training programs, books, records, systems and facilities, to fulfill its anticipated obligations and commitments under the Securities Exchange Act, the Rules and Regulations issued thereunder, the Constitution and Rules of the Exchange, and otherwise, to the Exchange, its subsidiaries, customers, members and other persons with whom it may deal.

Section 4. *Application for Participation.* Application to become a member or member organization shall be in such form as is prescribed by the Exchange.

Section 5. *Investigation and Acceptance by Exchange.* Upon receipt of an application to become a Member or Member Organization together with such investigation fee as the Exchange may prescribe, the Exchange, through its Admissions Committee, shall make appropriate investigation and examination of the applicant and its associated persons, and shall notify applicant of

its acceptance, rejection, or conditional acceptance, together with the grounds for any rejection, or conditional acceptance. In making its determination, the Exchange may hold such hearings and make such independent investigation as it may, in its discretion, determine. Notwithstanding the foregoing, the Exchange may decline to accept the application of any applicant upon a determination by the Board of Governors of the Exchange that the Exchange does not have adequate personnel, space, data processing or other operational capability at that time to furnish service to additional applicants or the particular applicant (due to the expected volume of its transactions) without impairing the ability of the Exchange to provide.

Present Section 2 renumbered to Section 6.

Present Section 3 renumbered to Section 7.

Present Section 4 renumbered to Section 8.

Present Section 5 renumbered to Section 9.

Present Section 6 renumbered to Section 10.

Present Section 7 renumbered to Section 11.

Present Section 8 renumbered to Section 12.

STATEMENT OF BASIS AND PURPOSES

Purpose of the Proposed Constitutional Change. The purpose of the constitutional change is to clearly define members, member organization, and associated persons pursuant to Section 3(a)(18) of the Securities Exchange Act of 1934 and to revise the qualifications for membership as required by the 1975 amendments to the Securities Exchange Act of 1934.

Bases of the Proposed Constitutional Change. a(i) Not applicable, (ii) Not applicable, (iii) Not applicable, (iv) Not applicable, (v) Not applicable, (vi) Not applicable, (vii) Not applicable.

Comments Received From Members, Participants or Others on Proposed Constitutional Change. The change was submitted to a vote of the membership and no comments or objections were received.

Burden on Competition. No burden on competition is perceived by adoption of the proposed amendment.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, 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, 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 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 April 19, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 17, 1976.

[FR Doc.76-8236 Filed 3-22-76;8:45 am]

[Rel. No. 9206; (812-3659)]

THOMAS E. CONNETT AND MIDLAND CAPITAL CORP.

Order of Exemption

MARCH 17, 1976.

Thomas E. Connett ("Connett"), 80 Guilford Lane, Williamsville, New York 14221, a self-employed management consultant, filed an application on July 2, 1974, and Connett and Midland Capital Corporation ("Midland"), 110 William Street, New York, New York 10038, a New York corporation registered as a closed-end, non-diversified management investment company under the Investment Company Act of 1940 (the "Act"), filed an amendment thereto on April 24, 1975, for an order of the Commission, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, permitting Connett to receive shares of Lemmon Pharmacal Company ("Lemmon Co.") in connection with Midland's acquisition of shares of that company and, pursant to Section 6(c) of the Act, for an order of the Commission exempting the receipt of such shares by Connett from the provisions of Section 17(e) of the Act.

On February 19, 1976, a notice (Investment Company Act Release No. 9166) was issued of the filing of said application. The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application might be issued on the basis of the information stated therein unless a hearing should be ordered. No request for a hearing has been filed and the Commission has not ordered a hearing.

The matter has been considered, including the extent to which Midland's participation in the acquisition of shares of Lemmon & Co. is on a basis different from or less advantageous than that of other participants, and it is found that Midland's participation in the acquisition of shares of Lemmon Co. is consistent with the provisions, policies, and purposes of the Act. It is further found that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the provisions, policies and purposes of the Act. Accordingly,

It is ordered, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, that the application to permit Connett to receive shares of Lemmon Co. in connection with Midland's acquisition of shares of that company be, and hereby is, granted.

It is further ordered, pursuant to Section 6(c) of the Act, that the receipt by Connett of shares of Lemmon Co. in connection with Midland's acquisition of shares of that company be, and hereby is, exempted from the provisions of Section 17(e) of the Act, effective forthwith.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-8229 Filed 3-22-76;8:45 am]

[File No. 500-1]

GOVERNMENT EMPLOYEES INSURANCE CO.

Suspension of Trading

MARCH 17, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Government Employees Insurance Company 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 March 18, 1976 through March 27, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-8230 Filed 3-22-76;8:45 am]

[File No. 500-1]

MARITIME FRUIT CARRIERS CO., LTD.

Suspension of Trading

MARCH 17, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and 6½% convertible subordinated debentures due 1989 of Maritime Fruit Carriers Co., Ltd. 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 9:40 a.m. (EST) on March 17, 1976 through March 26, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-8231 Filed 3-22-76;8:45 am]

[Release No. 34-12215; File No. SR-NYSE-76-19]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations, Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 15, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

A. *Statement of the Terms of Substance of the Proposed Rule Change.* The proposed rule changes will: (1) replace present Rules 395 and 396, which deal with the off-Board trading in rights and bonds, with new Rules 395 and 396; (2) repeal Rule 107, which giverns specialists' off-Board trading; and (3) make certain amendments to Rule 390A. These rule changes are proposed to become effective on March 31, 1976.

The text of proposed Rule 395 is as follows:

(a) Except as otherwise provided by this Rule, no member, member organization, or other person who is a nonmember broker or dealer and who directly or indirectly, controls, is controlled by, or is under common control with, a member or member organization (any such other person being hereinafter referred to as an affiliated person) shall effect any transaction in any subscription right admitted to dealings on the Exchange, in the over-the-counter market, either as principal or agent.

(b) A member, member organization or affiliated person holding a customer's order for the purchase or sale of a listed right (the Order) may execute the Order (or such portion thereof as may be so executed in accordance with this Rule) in the over-the-counter market with a third market maker or nonmember block positioner; provided such member, member organization or affiliated person assures that all public bids or offers on the specialist's book at the time of the over-the-counter execution, or, if inquiry is made of the specialist immediately prior to the over-the-counter execution, all public bids or offers on the specialist's book at the time of such inquiry, at prices which insofar as the Order is concerned are equal to or better than the price at which such portion of the Order is executed over-the-counter, are satisfied at the price at which such portion of the Order is so executed.

(c) The provisions of this Rule shall not apply to any of the following transactions:

(i) any trade at a price unrelated to the current market for the subscription right to correct an error;

(ii) any transaction for less than one unit of trading;

(iii) any principal transaction in rights to subscribe to bonds, effected with other members, non-member brokers and dealers, and institutions, provided the proviso of paragraph (b) above is complied with;

(iv) any transaction in rights to subscribe to preferred stocks included on the Exchange's exempt list; or

(v) any single transaction where the amount involved is less than $2.

(vi) In connection with rights to subscribe to preferred stocks, the Exchange may consider requests for exemptions to permit the purchase of rights over-the-counter in blocks of a size sufficient to subscribe to not less than $100,000 of the securities subject to the rights, (and in respect of issues amounting to less than $7,500,000 the size of the wholesale lot might be proportionately reduced) provided the purchase is for the purpose of subscribing to the issue.

In addition, the Exchange may give consideration to requests for exemptions in respect of private negotiations for the purchase over-the-counter of large blocks of rights to preferred stocks or common stocks (A) in relation to the size of the issue, provided that the purchase is for the purpose of subscribing to the issue or (B) where because the size of certain blocks is so large that in the opinion of the Exchange the orderly process of the market might otherwise be disturbed, provided the purchase is for the purpose of subscribing to the issue.

In some instances, issuers of rights have made arrangements with a particular bank or trust company to handle orders of stockholders to buy or sell so-called "overage" rights. This involves buying:

(A) from a stockholder whose rights are insufficient to subscribe to one share, all of such rights; or

(B) from a stockholder who is subscribing to the offering, any excess rights insufficient to subscribe to one share, or selling:

(A) to a stockholder who is subscribing to the offering but who has received from the issuing company rights in an amount insufficient to subscribe to one share, the minimum number of rights necessary to enable him to subscribe to one share; or

(B) to a stockholder who is subscribing to the offering but who has received from the issuing company rights in excess of a number exactly sufficient for subscription, the minimum number of rights necessary to enable him to subscribe to one additional share.

Daily, after balancing off purchases and sales of the "overage" rights, the bank or trust company may have a remaining "breakage". Member organizations may purchase from the bank or trust company in such cases, off the Floor of the Exchange, on a principal basis, the rights represented by such "breakage", provided any sale of rights so purchased is made on a national securities exchange.

(d) (1) The term "nonmember broker or dealer" as used in subparagraph (a) of this Rule shall mean any broker or dealer registered in accordance with Section 15(b) of the Act, which acts as a "market maker" as defined in the Act, or whose gross income is derived substantially from acting as a "broker" as defined in the Act, or both;

(2) The term "third market maker" as used in this Rule shall mean a "market maker" as defined in Rule 15c3-1(c)(8) under the Act, who makes markets over-the-counter in listed stocks and who maintains the minimum net capital required of a market maker by Rule 15c3-1 under the Act; and

(3) The term "nonmember block positioner" shall mean a "block positioner" as defined in Rule 17a-17 under the Act which is not a member of the Exchange.

(e) (1) The price at which a transaction is effected, whether on the Exchange or in the over-the-counter market, shall, for purposes of this Rule, mean the price of such transaction, exclusive of any commission, commission equivalent, differential, tax or other charge applicable thereto.

(2) Each limited price order entered on the specialist's book shall, for purposes of this Rule, be considered a public bid or offer unless initiated by a member on the Floor of the Exchange for his own account or for any account in which he, his member organization, or any affiliated person of his member organization has an interest.

(f) Notwithstanding the provisions of Rule 104, the specialist may buy for his own account on a plus or zero plus tick or sell for his own account on a minus or zero minus tick any or all of the rights which are to be sold or purchased over-the-counter pursuant to subparagraph (b) of this Rule.

. . . Supplementary Material

.10 (1) Notwithstanding the provisions of this Rule, a member, member organization or affiliated person; may trade as principal or as agent in any listed right on any organized exchange in any foreign country at any time; and outside of Exchange trading hours, may trade as principal or agent in any listed right in a foreign country over-the counter.

(2) Notwithstanding the provisions of this Rule, a member, member organization or affiliated person may execute a customer's order in the over-the-counter market with a third market maker or nonmember block positioner outside of Exchange trading hours without satisfying public bids or offers on the specialist book.

The text of proposed Rule 396 is as follows:

(a) Except as otherwise provided by this Rule, no member, member organization, or other person who is a nonmember broker or dealer and who directly or indirectly, controls, is controlled by, or is under common control with, a member or member organization (any such other person being hereinafter referred to as an affiliated person) shall effect any transaction in any listed bond in the over-the-counter market, either as principal or agent.

(b) A member, member organization or affiliated person holding a customer's order for the purchase or sale of a listed bond (the Order) may execute the Order (or such portion thereof as may be so

executed in accordance with this Rule) in the over-the-counter market with a third market maker; provided such member, member organization or affiliated person assures that all public bids or offers recorded on the Exchange Floor at the time of the over-the-counter execution, or, if inquiry is made immediately prior to the over-the-counter execution, all public bids or offers recorded on the Exchange Floor at the time of such inquiry, at prices which, insofar as the Order is concerned, are equal to or better than the price at which such portion of the Order is executed over-the-counter are satisfied at the price at which such portion of the Order is so executed.

(c) The provisions of this Rule shall not apply to any of the following transactions:

(i) any order for the purchase or sale of ten bonds or more;

(ii) in the case of an agency transaction (including intra-office cross transactions), when the customer specifically directs that the particular order shall not be executed on the Floor; but no member or member organization shall solicit such instructions before sending the order to the Floor;

(iii) when the order calls for the purchase or sale of securities of the United States, Puerto Rico, the Philippine Islands, or States, Territories or Municipalities therein, or of bonds which, pursuant to call or otherwise, are to be redeemed within twelve months;

(iv) any transaction which is part of a primary distribution by an issuer, or a registered or unregistered secondary distribution, effected off the Floor of the Exchange;

(v) any transaction made in reliance on Section 4(2) of the Securities Act of 1933;

(vi) any trade at a price unrelated to the current market for the security to correct an error or to enable the seller to make a gift;

(vii) any purchase or sale of any bond trading in which trading has been suspended by the Exchange pending review of the listing status of such bond;

(viii) the acquisition of bonds by a member organization as principal in anticipation of making an immediate special offering or exchange distribution on the Exchange under Rule 391 or Rule 392; and

(ix) any transaction for less than one unit of trading;

(d) (1) The term "nonmember broker or dealer" as used in subparagraph (a) of this Rule shall mean any broker or dealer registered in accordance with Section 15(b) of the Act which acts as a "market maker" as defined in the Act, or whose gross income is derived substantially from acting as a "broker" as defined in the Act or both;

(2) The term "third market maker" as used in this Rule shall mean a "market maker" as defined in Rule 15c3-1(c)(8) under the Act, who makes markets over-the-counter in listed bonds and who maintains the minimum net capital required of a market maker by Rule 15c3-1 under the Act; and

(e) (1) The price at which a transaction is effected, whether on the Exchange or in the over-the-counter market, shall, for purposes of this Rule, mean the price of such transaction, exclusive of any commission, commission equivalent, differential, tax or other charge applicable thereto.

(2) Each limited price order recorded on the Exchange Floor shall, for purposes of this Rule, be considered a public bid or offer unless initiated by a member on the Floor of the Exchange for his own account or for any account in which he, his member organization, or any affiliated person of his member organization has an interest.

.10 *Interpretations*

(1) Notwithstanding the provisions of this Rule, a member, member organization or affiliated person: may trade as principal or as agent in any listed bond on any organized exchange in any foreign country at any time; and outside of Exchange trading hours, may trade as principal or agent in any listed bond in a foreign country over-the-counter.

(2) Notwithstanding the provisions of this Rule, a member, member organization or affiliated person may execute a customer's order in the over-the-counter market with a third market maker or nonmember block positioner outside of Exchange trading hours without satisfying public bids or offers present on a limit order mechanism on the Exchange.

The text of Rule 390A, as proposed to be amended, is as follows:

Basic philosophy.—It is a basic concept of the Exchange Constitution that all transactions in listed stocks be effected on the Floor of the Exchange in the regular auction market. Every transaction proposed to be made in other than the auction market should be reviewed in the light of the factors involved, including the market on the floor, the price, and the size, so that whenever possible the transaction may be effected on the floor of the Exchange.

Special procedures for handling blocks not susceptible of normal processing.—The following procedures are provided by the Exchange to facilitate the handling of blocks of listed securities which cannot be absorbed or supplied in the regular auction market within a reasonable time and at a reasonable price or prices: Exchange Acquisitions, Exchange Distributions, Special Bids, Special Offerings, and Secondary Distributions.

Applications and details in respect of these procedures are to be submitted to The Market Surveillance Division (623-6811 or 623-6812). A member or member organization may discuss any application for any of the above procedures with a Floor Director, as well as an application for an Off-Board transaction in rights, through 623-5000.

The following pages contain rules and information governing these special procedures.

B. *NYSE's Statement of Basis and Purpose.*

1. *Purpose of Proposed Rule Change.* Under SEC Rule 19c-1, an Exchange is permitted until January 2, 1977, to require that a member satisfy public limit orders on the specialist's book at the same price, or at a better price, as compared to a proposed transaction with a third market maker or non-member block positioner. The Exchange has adopted and filed with the Commission, a Market Responsibility Rule, imposing such a requirement on trading in stocks. The purpose of the proposed new Rules 395 and 396 is to apply these principles to trading in rights and bonds. In addition, Rule 107 is proposed to be rescinded, in order to make specialists' off-Floor transactions subject to the provisions of the Market Responsibility Rule. Finally, the Board of Directors of the Exchange has adopted certain "housekeeping" amendments to Rule 390A, in order to conform that rule to SEC Rule 19c-1, and to the proposed revision of Rule 107. These rule changes are proposed to become effective on March 31, 1976.

2. *Basis Under the Act for Proposed Rule Change.* In its December 19, 1975 Release No. 11942 on "Adoption of Rule 19c-1 under the Securities Exchange Act of 1934 Governing Off-Board Trading by Members of National Securities Exchanges," the Commission stated that the "adoption of Rule 19c-1 is necessary or appropriate in furtherance of the purposes of the Act, and in order to conform the rules of national securities exchanges to the requirements of the Act." The proposed new Rules 395 and 396 are designed to conform to SEC Rule 19c-1, since that rule specifies equity securities, which includes rights and convertible bonds. Furthermore, the recision of Rule 107, has been adopted in order to make specialists' off-Floor transactions subject to the provisions of the Market Responsibility Rule, which was filed with the Commission (reference File No. SR-NYSE-76-2), in order to conform the Exchange's Off-Board trading Rule in stocks with the requirements of Rule 19c-1. Finally, Rule 390A is being amended in order to conform with both Rule 19c-1, and with the above changes.

3. *Comments Received From Members, Participants or Others on Proposed Rule Change.* None.

4. *Burden on Competition.* In its December 19 release, the Commission stated that "Rule 19c-1 does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act." Since the proposed rule changes are being implemented in order to conform the rules of the Exchange with both Rule 19c-1, and with the Market Responsibility Rule adopted by the Exchange in response to Rule 19c-1, and filed with the Commission pursuant to Rule 19b-4, the Exchange similarly finds that these rule changes do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

* * * * *

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, 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 six 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 April 7, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 16, 1976.

[FR Doc.76-8237 Filed 3-22-76;8:45 am]

[76-14]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations, Rule Change

The New York Stock Exchange, Inc. submitted on February 26, 1976, a rule change under Rule 19b-4 amending the fees charged for last sale interrogation services. The text of the change is as follows:

Statement of the terms of substance of the proposed rule change

[Monthly charge for last sale interrogation device services]

	Previous rate	New rate
1st unit in an office	[$40]	*$41.00*
Each additional unit in an office	[4]	*4.10*

On April 30, 1976, when Phase II of the consolidated transaction reporting system becomes effective pursuant to Securities Exchange Act Release No. 12138 these fees will be charged by the Consolidated Tape Association for the receipt of consolidated last sale reports.[3]

[3] Section XI(c) of the Joint Industry Plan for the operation of the consolidated transaction reporting system provides in part that: Charges to subscribers, Venders and others for the privilege of receiving current consolidated last sale prices disseminated over Network A following commencement of Phase II shall initially be the same as the charges imposed for the privilege of receiving the last sale prices of NYSE disseminated over Network A immediately preceding the commencement of Phase II. * * * Such charges as in effect at the commencement of Phase II will be furnished to CTA and the SEC. Any additions, deletions or modifications in any such charges following the commencement of Phase II shall be established by amendment to the Plan adopted and filed as provided in Section III(b) hereof.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before April 22, 1976. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-76-14.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 16, 1976.

[FR Doc.76-8238 Filed 3-22-76;8:45 am]

[Release No. 34-12211; File No. SR-NYSE-76-15]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations, Rule Change

The New York Stock Exchange, Inc. submitted on February 26, 1976, a rule change under Rule 19b-4 amending the fees charged for the computer inputting of last sale data and bid-asked data. The text of the rule change is as follows: Statement of the Terms of Substance of the Proposed Rule Change.

FEES FOR COMPUTER INPUT: CURRENT LAST SALE DATA

Charges for computer input of current last sale data are comprised of:

An access charge, where applicable.

Charges per each program classification used at each location.

Special charges, where applicable.

All charges apply to the beneficial users even though the actual programs may reside in service bureau or vendor computers.

ACCESS CHARGE

Users of Current Last Sale Computer Input service will be charged a single data-base information access charge at the highest rate applicable of the following:

Access method	*Monthly charge*
1. Via the high-speed line whether accessed directly, or indirectly, without significant reprocessing under approved arrangements.	$750.
2. Via an approved data-base interface arrangement between a data-base vendor and a recipient, where the vendor has significantly reprocessed the data for the recipient, whether transmitted continuously or upon request. (NOTE.—This access charge is not applicable when only class C operations control programs are performed, as described below.)	$375.
3. Via low speed ticker. (NOTE.—Although no access charge is applicable to low speed ticker input, connections via the ticker network are subject to network charges, billable at ticker display rates per the Communications Services Department, schedule of exchange charges, effective Jan. 1, 1975, or subsequent revisions. No network charge applies if the connection is made at the NYSE facilities at 11 Wall Street, New York City.)	No charge.

PROGRAM CLASSIFICATION CHARGES

Five broad classifications of computer programs utilizing last sale data have been established. Users of Current Last Sale Computer Input service will be charged for each classification utilized at each location.

Class A refers to the nonanalytical reformatting of data-base information for the purpose of servicing interrogation devices by: (a) responding to specific inquiries for last sale prices or associated data or (b) reporting as they occur changes in last sale prices or associated data for a limited number of stocks or bonds. (NOTE.—Although no program classification charge is applicable to class A, standard subscriber device charges apply per the interrogation unit section of the Communications Services Department, schedule of exchange charges, effective Jan. 1, 1975, or subsequent revisions.)	No charge.
Class B refers to the compilation and dissemination of stock tables by press associations for newspaper purposes.	[$500] *$500.*
Class C refers to operations control programs designed for monitoring and surveillance purposes, order/report price validation, limit order switching, order status checkout and related activities.	[$500] *$500.*

Rate classes	*Monthly charge (per class, per location)*
Class D refers to analysis programs leading to purchase/sales or other trading decisions, e.g. arbitrage programs and options analysis. (NOTE.—Standard analysis programs, offered by a vendor to all users equally, result in a charge to the vendor. Programs having elements unique to users result in charges to the users.)	[$500] *$500.*
Class E refers to market making programs which generate quotations or execute transactions in an automatic or semiautomatic manner.	$3,000.

* * * * * * *

NOTE.—Any and all other uses of current last sale data for computer input are prohibited prior to appropriate request, classification, and rate determination.

SPECIAL CHARGES

All charges above are for standard equipment, circuit, installation and data arrangements. Additional charges, generally on a cost recovery basis, will apply to special arrangements.

FEES FOR COMPUTER INPUT: CURRENT BID-ASKED DATA

Charges for computer input of current bid-asked data are comprised of:
An access charge, where applicable.
Charges per each program classification used at each location.
Special charges, where applicable.
All charges apply to the beneficial users even though the actual programs may reside in service bureau or vendor computers.

ACCESS CHARGE

Users of Current Bid-Asked Computer Input service will be charged a single data-base information access charge at the highest rate applicable of the following:

1. Via a high-speed line whether accessed directly, or indirectly, without significant reprocessing under approved arrangements.	$750.[1]
2. Via an approved data-base interface arrangement between a data-base vendor and a recipient, where the vendor has significantly reprocessed the data for the recipient, whether transmitted continuously or upon request. (NOTE.—This access charge is not applicable when only class C operations control programs are performed, as described below.)	$375.[1]
3. Via a low-speed ticker. (NOTE.—This connection is made at the NYSE facilities at 11 Wall Street, New York City.)	No charge.

[1] Future: Until implementation of a high-speed line, charges under access method No. 2 will not be applied either.

PROGRAM CLASSIFICATION CHARGES

Five broad classifications of computer programs utilizing bid-asked data have been established. Users of Current Bid-Asked Computer Input service will be charged for each classification utilized at each location. When Current Bid-Asked Computer Input service is paired with Current Last Sale Computer Input service in Classes B, C and E, a one-third "common usage rate" applies as indicated.

Class A refers to the nonanalytical reformatting of data-base information for the purpose of servicing interrogatoin devices by: (a) responding to specific inquiries for bid-asked prices or associated data or (b) reporting as they occur changes in bid-asked prices or associated data for a limited number of stock or bonds. (NOTE.—Although no program classification charge is applicable to class A, standard subscriber device charges apply per the interrogation unit section of the Communications Services Department, schedule of exchange charges effective Jan. 1, 1975, or subsequent revisions.)	No charge.
Class B refers to the compilation and dissemination of stock tables by press associations for newspaper purposes.	$500.
When paired with current last sale computer input service	(166).
Class C refers to operations control programs, designed for monitoring and surveillance purposes, order/report price validation, limit order switching, order status checkout and related activities.	$500.
When paired with current last sale computer input service	(166).
Class D refers to analysis programs leading to purchase/sales or other trading decisions, e.g. arbitrage programs and options analysis. (NOTE.—Standard analysis programs, offered by a vendor to all users equally, result in a charge to the vendor. Programs having elements unique to users result in charges to the users.)	$500.
Class E refers to market making programs, which generate quotations or execute transactions in an automatic or semiautomatic manner.	$3,000.
When paired with current last sale computer input service	(1,000).

* * * * *

NOTE.—Any and all other uses of current bid-asked data for computer input are prohibited prior to appropriate request, classification, and rate determination.

SPECIAL CHARGES

All charges above are for standard equipment, circuit, installation and data arrangements. Additional charges, generally on a cost recovery basis, will apply to special arrangements.

On April 30, 1976, when Phase II of the consolidated transaction reporting system becomes effective pursuant to Securities Exchange Act Release No. 12138 the fees charged for the computer inputting of last sale data will be charged by the Consolidated Tape Association for the receipt of consolidated last sale reports.[1]

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before April 22, 1976. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-76-15.

Copies of the submission and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 110 L Street, NW., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 16, 1976.

[FR Doc.76-8239 Filed 3-22-76;8:45 am]

[File No. 81-196]

PEERLESS WEIGHING AND VENDING MACHINE CORP.

Application and Opportunity for Hearing

MARCH 16, 1976.

Notice is hereby given that Peerless Weighing and Vending Machine Corporation (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "Act"), for an order exempting the Applicant from the provisions of Sections 13 and 14 of the Act.

Section 12(g) of the Act requires the registration of the securities of every issuer which is engaged in interstate commerce or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons. Section 13 of the Act requires that issuers of securities registered pursuant to Section 12 must file certain periodic reports with the Commission. Section 14 of the Act requires that such issuers comply with certain regulations in connection with the solicitation of proxies.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting, proxy solicitation and other requirements of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application states in part:

1. The Applicant is a Delaware corporation whose obligation to file reports pursuant to Section 13 and to solicit proxies pursuant to Section 14 of the Act did not arise because of a registered public offering of its stock or because the stock is listed on a national securities exchange, but instead arose because of a plan of reorganization which created a large number of small stockholders.

2. As of December 31, 1974, Applicant had $3,201,513 in assets. Of the approximately 115,582 shares of common stock outstanding, 86.7% is owned by the principal stockholders, and of the 1,398 common stockholders, 95% own 20 shares or less.

3. There is a lack of stockholder interest in Applicant and little or no trading in its stock.

4. The preparation and filing of the reports required by Section 13 and the solicitation of proxies pursuant to Section 14 of the 1934 Act involve substantial and burdensome expenses.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given, That any interested person not later than April 27, 1976, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-8232 Filed 3-22-76;8:45 am]

[File No. 81-204; 3-4974]

REED TOOL CO.

Application and Opportunity for Hearing

MARCH 10, 1976.

Notice is hereby given That Reed Tool Company ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from the provisions of Section 15(d) of that act, and be exempted from filing an annual report on Form 10-K for the fiscal year ended December 31, 1975.

Section 15(d) of the 1934 Act provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to Section 13 of the 1934 Act in respect of a security registered pursuant to Section 12 of the Act.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the provisions of Section 15(d), if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, and nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

1. Applicant is a Texas corporation, subject to the reporting provisions of Section 15(d) of the 1934 Act.

2. On November 25, 1975, the Applicant became a wholly-owned subsidiary of Baker Oil Tools, Inc. As a result, all of Applicant's outstanding securities are now owned by Baker.

3. Baker is a reporting company under the 1934 Act, and its securities are listed on the New York Stock Exchange.

4. Applicant's affairs were fully disclosed in connection with the merger.

In the absence of an exemption, Applicant would be required to file an annual report on Form 10-K pursuant to Section 15(d) of the 1934 Act.

The Applicant states that, in view of the merger and the disclosures incident thereto, the filing of a final annual report would impose an unnecessary burden and expense.

For a more detailed statement of the information presented, all persons are referred to the appplication which is on file in the offices of the Commission at 500 North Capitol Street, N.W., Washington, D.C. 20549.

Notice is further given That any interested person not later than April 5, 1976 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol St., N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after that date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-8233 Filed 3-22-76;8:45 am]

[Release No. 34-12225; File No. SR-SCC-76-2]

STOCK CLEARING CORP.

Self-Regulatory Organizations, Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 5, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS AND SUBSTANCE OF THE PROPOSED RULE CHANGE

(a)(1) Amend Section VI(B) of the Procedures of Stock Clearing Corporation (SCC) to read in its entirety as follows:

"B. *PRIORITY REQUESTS.*

"A Member [requiring] *desiring deliveries of* securities owed to him by the Clearing Corporation may submit a *Daily* Priority Request (Figure 20) *or a Standing Priority Request (Figure 20A).*

"[This request will move his Long Position to a high rank in the allocation formula. Priority Requests submitted in the late afternoon will remain in the System for one full settlement cycle (that night and the following day). If the Priority Request remains unsatisfied after the following day's recycle, it is dropped from the system. If the Member wishes continued priority, he must submit a new Priority Request. Members submitting Priority Requests in the same security on the same day are first sorted in descending age sequence and those falling within the same age category are

then resorted on the basis of the aforementioned random number.]

"Priority Requests (Daily or Standing) move a Member's Long Position to a high rank in the allocation formula and may be submitted on either of two bases: (1) a high priority in the night cycle and no priority in the day cycle (a high-random priority) or (2) a high priority for the full settlement cycle (a high-high priority).

"A Daily Priority Request submitted in the late afternoon will be in effect for the settlement cycle which commences that night and, if it remains unsatisfied after such settlement cycle, will be dropped from the system. If the Member wishes continued priority, he must submit a new Daily Priority Request or a Standing Priority Request.

"A Standing Priority Request submitted in the late afternoon will be in effect for the settlement cycle which commences that night and will remain in effect until it is withdrawn by the Member by submitting to the Clearing Corporation a written notice cancelling the Standing Priority Request.

"A Standing Priority Request applies to all Long Positions of the Member which submits it. A Daily Priority Request applies only to Long Positions in the securities issue or issues designated in the Daily Priority Request. If a Member submits a Standing Priority Request and thereafter, prior to cancelling the Standing Priority Request, submits a Daily Priority Request as to one or more issues containing different priority designations than those contained in the Standing Priority Request, the Daily Priority Request will override the Standing Priority Request in the next settlement cycle. Thus, if a Member has submitted a high-random Standing Priority Request and subsequently submits a high-high Daily Priority Request for ABC Corp. common stock, the high-high priority will apply to a Long Position in such common stock in the following settlement cycle and thereafter, the high-random priority designated in the Standing Priority Request will apply.

"Although a Member which submits a Standing Priority Request need not resubmit daily, all Priority Requests (Daily and Standing) which are held by the Clearing Corporation at the cut-off time for submission of Priority Requests specified in Section XII are treated alike for purposes of determining the relative priority of such Priority Requests. Thus, if the Clearing Corporation holds Priority Requests (Daily and Standing) for several Members in the same security at the cut-off time, all such Priority Requests are first sorted in descending age sequence (Based upon the age of each Member's Long Position) and those falling in the same age category are then resorted on the basis of the afore-mentioned random number.

"Members who do not wish to affect the allocation routine should submit nothing *in which case securities will be allocated to them on a random basis in the night cycle and a random basis in the day cycle."*

A form for the submission of a Standing Priority Request is included in the SCC Procedures.

(2) Amend Section IX(E)(1) of the Procedures of SCC to read in its entirety as follows:

"E. *Miscellaneous Dividends.*

"1. *Optional Dividends.*

"Dividends which may be paid in the form of securities or cash at the election of the holder will be [distributed within the CNS System in cash and will be handled in the same manner as a cash dividend] *handled as follows: Each Member with a Long Position on the dividend record date will be advised by written notice of the options which are available and will be requested to submit its election on or before a date specified in the notice. If no election is submitted by the specified date, the dividend will be credited to the Member in the form specified by the issuer if no election is made. If an election is timely submitted, the dividend will be allocated to the Member in the form elected. Dividends paid in cash or securities pursuant to the foregoing provisions will be handled, respectively, in the same manner as a cash dividend or a stock dividend. A Member may split its elections, electing one option for part of its record date position and a second option for the remainder. After the date specified for submitting elections, the Clearing Corporation will charge Members with Short Positions on the dividend record date by the options elected by Members with Long Positions, using a random method of allocation, and such Members will be so advised."*

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

3. *Purpose of Proposed Rule Changes*

The purpose of the proposed change in Section VI(B) of the Procedures of Stock Clearing Corporation (SCC) is to provide flexibility to Members in controlling receipts by permitting them to limit Priority Requests to a priority in the night settlement cycle of the SCC CNS System instead of requiring that priorities apply to the full settlement cycle and to reduce paperwork and operational steps by permitting Members to provide standing instructions as to Priority Requests to SCC. The purpose of the proposed change in Section IX(E)(1) of the SCC Procedures is to permit Clearing Members of SCC to avail themselves of the options offered by an issuer when the issuer declares an optional dividend.

4. *Basis under the Act for Adopting the Proposed Rule Changes*

(a) Not Applicable.

(b) The change in Section VI(B) of the SCC Procedures promotes the prompt and accurate settlement of securities transactions by reducing the amount of paperwork and instructions prepared by individuals and permitting Members which have an immediate need to redeliver securities to obtain them on a priority basis. The change in Section IX(E)(1) of the SCC Procedures protects investors by offering greater assurance they will receive the optional dividends they elect.

(c) Not Applicable.

5. *Comments Received from Members, Participants or others on proposed Rule Changes*

No comments have been solicited.

6. *Burden on Competition*

None.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, 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 April 13, 1976.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MACRH 17, 1976.

[FR Doc.76-8240 Filed 3-22-76;8:45 am]

[Release No. 34-12226; Filed No. SR-SCC-76-3]

STOCK CLEARING CORP.

Self-Regulatory Organizations, Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby give that on March 10, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

1. *Text of Proposed Rule Change*

(a) Add a new Subsection H to Section X of the Procedures of Stock Clearing Corporation (SCC) to read in its entirety as follows:

"H. *CONVERSION OF CONVERTIBLE SECURITIES*

"A Member having a Long Position in a convertible security may, prior to the cut-off time therefor (see Section XII), submit to the Clearing Corporation a CNS Conversion Instruction (Figure 34) instructing the Clearing Corporation to convert the Long Position (or a portion thereof) from the convertible security to the underlying security.

"The CNS Conversion Instruction must specify the quantity of the convertible security to be converted and be submitted to the Clearing Corporation prior to the cut-off time on the day prior to the day on which the Member requires the conversion to occur.

"The Clearing Corporation will effect the conversion in the manner stated below. The Clearing Corporation will convert the quantity of the convertible security specified in the conversion instruction but not in excess of the greater of (i) the Member's Long Position in the convertible security at the end of the settlement cycle on the day the Conversion Instruction is submitted or (ii) the Member's projected Long Position for the following day.

"The Clearing Corporation will identify the Members having the oldest Short Positions in the convertible security (age is defined as the number of days consecutively short irrespective of quantity). If the Members in the oldest age group have sufficient Short Positions to satisfy the CNS Conversion Instruction, the Short Positions of one or more such Members will be chosen for conversion on a random basis. If the Short Positions of the Members in the oldest age group are insufficient to satisfy the CNS Conversion Instruction, all such Members Short Positions will be chosen for conversion and the above described procedure will be applied to choose Members from the next oldest age group, etc., until Members having Short Positions sufficient to satisfy the CNS Conversion Instruction are chosen.

"Each Member whose Short Position is chosen for conversion and the Members submitting the CNS Conversion Instructions will be notified by a Notice of CNS Security Conversion (Figure 35) on the day the CNS Conversion Instructions are submitted that his Long or Short Position, as the case may be, will be converted to the underlying security. If the conversion requires payment by the person converting, the account of the Member submitting the CNS Conversion Instruction will be debited and the account(s) of the Members whose Short Positions are chosen for Conversion will be credited by the appropriate money amount. If the conversion results in fractional securities, cash-in-lieu of the fraction (calculated at the rate announced by the issuer or, if no rate is announced, at the Current Market Price) will be credited and debited to the appropriate accounts.

"A conversion pursuant to the foregoing provisions of this subsection H will be effected by journal entries, as described in subsection D of this Section, reducing the Short and Long Positions of the appropriate Members by the appropriate quantity of the convertible security and increasing the Short and Long Positions of such Members by the appropriate quantity of the underlying security.

"CNS Conversion Instructions will not be effected by the Clearing Corporation if they are submitted after the cut-off time on the day preceding:

(A) the expiration date of the conversion privilege,

(B) the date on which the conversion rate changes, or

(C) a record date for a dividend or distribution on the underlying security."

Forms for the conversion procedure are included in the SCC Procedures.

Amend the In-Put and Out-Put Times schedule in Section XII by adding the following at the end of the material under the heading *CNS System:*

"Conversion Instruction---------- 1 p.m."

(b) Not Applicable.

(c) Not Applicable.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

3. *Purpose of Proposed Rule Change*

The purpose of the proposed change in the Procedures of Stock Clearing Corporation (SCC) is to provide a means whereby a Member having a Long Position in a convertible security may obtain the benefits of the conversion thereof prior to the time its Long Position is filled. Convertible securities cannot now be included in SCC's CNS System because of the unavailability of a means to convert Long Positions with the consequence that approximately 250 issues of convertible securities listed on the New York Stock Exchange now must be settled in SCC's Balance Order System. The proposed rule change will permit the inclusion of such issues in SCC's CNS System. SCC believes that settlements in its CNS System substantially reduce fails particularly in periods of high volume and that the inclusion of the aforementioned convertible securities in the CNS System will reduce the incidence of fails in such issues.

4. *Basis under the Act for Adopting the Proposed Rule Change*

(a) Not Applicable.

(b) The change in the SCC Procedures will facilitate the prompt settlement of securities transactions in convertible securities by permitting them to be settled in SCC's CNS System.

(c) Not Applicable.

5. *Comments Received from Members, Participants or Others on Proposed Rule Change.*

No comments have been solicited.

6. *Burden on Competition.*

None.

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 thhe abovementioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 14, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 17, 1976.

[FR Doc.76-8241 Filed 3-22-76;8:45 am]

[File No. 500-1]

UNIVERSAL GAS & OIL CO., INC.

Suspension of Trading

MARCH 17, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and 8% convertible subordinated debentures due 1987 of Universal & Oil Co., Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:40 a.m. (EST) on March 17, 1976 through March 26, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-8234 Filed 3-22-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-76-5]

NEWPORT NEWS INDUSTRIAL CORPORATION OF OHIO

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that Newport News Industrial Corporation of Ohio, P.O. Box 25, Perry, Ohio 44081 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.451(a) (4), (5), and (10) dealing with scaffolds.

The place of employment affected by the application is as follows:

Perry Nuclear Power Plant
North Perry, Ohio 44081

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by § 1926.451(a) (4), (5), and (10). Section 1926.451(a) (4) and (5) reads as follows:

(4) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beams scaffolding and floats (see paragraphs (p) and (w) of this section). Scaffolds 4 to 10 feet in height having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails installed on all open sides and ends of the platform.

(5) Guardrails shall be 2x4 inches, or the equivalent, approximately 42 inches high, with a midrail, when required. Supports shall be at intervals not to exceed 8 feet. Toeboards shall be a minimum of 4 inches in height.

The applicant states that its business is of a specialized nature involving steel plate erection by members of the boilermaker's trade.

The applicant contends that the scaffolds used in building tanks are mobile and are frequently raised as are the tank sections, in order to position the next set of steel plates. The scaffolds used do not have toeboards because tools are placed in well designed "loose tool" containers provided for that purpose. In addition, the applicant proposes to rope off the area directly below and in close proximity to the scaffold and to permit only those employees, and tools currently being used by them, on the scaffolds. As a further precaution, a taut wire is installed midway between the innermost plank face of the scaffold platform and the tank face. The applicant states that because the scaffolds must be moved frequently, it would be more hazardous to constantly remove and replace toeboards.

The applicant also proposes to place guardrail supports at 10'6" intervals in lieu of the 8' requirement of § 1926.451 (a)(5). This would allow consistent bracket spacing since the applicant further desires to use 10'6" spans for its scaffold planking although § 1926.451(a) (16) allows a maximum span of 10'. The planks proposed to be used are rough full-dimensioned 2"x12"x12' planks of Douglas Fir or Southern Yellow Pine of Select Structural Grade. The Douglas Fir has a fiber stress of 1,900 and a modulus of elasticity of 1,900,000, while the Southern Yellow Pine has a 2,500 fiber stress and a modulus of elasticity of 2,000,000. The applicant contends that the scaffolds he is using are safe, even though the span is one-half foot longer than the maximum length allowed, because of the increased strength of the wood.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, Room N3603, 200 Constitution Avenue, N.W., Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 32nd Floor—Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building—Room 847, 1240 East Ninth Street, Cleveland, Ohio 44199.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the pertinent application no later than April 22, 1976. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 22, 1976, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the application for variance and interim order that the proposed scaffolding described in their application, with certain variations, will provide a place of employment as safe as those which would prevail if the applicant were to comply fully with 29 CFR 1926. 451(a) (4), (5), and (10). It further appears that an interim order is necessary, pending a decision on the application, in order to prevent undue hardship to the applicant and its employees. Therefore, it is ordered, pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c), that the Newport News Industrial Corp., of Ohio be, and is hereby authorized to use scaffolds in accordance with the following conditions, in lieu of complying with the toeboard and span requirements in § 1926.451(a) (4), (5), and (10):

(a) The applicant's loose tools and equipment shall be kept in well-designed tool containers. This does not include fit-up bars, key plates, key channels, or long handled maul which may be placed on the scaffold plank during the time they are required for work. The loose tool containers shall be secured to prevent their upset or dislodgement from the scaffold area.

(b) Areas beneath and far enough away from the base of the scaffold to contain anything that falls from above shall be roped off and posted with clearly visible signs stating: "Danger Overhead Work."

(c) The space between the innermost edge of the scaffold platform and the curved plate structure of the tank shell shall not exceed 12" without protective measures. A taut wire rope supported on scaffold brackets at plank level may be used to divide any space exceeding 12" in lieu of using a guardrail or tie-off system.

(d) Not more than 3 employees shall be working on a 10'6" span of scaffold planking at any time.

(e) The maximum distance between brackets to which scaffolding and guardrail supports are attached shall be 10'6". These brackets shall be welded to the steel plates.

(f) Scaffold planks of rough full-dimentioned 2"x12"x12' Douglas Fir or Southern Yellow Pine of Select Structural Grade or equivalent planking shall be used. The Douglas Fir shall have at least a 1,900 fiber stress and 1,900,000 modulus of elasticity, while the Yellow Pine shall have at least 2,500 fiber stress and 2,000,000 modulus of elasticity. Three planks with full thickness 2"x10"x12' dimensions may be used in lieu of two 2"x12"x12' planks provided that they are clamped or bonded together at the midpoint of the span, in order to spread the weight of the employees.

(g) All planking shall be secured from movement or overlapped in accordance with § 1926.451(a)(12).

(h) Guardrails shall be constructed of taut wire rope, and shall be supported by angle irons attached to brackets welded to the steel plates. These guardrails shall be at least of equivalent strength, stability and height as those required for the 8 foot span of 2"x4" wood rails by 29 CFR 1926.451(a)(5). Guardrail supports shall be located at no greater than 10'6" intervals.

Newport News Industrial Corporation of Ohio shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of March 23, 1976, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C. this 17th day of March 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-8202 Filed 3-22-76;8:45 am]

Office of the Secretary

[TA-W-582]

AMERICAN COAT PAD CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-582: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 30, 1976 in response to a worker petition received on January 30, 1976

which was filed on behalf of workers and former workers producing coat fronts for suits and sportcoats at the American Coat Pad Company, Baltimore, Maryland. The Department's investigation revealed that the American Coat Pad Company's sole products are shoulder pads and sleeve heads.

The notice of investigation was published in the FEDERAL REGISTER on February 13, 1976 (41 FR 6817). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the American Coat Pad Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met. The evidence developed in the Department's investigation reveals that there are no separately identifiable imports of shoulder pads or sleeve heads. These products are not listed as a separate item of any U.S. Tariff Schedule grouping. In addition, industry spokesmen indicated that there are no imports of these items.

Imports of men's and boys' apparel which incorporate coat pads of the same origin are not like or directly competitive with shoulder pads or sleeve heads produced by the American Coat Pad Company.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by the American Coat Pad Company are not being imported in increasing quantities, either actual or relative to domestic production, as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of March 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-8066 Filed 3-22-76;8:45 am]

[TA-W-652]

CHROMALLOY AMERICAN CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 27, 1976, the Department of Labor received a petition dated February 18, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical Radio and Machine Workers, on behalf of the workers and former workers of Turbine Support, San Antonio, Texas, a division of Chromalloy American Corporation, St. Louis, Missouri (TA-W-652). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the reconditioning and application of an industrial coating on jet engines provided by Chromalloy American Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 29, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of February 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-8067 Filed 3-22-76;8:45 am]

[TA-W-538]

HICKEY-FREEMAN CO., INC.

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-538: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 9, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportcoats, slacks and outercoats at Hickey-Freeman Co., Inc., Rochester, New York.

The notice of investigation was published in the FEDERAL REGISTER on January 29, 1976 (41 FR 4379). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hickey-Freeman, Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Total employment by Hickey-Freeman Co., Inc., including production facilities in Rochester, Buffalo, and Leroy, New York as well as sales offices in New York City, declined 11.0 percent in 1975 from 1974. Average weekly hours declined 12.8 percent in 1975 compared to 1974. Employment at the main plant in Rochester, which accounted for approximately 90 percent of total employment by Hickey-Freeman, declined 10.0 percent in 1975 from 1974; average weekly hours at the main plant declined 13.0 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales of men's tailored suits by Hickey-Freeman declined 21.1 percent in 1975 compared to 1974. Sales of men's sportcoats declined 35.1 percent in 1975 from 1974; and sales of men's trousers and overcoats declined 17.0 percent and 22.8 percent respectively in 1975 compared to 1974. Hickey-Freeman does not produce for inventory and production declines were similar to sales declines during the 1973-1975 period.

Increased Imports. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1971 to 1974. The ratio of imports to domestic production increased from 24.6 percent in the first 9 months of 1974 to 41.9 percent in the first 9 months of 1975.

After increasing from 1971 to 1972, imports of men's and boys' tailored trousers decreased their relative share of domestic production and consumption from 25.7 percent and 20.5 percent, respectively, in 1972 to 19.7 percent and 16.4 percent, respectively, in 1974. In the first 9 months of 1975, imports of men's and boys' tailored trousers increased 37 percent compared to the first 9 months of 1974.

Contributed Importantly. The evidence developed in the Department's investigation of Hickey-Freeman Co. indicates that customers of the firm, who are buying directly from foreign manufacturers, are reducing purchases of men's tailored suits and sportcoats from Hickey-Freeman while increasing purchases of competitive imported products. The customers are able to purchase hand tailored suits and sportcoats of a comparable quality to those produced by Hickey-Freeman from foreign sources at a lower cost. The loss of sales by Hickey-Freeman resulting from increased import competition has caused cutbacks in production by the firm and employment reductions at the firm's main production facilities in Rochester, and at related facilities in Leroy and Buffalo, New York. Continued sales declines will result in reduction in the firm's sales staff in New York City.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's suits, sportcoats, trousers, and overcoats produced by Hickey-Freeman Co. contributed importantly to the total or partial separation of workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

"All employees of the Rochester; Leroy; Buffalo; and New York, New York facilities of Hickey-Freeman Co., Inc., who became or will become totally or partially separated from employment on or after December 11, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 12th day of March 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-8068 Filed 3-22-76;8:45 am]

[TA-W-386]

HOUDAILLE INDUSTRIES, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-386: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975, in response to a worker petition received on December 5, 1975 which was filed by the United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW) on behalf of workers formerly producing bumper support systems, hinges and fender panels at the Detroit Automotive Parts Division plant of Houdaille Industries, Incorporated, Buffalo, New York.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59273). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Houdaille Industries, Inc., its customers, the U.S. Department of Commerce, the International Trade Commission, other automobile parts manufacturers in the U.S. and Canada, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number of proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria one and two have been met, criteria three and four have not been met.

Significant Total or Partial Separations. Employment of production workers at the Detroit plant increased one percent from 1973 to 1974. Average quarterly employment declined 47 percent in the fourth quarter of 1974 compared to the fourth quarter of 1973.

Sales or Production, or Both, Have Decreased Absolutely. Sales increased 24 percent at the Detroit Automotive Parts Division plant of Houdaille Industries, Inc., in 1974 compared to 1973. Sales decreased 24 percent in the last quarter of 1974 compared to the last quarter of 1973. Sales decreased 48 percent in the first quarter of 1975 compared to the same period in 1974.

Increased Imports. Imports of automotive bumpers, including steel bumper system components after increasing from 2.8 million units in 1971 to 3.2 million units in 1972 declined in absolute terms and relative to domestic consumption and production each year thereafter through 1974. Imports of such products continued to decline in absolute terms and relative to domestic consumption and production in the first ten months of 1975 compared to the same period in 1974.

Contributed Importantly. The Department's investigation indicated that customers of Houdaille Industries, Inc., did not shift purchases of bumper support systems produced by Houdaille's Detroit plant to foreign sources. Houdaille closed the Detroit plant in March 1975 because of (1) technological developments in bumper support systems and (2) insufficient demand for the traditional bumper support system beyond the 1975 model year.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with bumper support systems produced at Houdaille Industries' Detroit, Michigan plant did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 11th day of March 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-8069 Filed 3-22-76;8:45 am]

[TA-W-387]

McDONNELL DOUGLAS ASTRONAUTICS CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-387: investigation regarding certifi-

cation of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on that date which was filed on behalf of workers and former workers engaged in vehicle launch operations at the Vandenburg Air Force Base, California, Delta Vehicle Launch Operations of McDonnell Douglas Astronautics Company, Huntington Beach, California.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59274). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from McDonnell Douglas Astronautics Company and the National Aeronautics and Space Administration.

In order to make an affirmative finding and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Without regard as to whether any of the other criteria have been met, the investigation reveals that the third criterion has not been met.

Increased Imports. The evidence developed in the Department's investigation reveals that the separations of workers at McDonnell Douglas' Vandenburg launch site were a result of declining launch activity at the site. The decline was due in part to a decision by a foreign nation, which formerly launched its space hardware at the Vandenburg site, to begin launching its hardware from a launch site within its own national boundaries. Such actions do not constitute an increase in imports of competitive products in accordance with the provisions of the Trade Act of 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports did not contribute importantly to the total or partial separation of workers employed at the Vandenburg Air Force Base, Delta Vehicle Launch Operations of McDonnell Douglas Astronautics Company.

Signed at Washington, D.C. this 12th day of March 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-8071 Filed 3-22-76;8:45 am]

[TA-W-546]

MOBIL OIL CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-546: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 12, 1976 in response to a worker petition received on that date which was filed by the Oil, Chemical, and Atomic Workers Union on behalf of workers and former workers transporting in ships the refined oil products for Mobil Oil Corportation, Marine Transportation Department, Beaumont, Texas.

The notice of investigation was published in the FEDERAL REGISTER on January 19, 1976 (41 FR 2708). A public hearing was requested by the OCAW and was held on February 2, 1976.

The information upon which the determination was made was obtained principally from officials of the OCAW Union, Mobil Oil Corporation, U.S. Federal Energy Administration, U.S. Bureau of Mines, American Petroleum Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (3) and (4) have not been met. The evidence developed in the Department's investigation reveals that aggregate imports of refined oil products declined 11.7 percent from 1973 to 1974 and declined 26.5 percent from 1974 to 1975. The ratios of imports to production and consumption from 1974 to 1975 declined from 21.5 percent to 15.4 percent and from 18.1 percent to 13.6 percent, respectively.

Although imports of crude oil have been increasing in recent years, these imports would not affect the use of Mobil's U.S. flag ships since the primary mission of these ships has been and currently is the transportation of refined oil products in the U.S. intercoastal trade.

Imports of refined petroleum products (gasolines and distillates) by Mobil Oil decreased 60 percent from 1973 to 1974. In 1975, the company imported no gasolines and distillates. The company's imports of residual fuels declined 20 percent from 1973 to 1974 and 25 percent from 1974 to 1975.

Domestic pipeline transportation of Mobil's petroleum products from Beaumont, Texas to New York increased 6.89 percent from 1974 to 1975. The cost of shipping a barrel of gasoline via the pipeline was 37 percent less than when shipped by tanker.

Three of the nine ships in Mobil's Gulf-East Coast fleet, the ECLIPSE, MOBIL MERIDIAN, and MOBIL ARCTIC are presently in lay up status. Company officials stated that ECLIPSE, used primarly for transportation oil feedstock to Mobil's East Providence, Rhode Island asphalt manufacturing plant and some chartering service, was taken out of service in September 1975 after the asphalt plant closed and opportunities for chartering the surplus capacity declined. MOBIL MERIDIAN was used for transporting a wide range of petroleum products. When Mobil's requirements for domestic product movements declined because of reduced sales, the vessel was used to import crude oil. The decline in international tanker rates after the Arab oil embargo made continued operation of this vessel extremely uncompetitive, and the ship was taken out of service in April 1975. MOBIL ARCTIC, built for the Alaskan crude oil trade was placed in the international crude importing trade while awaiting completion of the Alaskan pipeline. The higher cost of operating this U.S. flag vessel in competition with foreign flag ships forced this ship to be laid up in September 1975. This ship is expected to be reactivated when Mobil begins taking delivery of Alaskan crude oil.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with petroleum and petroleum products produced by Mobil Oil Corporation did not contribute importantly to the total or partial

separation of workers as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of March 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-8070 Filed 3-22-76;8:45 am]

[TA-W-390]

SKF INDUSTRIES

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-390: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on that date which was filed by United Auto Workers Union on behalf of workers and former workers producing all types of bearing cages at the SKF Industries' Shippensburg, Pennsylvania plant.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59276). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of SKF Industries, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that while criteria one and two have been met, criteria three and four have not.

Significant Total or Partial Separations. Employment at the SKF Industries Shippensburg plant increased 5.8 percent from 1973 to 1974, and declined 26.6 percent in the second half of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production of bearing cages increased 22.3 percent in terms of value from 1973 to 1974. In the second half of 1975 production decreased 28.9 percent compared to the similar period in 1974.

Increased Imports. Imports of antifriction roller and ball bearing components are not separately identified in the Tariff Schedules of the United States, they are included with the aggregate data of imports of ball and roller bearings.

Imports of ball and roller bearings declined 31.8 percent and 20.1 percent, respectively, in absolute terms in the period January through September 1975 compared to the similar period in 1974.

Contribute Importantly. The evidence developed by the Department's investigation indicated that all ball and roller bearing cages produced by the Shippensburg, Pennsylvania plant of SKF Industries, Inc., were shipped to other divisions of SKF Industries, Inc. Production at the Shippensburg plant declined when orders were reduced for ball and roller bearing cages because of the decline in the general economic conditions and because of inventory adjustments. None of the Divisions of SKF imported ball and roller bearing cages.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the bearing components (cages) produced at the Shippensburg, Pennsylvania plant of SKF Industries, Inc., did not contribute importantly to the total or partial separations of the workers of that plant.

Signed at Washington, D.C. this 15th day of March 1976.

JAMES F. TAYLOR,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-8072 Filed 3-22-76;8:45 am]

[TA-W-581]

SUPERIOR COAT PAD CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-581: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 30, 1976 in response to a worker petition received on January 30, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing coat fronts for men's suits and sportscoats at the Superior Coat Pad Company, Baltimore, Maryland.

The notice of investigation was published in the FEDERAL REGISTER on February 13, 1976 (41 FR 6828). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Superior Coat Pad Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated:

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met. The evidence developed in the Department's investigation reveals that there are no separately identifiable imports of coat fronts. The product is not listed as a seperate item of any U.S. Tariff Schedule grouping. In addition, industry spokesmen indicated that there are no imports of this item.

Imports of men's and boys' apparel which incorporate coat fronts of the same origin are not like or directly competitive with coat fronts produced by the Superior Coat Pad Company.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by the Superior Coat Pad Company are not being imported in increasing quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of March 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-8073 Filed 3-22-76;8:45 am]

[TA-W-567]

WESTERN AND CLEVELAND COAT FRONT CO., INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-567: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 23, 1976 in response to a worker petition received on January 23, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing coat fronts for men's suits and sportscoats at the Western and Cleveland Coat Front Company, Inc., Baltimore, Maryland.

The notice of investigation was published in the FEDERAL REGISTER on February 6, 1976 (41 FR 5478). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Western and Cleveland Coat Front Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met. The evidence developed in the Department's investigation reveals that there are no separately identifiable imports of coat fronts. The product is not listed as a separate item of any U.S. Tariff Schedule grouping. In addition, industry spokesmen indicated that there are no imports of this item.

Imports of men's and boys' apparel which incorporate coat fronts of the same origin are not like or directly competitive with coat fronts produced by the Western and Cleveland Coat Front Company.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by the Western and Cleveland Coat Front Company are not being imported in increasing quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of March 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-8074 Filed 3-22-76;8:45 am]

Office of the Secretary

[TA-W-377]

ALAN JOHN MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-377: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 19, 1975, in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits and sportcoats at Alan John Manufacturing Company, San Diego, California.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59269). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Alan John Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with articles produced by the firm are being imported in increasing quantities; and

(4) that such increased imports have contributed importantly to the separation of the workers and to a decrease in sales or production.

The investigation revealed that although the first three criteria have been met, the fourth criterion has not been met.

Significant Total or Partial Separations. Employment at Alan John declined 17 percent in 1974 from 1973 and declined 56 percent in 1975 from 1974. Average weekly hours declined 5 percent and 2 percent in 1974 and 1975 respectively from the prior year's levels.

Sales or Production, or Both, Have Decreased Absolutely. Production of suits and sportcoats by Alan John declined 37 percent in 1974 from 1973 and declined 28 percent in 1975 from 1974. In September 1975 Alan John ceased all operations as a manufacturer and began contract production of men's leisure suits for one manufacturer.

Increased Imports. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 through 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971–1973 average of 8.6 percent and 7.9 percent, respectively. In the first nine months of 1975, imports of men's and boys' suits increased 86 percent compared to the first nine months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first nine months of 1974 to 19.9 percent in the first nine months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1971 through 1974. The ratio of imports to domestic production increased from 24.6 percent in the first nine months of 1974 to 41.9 percent in the first nine months of 1975.

Contributed Importantly. Significant separations of workers at Alan John resulted from a decline in sales at the wholesale level and the ultimate closing of the firm's manufacturing operations. Customers of Alan John indicated that style changes caused them to reduce purchases from Alan John while increasing purchases from other domestic manufacturers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats produced by Alan John Manufacturing Company did not contribute importantly to the total or partial separation of workers of that firm.

Signed at Washington, D.C. this 12th day of March 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-8203 Filed 3-22-76;8:45 am]

[TA-W-319]

BAGANOFF ASSOCIATES, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-319; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 5, 1975 in response to a worker petition received on November 5, 1975 which was filed by workers and former workers producing mechanical strain recorders and data transcribers at Baganoff Associates, Inc., St. Louis, Missouri.

Notice of the Investigation was published in the FEDERAL REGISTER on November 21, 1975 (40 FR 54318). No public hearing was requested and none was held. The investigation was terminated on December 17, 1975 (40 FR 59799, December 30, 1975) and subsequently reopened at the request of the petitioners.

The information upon which the determination was made was obtained principally from officials of Baganoff Associates, Inc., its customers, the Department of Commerce, the International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increase of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the above criteria have been met, the Department's investigation indicates that the workers of the firm were totally or partially separated from employment more than twelve months prior to the date of the petition which in this case is October 24, 1975.

Section 223(b)(1) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition on which such certification is granted. Thus, workers totally or partially separated from Baganoff Associates prior to October 24, 1974 are ineligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that the most recent total or partial separations at Baganoff Associates, Incorporated occurred prior to July, 1974 and, therefore, the petition for certification of eligibility is denied.

Signed at Washington, D.C. this 4th day of March 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-8204 Filed 3-22-76;8:45 am]

[TA-W-376]

A. BRASH AND SONS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-376; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on December 5, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's sport coats at A. Brash and Sons, Baltimore, Maryland.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59270). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of A. Brash and Sons, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increasing quantities, either actual or relative to domestic production, and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Departments investigation has revealed that all four criteria have been met.

Significant Total or Partial Separations. The average number of production workers declined 15.6 percent in 1974 compared to 1973 and declined 15.0 percent in the first three quarters of 1975 compared to the same period in 1974. All production workers were separated in September, 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales of sport coats declined 51.8 percent in 1974 compared to 1973 and declined 33.8 percent in 1975 compared to 1974.

Production of sport coats declined 36.6 percent in 1974 from 1973 and declined 48.0 percent in the first three quarters of 1975 compared to the same period in 1974. All production ceased in September 1975.

Increased Imports. Imports of men's and boys' sport coats increased their share of the domestic market in each year from 1971 through 1974. The ratio of imports to domestic production increased from 24.6 percent in the first three quarters of 1974 to 41.9 percent in the first three quarters of 1975.

Contributed Importantly. The evidence developed in the Departments investigation revealed that customers of A. Brash and Sons had increased their purchases of imported sport coats and decreased purchases from Brash.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's sport coats produced at the sport coat division of A. Brash and Sons, Inc., Baltimore, Maryland contributed importantly to the total or partial separation of the workers of that division. In accordance with the provisions of the Act, I make the following certification:

"All employees in the sport coat division of A. Brash and Sons, Inc., Baltimore, Maryland who became totally or partially separated from employment on or aftr November 4, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 12th day of March 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-8205 Filed 3-22-76;8:45 am]

[TA-W-337]

COBBLERS, INC.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, on February 17, 1976 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers producing footwear

for women at Richard Shoe Company, Culver City, California, a division of Cobblers, Inc. The notice of Certification was published in the FEDERAL REGISTER on March 2, 1976 (41 FR 9020).

At the request of officials of Cobblers, Inc., a further investigation was instituted by the Acting Director of the Office of Trade Adjustment Assistance. The further investigation reveals that the closing of Richard Shoe Company resulted in the separation of certain clerical and administrative personnel employed at Culver City by Cobblers, Inc. in support of activities of Richard Shoe Company. The decline in sales and production and ultimate closure of Richard Shoe Company therefore resulted in the separation of employees of Cobblers, Inc. at the Culver City facility as well as employees of Richard Shoe Company.

Since the intent of the certification is to cover all workers at the Culver City facility of Cobblers who were engaged in employment related to the production of footwear at Richard Shoe Company, the certification is revised to include all workers of Cobblers, Inc. employed at the firm's Culver City location.

The revised certification applicable to TA-W-337 is hereby issued as follows:

"All employees of Richard Shoe Company and Cobblers, Inc., Culver City, California who became or will become totally or partially separated from employment on or after October 20, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 12th day of March 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-8206 Filed 3-22-76;8:45 am]

[TA-W-540]

DOW CORNING CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-540: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 9, 1976 in response to a worker petition received on January 9, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing silicone chemicals at Dow Corning Corporation, Midland, Michigan.

The notice of investigation was published in the FEDERAL REGISTER on January 29, 1976 (41 FR 4384). No public hearings was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dow Corning, its customers, the U.S. International Trade Commission, the Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met:

Imports of silicone chemicals are negligible and have constituted less than 2 percent of domestic production and consumption each year since 1971.

Imports of silicone chemicals declined 79 percent from 1974 to 1975. The ratios of imports of silicones to domestic production and consumption decreased from 1.1 percent and 1.3 percent, respectively, in 1974 to 0.2 percent and 0.3 percent, respectively, in 1975.

Conclusion. After careful review of the facts I conclude that increases of imports like or directly competitive with silicon chemicals produced by Dow Corning Corporation, Midland, Michigan did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C. this 15th day of March 1976.

JAMES F. TAYLOR,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-8207 Filed 3-22-76;8:45 am]

[TA-W-584]

STACKPOLE CARBON CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-584: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

This petition, dated November 24, 1975 was submitted with a request that it be considered as an amendment to an earlier petition involving the Stackpole Carbon Company. For the convenience of handling, the Department initiated a new investigation on February 4, 1976 with the understanding that the petition would be treated as an amendment to the earlier one received on July 31, 1975 filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers and former workers producing anodes, brushes, ferrites and resistors at the St. Marys plant of the Stackpole Carbon Company (TA-W-102), and published in the FEDERAL REGISTER on August 11, 1975 (40 FR 33716).

The petition dated November 24, 1975 was filed on behalf of former workers producing volume controls and slide switches at the Johnsonburg, Pennsylvania plant and workers and former workers producing metal component parts for volume controls and slide switches in the Parts Department of the St. Marys, Pennsylvania plant of the Stackpole Carbon Company.

The notice of investigation was published in the FEDERAL REGISTER on February 20, 1976 (41 FR 7831). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Stackpole Carbon Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, the Johnsonburg, Pennsylvania plant is outside the scope of the Trade Act of 1974, and criterion (3) has not been met for the Parts Department of the St. Marys, Pennsylvania plant.

The Department's investigation indicates that worker separations at the Johnsonburg, Pennsylvania plant occured over twelve months prior to the

date of the amended petition, July 31, 1975.

Section 223(b)(1) of the Trade Act of 1974 states that a certification under this section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than 12 months before the effective date of the petition, July 21, 1975, under Chapter 2 Title II of the Trade Act of 1974. All workers engaged in employment related to the production of volume controls and slide switches at the Johnsonburg, Pennsylvania plant were separated in June 1973.

The Department's investigation further indicates that there are no imports of metal component parts which are integral parts of volume controls and slide switches like or directly competitive with those produced in the Parts Department of the St. Marys, Pennsylvania plant of the Stackpole Carbon Company.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with metal component parts which are integral parts of volume controls and slide switches did not contribute importantly to the total or partial separation of the workers of that firm as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of March 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-8208 Filed 3-22-76;8:45 am]

[TA-W-548]

SUSSEX CLOTHES, LTD.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-548: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 15, 1976 in response to a worker petition received on January 15, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportcoats and trousers at Sussex Clothes Ltd., located in New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on January 29, 1976 (41 FR 4381). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sussex Clothes Ltd., its customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

All four of the above criteria have been met.

Significant Total or Partial Separations. The average number of production workers at Sussex Clothes Ltd., declined 35 percent in 1975 compared to 1974. Employment declined in each quarter of 1975 compared to the like quarter in 1974.

Sales or Production, or Both Have Decreased Absolutely. Sales at Sussex Clothes Ltd. declined 37.3 percent in 1975 compared to 1974. Sales declined in each quarter of 1975 compared to the same quarter in 1974. Production declined 41.3 percent in 1975 compared to 1974. Production declined in each quarter of 1975 compared to the same quarter in 1974.

Increased Imports Contributed Importantly. The ratios of imports to domestic consumption and production of men's and boys' tailored suits increased from 8.0 percent and 8.7 percent in the first 9 months of 1974 to 16.6 percent and 19.9 percent in the first 9 months of 1975.

The ratios of imports of men's and boys' sportcoats to domestic consumption and production increased from 19.7 percent and 24.6 percent in the first 9 months of 1974 to 29.5 percent and 41.9 percent in the first 9 months of 1975.

Imports of men's trousers increased from 28.5 million units in the first 9 months of 1974 to 39.0 million units in the first 9 months of 1975. The ratios of imports to domestic consumption and production increased from 19.1 percent and 23.6 percent in the first 9 months of 1974 to 30.9 percent and 44.8 percent in the first 9 months of 1975.

Contributed Importantly. Major customers of Sussex reduced purchases of men's clothing from Sussex because of the availability of less expensive imported clothing of high quality and comparable or greater styling appeal. Increased purchases of imports by the firm's major customers caused the company to substantially reduce production and reduce the production workers employed.

Conclusion. After careful review of the facts obtained in the investigation I conclude that increases of imports like or directly competitive with men's suits, sportcoats and trousers produced by Sussex Clothes Ltd., contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

"All hourly, piecework and salaried workers engaged in employment related to the production of men's suits, sportcoats and trousers at Sussex Clothes Ltd., located in New York, New York who became totally or partially separated from employment on or after February 8, 1975, are eligible to apply for adjustment assistance under Title II, chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 15th day of March 1976.

JAMES F. TAYLOR,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-8209 Filed 3-22-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 7]

ASSIGNMENT OF HEARINGS

MARCH 17, 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.

CORRECTION

MC 106920 (Sub-59), Riggs Food Express, Inc. now being assigned June 2, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

PLEASE DISREGARD THIS ENTRY OF MARCH 12, 1976.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-8216 Filed 3-22-76;8:45 am]

[Notice No. 34]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the

protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 95540 (Sub-No. 945TA), filed March 10, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Montezuma, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Southern Frozen Foods Division of Seabrook Foods, Inc., P.O. Box 306, Montezuma, Ga. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 99213 (Sub-No. 19TA), filed March 9, 1976. Applicant: VIRGINIA FREIGHT LINES, North Main St., Kilmarnock, Va. 22482. Applicant's representative: J. S. Venable, P.O. Box 237, Kilmarnock, Va. 22482. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish solubles*, from Cambridge, Md., to Reedville, Va., Richmond, Va., Charlotte, N.C., Mechanicsburg, Pa., and Dunkirk, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Zapata Haynie Corporation, P.O. Box 175, Reedville, Va. 22539. Sent protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 10–502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 107002 (Sub-No. 483TA), filed March 9, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, in bulk, from DuQuoin, Ill., to Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mid-South Milling Co., Inc., 1229 Kansas St., Memphis, Tenn. 38106. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 107295 (Sub-No. 806TA), filed March 10, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe or conduit and fittings and accessories*, from West Chicago, Ill., to points in Alabama, the District of Columbia, Iowa, Indiana, Louisiana, Maryland, Michigan, Minnesota, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, for 180 days. Supporting shipper: Ted Schenk, Traffic Manager, Phone-Ducs, Inc., 1400 Northwest Ave., West Chicago, Ill. 60185. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 114896 (Sub-No. 35TA), filed March 8, 1976. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articles of unusual value*, between points in the Counties of: Los Angeles, Calif.; Douglas, Colo.; New Haven, Conn.; New Castle and Sussex, Del.; LaSalle, Ill.; Lake, Ind.; Jefferson, Ky.; St. John The Baptist, La.; Baltimore, Md.; Norfolk, Mass.; Camden, Middlesex, Essex, Gloucester and Salem, N.J.; Monroe, Niagara, Queens, and Westchester, N.Y.; Davidson and Transylvania, N.C.; Lucas, Ohio; Cumberland, Delaware, Erie, Pennsylvania, and York, Pa.; Providence, R.I.; Kershaw, S.C.; Hamilton, Humphreys, Shelby, and Sumner, Tenn.; Jefferson, Harris, Orange, and Victoria, Tex.; Pierce, Wash.; and Kanawha, W. Va., under a continuing contract with E. I. du Pont de Nemours & Co., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, Del. 19898. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 126898 (Sub-No. 2TA), filed March 10, 1976. Applicant: BULLDOG HIWAY EXPRESS, P.O. Box 506, Charleston, S.C. 29402. Applicant's representative: R. D. Moseley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Charleston, S.C., Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 138039 (Sub-No. 5TA), filed March 10, 1976. Applicant: BAY DELIVERY CORP., 105 Price Parkway, Farmingdale, N.Y. 11735. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, used by, and sold by distributors of toys, sporting goods, and housewares, and related commodities, between points in Dade County, Fla., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., under a continuing contract with Watson-Triangle Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Watson-Triangle Company, 3505 N.W. 107th St., Miami, Fla. 33126. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141679 (Sub-No. 1TA) (Correction), filed January 15, 1976, published in the FEDERAL REGISTER issue of February 25, 1976, republished as corrected this issue. Applicant: PAUL McSHEFFRY doing business as McSHEFFRY TRUCKING, Route #4, Snow Hill Road, Salisbury, Md. 21801. Applicant's representative: Margaret A. Toadvine, 506 S. Division Street, Salisbury, Md. 21801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, including fresh and frozen beef and pork, processed meat and *meat food products*, from Wye Mills, Md., to Kent and Sussex Counties, Del.; Queen Anne, Talbot, Caroline, Kent, Cecil, Dorchester, Wicomico, Somerset, and Worchester Counties, Md.; and Accomac and North Hampton Counties, Va.; with return of any rejected or refused shipment to consignor, under continuing contract with Shen-Valley Meat Packers, Inc., Drawer E., Timberville, Va. 22853, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shen-Valley Meat Packers, Inc., Drawer E, Timberville, Va. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue, NW., Room B–317 W. C.

Hersman, District Supervisor, Washington, D.C. 20423.

The purpose of this republication is to correct the territorial description.

No. MC 141788 (Sub-No. 1TA), filed March 10, 1976. Applicant: JERRY HILL, Route 1, Box 231, Morrilton, Ark. 72210. Applicant's representative: Jerry Hill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, bark, shavings, and sawdust, from points in Garland County, Ark., to Valliant, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: B. G. Wilson Lumber Company, Inc., Route 6, Box 515, Hot Springs, Ark. 71901. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 141861TA, filed March 9, 1976. Applicant: DANA EXUM, 1012 Arizona Drive, Merced, Calif. 95340. Applicant's representative: Dana Exum, P.O. Box 2245, Merced, Calif. 95340. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hanging beef carcasses and meat, 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 but only when in mixed truckloads with hanging beef carcasses, in mechanically refrigerated equipment, from the facilities of Columbia Foods, at or near Wallula, Wash., to points in California, under a continuing contract with Columbia Foods, Inc., for 180 days. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: Claud W. Reeves, District Supervisor, Box 36004, Federal Bldg., 450 Golden Gate Ave., San Francisco, Calif. 94102.

No. MC 141862TA, filed March 8, 1976. Applicant: TRANS ALTA TRUCKLINES, LTD., 711 4th Ave., North, Lethbridge, Alberta, Canada, T1J 3Y3. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides* (fresh or green, salted or unsalted, fleshed or unfleshed), *fleshings and trimmings*, from the International Boundary line between the United States and Canada, at or near the port of entry of Sweetgrass, Mont.; Portal, N. Dak.; and Noyes, Minn., to Denver, Colo.; St. Joseph, Mo.; Omaha, Nebr.; Houston and Laredo, Tex.; restricted to traffic moving in foreign commerce originating in Alberta, Canada, for 180 days. Supporting shippers: Patrick A. Perrella, Frank L. Schwab Association, Inc., 488 Madison Ave., New York, N.Y. 10022. Raymond F. Becker, Traffic Manager, Chilewich Corporation, 120 Wall St., New York, N.Y. 10005. Rudy Sawicki, Manager, Alberta Hide Processors, Ltd., 606 5th St., S.E., Calgary, Alberta, Canada T2G 2W7. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 141863TA, filed February 25, 1976. Applicant: LANCE B. HAUPT, South Bonner Road, Sandusky, Mich. 48471. Applicant's representative: Harry S. Ellman, 25130 Southfield Road, Suite 212, Southfield, Mich. 48075. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cured cattle hides*, from (1) Detroit, Mich., to South St. Paul, Minn., (2) from Detroit, Mich., to points in Wisconsin, under a continuing contract with Weco, a Michigan Joint Venture Michigan Hide Company, for 180 days. Supporting shipper: Weco, a Michigan Hide Company, 3000 Standish, Detroit, Mich. 48216. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 141864TA, filed March 18, 1976. Applicant: JAMES D. DICKSON, 1074 Marietta Ave., Ixonia, Wis. 53036. Applicant's representative: Wayne Wilson, 329 W. Wilson St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and granulated fertilizer compounds, agricultural chemicals, fertilizer, and pesticide sprayers, tanks and containers*, from the plantsite and warehouse facilities of Farm Better Service, Inc., at or near Dousman, Wis., to points in Minnesota, Illinois, Iowa, Indiana and Ohio; and (2) *Materials, equipment and supplies* used or useful in the manufacture, sale, production, or distribution of liquid and granulated fertilizer compounds and agricultural spray equipment, from points in Minnesota, Illinois, Iowa, Indiana, and Ohio, to the plantsite and warehouse facilities of Farm Better Service, Inc., at or near Dousman, Wis., for 180 days. Supporting shipper: Farm Better Service, Inc., 132 W. Ottawa Ave., Dousman, Wis. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 141865TA, filed March 9, 1976. Applicant: B. R. ELLIS, doing business as ACTION DELIVERY SERVICE, 3021 Pinewood Drive, Arlington, Tex. 76010. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors for the account of Amway Corporation, from the warehouse and storage facilities of Amway Corporation, at Arlington, Tex., to points in New Mexico, Colorado, Missouri, Oklahoma, Arkansas, Louisiana and Kansas, under a continuing contract with Amway Corporation, for 180 days. Supporting shipper: Amway Corporation, 2001 Timerlake Drive, Arlington, Tex. 76010. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 141866TA, filed March 9, 1976. Applicant: WILLIS WAREHOUSING COMPANY, 550 Glen Ave., Moorestown, N.J. 08057. Applicant's representative: David M. Schwartz, Suite 500, 1025 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garden supplies and ornaments, pet supplies, artificial trees and Christmas ornaments, and floral and nursery stock*, when moving in mixed shipments with regulated commodities, between the warehouse and storage facilities used by Sears, Roebuck, and Company, located at or near Moorestown, N.J., on the one hand, and, on the other, stores and sources of supply of Sears, Roebuck and Company, located at points in Delaware, the District of Columbia, Maryland, New Jersey, Pennsylvania, and Virginia, under a continuing contract with Sears, Roebuck and Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sears, Roebuck and Co., 4640 Roosevelt Blvd., Philadephia, Pa. 19132. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

PASSENGER APPLICATION

No. MC 141669 (Sub-No. 1TA), filed March 9, 1976. Applicant: BILL'S BUS SERVICE, 6705 Northgate Parkway, Clinton, Md. 20735. Applicant's representative: Harlan E. Mullenax (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers* (employees of Naval Research Lab to and from work), from Pomonkey, Md., over Maryland State Highway 227 to State Highway 225 to junction Maryland State Highway 210, thence over Maryland State Highway 210 to junction Interstate Highway 495 to junction Interstate Highway 295, and thence over Interstate Highway 295 to the Naval Research Laboratory and return over the same route, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 19 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave. NW., Room B-317, Washington, D.C. 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-8217 Filed 3-22-76;8:45 am]

(Notice No. 33)

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 17, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 42828 (Sub-No. 10TA), filed March 5, 1976. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine St., Barre, Vt. 05641. Applicant's representative: James W. Conner, 431 Keith Ave., Akron, Ohio 44313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclassified silicon carbide*, from Barre, Vt., and those points within 15 miles of Barre, Vt., to points in New Jersey and those in New York and Pennsylvania lying east of a line beginning at the Maryland-Pennsylvania state line at or near Shrewsbury, Pa., along Interstate Highway 83 north to Harrisburg, thence along Route 81, from Harrisburg north through Scranton, north to Binghamton, N.Y., continuing north along Route 81 through Syracuse to a point where Route 81 intersects Route 12 on or about the U.S.-Canadian Border, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rock of Ages Corporation, Barre, Vt. 05641. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 61403 (Sub-No. 238TA), filed March 8, 1976. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, Kingsport, Tenn. 36772. Applicant's representative: James P. Ray (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Kaiser Agricultural Chemicals facility at Finney, Ohio, to points in Illinois, Iowa, Michigan, Minnesota, Missouri, New Jersey, Pennsylvania, Tennessee, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Kaiser Agricultural Chemicals, P.O. Box 246, Savannah, Ga. 31402. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 77129 (Sub-No. 7TA), filed March 9, 1976. Applicant: RAYMOND H. PUFFER, INC., Box 15, RD 1, Vernon, Vt. 05354. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Lehigh, Pa., to Brattleboro, Vt.; *Empty malt beverage containers*, in the opposite direction, for 180 days. Supporting shipper: DeWitt Beverage Co., Putney Road, Brattleboro, Vt. 05301. Send protests to: David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 88380 (Sub-No. 22TA), filed March 9, 1976. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, P.O. Box 4309, 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: *Iron and steel articles* as defined in Appendix V to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the facilities of Chaparral Steel, Inc., at or near Midlothian, Tex., to points in St. Louis County, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chaparral Steel Company, P.O. Box 1100, Midlothian, Tex. 76065. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 106119 (Sub-No. 24TA), filed March 8, 1976. Applicant: ASSOCIATED PETROLEUM CARRIERS, P.O. Box 2808, Spartanburg, S.C. 29302. Applicant's representative: R. E. Littlejohn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Inman, S.C., to all North Carolina Counties lying between the Tennessee State line on the west, eastward to and including the following North Carolina Counties, Stokes, Guilford, Randolph, Montgomery and Anson, for 180 days. Supporting shippers: Asheville Paving Company, Box 7068, Asheville, N.C. 28807. Fletcher Asphalt Company, P.O. Box 1519, Hendersonville, N.C. 28739. Harrison Construction Company, P.O. Box 386, Alcoa, Tenn. 37701. Warren Brothers Company, Division of Ashland Oil, Inc., P.O. Box 6085, Asheville, N.C. 28806. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 113843 (Sub-No. 232TA), filed March 5, 1976. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., 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 Salinas, Calif., for 180 days. Supporting shipper: J. M. Smuckers Company, Strawberry Lane, Orrville, Ohio 44667. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 115931 (Sub-No. 35TA), filed March 5, 1976. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 925, Baker, Mont. 59313. Applicant's representative: William Grimshaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Casual wooden furniture*, knocked down or in cartons, from the plantsite and warehouse facilities of Halvorsen Co., located at or near Eureka, Calif., to points in Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eric P. Canton, Vice-President, Canton Redwood Yard, Inc., 221 West 78th St., Minneapolis, Minn. 55420. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 117765 (Sub-No. 199TA), filed March 8, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 NW. 5th St., Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Longview, Tex., to Altus, Enid, Guymon, Ponca City, Stillwater and Woodward, Okla., for 180 days. Supporting shippers: J. K. Boersma Company, Blackwell, Okla. East Sales Company, Lawton, Okla. Pope Distributing Company, Enid, Okla. Send protests to: Joe Green, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Bldg., 215 NW. 3rd St., Oklahoma City, Okla. 73102.

No. MC 117940 (Sub-No. 173TA), filed March 9, 1976. Applicant: NATIONWIDE

CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and 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), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Connecticut, the District of Columbia, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118304 (Sub-No. 4TA), filed March 9, 1976. Applicant: CALDWELL TRANSPORT, LTD., Florenceville, N., New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk) from Bangor, Maine, to the Port of Entry on the United States-Canada International Boundary Line, located at or near Holton, Maine, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia-Pacific Corporation, Bennett St., Bangor, Maine 04401. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 119741 (Sub-No. 54TA), filed March 9, 1976. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles* distributed by meat packinghouses, as described in Sections A, B, 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 Fort Dodge, Iowa, to Kankakee, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Spencer Foods, Inc., P.O. Box 1228, Spencer, Iowa 51301. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 120737 (Sub-No. 33TA), filed March 8, 1976. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, South Fourth Ave., Canton, Ill. 61520. Applicant's representative: Charles Long (same address as applicant). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as described in Appendix XII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Canton, Ill., to points in Arkansas, Louisiana and Texas restricted to traffic originating at the plantsites and warehouse of International Harvester Company, at Canton, Ill., for 180 days. Supporting shipper: International Harvester Company, 401 North Michigan Ave., Chicago, Ill. Send protests to: Pati A. Rosco, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., Room 1086, 219 South Dearborn St., Chicago, Ill. 60604.

No. MC 123407 (Sub-No. 293TA), filed March 5, 1976. 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: *Lumber and lumber products* (except commodities in bulk), from the facilities of Kimberly-Clark Corporation, at Marenisco and Newberry, Mich., to points in Wisconsin, for 180 days. Supporting shipper: Kimberly-Clark Corporation, Neenah, Wis. 54956. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 124109 (Sub-No. 14TA), filed March 9, 1976. Applicant: B. F. C. TRANSPORTATION, INC., P.O. Box 985, Cedar Rapids, Iowa 52406. Applicant's representative: William L. Fairbanks, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, from Fort Madison, Iowa, to points in Arkansas, Colorado, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, Oklahoma, South Dakota, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Consolidated Packaging Corporation, P.O. Box 250, Fort Madison, Iowa 52627. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 124236 (Sub-No. 79TA), filed March 8, 1976. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Bldg., Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portland cement*, in bulk, from Oklahoma City, Okla., to Perryton and Pampa, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arkansas Cement Corporation, P.O. Box 751, Little Rock, Ark. 72203. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 12C12, Dallas, Tex. 75202.

No. MC 124813 (Sub-No. 144TA), filed March 9, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic feed supplements*, from the facilities of American Cyanamid Company, at or near Alden, Iowa, to points in Indiana, Kentucky, Michigan, and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Cyanamid Company, P.O. Box 400, Princeton, N.J. 08540. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commision, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 127304 (Sub-No. 13TA), filed March 8, 1976. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North West St., Valley Center, Kans. 67147. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, 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 commodities in bulk other than liquid, in tank vehicles), from the plantsite and warehouse facilities of Dubuque Packing Co., at or near Wichita, Kans., to Kankakee and Chicago and its commercial zone, Ill.; Denison, Iowa; Landover, Md.; Dakota City, Nebr.; Jersey City and Elizabeth, N.J.; New York City and its commercial Zone, N.Y.; and Salem, Ohio, under a continuing contract with Dubuque Packing Company, for 180 days. Supporting shipper: Dubuque Packing Company, P.O. Box 4225, Wichita, Kans. 67204. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 127867 (Sub-No. 13TA), filed February 25, 1976. Applicant: TRANSOL COMPANY, 116 Forest Ave., Des Moines, Iowa 50314. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solvents and chemicals*, in tank vehicles, and (2) *Solvents and chemicals*,

in containers, in mixed loads with the commodities described in (1) above, from Des Moines, Iowa, to Moberly, Mo., under a continuing contract with Barton Solvents, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Barton Solvents, Inc., 116 Forest Ave., Des Moines, Iowa 50310. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 129068 (Sub-No. 24TA), filed March 9, 1976. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 S. Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: Jack L. Griffin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* complete, knocked down or in sections mounted on wheeled under-carriages, in initial movement, from points in Pottowatomie County, Okla., to points in Texas, Louisiana, Arkansas, Kansas, Missouri, New Mexico, Mississippi, Alabama, Tennessee, Kentucky, Nebraska, and Colorado, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Modular Industries, Inc., Shwanee, Okla. 74801. Send protests to: Joe Green, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 134922 (Sub-No. 161TA), filed March 9, 1976. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut paper products*, from Jefferson City, Tenn., to Houston, Tex., and Los Angeles, Calif., for 180 days. Supporting shipper: Rittenhouse Paper Rolls, Inc., Rittenhouse Road, Jefferson City, Tenn. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136103 (Sub-No. 2TA), filed March 8, 1976. Applicant: JOHN J. SAMMON, 45–64 157th St., Flushing, N.Y. 11355. Applicant's representative: Bruce J. Robbins, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the metal finishing industries (except in bulk, in tank vehicles), from Wayne (Mountain View), N.J., to points in that part of the New York, N.Y., Commercial Zone as defined in the Fifth Supplemental Report in Commercial Zones and Terminal Areas 53 MCC 451, within which operations may be conducted pursuant to the partial exemption in Section 203(b)(8) of the Act (the Exempt Zone), under a continuing contract with Oxy Metal Industries Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oxy Metal Industries Corporation, 21441 Hoover Road, Warren, Mich. 48089. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 136888 (Sub-No. 7TA), filed February 24, 1976. Applicant: NORMAN & SON, INC., 2520 North 69th St., Houston, Tex. 77020. Applicant's representative: Timothy Mashburn, 1806 Rio Grande, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro manganese and ferro silicon*, in bulk, in dump trailer equipment, from the port of Houston, Tex., to Jewett, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Nucor Steel, P.O. Box 126, Jewett, Tex. 75846. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 138148 (Sub-No. 8TA), filed March 9, 1976. Applicant: JOSEPH J. SCHMIDT, 7499 Montevideo Court, Jessup, Md. 20794. Applicant's representative: Clyde E. Herring, Suite 1123, 1329 E St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages and empty containers and pallets* on return, between Milwaukee, Wis., and Aberdeen and Salisbury, Md., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Richard Carey, President, Carey Distributing Company, 116 Baltimore Ave., Salisbury, Md. 21801. C. V/ Fowler, Jr., President, Fowler Distributing Company, 314 W. Bel Air Ave., Aberdeen, Md. 21001. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 138404 (Sub-No. 7TA), filed February 23, 1976. Applicant: DALE FOWLER AND MERL THRAPP, doing business as D & M TRANSPORT, P.O. Box 38, Spragueville, Iowa 52074. Applicant's representative: Dale Fowler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foam expanded polystyrene insulation*, from Aqua-Tera Manufacturing, Inc., plantsite and Indianola, Iowa, to points in Wisconsin; South Dakota; and Kansas (except Atchison, Belleville, Dodge City, Fort Leavenworth, McPherson, Norton, Salina, Topeka, Wichita, Hutchison, Kansas City, Leavenworth); Illinois (except Chicago, East Moline, LaSalle, Ottawa, Moline, Rock Island, Silvia); Minnesota (except Albert Lea, Fairbault, Minneapolis, St. Paul, Owatonna; Missouri (except Kansas City); Nebraska (except Omaha, Beatrice, Fairbury, Lincoln); (2) *Material* used in the manufacturing of (1) above, from the destination states named with exceptions to Indianola, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Aqua-Tera Mfg., Inc., Indianola, Iowa 50125. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 141150 (Sub-No. 1TA), filed March 8, 1976. Applicant: ATLAS WAREHOUSING COMPANY, 510 West Kearsley St., P.O. Box 3551, Flint, Mich. 48506. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt with by retail stores of S. S. Kresge Company, from Flint, Mich., to S. S. Kresge Company stores in Fenton, Lapeer, and Pontiac, Mich., and their respective commercial zones with the right of return of rejected or damaged merchandise, under a continuing contract with S. S. Kresge Company, for 180 days. Supporting shipper: S. S. Kresge Company, General Traffic Manager, C. F. Rowe, 3100 West Big Beaver Road, Troy, Mich. 48084. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 141695 (Sub-No. 1TA), filed March 5, 1976. Applicant: OLIVER WENDELL COLLINS, doing business as COLLINS TRUCKING, P.O. Box 185, Jordan Valley, Oreg. 97910. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, (A) requiring special equipment; (B) in bulk; (C) injurious or contaminating to other lading, and dangerous explosives, between points in Malheur County, Oreg.; Ada, Canyon, and Owyhee Counties, Idaho, on the one hand, and, on the other, Mine Site and facilities of Delmar Silver Mine, at or near Delmar (Owyhee County Idaho), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Delmar Silver Mine, A Division of Earth Resources Company, P.O. Box 52, Jordan Valley, Oreg. 97910. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 141840 TA, filed March 5, 1976. Applicant: CITY PARCEL DELIVERY, INC., S. 108 State St., Spokane, Wash. 99204. Applicant's representative: Paul Gisselberg (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Drugs, dental, optical, and hospital supplies, film, data material, interoffice mail, title reports, office supplies, medical reports, medical test,*

bank checks and clearings, and electronic components (except bulk dry and bulk liquid commodities), between Spokane, Wash., and Post Falls, Coeur d'Alene, and Hayden Village, Idaho, Interstate 90 between Spokane, Post Falls, and Coeur d'Alene; U.S. 95 between Coeur d'Alene and Hayden Village with return over the same route or alternatively return west of Hayden Village over county road to State Highway 41 then south to Interstate 90, for 180 days. Supporting shippers: Amfac Drug Supply Company, East 201 Pacific, Spokane, Wash. 99220. Patterson Dental Co., P.O. Box 118, N. 923 Howard, Spokane, Wash. 99210. Northwest Optical Supply & Laboratories, Inc., E. 204 Nora, Spokane, Wash. 99207. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 858 Federal Bldg., Seattle, Wash. 98174.

PASSENGER APPLICATION

No. MC 141842 TA, filed March 2, 1976. Applicant: COMMUTERS SERVICE, INC., 508 North Prairie St., Stoughton, Wis. 53589. Applicant's representative: Rolfe E. Hanson, 121 West Doty St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, in round-trip sightseeing and pleasure tours, and charter operations, beginning and ending at Stoughton, Wis., and extending to points in Alabama, Arkansas, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, South Dakota, Tennessee, and Virginia, traversing West Virginia, for 180 days. Supporting shippers: There are approximately 29 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-8218 Filed 3-22-76;8:45 am]

[Notice No. 6]

ASSIGNMENT OF HEARINGS

MARCH 18, 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-C-8826, Agricultural Transportation Association of Illinois, Charles Mansfield, Marvin S. Mason, Lyle C. Becker, Robert Klopp, Freeman L. Vaughn, Frank M. Cavanaugh, And A. R. Schertz—Investigation of Operations And Practices, now being assigned June 14, 1976 (1 Week), at Springfield, Ill., in a hearing room to be later designated.

MC 106674 (Sub-No. 176), Schilli Motor Lines, Inc. now assigned April 5, 1976, at Atlanta, Ga., is postponed indefinitely.

No. 36276, Investigation into Abandonment of TOFC Services by Louisville & Nashville Railroad at Points in Tennessee and No. 36086, Tennessee Public Service Commission, v. Louisville and Nashville Railroad Co., et al., now being assigned May 17, 1976 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

No. 36230, Shippers Equitable Compensation Action Committee, et al., V. Aberdeen and Rockfish Railroad Company, et al., now being assigned May 26, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 1380 (Sub-No. 19), Colonial Motor Freight Lines, Inc., now assigned June 7, 1976, at Columbia, S.C., is canceled and reassigned for June 7, 1976, (2 weeks), at Charlotte, N.C., in a hearing room to be later designated.

MC-C-8778, Hilt Truck Line, Inc.—Investigation and Revocation of Certificates, now assigned April 20, 1976, at Omaha, Nebr., is postponed indefinitely.

MC-C-8489, Pioneer Hauling Company, Inc.—Revocation of Certificate now assigned April 1, 1976, at Jefferson City, Mo., will be held in Room 201, Governor Hotel, 200 Madison.

MC 135414 Sub-2, Langer Truck Line, Inc., now assigned April 13, 1976, at Jefferson City, Mo., will be held in Room 201, Governor Hotel, 200 Madison.

MC 141004, Robert C. Riley, now assigned April 6, 1976, at Jefferson City, Mo., will be held in Room 201, Governor Hotel, 200 Madison.

No. 35479, Southern Railway Company et al. v. Seaboard Coast Line Railroad Co., et al., now being assigned for continued hearing on August 10, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 99149 (Sub-No. 11), Midway Motor Freight, Inc., now being assigned for continued hearing on April 27, 1976 (2 days), at Little Rock, Arkansas, at the Arkansas Transportation Commission Hearing Room, Justice Building.

MC-C-8830, Browning Freight Lines, Inc. Et al V. Warberg Brothers Company, Et Al, now being assigned May 17, 1976 (2 weeks), at Salt Lake City, Utah, in Hotel Utah, S. Temple & Main Street.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-8222 Filed 3-22-76;8:45 am]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

At a Session of the INTERSTATE COMMERCE COMMISSION, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 9th day of March, 1976.

It appearing, That a petition has been filed by Graves Truck Line, Inc. (MC-53965 and numerous subs) and Capitol Truck Lines, Inc. (MC-966 and various subs), under common control for waiver of paragraphs (a)(3) and (c) of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That the U.S. Department of Transportation offers no objection to a grant of the authority sought, based on an examination of petitions' records;

It is ordered, That waiver of paragraphs (a)(3) and (c) of section 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board, Board members Teeple and Sibbald.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-8219 Filed 3-22-76;8:45 am]

[Notice No. 207]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 22, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and reglations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 12, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76258. By order of March 9, 1976, the Motor Carrier Board approved the transfer to Central Fireproof Storage Warehouse, Inc., Brooklyn, N.Y., of a portion of the operating rights set forth in Certificate No. MC 95180 issued January 30, 1968, to Massood Transfer & Storage, Inc., Wayne, N.J., authorizing the transportation of household goods,

between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Rhode Island, Delaware, Maryland, Ohio, Virginia, and the District of Columbia. Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y., 10001, Attorney for Applicants.

No. MC–FC–76286. By order of March 9, 1976, the Motor Carrier Board approved the transfer to Leitgeb Brothers, Inc., Hicksville, N.Y., of a portion of the operating rights set forth in Certificate No. MC 95180 issued January 30, 1968, to Massood Transfer & Storage, Inc., Wayne, N.J., authorizing the transportation of household goods as defined, between specified points in New York, on the one hand, and on the other, points in New Jersey, Connecticut, Massachusetts, Maryland, Pennsylvania, Rhode Island, Delaware, Ohio, Virginia, Vermont, New Hampshire, Maine, Illinois, Indiana, Michigan, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Ronald I. Shapss, 450 7th Ave., New York, N.Y. 10001, Attorney for transferor and Arthur Piken, 2 Lefrak City Plaza, Flushing, N.Y. 11368, Attorney for transferee.

No. MC–FC–76291. By order of March 16, 1976, the Motor Carrier Board approved the transfer to Kissinger Travel, Inc., West Reading, Pa., of Licenses Nos. MC 12516 Sub-1, MC 12516 Sub-2, and MC 12516 Sub-3, issued by the Commission April 9, 1956, July 13, 1959, and January 9, 1968, respectively, to Irvin L. Kissinger, doing business as Kissinger Travel Agency, West Reading, Pa., authorizing the holder thereof to engage in operations as a broker in arranging for the transportation of passengers and their baggage, in round-trip tours, beginning and ending at points in Berks, Lebanon, Lancaster, and Schuylkill Counties, Pa., and extending to points in Maryland, Virginia, Delaware, West Virginia, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine; passengers and their baggage, in special and charter operations, in round-trip, all-expense tours, beginning and ending at points in Berks, Lebanon, Lancaster, and Schuylkill Counties, Pa., and extending to Washington, D.C.; and passengers and their baggage, in special and charter operations, between points in the United States, including Alaska and Hawaii, restricted to passenger participants whose initial point of departure is at points in Lancaster, Schuylkill, Berks, and Lebanon Counties, Pa., and between points in the United States (except New York, N.Y., and points in Pennsylvania and New Jersey), on the one hand, and, on the other, points in Berks County, Pa., respectively. Albert A. Stallone, Esquire, P.O. Box 1459, Reading, Pa. 19603.

No. MC–FC–76360. By order of March 16, 1976, the Motor Carrier Board approved the transfer to William David Morrison, Jr., doing business as Morrison Trucking, Rt. 1, Box 386A, Durango, Colo., of Certificate No. MC 138132 Sub-1, issued by the Commission September 20, 1973, to James & Sons, Inc., Durango, Colo., authorizing the transportation of dry animal feed (except in bulk) from Commerce City, Colo., to points in San Juan County, N. Mex.; and cottonseed meal and cottonseed cake (except in bulk) from points in Arizona and Texas to points in San Juan County, N. Mex., and from points in Arizona, New Mexico, and Texas to points in Montezuma County, Colo.

No. MC–FC–76398. By order of March 16, 1976, the Motor Carrier Board approved the transfer to Royal Coach Lines, Inc., Racine, Wis., of Certificates Nos. MC 129038 Sub-2, and MC 129038 Sub-8, issued by the Commission March 23, 1970, and April 10, 1973, respectively, to Tri-State Coach Lines, Inc., Gary, Ind., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, limited to the transportation of not more than 13 passengers in any one vehicle, between Racine, Wis., and O'Hare International Airport at Chicago, Ill., serving Kenosha, Wis., as an intermediate point; and passengers and their baggage, in special operations, between points in Milwaukee, Racine, and Kenosha Counties, Wis., on the one hand, and, on the other, O'Hare International Airport in Illinois, respectively. Andrew R. Clark, Esquire, Attorney for Applicants, 1000 First National Bank Building, Minneapolis, MN 55402.

No. MC–FC–76416. By order of March 16, 1976, the Motor Carrier Board approved the transfer to Wrightway Auto Carriers, Inc., Anchorage, Alaska, of the operating rights in Certificates Nos. MC 118208 (Sub-No. 2), and MC 118208 (Sub-No. 6), issued November 22, 1966, and January 18, 1968, respectively, to H. E. Wright, doing business as Wrightway Auto Carrier, Anchorage, Alaska, authorizing the transportation of Motor vehicles, in secondary movements, in driveaway and truckaway service and farm tractors, between points in Alaska except Fairbanks, Alaska, and points within 25 miles thereof and between Seattle, Wash., and points in Alaska except Fairbanks, Alaska, and points within 25 miles thereof; and motor vehicles, in secondary movements, in truckaway service, and farm tractors, between Anchorage, Alaska, and Fairbanks, Alaska. George R. LaBissioniere, 1100 Norton Building, Seattle, Wash. 98104, Attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–8221 Filed 3–22–76;8:45 am]

[Ex Parte No. MC–43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

MARCH 18, 1976.

At a Session of the INTERSTATE COMMERCE COMMISSION, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 9th day of March, 1976.

It appearing, That a petition has been filed by Graves Truck Line, Inc., (MC–53965 and numerous subs) and The Luper Transportation Company (MC–123004 and MC–123004 Sub 2) under temporary common control for waiver of paragraphs (a)(3) and (c) of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That the U.S. Department of Transportation offers no objection to a grant of the authority sought, based on an examination of petitions' records;

It is ordered, That waiver of paragraphs (a)(3) and (c) of section 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board, Board members Teeple and Sibbald.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–8220 Filed 3–22–76;8:45 am]

federal register

TUESDAY, MARCH 23, 1976

PART II:

DEPARTMENT OF LABOR

Employment and Training Administration

■

FEDERAL SUPPLEMENTAL BENEFITS

(Emergency Unemployment Compensation)

Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION

PART 618—FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Revision of Regulations

On December 11, 1975, a document was published in the FEDERAL REGISTER (40 FR 57767) revising Part 618 in Chapter V of Title 20 of the Code of Federal Regulations. Part 618 implements the Federal Supplemental Benefits Program established under the "Emergency Unemployment Compensation Act of 1974" (Pub. L. 93–572; 88 Stat. 1869), as amended by section 701(a) of Title VII of the Tax Reduction Act of 1975 (Pub. L. 94–12; 89 Stat. 26, 65) and Part A of Title I of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94–45; 89 Stat. 236).

The Federal Supplemental Benefits Program is a temporary unemployment compensation program, financed from Federal funds, to furnish additional weeks of Federal Supplemental Benefits (FSB) to individuals covered by established unemployment compensation programs who are unemployed and unable to obtain work.

Although the revised Part 618 was made effective upon publication in the FEDERAL REGISTER, comments were solicited through January 12, 1976. No comments were received on the revision of Part 618. Certain technical and clarifying changes have been made to Part 618, however, including the following changes:

1. A new paragraph (f)(2) has been added to § 618.18, and the former paragraph (f)(2) in that section has been renumbered as paragraph (f)(3). The new paragraph (f)(2) repeats in the substantive provisions of § 618.18 a limitation on the length of additional eligibility periods which is stated in the definition in § 618.2(1)(2). It states that additional eligibility periods for individuals following the end of a Federal Supplemental Benefit Period in a State will end sooner than the normal thirteen week duration, if a new Federal Supplemental Benefit Period begins in that State prior to thirteen weeks after the end of the preceding Federal Supplemental Period in that State.

2. The method by which heads of State agencies announce to the news media the beginning and ending of Federal Supplemental Benefit Periods and 5-per centum and 6-per centum periods has been clarified by adding new paragraphs (c)(2) and (e)(2) to § 618.21. This is in response to a comment by the National Newspaper Association on the Special Unemployment Assistance regulations, 20 CFR Part 619 (40 FR 51599, November 5, 1975), which is equally pertinent to Part 618. Announcements are to be published in a newspaper of general circulation in each county in the State at least once a week for three consecutive weeks.

3. Various other technical and clarifying changes have been made to Part 618.

Accordingly, 20 CFR Part 618 is readopted with minor changes as set forth below.

Effective date. April 22, 1976.

Signed at Washington, D.C. March 17, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

Part 618 of chapter V of Title 20, Code of Federal Regulations, reads as follows:

Sec.

618.1 Purpose; rules of construction.
618.2 Definitions.
618.3 Effective period of the program.
618.4 Eligibility requirements for Federal Supplemental Benefits.
618.5 Definition of "exhaustee."
618.6 Federal Supplemental Benefits: weekly amount.
618.7 Federal Supplemental Benefits: maximum amount.
618.8 Claims for Federal Supplemental Benefits.
618.9 Determinations of entitlement; notices to individual.
618.10 Appeal and hearing.
618.11 Provisions of State law applicable to claims.
618.12 The applicable State for an individual.
618.13 Restrictions on entitlement.
618.14 Required training for FSB claimants.
618.15 Overpayments; penalties for fraud.
618.16 Inviolate rights to FSB.
618.17 Record keeping; disclosure of information.
618.18 Federal Supplemental Benefit Period.
618.19 Determination of "on" and "off" indicators.
618.20 Per centum periods in a Federal Supplemental Benefit Period.
618.21 Announcement of the beginning and ending of Federal Supplemental Benefit Periods and per centum periods.
618.22 Payments to States.
618.23 Public access to Agreements.
618.24 Information, reports, and studies.

AUTHORITY: Pub. L. 93–572 (88 Stat. 1869); sec. 701(a), Pub. L. 94–12 (89 Stat. 26, 65); part A, title I, Pub. L. 94–45 (89 Stat. 236); title II, Pub. L. 91–373 (84 Stat. 695, 708); (5 U.S.C. 553); Secretary's Order No. 4–75 (40 FR 18515).

§ 618.1 Purpose; rules of construction.

(a) *Purpose.* The "Emergency Unemployment Compensation Act of 1974" created program of further extended unemployment compensation for individuals who have exhausted their rights to regular, additional, and extended unemployment compensation under permanent unemployment compensation programs. The benefits provided under the Act are hereafter referred to as Federal Supplemental Benefits, or FSB. The regulations in this Part are issued to implement the Act as it has been amended.

(b) *First Rule of construction.* The Act and the implementing regulations in this Part shall be construed liberally so as to carry out the purposes of the Act.

(c) *Second rule of construction.* The Act and the implementing regulations in this Part shall be construed so as to assure insofar as possible the uniform interpretation and application of the Act throughout the United States.

(d) *Effectuating purpose and rules of construction.* (1) In order to effectuate the provisions of this section each State agency shall forward to the United States Department of Labor, not later than 10 days after issuance, a copy of each judicial or administrative decision ruling on an individual's entitlement to FSB. On request of the Department, a State agency shall forward to the Department a copy of any determination or redetermination ruling on an individual's entitlement to FSB.

(2) If the Department believes a determination, redetermination, or decision is inconsistent with the Secretary's interpretation of the Act, the Department may at any time notify the State agency of the Department's view. Thereafter the State agency shall appeal if possible, and shall not follow such determination, redetermination, or decision as a precedent; and in any subsequent proceedings which involve such determination, redetermination, or decision, or wherein such determination, redetermination, or decision is cited as precedent or otherwise relied upon, the State agency shall inform the hearing officer or court of the Department's view and shall make all reasonable efforts, including appeal or other proceedings in any appropriate forum, to obtain modification, limitation, or overruling of the determination, redetermination, or decision.

(3) A State agency may request reconsideration of a notice that a determination, redetermination, or decision is inconsistent with the Act, and shall be given opportunity to present views and argument if desired. If a determination, redetermination, or decision setting a precedent becomes final, which the Department believes to be inconsistent with the Act, the Secretary will decide whether the Agreement with the State shall be terminated.

(4) Concurrence of the Department in a determination, redetermination, or decision shall not be presumed from the absence of a notice pursuant to this paragraph.

§ 618.2 Definitions.

For the purposes of the Act and this Part:

(a) "Act" means the "Emergency Unemployment Compensation Act of 1974" (Public Law 93–572; 88 Stat. 1869, approved December 31, 1974), as amended by title VII of the Tax Reduction Act of 1975 (Public Law 94–12; 89 Stat. 26, 65), and title I of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Public Law 94–45; 89 Stat. 236).

(b) "Agreement" means the agreement entered into pursuant to the Act between a State and the Secretary of Labor of the United States, under which the State agency of the State agrees to make payments of Federal Supplemental Benefits in accordance with the Act and the regulations and procedures thereunder prescribed by the Secretary.

(c) "Applicable State law" means the State law of the State which is the applicable State for an individual.

(d) "Base period" means, with respect to an individual, the base period as determined under the applicable State law for the individual's benefit year.

(e) "Benefit year" means the benefit year as defined in the applicable State law.

(f) "Extended benefit period" shall have the meaning assigned to the term by section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended (title II, Public Law 91-373; 84 Stat. 695, 708).

(g) "Compensation" means cash benefits (including dependents' allowances) payable to individuals with respect to their unemployment, and includes regular, additional, and extended compensations, as defined in this section.

(h) "Regular compensation" means compensation payable to an individual under any State law, and, when so payable, includes compensation payable pursuant to 5 U.S.C. chapter 85, but not including extended compensation or additional compensation.

(i) "Additional compensation" means compensation totally financed by a State and payable under a State law by reason of conditions of high unemployment or by reason of other special factors and, when so payable, includes compensation payable pursuant to 5 U.S.C. chapter 85.

(j) "Extended compensation" means compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, (title II, Public Law 91-373; 84 Stat. 695, 708), with respect to the payment of extended compensation, and, when so payable, includes additional compensation and compensation payable pursuant to 5 U.S.C. chapter 85.

(k) "Federal Supplemental Benefits" means the compensation payable under the Act to individuals eligible thereunder for the payments, and which is referred to as FSB.

(l) (1) "Period of eligibility" means, in the case of any individual, the weeks in the individual's benefit year which begin in an extended benefit period, a Federal Supplemental Benefit Period, or an additional eligibility period, and, if the benefit year ends within the extended benefit period, any weeks thereafter which begin in the extended benefit period, the Federal Supplemental Benefit Period, or the additional eligibility period.

(2) "Additional eligibility period" means, with respect to an individual, the thirteen-week period following the week in which a Federal Supplemental Benefit Period ends in a State, or such shorter period of weeks as exist between the end of the Federal Supplemental Benefit Period and the beginning of a new Federal Supplemental Benefit Period in the State, if either FSB or extended compensation was payable to the individual in the State for the week in which the Federal Supplemental Benefit Period ended. FSB or extended compensation shall be deemed to be payable to an individual for the week in which the Federal Supplemental Benefit Period ended if FSB or extended compensation is paid to the individual with respect to that week or if, as of the beginning of that week, there is any amount of a balance in the Federal Supplemental Benefit Account established for the individual pursuant to § 618.7 or in the Extended Compensation Account established for the individual pursuant to any State law in accord with section 202(b)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 and § 615.5(b) of this chapter.

(m) "Secretary" means the Secretary of Labor of the United States.

(n) "State" means the States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(o) "State agency" means the agency of the State which administers the applicable State law.

(p) "State law" means the unemployment compensation law of a State, approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304).

(q) "Week" means, for purposes of eligibility for and payment of FSB, a week as defined in the applicable State law, and, for purposes of computations of Federal Supplemental Benefit "on" and "off" indicators, the beginning and ending of a Federal Supplemental Benefit Period, and the beginning and ending of 5-per centum and 6-per centum periods, a calendar week.

(r) "Week of unemployment" means any week during which an individual is totally, part-totally, or partially unemployed. A week of total unemployment is a week in which an individual performs no work and earns no wages or has less than full-time work and earns not more than the earnings allowance prescribed in the applicable State law. A week of part-total unemployment is a week of otherwise total unemployment during which an individual has odd jobs or subsidiary work with earnings in excess of the earnings allowance prescribed in the applicable State law. A week of partial unemployment is a week during which an individual works less than regular, full-time hours for the individual's regular employer, because of lack of work, and earns more than the earnings allowance prescribed in the applicable State law.

§ 618.3 Effective period of the program.

(a) *Beginning date.* FSB shall first become payable under the Act and this Part with respect to the first week which begins after whichever of the following is the latest:

(1) December 31, 1974, or

(2) The week in which the State enters into an Agreement under the Act, or

(3) The date of enactment of the Act.

(b) *Ending date.* FSB shall not be payable to any individual with respect to any week of unemployment that ends after March 31, 1977.

(c) *Agreement as precondition.* Notwithstanding any other provision of the Act or this Part, FSB shall be payable solely through a State agency and only pursuant to an Agreement, and with respect to weeks in which an Agreement is in effect.

§ 618.4 Eligibility requirements for Federal Supplemental Benefits.

An individual is entitled to FSB for a week of unemployment which begins in the individual's period of eligibility, if, with respect to such week, the individual is an exhaustee as defined in § 618.5, files a timely claim for FSB, and satisfies the pertinent requirements of the applicable State law as provided in the Act and this Part.

§ 618.5 Definition of "exhaustee."

(a) *Definition.* An individual is an exhaustee with respect to a week of unemployment if the individual:

(1) Has exhausted all rights to regular compensation, as prescribed in § 615.4 (b) and (c) of this chapter, under the applicable State law;

(2) Has exhausted all rights to extended compensation; that is, the individual has received, prior to that week, all the extended compensation available under the applicable State law in the individual's most recent eligibility period, or the individual is not entitled to extended compensation because of the ending of the individual's eligibility period for extended compensation under the applicable State law prior to the beginning of that week; and

(3) Has no right to compensation, including regular, additional, and extended compensation, with respect to that week under the applicable State law or the State law of any other State; and has no right to unemployment compensation under 5 U.S.C. chapter 85 or the Railroad Unemployment Insurance Act or any other Federal unemployment compensation law; and

(4) Is not receiving compensation with respect to that week under the unemployment compensation law of the Virgin Islands or Canada.

(b) *Adjustment of week.* If it is subsequently determined as the result of a redetermination or appeal that an individual is an exhaustee as of a different week than was previously determined, the individual's rights to FSB shall be adjusted so as to accord with such redetermination or decision.

§ 618.6 Federal Supplemental Benefits: weekly amount.

(a) *Total unemployment.* The weekly amount of FSB payable to an individual for a week of total unemployment shall be equal to the amount of regular compensation payable to the individual for a week of total unemployment during the individual's current benefit year, or if the individual has no current benefit year, during the most recent benefit year. If the individual had more than one weekly amount of regular compensation for total unemployment during the benefit year, the weekly amount of FSB for total unemployment shall be the weekly amount payable under the applicable State law with respect to extended com-

pensation in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, as amended.

(b) *Partial and part-total unemployment.* The weekly amount of FSB payable for a week of partial or part-total unemployment shall be determined under the provisions of the applicable State law which apply to regular compensation, computed on the basis of the weekly amount of FSB payable for a week of total unemployment as determined pursuant to paragraph (a) of this section.

§ 618.7 Federal Supplemental Benefits: maximum amount.

(a) *Individual Account.* A Federal Supplemental Benefit Account shall be established for each individual determined to be eligible for FSB, in the sum of the maximum amount potentially payable to the individual as computed in accordance with paragraph (b) of this section. The amount established in the Federal Supplemental Benefit Amount of any individual shall be subject to the limitations on the maximum amount payable to the individual as provided in paragraph (c) of this section.

(b) *Computation of maximum amount potentially payable.* (1) The amount established in the Federal Supplemental Benefit Account of an individual, as the maximum amount potentially payable to the individual during the individual's period of eligibility, shall be equal to the lesser of—

(i) 100 per centum of the total amount of regular compensation payable to the individual during the individual's applicable benefit year; or

(ii) Twenty-six times the individual's weekly amount of FSB payable for a week of total unemployment, as determined pursuant to § 618.6(a);

and minus the sum of any reduction under paragraph (b)(2) of this section.

(2) The reduction referred to in paragraph (b)(1) of this section shall be the sum of the amounts of Special Unemployment Assistance paid to the individual pursuant to title II of the Emergency Jobs and Unemployment Assistance Act of 1974 and Part 619 of this chapter for any week of unemployment which begins in the 65-week period preceding the first week of unemployment with respect to which FSB is payable to the individual under the Act and this Part. The reduction made in accordance with this paragraph shall not operate to reduce to less than zero the maximum amount potentially payable as computed in accordance with paragraph (b)(1) of this section, or so as to affect any amount of FSB paid or payable to the individual for any week of unemployment which began prior to July 1, 1975.

(c) *Maximum amount payable.* Notwithstanding the maximum amount potentially payable to an individual as established in the individual's Federal Supplemental Benefit Account, the maximum amount of FSB payable to the individual:

(1) With respect to weeks of unemployment in the individual's period of eligibility (as defined in section 105(2) of the Emergency Unemployment Compensation Act of 1974) that begin prior to January 4, 1976, shall be the maximum amount potentially payable to the individual as computed under paragraph (b) of this section; and

(2) With respect to weeks of unemployment in the individual's period of eligibility (as defined in § 618.2(1)) that begin during a 6-per centum period which begins on or after January 4, 1976, shall not exceed the lesser of—

(i) The maximum amount computed under paragraph (b) of this section; or

(ii) The amount of the balance in the individual's Federal Supplemental Benefit Account, as of the beginning of the 6-per centum period; and

(3) With respect to weeks of unemployment in the individual's period of eligibility (as defined in § 618.2(1)) that begin during a 5-per centum period which begins on or after January 4, 1976, shall not exceed the lesser of—

(i) 50 per centum of the maximum amount computed under paragraph (b) of this section; or

(ii) The amount of the balance in the individual's Federal Supplemental Benefit Account, as of the beginning of the 5-per centum period.

(4) Any amount in an individual's Federal Supplemental Benefit Account which is not paid to the individual with respect to weeks of unemployment which begin during a 5-per centum or 6-per centum period in a Federal Supplemental Benefit Period, shall remain available and payable to the individual with respect to weeks of unemployment that begin during any succeeding 5-per centum or 6-per centum period which occurs in the same or a subsequent Federal Supplemental Benefit Period, or any applicable additional eligibility period, within the individual's period of eligibility (as defined in § 618.2(1)), subject to the limitations on the maximum amount payable to the individual as provided in this paragraph (c).

(d) *Adjustment of Account.* If it is subsequently determined as the result of a redetermination or appeal that an individual was entitled to more or less of regular, additional, or extended compensation under the State law of any State, or to more or less of unemployment compensation under 5 U.S.C. chapter 85, the individual's status as an exhaustee shall be redetermined as of the new date of the individual's exhaustion, and an appropriate change shall be made in the individual's Federal Supplemental Benefit Account. The appropriate change in the individual's account shall be computed in accordance with this section and, insofar as applicable, § 618.6.

§ 618.8 Claims for Federal Supplemental Benefits.

(a) *Initial claims.* An initial claim for FSB shall be filed by an individual with respect to the individual's applicable State and according to the applicable State law on a form prescribed by the Secretary, which shall be furnished to the individual by the State agency.

(b) *Weekly claims.* Claims for payments of FSB for weeks of unemployment shall be filed with respect to the individual's applicable State at the times and in the manner as claims for regular compensation are filed under the applicable State law, and on forms prescribed by the Secretary which shall be furnished to the individual by the State agency.

(c) *Secretary's standard.* The procedures for reporting and filing claims for FSB shall be consistent with this Part and the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" (*Employment Security Manual*, Part V, sections 5000 *et seq.*).

§ 618.9 Determinations of entitlements notices to individual.

(a) *Determination of initial claim.* The State agency shall promptly, upon the filing of an initial claim for FSB, determine whether the individual is eligible and whether a disqualification applies, and, if the individual is found to be eligible, the weekly and maximum amounts of FSB payable to the individual.

(b) *Determinations of weekly claims.* The State agency shall promptly, upon the filing of a claim for a payment of FSB with respect to a week of unemployment, determine whether the individual is entitled to a payment of FSB with respect to such week, and, if entitled, the amount of FSB to which the individual is entitled.

(c) *Redetermination.* The provisions of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to regular compensation under the applicable State law shall apply to determinations pertaining to FSB.

(d) *Notices to individual.* The State agency shall give notice in writing to the individual of any determination or redetermination of an initial claim and determinations and redeterminations of all weekly claims with respect to weeks of unemployment, and each notice of determination or redetermination shall include such information regarding the determination or redetermination and notice of right to reconsideration or appeal, or both, as is furnished with written notices of determinations and written notices of redeterminations with respect to claims for regular compensation.

(e) *Promptness.* Full payment of FSB when due shall be made with the greatest promptness that is administratively feasible.

(f) *Secretary's standard.* The procedures for making determinations and redeterminations and furnishing written notices of determinations, redeterminations, and rights of appeal to individuals claiming FSB shall be consistent with the Secretary's "Standard for Claim Determinations—Separation Information"

(*Employment Security Manual*, Part V, sections 6010 *et seq.*).

§ 618.10 Appeal and hearing.

(a) *Applicable State law.* The provisions of the applicable State law concerning the right of appeal and fair hearing form a determination or redetermination of entitlement to regular compensation shall apply to determinations and redeterminations of eligibility for or entitlement to FSB.

(b) *Rights of appeal and fair hearing.* The provisions on right of appeal and opportunity for a fair hearing with respect to claims for FSB shall be consistent with this Part and with sections 303(a)(1) and 303(a)(3) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(3)).

(c) *Promptness on appeals.* (1) Decisions on appeals under the FSB program shall accord with the Secretary's "Standard for Appeals Promptness—Unemployment Compensation" in Part 650 of this chapter.

(2) Any provision of an applicable State law for advancement or priority of unemployment compensation cases on judicial calendars, or otherwise intended to provide for the prompt payment of unemployment compensation when due, shall apply to proceedings involving entitlement to FSB.

§ 618.11 Provisions of State law applicable to claims.

(a) *Particular provisions applicable.* Except where the result would be inconsistent with the provisions of the Act or this Part and the procedures thereunder prescribed by the Secretary, the terms and conditions of the applicable State law which apply to claims for, and the payment of, regular compensation shall apply to claims for, and the payment of, FSB. The provisions of the applicable State law which shall apply to claims for, and the payment of, FSB include, but are not limited to:

(1) Claim filing and reporting;

(2) Information to individuals, as appropriate;

(3) Notices to individuals and employers, as appropriate, including notice to each individual of each determination and redetermination of eligibility for or entitlement to FSB;

(4) Determinations and redeterminations;

(5) Ability to work, availability for work, and search for work; and

(6) Disqualifications.

(b) *IBPP.* The Interstate Benefit Payment Plan shall apply, where appropriate, to individuals filing claims for FSB.

(c) *Wage combining.* The Interstate Arrangement for Combining Employment and Wages (20 CFR Part 616) shall apply, where appropriate, to individuals filing claims for FSB: *Provided*, That, the "Paying State" shall be the applicable State as prescribed in § 618.12.

(d) *Procedural requirements.* The provisions of the applicable State law which apply hereunder to claims for, and the payment of FSB shall be applied consistently with the requirements of Title III of the Social Security Act and the Federal Unemployment Tax Act which are pertinent in the case of regular and extended compensation, including but not limited to those standards and requirements specifically referred to in the provisions of this Part.

§ 618.12 The applicable State for an individual.

(a) *Applicable State.* The applicable State for an individual is the State with respect to which the individual is an "exhaustee" as defined in § 618.5(a) and (b).

(b) *Limitation.* FSB is payable to an individual only by an applicable State as determined pursuant to paragraph (a) of this section.

§ 618.13 Restrictions on entitlement.

(a) *Hawaiian law or RRUI.* (1) An individual who is entitled with respect to a week to both FSB and unemployment compensation under the Hawaii Agricultural Unemployment Compensation Law, shall be entitled to a payment of FSB in the amount, if any, by which the FSB amount exceeds the amount to which the individual is entitled under the Hawaii Agricultural Unemployment Compensation Law.

(2) An individual who is entitled with respect to a week to unemployment compensation under the Railroad Unemployment Insurance Act shall not be entitled to a payment of FSB with respect to that week.

(b) *Virgin Islands or Canadian law.* An individual who receives compensation with respect to a week of unemployment under the unemployment compensation law of the Virgin Islands or Canada shall not be entitled to a payment of FSB with respect to that week.

(c) *MDTA allowance.* An individual who is entitled with respect to a week to both FSB and a training allowance under section 203 of the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2583), shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(d) *CETA allowance.* An individual entitled to the payment with respect to a week of unemployment of a basic weekly allowance under section 111(a) of the Comprehensive Employment and Training Act of 1973 (29 U.S.C. 821(a)) shall not by reason of entitlement to a payment under that Act, be ineligible for a payment of FSB to which the individual otherwise is entitled.

(e) *Trade readjustment allowance.* (1) An individual who is entitled, with respect to a week of unemployment which begins before April 3, 1975, to both FSB and a trade readjustment allowance under Chapter 3 of Title III of the Trade Expansion Act of 1962 shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(2) An individual who is entitled, with respect to a week of unemployment which begins on or after April 3, 1975, to a trade readjustment allowance under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. 2271–2322 and 20 CFR Part 91), shall not, by reason of entitlement to a trade readjustment allowance, be ineligible for a payment of FSB to which the individual otherwise is entitled with respect to that week.

(f) *Disaster Unemployment Assistance.* An individual who is entitled to a payment of Disaster Unemployment Assistance with respect to a week of unemployment under section 407 of the Disaster Relief Act of 1974 (42 U.S.C. 5177 and 20 CFR Part 625), shall not, by reason of entitlement to Disaster Unemployment Assistance, be ineligible for a payment of FSB to which the individual otherwise is entitled with respect to that week.

(g) *PWEDA assistance.* An individual who is entitled to a payment of assistance with respect to a week of unemployment under section 903(d) of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3242(d)), shall not, by reason of entitlement to assistance under that Act, be ineligible for a payment of FSB to which the individual otherwise is entitled with respect to that week.

(h) *Disqualification.* If the week of unemployment for which an individual claims FSB is a week to which a disqualification for compensation applies under the applicable State law, or would apply but for the fact that the individual has not right to compensation, the individual shall not be entitled to a payment of FSB for that week.

§ 618.14 Required training for FSB claimants.

(a) *Statutory provision.* Section 102(g) of the Act provides that FSB shall not be payable for any week to an individual who is not a participant in a training program approved by the Secretary if—

(1) The State determines that there is a need for upgrading or broadening the individual's occupational skills, and a program which is approved by the Secretary for such upgrading or broadening is available within a reasonable distance and without charge to the individual for tuition or fees; and

(2) The individual is not an applicant to participate in such a program.

(b) *Training programs.* For purposes of section 102(g) of the Act a training program is a program of instruction in vocational skills and related subjects to improve an individual's employability.

(c) *Approval of training.* For purposes of section 102(g) of the Act a training program shall be deemed approved by the Secretary if (1) such program is established pursuant to the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 801 *et seq.*), or (2) it is determined by the head of a State agency that such program meets each of the following criteria:

(i) The training program is reasonably calculated to improve the employability of individuals participating in such training program;

(ii) The training institution has suitable facilities, equipment, and qualified personnel; and

(iii) The training program is, with respect to an individual claiming FSB, appropriate training within the meaning of paragraph (d) of this section.

The head of a State agency shall not disapprove training which otherwise meets the criteria stated in this paragraph solely because the training institution is located outside the State or because all or some portion of the training program is conducted outside the State.

(d) *Appropriate training.* Training which is appropriate for an individual determined to be in need of training is training conducted in a training program described in paragraph (b) of this section which:

(1) Will provide the individual with additional occupational skills and knowledge, or upgrade or broaden the individual's existing skills, relevant to employment opportunities which reasonably may be expected to be or to become available in the area in which the individual resides;

(2) Is available without cost to the individual for tuition or fees; and

(3) Is conducted at a facility located within reasonable commuting distance from the individual's residence.

(e) *Determination of need for training.* The determination of whether there is a need for upgrading or broadening an individual's skills shall be made promptly following the filing of an initial claim for FSB by the individual. In making such determination a State agency shall consider whether the individual's prospects for obtaining suitable employment will be improved, with respect to employment opportunities which are or reasonably may be expected soon to become available in the area in which the individual resides, if the individual is provided with additional occupational skills or knowledge or if the individual's existing skills are upgraded or broadened. The State agency also shall consider the following factors:

(1) The length of the individual's unemployment;

(2) The length of the individual's immediate past employment in a regular occupation;

(3) The individual's skill level;

(4) The individual's attachment to an employer or industry;

(5) The anticipated duration of the individual's unemployment;

(6) The individual's education and prior training; and

(7) Special skills possessed by the individual.

(f) *Application for training.* An individual determined to be in need of training under paragraph (e) of this section shall file with the State agency of the State in which the individual is filing claims for FSB an application for participation in a training program approved pursuant to paragraph (c) of this section.

(g) *Participation in training.* (1) An individual determined to be in need of training under paragraph (e) of this section shall enroll in and participate in a training program which has been approved under paragraph (c) of this section, if such program is available, as soon as reasonably practicable.

(2) Participation in a training program requires that the individual be in full attendance in the training program except for excused absences for good cause, and that the individual make satisfactory progress throughout the training program.

(h) *Disqualification.* (1) An individual shall be disqualified to receive payments of FSB commencing with the week in which the individual:

(i) Fails or refuses without good cause to file an application for training pursuant to paragraph (f) of this section, or to accept a suitable training opportunity, or refuses to apply for training to which the individual is referred by the Employment Service, or

(ii) Fails or refuses without good cause to report for or to participate in a training program pursuant to paragraph (g) of this section after having been accepted by a training institution, as manifested by failure or refusal to attend the training program, absenteeism without good cause which jeopardizes the individual's ability to successfully complete the training program, failure without good cause to make satisfactory progress during any portion of the training program, discontinuance of training before completion, or any other action or omission found inconsistent with diligent participation in the training program.

(2) A disqualification imposed under paragraph (h)(1) of this section shall end with the week in which the individual:

(i) If disqualified under paragraph (h)(1)(i) of this section, commences participation in a training program approved under paragraph (c) of this section; or

(ii) If disqualified under paragraph (h)(1)(ii) of this section, commences or resumes participation in the training program under conditions affording a reasonable prospect of successfully completing the training program, or applies for and commences participation in a different or subsequent training program which has been approved under paragraph (c) of this section; or

(iii) Obtains employment reasonably expected to be of indefinite duration.

(i) *Determinations.* Determinations under paragraphs (b), (c), (d), (e), and (h) of this section shall be made by the State agency of the applicable State for the individual.

(j) *Procedural requirements.* (1) The provisions of paragraphs (c), (d), and (f) of § 618.9 shall apply to determinations and redeterminations made pursuant to this section.

(2) The provisions of § 618.10 shall apply to appeals and hearings with respect to determinations and redeterminations made pursuant to this section.

(k) *Construction.* The provisions of paragraphs (a) through (h) of this section shall be interpreted and applied consistently with General Administration Letter No. 9-75 (U.S. Department of Labor, Manpower Administration (now Employment and Training Administration) October 19, 1975) (40 FR 49541).

§ 618.15 Overpayments; penalties for fraud.

(a) *Finding and repayment.* If the State agency of the applicable State or a court of competent jurisdiction finds, after a determination and opportuntiy for a fair hearing thereon, that an individual has received a payment of FSB to which the individual was not entitled under the Act and this Part, whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

(b) *Recovery by offset.* (1) The State agency shall recover, insofar as is possible, the amount of any overpayment which is not repaid by the individual, by deductions from any FSB payable to the individual under the Act and this Part, or from any compensation payable to the individual under any Federal unemployment compensation law administered by the State agency, or from any assistance or allowance payable to the individual with respect to unemployment under any other Federal law administered by the State agency, subject to the limitations in § 619.13(a)(3)(ii) of this chapter in regard to recovery from any Special Unemployment Assistance payable to the individual.

(2) A State agency shall also recover, insofar as is possible, the amount of any overpayment of FSB made to an individual by another State, by deductions from any FSB payable by the State agency to the individual under the Act and this Part, or from any compensation payable to the individual under any Federal unemployment compensation law administered by the State agency, or from any assistance or allowance payable to the individual with respect to unemployment under any other Federal law administered by the State agency, subject to the limitations in § 619.13(a)(3)(ii) of this chapter in regard to recovery from any Special Unemployment Assistance payable to the individual.

(c) *UCFE and UCX claimants.* In addition, the provisions of 5 U.S.C. 8507 shall be applicable in the event of fraudulent overpayments of FSB to former Federal employees and ex-servicemen and ex-servicewomen.

(d) *Debts due the United States.* FSB payable to an individual shall be applied by the State agency for the recovery by offset of any debt due to the United States from the individual, but shall not be applied or used by the State agency in any manner for the payment of any debt of the individual to any State or any other entity or person.

(e) *Recovered overpayments.* Overpayments recovered in any manner shall be credited or returned, as the case may be, to the appropriate account of the United States.

(f) *Application of State law.* Any provision of the applicable State law providing for waiver of recovery of overpayments of compensation shall not be applicable to FSB. However, provisions of the applicable State law relating to disqualification for fraudulently claiming or receiving a payment of compensation shall apply to claims for and payments of FSB.

(g) *Final decision.* Recovery of any overpayment of FSB shall not be enforced by a State agency until the determination establishing the overpayment has become final or the decision after opportunity for a fair hearing has become final.

(h) *Procedural requirements.* (1) The provisions of paragraphs (c), (d), and (f) of § 618.9 shall apply to determinations and redeterminations made pursuant to this section.

(2) The provisions of § 618.10 shall apply to appeals and hearings with respect to determinations and redeterminations made pursuant to this section.

(i) *Fraud detection and prevention.* Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of FSB shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with the Secretary's "Standard for Fraud and Overpayment Detection" (*Employment Security Manual,* Part V, sections 7510 *et seq.*).

§ 618.16 Inviolate rights to FSB.

(a) *Waiver of rights void.* Any agreement by an individual purporting to waive, release, or commute any right of the individual to FSB shall be void.

(b) *Assignment of rights void.* Any purported assignment, pledge, or encumbrance of any right of an individual to FSB shall be void.

(c) *Legal process prohibited.* Except as provided in § 618.15 or by applicable statute of the United State or regulation of the U.S. Department of Labor, any right of an individual to FBS shall be exempt from levy, execution, attachment, garnishment, order for the payremedy whatsoever provided for the collection of debt, and such remedies shall be precluded absolutely. This prohibition shall apply to sums payable to an individual and to sums paid to the individual.

(d) *Discrimination prohibited.* No person shall discriminate against any individual in regard to hiring or tenure of work or any term or condition of employment on account of seeking, claiming, or receiving any right to FSB.

(e) *Obstruction prohibited.* No person shall in any manner obstruct or impede, or attempt to obstruct or impede, any individual in seeking, claiming, or receiving any right to FSB.

§ 618.17 Record keeping; disclosure of information.

(a) *Record keeping.* Each State agency will make and maintain records pertaining to the administration of the Act as the Secretary requires, and will make all such records available for inspection, examination, and audit by such Federal officials or employees as the Secretary may designate or as may be required by law.

(b) *Disclosure of Information.* Information in records made and maintained by a State agency in administering the Act shall be kept confidential, and information in such records may be disclosed only in the same manner and to the same extent as information with respect to regular compensation and the entitlement of individuals thereto may be disclosed under the applicable State law. This provision on the confidentiality of information obtained in the administration of the Act shall not apply, however, to the U.S. Department of Labor, or in the case of information, reports and studies requested pursuant to § 618.24, or where the result would be inconsistent with the Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a) or regulations of the U.S. Department of Labor promulgated thereunder.

§ 618.18 Federal Supplemental Benefit Period.

(a) *Beginning date.* A Federal Supplemental Benefit Period shall begin in a State on the first day of the third calendar week following the week for which there is a Federal Supplemental Benefit "on" indicator in the State, but in no event shall a Federal Supplemental Benefit Period commence with a week beginning before January 5, 1975.

(b) *Ending date.* Except as provided in paragraphs (c) and (d) of this section, a Federal Supplemental Benefit Period in a State shall end on the last day of the third calendar week after the first week for which there is a Federal Supplemental Benefit "off" indicator in that State.

(c) *Duration.* A Federal Supplemental Benefit Period which becomes effective in any State shall continue for not less than 26 consecutive weeks, but in no event shall FSB be paid for any week which is not within the effective period of the Federal Supplemental Benefit Program as specified in § 618.3.

(d) *Federal Supplemental Benefit Periods beginning before 1976.* No Federal Supplemental Benefit Period which began in any State prior to January 1, 1976, shall end prior to that date, notwithstanding any other provision of this Part.

(e) *Final termination of Federal Supplemental Benefit Periods.* No Federal Supplemental Benefit Period shall continue in effect in any State beyond the last week of unemployment for any individual that ends on or before March 31, 1977, notwithstanding any other provision of this Part. Any Federal Supplemental Benefit Period which is in effect in any State in the last week of unemployment for any individual that ends on or before March 31, 1977, shall terminate at the end of that week.

(f) *Additional eligibility periods for individuals.* (1) There shall be an additional eligibility period (as defined in § 618.2(1)(2)) for any individual who qualifies, following the week in which a Federal Supplemental Benefit Period ends in a State.

(2) An additional eligibility period which is in effect in the last week immediately preceding the beginning of a subsequent Federal Supplemental Benefit Period in the State, shall terminate at the end of that last week, even though the additional eligibility period has not been in effect for thirteen weeks.

(3) No additional eligibility period shall begin or continue in effect for any individual in any State with respect to any week of unemployment that ends after March 31, 1977, notwithstanding any other provision of this Part. Any additional eligibility period which is in effect for any individual in any State in the last week of unemployment that ends on or before March 31, 1977, shall terminate at the end of that week.

§ 618.19 Determination of "on" and "off" indicators.

(a) *"On" indicator.* There is a Federal Supplemental Benefit "on" indicator in a State for a week if the Secretary determines with respect to that State that: (1) There is a State or National "on" indicator for the week as determined under subsection (d) or (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended; and

(2) In the case of a week applicable to the beginning of a Federal Supplemental Benefit Period as of any week which begins on or after January 1, 1976, the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding twelve weeks equaled or exceeded 5 per centum, as determined by the State agency of the State in accordance with the Act and this Part.

(b) *"Off" indicator.* With respect to the ending of a Federal Supplemental Benefit Period as of the end of any week which begins on or after January 1, 1976, there is a Federal Supplemental Benefit "off" indicator in a State for a week if the Secretary determines with respect to that State that the rate of insured unemployment in the State (as determined by the State agency of the State in accordance with the Act and this Part) for the period consisting of such week and the immediately preceding twelve weeks is less than 5 per centum.

(c) *Computation of rate of insured unemployment.* The rate of insured unemployment, for the purposes of "on" and "off" indicators and 5-per centum and 6-per centum periods, shall be computed in accordance with § 615.14 of this chapter.

§ 618.20 Per centum periods in Federal Supplemental Benefit Periods and additional eligibility periods.

(a) *Per centum periods.* (1) Commencing with weeks beginning on and after January 4, 1976, a Federal Supplemental Benefit Period in a State shall consist of either a "5-per centum period" or a "6-per centum period" or of 5-per centum and 6-per centum periods in alternating order.

(2) The provisions of this section which apply to the beginning, ending, and continuation of per centum periods in a Federal Supplement Benefit Period, shall apply to the additional eligibility periods of individuals which immediately succeed a Federal Supplemental Benefit Period, as if the additional eligibility periods were within the Federal Supplemental Benefit Period, except that no per centum period applicable to an additional eligibility period shall remain in effect beyond the end of the additional eligibility period.

(b) *5-per centum period.* (1) A 5-per centum period shall begin in a Federal Supplemental Benefit Period in a State on the first day of the third calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged less than 6 per centum.

(2) A 5-per centum period shall not begin prior to (i) January 4, 1976, or (ii) the first day of the fourteenth consecutive calendar week after the last week in a preceding 5-per centum period in the same Federal Supplemental Benefit Period.

(3) A 5-per centum period shall end on the last day of the second calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged not less than 6-per centum: *Provided*, That, a 5-per centum period which begins in a Federal Supplemental Benefit Period shall remain in effect until a 6-per centum period begins in the same Federal Supplement Benefit Period; and, in the absence of a subsequent 6-per centum period in the same Federal Supplemental Benefit Period, the 5-per centum period shal remain in effect until the end of the Federal Supplemental Benefit Period even though a decrease in the rate of insured unemployment might otherwise trigger an earlier end to the 5-per centum period.

(c) *6-per centum period.* (1) A 6-per centum period shall begin in a Federal Supplemental Benefit Period in a State on the first day of the third calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged not less than 6 per centum.

(2) A 6-per centum period shall not begin prior to January 4, 1976.

(3) A 6-per centum period shall end on the last day of the second calendar week immediately following a period of thirteen consecutive calendar weeks, during which the rate of insured unemployment in the State averaged less than 6 per centum: *Provided*, That, a 6-per centum period which begins immediately following a 5-per centum period in the same Federal Supplemental Benefit Period shall continue in effect for not less than thirteen consecutive calendar weeks, even though a decrease in the rate of insured unemployment might otherwise trigger an earlier end to the 6-per centum period, but a 6-per centum period shall not remain in effect beyond the end of the Federal Supplemental Benefit Period.

(d) *Determinations of per centum periods.* Determinations of the beginning and ending of 5-per centum and 6-per centum periods in a State shall be made by the head of the State agency in accordance with this Part.

§ 618.21 Announcement of the beginning and ending of Federal Supplemental Benefit Periods and per centum periods.

(a) *Publication in* FEDERAL REGISTER. (1) Whenever the Secretary determines that there is an "on" indicator in any State, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "on" indicator, the week when a Federal Supplemental Benefit Period will commence and information regarding the scope of the Federal Supplemental Benefit Program.

(2) Whenever the Secretary determines that there is an "off" indicator in any State, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "off" indicator, and the week when the Federal Supplemental Benefit Period will end.

(b) *Notifications.* The Secretary shall also cause to be notified the appropriate news media, the head of the State agency concerned, and the Regional Administrator, Employment and Training Administration, of the determination of an "on" or "off" indicator and of its effect.

(c) *Publicity in State.* (1) Whenever the head of a State agency is notified of the Secretary's determination that a Federal Supplemental Benefit "on" or "off" indicator will begin or end a Federal Supplemental Benefit Period in the State, the head of the State agency shall promptly announce the Secretary's determination and the beginning or ending date of the Federal Supplemental Benefit Period through appropriate news media in the State. In the case of a Federal Supplemental Benefit Period that is about to begin, the announcement shall also describe clearly the unemployed individuals who may be eligible for FSB during the period; and in the case of a Federal Supplemental Benefit Period that is about to end, the announcement shall also describe clearly the individuals whose entitlement to FSB will be terminated, and the individuals whose entitlement to FSB will continue during their additional eligibility periods.

(2) The head of State agency also shall cause the announcement to be published at least once a week for three consecutive weeks in one or more newspapers of general circulation in each county, parish, or in the case of Alaska each census division, in the State, and in each municipality in the State which is not in a county, parish, or census division. If no newspaper of general circulation is published in a county, parish, census division, or municipality, the notice shall be published in one or more newspapers having general circulation within that county, parish, census division, or municipality. An announcement printed in the same or larger typeface as general or local news stories in a newspaper shall be published among the general or local news stories in that newspaper. For the purposes of this paragraph, a newspaper is one qualified to publish public notices under the laws of the State.

(d) *Notices to claimants.* (1) Whenever there has been a determination that a Federal Supplemental Benefit Period will begin in a State, the State agency shall provide prompt written notice of potential entitlement to FSB to each individual who is an exhaustee as prescribed in § 618.5.

(2) The State agency shall provide the same notice promptly to each individual who becomes an exhaustee, as prescribed in § 618.5, during a Federal Supplemental Benefit Period.

(3) Whenever there has been a determination that a Federal Supplemental Benefit Period will end in a State, the State agency shall provide written notice to each individual who is currently filing claims for FSB of the forthcoming end of the Federal Supplemental Benefit Period and its effect on the individual's entitlement to FSB. Notices to individuals who will have an additional eligibilty period following the Federal Supplemental Benefit Period shall include notice of their potential entitlement to FSB during the additional eligibility period.

(e) *Publicity and notices of per centum periods.* (1) Whenever a State agency determines, pursuant to § 618.20, that a 6-per centum period will begin or end in the State, the head of the State agency shall promptly announce that determination through appropriate news media in the State and shall promptly notify the Secretary of such determination. Such announcement shall also describe clearly the effect on the entitlement of individuals to FSB during the ensuing 6-per centum or 5-per centum period.

(2) The head of State agency also shall cause the announcement to be published at least once a week for three consecutive weeks in one or more newspapers of general circulation in each county, parish, or in the case of Alaska each census division, in the State, and in each municipality in the State which is not in a county, parish, or census division. If no newspaper of general circulation is published in a county, parish, census division, or municipality, the notice shall be published in one or more newspapers having general circulation within that county, parish, census division, or mu-

nicipality. An announcement printed in the same or larger typeface as general or local news stories in a newspaper shall be published among the general or local news stories in that newspaper. For the purposes of this paragraph, a newspaper is one qualified to publish public notices under the laws of the State.

(3) Whenever there has been a determination that a 6-per centum period will begin or end in a State, the State agency shall provide prompt written notice to each individual for whom there has been established a Federal Supplemental Benefit Account in that State of the beginning or ending of such period and its effect on the individual's entitlement to FSB.

§ 618.22 Payments to States.

(a) *Federal Supplemental Benefits.* The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which has entered into an Agreement, either in advance or by way of reimbursement as the Secretary decides in each instance, such amounts as are deemed necessary by the Secretary to make payments of FSB in accordance with the Act and this regulation and the procedures thereunder prescribed by the Secretary; except that the amounts certified shall not include sums for which the State is entitled to reimbursement under the provisions of any Federal law other than the Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with the certifications, by transfers from the extended unemployment compensation accounting the Unemployment Trust Fund to the account of the State in the Fund.

(b) *Costs of administration.* With the amount certified by the Secretary for payment to each State, pursuant to title III of the Social Security Act, for the purpose of assisting the State in the administration of the State law, there shall be included such amount as the Secretary determines to be necessary for the proper and efficient administration of the Act by the State. Sections 303(a)(8) and 303(a)(9) of the Social Security Act (42 U.S.C. 503(a)(8), 503(a)(9)) shall apply to amounts paid to a State for costs of administration of the Act.

§ 618.23 Public access to Agreements.

The State agency will make available to any individual or organization a true copy of the Agreement with that agency for inspection and copying. Copies of an Agreement may be furnished on request to any individual or organization upon payment of the same changes, if any, as apply to the furnishing of copies of other records of the State agency.

§ 618.24 Information, reports and studies.

State agencies shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act.

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TUESDAY, MARCH 23, 1976

PART III:

DEPARTMENT OF LABOR

Employment and Training Administration

■

SPECIAL UNEMPLOYMENT ASSISTANCE

Title 20—Employees Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION

PART 619—SPECIAL UNEMPLOYMENT ASSISTANCE

Revision of Regulations

On November 5, 1975, a document was published in the FEDERAL REGISTER (40 FR 51600) revising Part 619 in Chapter V of Title 20 of the Code of Federal Regulations. Corrections to that document were published in the FEDERAL REGISTER on November 18, 1975 (40 FR 53390). Part 619 implements the Special Unemployment Assistance Program established under Title II of the "Emergency Jobs and Unemployment Assistance Act of 1974" (Pub. L. 93-567; 88 Stat. 1845, 1850), as amended by Title II of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94-45; 89 Stat. 236, 240), and supplemented by Chapter VI of Title I of the Second Supplemental Appropriations Act, 1975 (Pub. L. 94-32; 89 Stat. 173, 178).

The Special Unemployment Assistance Program is a temporary unemployment assistance program, financed from Federal funds, to furnish unemployment benefits (referred to as Special Unemployment Assistance, or SUA) to individuals who unemployed and unable to obtain work, and who have no right under any State or Federal law to compensation, assistance, or allowances with respect to their unemployment.

Although the revised Part 619 was made effective upon publication in the FEDERAL REGISTER, comments were solicited through December 5, 1975. All comments received with respect to the revision of Part 619 were given due consideration, and the Part has been reviewed in the light of those comments. One comment has been adopted, and the remaining comments were not adopted, for the following reasons:

1. The National Newspaper Association has suggested amending § 619.19. The Association suggests that the announcements of the beginning and ending of Special Unemployment Assistance Periods be announced by heads of State employment security agencies at least once a week for three weeks in newspapers or general circulation. This seems to be an efficient method of announcing the beginning and ending of assistance periods, and § 619.19 is amended by adding a new paragraph (c)(3) specifying the manner of publication in newspapers of general circulation.

2. The employment security agency of Florida has suggestsed that a "tolerance factor" be established, allowing for slight deviations in initial benefit amounts of SUA when it is found that a determination of an initial benefit amount for a SUA claimant is not the exact amount that the claimant should have received. Similarly, the Florida agency suggests that a time limitation be set, after which a redetermination of an initial benefit amount in a SUA claim would not have to be made, except in the case of fraud or misrepresentation. The State agency says that the requirements of redeterminations, § 619.8(c), and timeliness of SUA payments, § 619.8(c), work at cross-purposes. The situations posed by the Florida agency's comments pertain primarily to those farmworkers who are unable to submit proof of employment and earnings because they are paid in cash, are not provided with a wage statement, and do not know if they are employed by the farmer or the farm labor contractor.

A "tolerance factor" and a redetermination time limit are not allowable. Sections 205 and 206 of the Act, as amended, provide for the weekly and maximum benefit amounts of SUA which shall be paid to eligible claimants. Those amounts are mathematically calculated and are specifically determinable in accordance with the Act. Section 619.8(e) of this Part requires redeterminations of SUA benefit rights to be made on the same basis under the State law as redeterminations of rights to regular unemployment benefits are made. Section 619.8(e) implements in part the requirement in section 207 of the Act that the State unemployment compensation law be applied to the SUA program except only in those respects in which the State law is inconsistent with applicable provisions of federal law.

3. It has been pointed out that there were two errors in the preamble to the revised Part 619. In lines 10 and 11 of the first paragraph on page 51600 of 40 FEDERAL REGISTER, "Emergency Jobs and Unemployment Assistance Act of 1975" should read instead "Emergency Jobs and Unemployment Assistance Act of 1974". In line 6 of the second column on page 51601 of 40 FEDERAL REGISTER "inaccurate" should read instead "accurate."

4. The corrections to 20 CFR Part 619 published in the FEDERAL REGISTER on November 18, 1975 (40 FR 53390) have been incorporated into the final publication below.

5. Various other technical and clarifying changes have been made to Part 619.

Accordingly, 20 CFR Part 619 is readopted with minor changes as set forth below.

Effective date: April 22, 1976.

Signed at Washington, D.C. March 17, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

Part 619 of Chapter V of Title 20, Code of Federal Regulations, reads as follows:

Sec.

619.1 Purpose; rules of construction.
619.2 Definitions.
619.3 Effective period of the program.
619.4 Eligibility requirements for Special Unemployment Assistance.
619.5 Special Unemployment Assistance: weekly amount.
619.6 Special Unemployment Assistance: maximum amount.
619.7 Claims for Special Unemployment Assistance.
619.8 Determinations of entitlement; notices to individual.
619.9 Appeal and hearing.
619.10 Provisions of State law applicable to claims.
619.11 The applicable State for an individual.
619.12 Restrictions on entitlement.
619.13 Overpayments; penalty for fraud.
619.14 Inviolate rights to SUA.
619.15 Recordkeeping; disclosure of information.
619.16 Special Unemployment Assistance Period.
619.17 Determination of national and area unemployment rates.
619.18 Determination of "on" and "off" indicators.
619.19 Announcement of the beginning and ending of a Special Unemployment Assistance Period.
619.20 Grants to States.
619.21 Public access to Agreements.
619.22 Information, reports and studies.

AUTHORITY: Sec. 202, Pub. L. 93-567 (88 Stat. 1845, 1850); Secretary's Order No. 4-75 (40 FR 18515).

§ 619.1 Purpose; rules of construction.

(a) *Purpose.* Title II of the "Emergency Jobs and Unemployment Assistance Act of 1974" created a temporary program of Special Unemployment Assistance (SUA) for individuals who are unemployed during a period of aggravated unemployment and who are not otherwise eligible for unemployment compensation or allowances with respect to their unemployment under any other law. The regulations in this Part are issued to implement the Act as it has been amended and supplemented.

(b) *First rule of construction.* The Act and the implementing regulations in this Part shall be construed liberally so as to carry out the purposes of the Act.

(c) *Second rule of construction.* The Act and the implementing regulations in this Part shall be construed so as to assure insofar as possible the uniform interpretation and application of the Act throughout the United States.

(d) *Effectuating purpose and rules of construction.* (1) In order to effectuate the provisions of this section each State agency shall forward to the United States Department of Labor, not later than 10 days after issuance, a copy of each judicial or administrative decision ruling on an individual's entitlement to SUA or waiting period credit. On request of the Department, a State agency shall forward to the Department a copy of any determination or redetermination ruling on an individual's entitlement to SUA or waiting period credit.

(2) If the Department believes a determination, redetermination, or decision is inconsistent with the Secretary's interpretation of the Act, the Department may at any time notify the State agency of the Department's view. Thereafter the State agency shall appeal if possible, and shall not follow such determination, redetermination, or decision as a precedent; and, in any subsequent proceedings which involve such determination, redetermination, or decision, or wherein such determination, redetermination, or decision is cited as precedent or otherwise relied upon, the State agency shall inform the hearing officer or court of the

Department's view and shall make all reasonable efforts, including appeal or other proceedings in any appropriate forum, to obtain modification, limitation, or overruling of the determination, redetermination, or decision.

(3) A State agency may request reconsideration of a notice that a determination, redetermination, or decision is inconsistent with the Act, and shall be given an opportunity to present views and arguments if desired. If a determination, redetermination, or decision setting a precedent becomes final, which the Department believes to be inconsistent with the Act, the Secretary will decide whether the Agreement with the State shall be terminated.

(4) Concurrence of the Department in a determination, redetermination, or decision shall not be presumed from the absence of a notice issued pursuant to this paragraph.

§ 619.2 Definitions.

For the purposes of the Act and this part:

(a) "Act" means title II of the "Emergency Jobs and Unemployment Assistance Act of 1974" (Pub. L. 93-567; 88 Stat. 1845, 1850, approved December 31, 1974), as amended and supplemented by chapter VI of title I of the Second Supplemental Appropriations Act, 1975 (Pub. L. 94-32; 89 Stat. 173, 178), and title II of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94-45; 89 Stat. 236, 240).

(b) "Agreement" means an agreement entered into pursuant to the Act, between a State and the Secretary of Labor of the United States, under which the State agency of the State agrees to make payments of Special Unemployment Assistance in accordance with the Act and the regulations and procedures thereunder prescribed by the Secretary.

(c) "Applicable State law" means the State law of the State which is the applicable State for an individual.

(d) "Area" means an area designated by the Secretary as an area served by an entity which is eligible to be a prime sponsor under section 102(a) of the Comprehensive Employment and Training Act of 1973 (29 U.S.C. 812(a)).

(e) "Compensation" means cash benefits (including dependents' allowances) payable to individuals with respect to their unemployment, and includes regular, additional, extended, and emergency compensation as defined in this section, and unemployment compensation payable under the Hawaii Agricultural Unemployment Compensation Law.

(f) "Regular compensation" means compensation payable to an individual under any State law, and, when so payable, includes compensation payable pursuant to 5 U.S.C. chapter 85, but not including extended compensation or additional compensation.

(g) "Additional compensation" means compensation totally financed by a State and payable under a State law by reason of conditions of high unemployment or by reason of other special factors, and, when so payable, includes compensation payable pursuant to 5 U.S.C. chapter 85.

(h) "Extended compensation" means compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, as amended (title II, Public Law 91-373; 84 Stat. 695, 708), with respect to the payment of extended compensation, and, when so payable, includes additional compensation and compensation payable pursuant to 5 U.S.C. chapter 85.

(i) "Emergency compensation" means compensation payable under the Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572), as amended, and referred to as Federal Supplemental Benefits (20 CFR Part 618).

(j)(1) "Employment not covered" means services performed by an individual for another as an employee (as defined in 26 U.S.C. 3121(d)) within a State or within or among two or more States, or on or in connection with an American vessel or American aircraft (as specified and defined in 26 U.S.C. 3306 (c), (m), and (n)), or outside of the States (except in Canada) for an American employer (as defined in 26 U.S.C. 3306(j)(3)) if the individual is a citizen of the United States, if the services are not services covered for the purpose of determining eligibility for compensation under a State law, the Hawaii Agricultural Unemployment Compensation Law, the Railroad Unemployment Insurance Act, or 5 U.S.C. chapter 85, and if the services constitute employment as determined under 26 U.S.C. 3306(c) without regard to the exclusions specified in paragraphs (1) through (9), (10)(B)(ii), (14), (15), and (17) of that section.

The term "wages not covered" means wages for services performed in "employment not covered" as defined in this paragraph.

The term "United States" as used in 26 U.S.C. 3306(c) shall include the Virgin Islands for the purpose of determining "employment not covered" as defined in this paragraph.

(2) The definitions in paragraph (j)(1) of this section, revised in accordance with the amendment in section 203(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94-45; 89 Stat. 236, 241), shall be effective throughout the effective period of the Special Unemployment Assistance Program as specified in § 619.3.

(k) "Secretary" means the Secretary of Labor of the United States.

(l) "Special Unemployment Assistance" (referred to in this Part as SUA) means the benefits payable under the Act to individuals.

(m) "Special Unemployment Assistance benefit year" means the fifty-two week period beginning with the first week for which an individual files a valid claim for SUA.

(n) "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(o) "State agency" means the agency of the State which administers the program established by the Act.

(p) "State law" means the unemployment compensation law of a State which has been approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304), and further means, with respect to the Virgin Islands, the unemployment compensation law of the Virgin Islands.

(q) "Valid claim" means an initial claim filed by an individual with respect to which a determination is made that the individual meets the requirements of paragraphs (b) and (e) of § 619.4, and is totally, part-totally, or partially unemployed.

(r) "Wages" means remuneration for services performed for another in an employer-employee relationship.

(s) "Waiting period" means the waiting period as provided in the applicable State law.

(t) "Week" means a calendar week.

(u) "Week of unemployment" means any week during which an individual is totally, part-totally, or partially unemployed. A week of total unemployment is a week in which an individual performs no work and earns no wages or has less than full-time work and earns not more than the earnings allowance prescribed in the applicable State law. A week of part-total unemployment is a week of otherwise total unemployment during which an individual has odd jobs or subsidiary work with earnings in excess of the earnings allowance prescribed in the applicable State law. A week of partial unemployment is a week during which an individual works less than regular, full-time hours for the individual's regular employer, because of lack of work, and earns more than the earnings allowance, prescribed by the applicable State law.

§ 619.3 Effective period of the program.

(a) *Beginning date.* Except as provided in paragraphs (b) and (c) of this section, SUA shall be payable, or waiting period credited, with respect to a week of unemployment commencing with the week beginning on December 22, 1974.

(b) *Ending dates.* SUA shall not be payable to any individual with respect to any week of unemployment ending after March 31, 1977; and no individual shall be entitled to a payment of SUA with respect to any week of unemployment which begins after December 31, 1976, unless the individual has filed a valid claim for SUA which is effective with respect to a week that begins on or before December 31, 1976.

(c) *Agreement as precondition.* Notwithstanding any other provision of the Act or this Part SUA shall be payable solely through a State agency and only pursuant to an Agreement, and with respect to weeks in which an Agreement is in effect.

§ 619.4 Eligibility requirements for Special Unemployment Assistance.

An individual shall be eligible to receive a payment of SUA or waiting period credit with respect to a week of unemployment which begins during a Special Unemployment Assistance Period, and the individual's Special Unemployment Assistance benefit year; in accordance with the provisions of the Act and this Part, if that week is within the effective period of the program as set forth in § 619.3 and if, with respect to that week, all of the following requirements of (a) through (f) are met.

(a) *Ineligibility under other laws.* The individual (1) is not eligible for compensation under any State or Federal unemployment compensation law, including the State law of any State, 5 U.S.C. Chapter 85, the Emergency Unemployment Compensation Act of 1974, and the Hawaii Agricultural Unemployment Compensation Law, as such laws may be amended, with respect to that week of unemployment; and is not eligible for unemployment compensation under the Railroad Unemployment Insurance Act, as amended, with respect to that week of unemployment; (2) is not receiving compensation with respect to that week of unemployment under the unemployment compensation law of Canada, as amended; and (3) is not eligible for assistance or an allowance payable with respect to that week of unemployment under any other Federal law, such as the Public Works and Economic Development Act Amendments of 1974, the Disaster Relief Act of 1974, the Trade Expansion Act of 1962, or any successor legislation or similar legislation, as determined by the Secretary.

(b) *Qualifying requirements.* (1) The individual meets the qualifying employment and wage requirements of the applicable State law in a base year which, notwithstanding the State law, shall be the fifty-two week period preceding the first week with respect to which the individual files an initial claim for SUA, and meets such qualifying employment and wage requirements; and for the purpose of this paragraph employment and wages which are not covered shall be treated as though they were covered, and shall be combined with employment and wages covered by any State or Federal unemployment compensation law, including the Railroad Unemployment Insurance Act and the Hawaii Agricultural Unemployment Compensation Law, in determining whether the individual meets the qualifying employment and wage requirements of the applicable State law, except that employment and wages shall be excluded for this purpose to the extent that the individual is or was entitled to compenstion on the basis of such employment and wages under any unemployment compensation law. Employment and wages considered in determining an individual's eligibility for and entitlement to SUA shall not thereafter be considered in determining the individual's eligibilty for and entitlement to SUA in connection with any further claim for SUA.

(2) For the purpose of determining an individual's eligibility for SUA under a State law that bases eligibility on employment or wages by calendar quarters, any employment or wages during the fifty-two week base year which fall within two incomplete calendar quarters shall either be treated as falling within two quarters, or be added together and treated as falling within one quarter, whichever is most advantageous to the individual.

(c) *Status of individual.* The individual is totally, part-totally, or partially unemployed, and is able to work, available for work, and seeking work within the meaning of, or as required by, the applicable State law, and is not subject to disqualification as provided in § 619.12 (d) with respect to that week of unemployment.

(d) *Claim filed.* The individual has filed an initial claim for SUA, and, as appropriate, has filed a timely claim for waiting period credit or a payment of SUA with respect to that week of unemployment.

(e) *Employed in the area.* In the area in which the individual was last employed for at least five workdays prior to filing an initial claim for SUA, a Special Unemployment Assistance Period is in effect with respect to that week of unemployment: *Provided,* That, if the individual, except for the imposition of a disqualification, was otherwise eligible for a payment of SUA or waiting period credit with respect to a week of unemployment which began during a Special Unemployment Assistance Period, but did not exhaust entitlement to SUA during the period, entitlement shall continue after the end of the period, but SUA shall not be payable for any week of unemployment that begins more than twenty-six weeks after the end of the period, or which begins after the expiration of the individual's Special Unemployment Assistance benefit year, or which ends after the effective period of the Special Unemployment Assistance Program as specified in § 619.3.

(f) *Agreement in effect.* The State in which the individual was last employed for at least five workdays, prior to filing an initial claim for SUA has entered into an Agreement which is in effect in that week.

§ 619.5 Special Unemployment Assistance: weekly amount.

(a) *Total unemployment.* (1) The weekly amount of SUA payable to an eligible individual for a week of total unemployment shall be the weekly benefit amount for a week of total unemployment that would be payable to the individual as regular compensation, as computed under the provisions of the applicable State law: *Provided,* That, in computing the individual's weekly amount of SUA, the base year, notwithstanding the applicable State law, shall be the fifty-two week period preceding the first week with respect to which the individual files a valid claim for SUA; and for the purpose of this proviso employment and wages which are not covered by the applicable State law, and employment and wages which are covered by any unemployment compensation law, shall be treated in the same manner and with the same effect and exception as is provided in § 619.4(b).

(2) If the individual would have more than one weekly amount of regular compensation for total unemployment computed under the provisions of the applicable State law in accordance with this paragraph, the weekly amount of SUA for total unemployment shall be the higher of: (i) The average amount determined by (A) multiplying each weekly amount, including dependents' allowances, payable for total unemployment, by the number of weeks for which each amount would be payable, (B) totaling the products so obtained, and (C) dividing this sum by the total number of weeks involved in the computation; or (ii) the amount that is reasonably representative of the weekly amounts.

(b) *Partial and part-total unemployment.* The weekly amount of SUA payable for a week of partial or part-total unemployment shall be determined under the provisions of the applicable State law which apply to regular compensation.

(c) *Computation rule.* For the purpose of computing an individual's weekly amount of SUA under a State law that calculates the weekly benefit amount on the basis of distribution of employment or wages among calendar quarters, any employment or wages during the fifty-two week base year which fall within two incomplete calendar quarters shall either be treated as falling within two quarters, or be added together and treated as falling within one quarter, whichever is most advantageous to the individual.

§ 619.6 Special Unemployment Assistance: maximum amount.

(a) *Computation.* Except as provided in paragraph (b) of this section, the maximum amount of SUA which shall be payable to an individual during a Special Unemployment Assistance benefit year established for the individual shall be 150 per centum of the maximum amount of regular compensation that would be payable to the individual during such benefit year, as computed under the provisions of the applicable State law, on the basis of the individual's employment and wages creditable for this purpose under the Act and this Part, but not exceeding thirty-nine times the weekly benefit amount payable to the individual for a week of total unemployment as determined under § 619.5: *Provided,* That, for the purpose of computing an individual's maximum amount of SUA the individual's base year, notwithstanding the State law, shall be the fifty-two week period preceding the first week with respect to which the individual files a valid claim for SUA; and for the purpose of this proviso employment and wages which are not covered by the applicable State law, and employment and wages which are covered by any unemployment compensation law, shall be treated in the same manner and with

the same effect and exception as is provided in § 619.4(b).

(b) *Special reduction.* (1) The maximum amount of SUA computed in accordance with paragraph (a) of this section for an individual shall be reduced by the amount of compensation received by the individual during a benefit year established under any State law for purposes of regular compensation, if the Special Unemployment Assistance benefit year established for the individual commences on a date that occurs within the benefit year established under that State law for purposes of regular compensation.

(2) The special reduction in paragraph (b)(1) of this section shall not operate (i) to reduce the amount in the Special Unemployment Assistance Account of any individual more than the amount standing to the credit of the individual's account as of July 1, 1975, after the application of paragraph (c)(2) of this section, or (ii) to affect the amounts of SUA otherwise payable to the individual for weeks of unemployment which began prior to July 1, 1975.

(c) *Individual accounts.* (1) A Special Unemployment Assistance Account shall be established for each individual determined to be eligible for SUA, in the sum of the maximum amount potentially payable to the individual during the individual's Special Unemployment Assistance benefit year, as computed in accordance with paragraphs (a) and (b) of this section.

(2) In the case of a Special Unemployment Assistance Account established for an individual as of a date prior to July 1, 1975, the sum of the maximum amount potentially payable to the individual shall be recomputed in accordance with paragraphs (a) and (b) of this section and the amount established in the account as of July 1, 1975, shall be the recomputed sum less the amounts paid to the individual with respect to weeks of unemployment which began prior to July 1, 1975. The recomputed sum shall include any amounts payable to the individual with respect to weeks of unemployment which began prior to July 1, 1975.

(3) If it is subsequently determined as the result of a redetermination or appeal that the individual is entitled to a different amount of SUA than was previously established, an appropriate change shall be made in the individual's Special Unemployment Assistance Account. The appropriate change in the individual's account shall be computed in accordance with this section and, insofar as applicable, § 619.4.

(d) *Computation rule.* For the purpose of computing an individual's maximum amount of SUA in a Special Unemployment Assistance benefit year under a State law that calculates the maximum amount of benefits on the basis of distribution of employment or wages among calendar quarters, any employment or wages during the fifty-two week base year which fall within two incomplete calendar quarters shall either be treated as falling within two quarters, to be added together and treated as falling within one quarter whichever is most advantageous to the individual.

(e) *Effective date.* The provisions of this section, revised in accordance with the amendments to the Act made by sections 201(a) and 203(c) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94-45, 89 Stat. 236, 240, 242), shall be effective with respect to weeks of unemployment beginning on or after July 1, 1975. This section as it read prior to this revision shall remain applicable with respect to weeks of unemployment which began prior to July 1, 1975 (40 FR 5502, 5504, February 6, 1975).

§ 619.7 Claims for Special Unemployment Assistance.

(a) *Initial claims.* An initial claim for SUA shall be filed by an individual with respect to the individual's applicable State and according to the applicable State law on a form prescribed by the Secretary, which shall be furnished to the individual by the State agency.

(b) *Weekly claims.* Claims for waiting period credit and payments of SUA for weeks of unemployment shall be filed with respect to the individual's applicable State at the times and in the manner as claims for regular compensation are filed under the applicable State law, and on forms prescribed by the Secretary which shall be furnished to the individual by the State agency.

(c) *Secretary's standard.* The procedures for reporting and filing claims for SUA and waiting period credit shall be consistent with this Part and the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" (*Employment Security Manual*, Part V, sections 5000 *et seq.*).

§ 619.8 Determinations of entitlement; notices to individual.

(a) *Determination of initial claim.* (1) The State agency shall promptly, upon the filing of an initial claim for SUA, determine whether the individual is eligible and whether a disqualification applies, and, if the claim is found to be a valid claim, the weekly and maximum amounts of SUA payable to the individual.

(2) Notwithstanding the provisions of the applicable State law, an individual's eligibility for SUA may be determined, where a record of employment and wages is not available, on the basis of an affidavit submitted to the State agency by the individual.

(b) *Determination of weekly claims.* The State agency shall promptly, upon the filing of a weekly claim for a payment of SUA or waiting period credit with respect to a week of unemployment, determine whether the individual is entitled to SUA or waiting period credit with respect to such week, and, if entitled, the amount of SUA or waiting period credit to which the individual is entitled.

(c) *Redetermination.* The provisions of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to regular compensation under the applicable State law shall apply to determinations pertaining to SUA.

(d) *Notices to individual.* The State agency shall give notice in writing to the individual of any determination or redetermination of an initial claim and determinations or redeterminations of all weekly claims with respect to weeks of unemployment (and any claim with respect to a waiting week, if applicable), and each notice of determination or redetermination shall include such information regarding the determination or redetermination and notice of right to reconsideration or to appeal, or both, as is furnished with written notices of determinations and written notices of redeterminations with respect to claims for regular compensation.

(e) *Promptness.* Full payment of SUA when due shall be made with the greatest promptness that is administratively feasible.

(f) *Secretary's standard.* The procedures for making determinations and redeterminations, and furnishing written notices of determinations, redeterminations, and rights of appeal to individuals claiming SUA or waiting period credit, shall be consistent with this Part and the Secretary's "Standard for Claim Determinations—Separation Information" (*Employment Security Manual*, Part V, sections 6010 *et seq.*).

§ 619.9 Appeal and hearing.

(a) *Applicable State law.* The provisions of the applicable State law concerning the right of appeal and fair hearing from a determination or redetermination of entitlement to regular compensation shall apply to determinations and redeterminations of eligibility for or entitlement to SUA and waiting period credit. Any such determination or redetermination shall be subject to review only in the manner and to the extent provided in the applicable State law with respect to determinations and redeterminations of entitlement to regular compensation.

(b) *Rights of appeal and fair hearing.* The provisions on right of appeal and opportunity for a fair hearing with respect to claims for SUA and waiting period credit shall be consistent with this part and with sections 303(a)(1) and 303(a)(3) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(3)).

(c) *Promptness on appeals.* (1) Decisions on appeals under the SUA program shall accord with the Secretary's "Standard for Appeals Promptness—Unemployment Compensation" in Part 650 of this chapter.

(2) Any provision of an applicable State law for advancement or priority of unemployment compensation cases on judicial calendars, or otherwise intended to provide prompt payment of unemployment compensation when due, shall

apply to proceedings involving entitlement to SUA.

§ 619.10 Provisions of State law applicable to claims.

(a) *Particular provisions applicable.* Except where the result would be inconsistent with the provisions of the Act or this part and procedures thereunder prescribed by the Secretary, the terms and conditions of the applicable State law which apply to claims for, and the payment of, regular compensation shall apply to claims for, and the payment of, SUA and claims for waiting period credit. The provisions of the applicable State law which shall apply to claims for, and the payment of, SUA and claims for waiting period credit include, but are not limited to:

(1) Claim filing and reporting;

(2) Information to individuals, as appropriate;

(3) Notices to individuals and employers, as appropriate, including notice to each individual of each determination and redetermination of eligibility for or entitlement to SUA and waiting period credit;

(4) Determinations and redeterminations;

(5) Ability to work, availability for work, and search for work; and

(6) Disqualifications.

(b) *IBPP.* The Interstate Benefit Payment Plan shall apply, where appropriate, to individuals filing claims for SUA and waiting period credit.

(c) *Procedural requirements.* The provisions of the applicable State law which apply hereunder to claims for, and the payment of SUA and claims for waiting period credit, shall be applied consistently with the requirements of Title III of the Social Security Act and the Federal Unemployment Tax Act which are pertinent in the case of regular compensation, including but not limited to those standards and requirements specifically referred to in the provisions of this Part.

§ 619.11 The applicable State for an individual.

(a) *Applicable State.* The applicable State for an individual shall be that State in which the individual last worked for at least five workdays prior to filing a valid claim for SUA.

(b) *Limitation.* SUA is payable to an individual only by an applicable State as determined pursuant to paragraph (a) of this section.

§ 619.12 Restrictions on entitlement.

(a) *Entitlement under other laws.* An individual otherwise entitled to waiting period credit or a payment of SUA with respect to a week of unemployment shall not be entitled to such credit or payment if, with respect to that week of unemployment, the individual has received or is entitled to receive a payment with respect to unemployment under any of the following laws, as amended:

(1) Any State law or the Agricultural Unemployment Compensation Law of Hawaii;

(2) Any Federal unemployment compensation law, including 5 U.S.C. chapter 85 and the Railroad Unemployment Insurance Act, but not including the Act;

(3) The Emergency Unemployment Compensation Act of 1974;

(4) The Public Works and Economic Development Act of 1965;

(5) The Disaster Relief Act of 1974;

(6) The Trade Expansion Act of 1962, with respect to weeks of unemployment beginning before April 3, 1975; with respect to weeks of unemployment beginning on or after April 3, 1975, paragraph (h) of this section shall apply;

(7) Any other Federal law which is a successor to any of the laws referred to in (3) through (5) or is similar to such laws in providing for the payment of assistance or an allowance with respect to unemployment.

(b) *Entitlement under Canadian law.* An individual otherwise entitled to waiting period credit or a payment of SUA with respect to a week of unemployment shall not be entitled to such credit or payment if, with respect to that week of unemployment, the individual is receiving compensation under the unemployment compensation law of Canada.

(c) *Excluded employment and wages.* Employment and wages creditable pursuant to § 619.4(b) in determining an individual's eligibility for SUA shall not include employment or wages earned or paid for employment which is contrary to or prohibited by any Federal law.

(d) *Disqualification.* If the week of unemployment for which an individual claims SUA or waiting period credit is a week to which a disqualification for compensation applies under the applicable State law, or would apply but for the fact that the individual has no right to compensation, the individual shall not be entitled to a payment of SUA or to waiting period credit for that week: *Provided,* That, employment or wages required by a State law to end a disqualification shall not be applied subject to any restriction that the employment or wages must be covered under an unemployment compensation law.

(e) *Teachers and certain other school employees.* (1) An individual who performs services primarily in an instructional, research, or principal administrative capacity for an educational institutional or agency shall not be entitled to a payment of SUA or waiting period credit with respect to any week commencing during the period between two successive academic years (or, when the contract provides instead for a similar period between two regular but not successive terms, during such similar period) if—

(i) Such individual performed services in any such capacity for any educational institution or agency for the first of such academic years or terms; and

(ii) Such individual has a contract to perform services in any such capacity for any educational institution or agency for the latter of such academic years or terms.

(2) The provisions of paragraph (e) (1) of this section, added in accordance with the provision enacted in Chapter VI of Title I, Second Supplemental Appropriations Act, 1975 (Pub. L. 94–32; 89 Stat. 173, 178), and the amendment in section 202 of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94–45; 89 Stat. 236, 240), shall be effective with respect to weeks of unemployment beginning on and after June 13, 1975.

(f) *MDTA allowances.* An individual who is entitled with respect to a week of unemployment to both SUA and a training allowance under section 203 of the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2583), shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(g) *CETA allowances.* An individual entitled to the payment with respect to a week of unemployment of a basic weekly allowance under section 111(a) of the Comprehensive Employment and Training Act of 1973 (29 U.S.C. 821(a)), shall not, by reason of entitlement to a payment under that Act, be ineligible for a payment of SUA or waiting period credit to which the individual otherwise is entitled with respect to that week.

(h) *Trade Act of 1974 allowances.* An individual who is entitled, with respect to a week of unemployment which begins on or after April 3, 1975, to a trade readjustment allowance under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 *et seq.;* 29 CFR Part 91), shall not, by reason of entitlement to a trade readjustment allowance, be ineligible for a payment of SUA or waiting period credit to which the individual otherwise is entitled with respect to that week.

(i) *Limit on restrictions.* The restrictions on entitlement specified in paragraphs (a), (b), (d), (e), (f), (g), and (h) of this section shall not apply so as to affect the establishment of a valid claim for SUA or a Special Unemployment Assistance benefit year.

§ 619.13 Overpayments; penalty for fraud.

(a) *Statutory provisions.* (1) The penalty for making a false statement, misrepresentation, or nondisclosure to obtain a payment of SUA is prescribed in section 205(c) of the Act. Provisions concerning the recovery of fraudulent and nonfraudulent overpayments, and authorizing waiver of recovery of nonfraudulent overpayments under certain conditions, are prescribed in section 205 (d) of the Act.

(2) Subsection (c) of section 205 of the Act provides that:

(i) If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure the individual has received an amount of SUA under the Act to which the individual was not entitled, the individual—

(A) shall be ineligible for further SUA under the Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

(3) Subsection (d) of section 205 of the Act provides that:

(i) In the case of any individual who has received an amount of SUA under the Act to which the individual was not entitled, the State is authorized to require the individual to repay the amount of such SUA to the State agency, except that the State agency may waive such repayment if it determines that the payment of such SUA was without fault on the part of the individual, and that such repayment would be contrary to equity and good conscience;

(ii) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any SUA payable under the Act or from any compensation payable to the individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the three-year period after the date the individual received the payment of SUA to which the individual was not entitled, except that no single deduction may exceed 50 per centum of the amount of the payment from which such deduction is made; and

(iii) No repayment shall be required, and no deduction shall be made until a determination of overpayment has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(b) *Application of statutory provisions.* (1) Subsection (c) of section 205 of the Act, as set out in paragraph (a) (2) of this section, shall apply to statements and representations made on and after June 30, 1975, and nondisclosures on and after that date, including statements, representations and nondisclosures in an affidavit referred to in section 205(b) of the Act and in § 619.8(a)(2). The provisions of this section as in effect prior to June 30, 1975 (40 FR 5502, 5505, February 6, 1975), and the last sentence of section 205(b) of the Act as in effect prior to repeal by section 203(b)(1)(A) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94-45, 89 Stat. 236, 241), shall remain applicable prior to June 30, 1975.

(2) Subsection (d)(1) of section 205 of the Act, as set out in paragraph (a)(3)(i) of this section, shall apply to all overpayments of SUA, made from and after the effective date of the Act on December 31, 1974, which have not been recovered prior to June 30, 1975. As to any amount of an overpayment of SUA which has not been recovered prior to June 30, 1975, a determination shall be made as to whether recovery of the overpayment is waived pursuant to subsection (d)(1) of section 205. Each determination or redetermination that an individual has received any amount of SUA to which the individual was not entitled, which is made on or after June 30, 1975, shall include a determination as to whether recovery of the overpayment is waived pursuant to subsection (d)(1) of section 205 of the Act unless it is determined that the overpayment was the result of a false statement, representation, or nondisclosure in violation of subsection (c) of section 205 of the Act.

(3) Subsection (d)(2) of section 205 of the Act, as set out in paragraph (a)(3)(ii) of this section, which concerns recoupment of overpayments from sums payable to an individual under the Act and other specified Federal statutes, shall apply to all such sums otherwise payable to the individual on and after June 30, 1975.

(4) Subsection (d)(3) of section 205 of the Act, as set out in paragraph (a)(3)(iii) of this section, is applicable to every determination and redetermination concluding that an overpayment has been made, which is made on or after June 30, 1975. Paragraph (g) of this section, as in effect prior to June 30, 1975 (40 FR 5502, 5506, February 6, 1975), shall remain applicable to every determination and redetermination, concluding that an overpayment has been made, which is made prior to June 30, 1975.

(c) *Enforcement of repayment.* Repayment of any overpayment of SUA shall be enforced by any action or proceeding which may be brought under State or Federal law, unless recovery of the overpayment is waived in accordance with the Act and this section.

(d) *Recovered overpayments.* Overpayments of SUA recovered in any manner shall be credited or returned to the appropriate account of the United States.

(e) *Debts due the United States.* SUA payable to an individual shall be applied by the State agency for the recovery by offset of any debt due to the United States from the individual, but shall not be applied or used by the State agency in any manner for the payment of any debt of the individual to any State or any other entity or person.

(f) *State law inapplicable.* The provisions in this section concerning overpayments, penalty for fraud, repayment and recoupment of overpayments, and waiver of overpayments, shall apply to the Special Unemployment Assistance Program in lieu of the provisions of the applicable State law except:

(1) As provided in subsections (c) and (d) of section 205 of the Act;

(2) As provided in paragraphs (c), (g), and (h) of this section; and

(3) With regard to disqualification for fraudulently claiming or receiving a payment of compensation.

(g) *Procedural requirements.* (1) The provisions of paragraphs (c), (d), and (f) of § 619.8 shall apply to determinations and redeterminations made pursuant to this section.

(2) The provisions of § 619.9 shall apply to appeals and hearings with respect to determinations and redeterminations made pursuant to this section.

(h) *Fraud detection and prevention.* Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of SUA shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with this Part and the Secretary's "Standard for Fraud and Overpayment Detection" (*Employment Security Manual*, Part V, sections 7510 *et seq.*).

§ 619.14 Inviolate rights to SUA.

(a) *Waiver of rights void.* Any agreement by an individual purporting to waive, release, or commute any right of the individual to SUA shall be void.

(b) *Assignment of rights void.* Any purported assignment, pledge, or encumbrance of any right of an individual to SUA shall be void.

(c) *Legal process prohibited.* Except as provided in § 619.13 or by applicable statute of the United States or regulation of the U.S. Department of Labor, any right of an individual to SUA shall be exempt from levy, execution, attachment, garnishment, order for the payment of attorney fees, or any other remedy whatsoever provided for the collection of debt, and such remedies shall be precluded absolutely. This prohibition shall apply to sums payable to an individual and to sums paid to the individual.

(d) *Discrimination prohibited.* No person shall discriminate against any individual in regard to hiring or tenure of work or any term or condition of employment on account of seeking, claiming, or receiving any right to SUA.

(e) *Obstruction prohibited.* No person shall in any manner obstruct or impede, or attempt to obstruct or impede, any individual in seeking, claiming, or receiving any right to SUA.

§ 619.15 Record keeping; disclosure of information.

(a) *Record keeping.* Each State agency will make and maintain records pertaining to the administration of the Act as the Secretary requires, and will make all such records available for inspection, examination, and audit by such Federal officials or employees as the Secretary may designate or as may be required by law.

(b) *Disclosure of information.* Information in records made and maintained by a State agency in administering the Act shall be kept confidential, and information in such records may be disclosed only in the same manner and to the same extent as information with respect to regular compensation and the entitlement of individuals thereto may be disclosed under the applicable State law. This provision on the confidentiality of information shall not apply, however, to the U.S. Department of Labor, or in the case of information, reports, and studies requested pursuant to § 619.23, or where the result would be inconsistent with the

Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), or regulations of the U.S. Department of Labor promulgated thereunder.

§ 619.16 Special Unemployment Assistance Period.

(a) *Beginning and ending.* A Special Unemployment Assistance Period shall begin in an area of a State on the first day of the third calendar week after the week for which there is an "on" indicator in the area, and shall terminate with the last day of the third calendar week after the first week for which there is an "off" indicator in the area.

(b) *Duration.* A Special Unemployment Assistance Period which triggers "on" in any area shall have a duration of not less than thirteen weeks, but in no event shall SUA be paid for any week which is not within the effective period of the Special Unemployment Assistance Program as specified in § 619.3.

§ 619.17 Determination of national and area unemployment rates.

The Secretary shall determine the national and area unemployment rates for the purposes of establishing the beginning and ending dates of a Special Unemployment Assistance Period in any area. In making a determination the Secretary shall use:

(a) For a national unemployment rate, the rate of national unemployment (seasonally adjusted) for all States, as determined by the Secretary.

(b) For an area unemployment rate, the rate of unemployment (not seasonally adjusted) in the area, as determined by the Secretary.

§ 619.18 Determination of "on" and "off" indicators.

(a) *"On" indicator.* There shall be an "on" indicator in an area for a week, if for the most recent three consecutive calendar months ending before that week, for which data is available, the Secretary determines that:

(1) The rate of national unemployment (seasonally adjusted) averaged 6.0 per centum or more; or

(2) The rate of unemployment in the area (not seasonally adjusted) averaged 6.5 per centum or more.

(b) *"Off" indicator.* There shall be an "off" indicator in an area for a week if, for the most recent three consecutive calendar months ending before that week for which data are available, the Secretary determines that both paragraphs (a) (1) and (a) (2) of this section are not satisfied.

§ 619.19 Announcement of the beginning and ending of a Special Unemployment Assistance Period.

(a) *National indicators.* In the case of an indicator based on the rate of national unemployment—

(1) Whenever the Secretary determines that there is an "on" indicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "on" indicator, the week when a Special Unemployment Assistance Period will commence, and information regarding the nationwide scope of the Special Unemployment Assistance Program.

(2) Whenever the Secretary determines that there is an "off" indicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination and shall include in such notice the week for which there was an "off" indicator, the week when the Special Unemployment Assistance Period will end, and the areas which shall remain in a Special Unemployment Assistance Period by reason of area continuing "on" indicators.

(3) The Secretary shall also cause to be notified the appropriate news media, the heads of all State agencies, and the Regional Administrators, Employment and Training Administration, of the determination of an "on" or "off" indicator and of its effect.

(b) *Area indicators.* In the case of area indicators, when there is not in effect an "on" indicator based on the rate of national unemployment, the Secretary shall cause to be published in the FEDERAL REGISTER any determination made by the Secretary that there is an "on" or "off" indicator in an area, the area to which the determination is applicable, and the beginning or ending date, as the case may be, of the Special Unemployment Assistance Period in the area, where the State in which the area is located has entered into an Agreement which is in effect. The Secretary shall cause to be notified of any such determination the head of the State agency of the State concerned and the Regional Administrator, Employment and Training Administration, of the region in which the State concerned is located.

(c) *Publicity; notice to individuals.* (1) Whenever the head of a State agency is notified of the Secretary's determination that an "on" or "off" indicator will begin or end a Special Unemployment Assistance Period in an area in the State, the head of the State agency shall promptly announce the Secretary's determination and the beginning or ending date of the Special Unemployment Assistance Period through appropriate news media in the State.

(2) In the case of a Special Unemployment Assistance Period that is about to begin, the announcement shall also describe clearly the unemployed individuals who may be eligible for SUA during the period; and in the case of a Special Unemployment Assistance Period that is about to end, the announcement shall also describe clearly the individuals whose entitlement to SUA will be terminated.

(3) The head of the State agency also shall cause the announcement to be published at least once a week for three consecutive weeks in one or more newspapers of general circulation in each county, parish, or in the case of Alaska each census division, in which the area is located, and in each municipality in the area which is not in a county, parish, or census division. If no newspaper of general circulation is published in a county, parish, census division, or municipality, the notice shall be published in one or more newspapers having general circulation within that county, parish, census division, or municipality. An announcement printed in the same or larger typeface as general or local news stories in a newspaper shall be published among the general or local news stories in that newspaper. For the purposes of this paragraph, a newspaper is one qualified to publish public notices under the laws of the State.

(4) Whenever there has been a determination that a Special Unemployment Assistance Period will terminate in a State, the State agency shall provide written notice to each individual who is currently filing claims for SUA of the forthcoming end of the Special Unemployment Assistance Period and its effect on the individual's right to assistance.

§ 619.20 Grants to States.

Each State which has entered into an Agreement shall be paid by the United States, from time to time, prior to audit or settlement by the General Accounting Office, and either in advance or by way of reimbursement as the Secretary decides in each instance, such amounts as are deemed necessary by the Secretary to make payments of SUA in accordance with the Act and this part and the procedures thereunder prescribed by the Secretary, and such amounts as are determined by the Secretary to be equal to the necessary costs for the proper and efficient administration of the Act by the State.

§ 619.21 Public access to Agreements.

The State Agency will make available to any individual or organization a true copy of the Agreement with that State for inspection and copying. Copies of an Agreement may be furnished on request to any individual or organization upon payment of the same charges, if any, as apply to the furnishing of copies of other records of the State agency.

§ 619.22 Information, reports and studies.

State agencies shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act.

[FR Doc.76-8065 Filed 3-22-76;8:45 am]

federal register

TUESDAY, MARCH 23, 1976

PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

LOW INCOME HOUSING

Interim Rule

Loan and Contract Servicing Authority

Title 24—Housing and Urban Development

CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-378]

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—ADDITIONAL ASSISTANCE PROGRAM FOR PROJECTS WITH MORTGAGES INSURED OR FORMERLY INSURED BY HUD

Subpart A—Additional Assistance Program for Projects With HUD-Insured and HUD-Held Mortgages

INTERIM RULE

The Department of Housing and Urban Development is hereby publishing interim regulations to amend Title 24 of the Code of Federal Regulations by adding a new Part 886, Subpart A, to Chapter VIII authorizing use of Section 8 assistance in existing multifamily projects with HUD-Insured or HUD-Held mortgages, including projects sold by HUD subject to purchase money mortgages and Section 202 projects. This Subpart permits commitment of Section 8 contract authority for specific numbers of units in particlar projects, either to assist present residents who would otherwise be obliged to pay excessive proportions of their incomes for rent, or to permit rentals of units in such projects to a broader spectrum of income groups than would otherwise be possible. The goals of this program are twofold: (1) reduce the claims on Department's insurance funds by stabilizing the finances of low and moderate income projects otherwise likely to be assigned to HUD or now assigned and otherwise likely to be foreclosed, and (2) assure the continued availability of units in these existing multifamily projects to the lower income families for whom they were intended by reducing the rent obligations of assisted families to affordable levels.

The Department has determined that the public interest would be served by making the provisions of Part 886 effective upon publication because of the urgency to provide assistance to families in occupancy in the projects who would otherwise be forced either to pay excessive proportions of their incomes for rent or to move from the projects. Therefore, the Department has found that good cause exists for making these regulations effective upon publication (3-23-76).

Written comments and suggestions will be received until April 7, 1976. HUD will make such modifications as it deems appropriate in the final regulations. Comments should be submitted to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

1. Under this regulation, a Housing Assistance Payments Contract (Contract) for a term of five years (renewable for two additional terms of five years each) will be entered into between HUD and a project owner (Owner) with respect to a certain number of units in a project. Housing assistance will be payable for families already in occupancy who qualify as Eligible Families, as well as Eligible Families subsequently admitted to the project.

2. Because HUD, as part of its loan management activities with respect to these projects, already is responsible for most of the administrative functions which must otherwise be performed by Public Housing Agencies (PHAs) in the Section 8 Existing Housing Program, duplicative PHA activities are not required. The Contract will be directly between HUD and the Owner, with the PHA as a party for the purpose of supervising evictions and for such other purposes as may be negotiated.

3. HUD will identify those projects which are most likely to meet the selection criteria set forth in the regulation, and will invite the Owner to make application for Section 8 assistance under this regulation. Other Owners of eligible projects may also make application for such assistance. The selection criteria are (1) the unit rents are approvable under the Fair Market Rent limitations, (2) a significant number of Families in the project are eligible for and in need of Section 8 assistance, (3) the infusion of Section 8 assistance will solve an identifiable problem and provide reasonable assurance of long-term project viability, (4) the dwelling units meet the housing quality standards specified in the regulation, (5) the infusion of Section 8 assistance into the project will not adversely affect other HUD-related multifamily housing within the same neighborhood, and (6) if the project has a history of financial default, financial difficulties or deferred maintenance, the Owner has submitted an adequate plan for remedying such defaulted or deferred obligations. If an application is approved, HUD will send a written notification to the Owner and will at the same time notify the PHA and invite it to become a party to the Contract between HUD and the Owner.

4. The Housing Quality Standards are the same as those in the Section 8 Existing Housing Payments Program.

5. The applicable Fair Market Rents are those published for the Section 8 Existing Housing Program. In the case of a project completed not more than six years prior to the date of the application for assistance under the regulation, the Contract Rents may be as high as 75 percent of the Fair Market Rents for New Construction.

6. A unique feature of this regulation stems from the fact that HUD in its mortgage insurance and/or lending functions approves or requires the payment of certain rents for the dwelling units, and makes adjustments in these rents, based on considerations other than the Section 8 standards. Generally, these HUD approved or required rents are lower than the rents approvable under the Section 8 standards. Accordingly, the Contract Rents for purposes of the housing assistance payments contract will be the rents approved or required by HUD in its mortgage insurance and/or lending functions (including adjustments, if any), not to exceed a specified dollar limit. This upper dollar limit will be within the applicable Fair Market Rent limitations and will be subject to adjustment in accordance with the usual Section 8 adjustment provisions.

7. The requirement with respect to occupancy of at least 30 percent of the Section 8 assisted units by Very Low Income Families will be implemented without requiring the eviction of any existing families in occupancy. Under the regulation, the Owner will be required in filling vacancies to rent to Very Low Income Families until at least 30 percent of the Contract units are occupied by such families, and thereafter to exercise his best efforts to maintain at least 30 percent occupancy of Contract units by Very Low Income Families.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A finding that this regulation is not subject to inflation impact statement requirements has also been made in accordance with HUD procedures. A copy of these findings will be available for public inspection during regular business hours in the office of the Rules Docket Clerk at the above address.

Accordingly, 24 CFR Chapter VIII is amended by adding a new Part 886, Subpart A, reading as follows:

Sec.

886.101 Applicability.
886.102 Definitions.
886.103 Allocation of section 8 contract authority.
886.104 Invitations to participate.
886.105 Content of application.
886.106 Notices.
886.107 Approval of applications.
886.108 Maximum annual contract commitment.
886.109 Housing assistance payments to owners.
886.110 Contract rents.
886.111 Term of contract.
886.112 Rent adjustments.
886.113 Housing quality standards.
886.114 Equal opportunity requirements.
886.115 [Reserved].
886.116 Security and utility deposits.
886.117 Establishment of income limit schedules; 30 percent. Occupancy by very low income families.
886.118 Establishment of amount of housing assistance payments.
886.119 Responsibility of owner.
886.120 Responsibility for contract administration.
886.121 Marketing.
886.122 Lease requirements.
886.123 Maintenance, operation, and inspections.
886.124 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.
886.125 Overcrowded and underoccupied units.
886.126 Adjustment of allowance for utilities and other services.
886.127 Inapplicability of low rent public housing model lease and grievance procedures.

Sec.
886.128 Evictions.
886.129 Reduction of number of contract units for failure to lease to eligible families.
886.130 HUD Review of contract compliance.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d); sec. 5(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c(b)); sec. 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)

§ 886.101 Applicability.

(a) The policies and procedures contained herein are applicable to the making of Housing Assistance Payments on Behalf of Eligible Families in eligible projects under section 8 Project commitments pursuant to provisions of section 8 of the U.S. Housing Act of 1937 ("Act"). As used in this Part, "Project" or "Eligible Project" means any existing subsidized or unsubsidized multifamily residential project which is subject to a mortgage insured pursuant to any section of the National Housing Act, any such project the mortgage for which has been assigned to the Secretary, any such project acquired by the Secretary and thereafter sold under a Secretary-held purchase money mortgage, or a project for the elderly financed under Section 202 of the Housing Act of 1959.

(b) Since HUD, as part of its loan management activities, is responsible for most of the activities assigned to a PHA in the Section 8 Existing Housing program, duplicative PHA activities are not required. However, because of the PHAs' expertise in connection with evictions, the PHA will be invited to perform the function of authorization of evictions, for an agreed fee. In addition, the PHA may be invited to perform inspections of dwelling units, on a fee basis, if HUD determines that such inspections will be performed more efficiently and economically by the PHA. The Contract will be directly between HUD and the Owner, with the PHA as a party for the purpose of supervising evictions and for such other purposes as may be negotiated.

§ 886.102 Definitions.

Act. The United States Housing Act of 1937.

Allowance for Utilities and Other Services ("Allowance"). An amount determined or approved by HUD as an allowance for the cost of utilities (except telephone) and charges for other services payable directly by the Family. In the case of a project where the Family must pay directly for one or more utilities or services, the amount of the allowance is deducted from the Gross Rent in determining the Contract Rent and is included in the Gross Family Contribution.

Contract (See *Section 8 Contract*).

Contract Rent. The rent payable to the Owner as required by HUD in connection with its mortgage insurance and/or lending functions, including the portion of the rent payable by the Family, not to exceed the amount stated in the Section 8 Contract as such amount may be adjusted in accordance with Section 886.112. In the case of a cooperative, the term "Contract Rent" means charges under the occupancy agreements between the members and the cooperative.

Decent, Safe and Sanitary. Housing is Decent, Safe and Sanitary if the requirements of § 886.113 are met.

Eligible Family ("Family"). A Family which qualifies as a Lower-Income Family and which meets the other requirements of the Act and this Part. The term Family includes an elderly, handicapped, disabled, or displaced person and the remaining member of a tenant family as defined in section 3(2) of the Act. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

Eligible Project. See § 886.101.

Fair Market Rent. (a) The rent which is determined by HUD as the Fair Market Rent for Existing Housing under section 8. This Fair Market Rent is the rent, including utilites (except telephone), ranges and refrigerators, parking, and all maintenance, management and other services, which, as determined at least annually by HUD, would be required to be paid in order to obtain privately owned, existing, Decent, Safe and Sanitary rental housing of modest (non-luxury) nature with suitable amenities. Separate Fair Market Rents shall be established for dwelling units by various sizes (number of bedrooms) and types (e.g., elevator and non-elevator).

(b) The Fair Market Rent, minus the amount of any applicable Allowance for Utilities and Other Services payable directly by the Family, shall be the maximum amount that can be approved as the Contract Rent, except that the maximum approvable amount may be higher or lower as provided in §§ 886.110 or 886.112.

Gross Family Contribution. The portion of the Gross Rent payable by an Eligible Family, i.e., the difference between the amount of the housing assistance payment payable on behalf of the Family and the Gross Rent.

Gross Rent. The Contract Rent plus any Allowance for Utilities and Other Services.

HCD Act. The Housing and Community Development Act of 1974.

Housing Assistance Payment on Behalf of Eligible Family. The amount of housing assistance payment on behalf of an Eligible Family determined in accordance with schedules and criteria established by HUD (see also 24 CFR 889).

HUD. The Department of Housing and Urban Development or its designee.

Income. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

Lease. A written agreement between an Owner and an Eligible Family for leasing of a Decent, Safe and Sanitary dwelling unit in accordance with the applicable Contract, which agreement is in compliance with the provisions of this part.

Lower-Income Family. A Family whose Income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments, for smaller or larger families, except that HUD may establish Income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low incomes, or other factors.

Owner. The mortgagor of record under a multifamily project mortgage insured, or held by the Secretary, including purchase money mortgages; the owner of a Section 202 project.

Project. See § 886.101.

Project Account. The account established and maintained in accordance with § 886.108.

Public Housing Agency ("PHA"). Any state, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income Families:

Secretary. The Secretary of Housing and Urban Development.

Section 8 Contract ("Contract"). A written Contract between the Owner of an Eligible Project and HUD for providing Housing Assistance Payments to the Owner on behalf of Eligible Families pursuant to this part.

Subsidized Rent. In section 221(d)(3) BMIR, section 202, or section 236 projects, the rent payable to the project, based on the particular circumstances of any assisted tenant in the absence of any Housing Assistance Payment.

Very Low-Income Family. A Family whose Income does not exceed 50 percent of the median Income for the area, as determined by HUD, with adjustments for smaller or larger families.

§ 886.103 Allocation of section 8 contract authority.

HUD will allocate to field offices contract authority for Section 8 project commitments for metropolitan and nonmetropolitan areas in conformance with section 213(d) of the HCD Act.

§ 886.104 Invitations to participate.

(a) HUD shall identify Eligible Projects which are most likely to meet the selection criteria set forth in § 886.117, and shall invite the Owners of such projects to make application for section 8 assistance under this Part.

(b) An Owner of an Eligible Project who has not been notified pursuant to paragraph (a) of this section may also make application for such assistance.

§ 886.105 Content of application.

Applications shall be in the form and in accordance with the instructions prescribed by HUD, and shall include:

(a) Information on Gross Income, family size, and amount of rent paid to the project by Families currently in residence;

(b) Information on vacancies and turnover;

(c) Estimate of effect of the availability of section 8 assistance on marketability of units in the project;

(d) For projects having a history of financial default, financial difficulties or deferred maintenance, a plan and a schedule for remedying such defaulted or deferred obligations;

(e) Total number of units by unit size (by bedroom count) for which section 8 assistance is requested; and

(f) Affirmative Fair Housing Marketing Plan on a HUD-prescribed form.

§ 886.106 Notices.

(a) Within 10 days of receipt of each completed application by the HUD field office, the field office shall send to the chief executive officer of the unit of general local government in which the proposed assistance is to be provided, a notification in a form prescribed by HUD for purposes of compliance with section 213 of the HCD Act.

(b) If an application is approved, HUD shall send to the Owner a notice of application approval. If an application can be approved only on certain conditions, HUD shall notify the Owner of the conditions and specify a time limit by which those conditions must be met. If an application is disapproved, HUD shall so notify the Owner by letter indicating the reasons for disapproval.

(c) Simultaneously with the issuance of a notice of approval, HUD shall send a letter to the PHA advising it of HUD's intention to enter into a Contract, and inviting the PHA to become a party to the Contract, as provided in Section 886.101(b).

§ 886.107 Approval of applications.

HUD shall approve applications, after considering all pertinent information including comments (if any) received during the comment period from the unit of general local government, based on the following criteria:

(a) The Owner's Affirmative Fair Housing Marketing Plan is approvable.

(b) The HUD-approved unit rents are approvable within the Fair Market Rent limitations contained in § 886.110.

(c) The residential units meet the housing quality standards set forth in Section 886.113, except for such variations as HUD may approve. Local climatic or geological conditions or local codes are examples which may justify such variations.

(d) A significant number of residents, or potential residents, in the case of projects having a vacancy rate over 10 percent, are eligible for and in need of Section 8 assistance.

(e) The infusion of Section 8 assistance into the subject project should not affect other HUD-related multifamily housing within the same neighborhood in a substantially adverse manner. Examples of such adverse effects are (1) substantial move-outs from nearby HUD-related projects precipitated by much lower rents in the subject project, or (2) substantial diversion of prospective applicants from such projects to the subject project.

(f) The infusion of Section 8 assistance into the subject project solves an identifiable problem, e.g., high vacancies and/or turnover, and provides a reasonable assurance of long-term project viability. A determination of long-term viability shall be based upon the following considerations:

(1) The project is not subject to any serious problems that are non-economic in nature. Examples of such problems are poor location, structural deficiencies or disinterested ownership.

(2) The Owner is in substantial compliance with the Regulatory Agreement. Owners are not diverting project funds for personal use. No dividends are being paid during any period of financial difficulty.

(3) The management agent is in substantial compliance with the management agreement. The current management agreement has been approved by HUD. Financial records are adequately kept. Occupancy requirements are being met. Marketing and maintenance programs are being carried out in an adequate manner, based upon available financial resources.

(4) The project's problems are primarily the result of factors beyond the control of the present ownership and management.

(5) The major problems are traceable to an inadequate cash flow.

(6) The infusion of Section 8 assistance will solve the cash flow problem by:

(i) Making it possible to grant needed rent increases;

(ii) Reducing turnover, vacancies and collection losses.

(7) The Owner's plan for remedying any deferred maintenance, financial problems, or other problems is realistic and achievable. There is positive evidence that the Owner will carry out the plan. Examples of such evidence are the Owner's past performance in correcting problems and, in the case of profit-motivated Owners, any cash contributions made to correct project problems.

(g) Any plan submitted pursuant to § 886.105(d) is found by HUD to be adequate.

§ 886.108 Maximum annual contract commitment.

(a) *Number of units assisted.* Based on analysis of housing assistance needs of families residing or expected to reside in the project, HUD shall determine the number of units to be assisted up to 100 percent of the units in the project. All units currently assisted under section 23 or section 8 shall be converted and included under the Contract pursuant to this Subpart, unless the parties to the Lease or Contract object to such conversion. Units assisted under section 101 of the Housing and Urban Development Act of 1965 or under section 236(f)(2) of the National Housing Act shall not be included under the Contract pursuant to this Subpart unless the Owner proposes and HUD approves such conversion.

(b) *Maximum Annual Contract Commitment.* The maximum annual housing assistance payments that may be committed under the Contract shall be that amount which, when paid annually over the term of the Contract, is determined by HUD to be sufficient to provide for all housing assistance payments and fees under the Contract.

(c) *Project Account.* In order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum annual Contract commitment per year exceeds amounts paid under the Contract for any year. This account shall be established and maintained by HUD for each project as a specifically identified and segregated account, and payment shall be made therefrom only for the purposes of (i) housing assistance payments, and (ii) other costs specifically authorized or approved by the Secretary.

(2) Whenever a HUD-approved estimate of required housing assistance payments for a fiscal year exceeds the maximum annual Contract commitment, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such maximum annual Contract commitment, HUD shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

§ 886.109 Housing assistance payments to owners.

(a) Housing Assistance Payments shall be paid to Owners for units under lease by Eligible Families, in accordance with the Contract and as provided in this section. These housing assistance payments will cover the difference between the Contract Rent and the portion of said rent payable by the Family. If the Gross Family Contribution is less than the Allowance for Utilities and Other Services, the difference shall be payable to the Family.

(b) No section 8 assistance may be provided for any unit occupied by an Owner; cooperatives are considered rental housing.

(c) If any Eligible Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days; *Provided, however,* That if the Owner collects any of the Family's share of the rent for this period, or applies security deposits for unpaid rent, in amounts which when added to the 80 percent pay-

ments, results in more than the Contract Rent, such excess shall be payable to HUD or as HUD may direct. (See also Section 886.116.) The Owner shall not be entitled to any payment under this paragraph unless he: (1) immediately upon learning of the vacancy, has notified HUD of the vacancy or prospective vacancy and the reasons for the vacancy, and (2) has taken and continues to take all feasible actions to fill the vacancy including, but not limited to, contacting applicants on his waiting list (if any), and advising them of the availability of the unit, and (3) has not rejected any eligible applicant except for good cause.

§ 886.110 Contract rents.

(a) The sum of the Contract Rents plus an Allowances for Utilities and Other Services shall not exceed the published section 8 Fair Market Rents for Existing Housing, except that they may be exceeded by (1) up to 10 percent if the field office director determines that special circumstances warrant such higher rents, or (2) by up to 20 percent where the Assistant Secretary for Housing Management determines that special circumstances warrant such higher rents, and in either case, such higher rents meet the test of reasonableness in paragraph (c) of this section.

(b) In the case of any project completed not more than six years prior to the date of the application for assistance under this part, contract rents may be as high as 75 percent of the published section 8 Fair Market Rents for New Construction, which limitation may be increased (1) by up to 10 percent if the field office director determines that special circumstances warrant such higher rents, or (2) by up to 20 percent where the Assistant Secretary for Housing Management determines that special circumstances warrant such higher rents, and in either case, such higher rents meet the test of reasonableness in paragraph (c) of this section.

(c) In any case, HUD shall determine and so certify that the Contract Rents for the project do not exceed rents which are reasonable for the location, quality, amenities, facilities, and management and maintenance services in relation to the rents paid for comparable units in the private unassisted market, nor shall the Contract Rents exceed the rents charged by the Owner to unassisted Families for comparable units.

§ 886.111 Term of contract.

A Contract may be for an initial term of not more than 5 years, renewable for successive 5 year terms by agreement between HUD and the Owner, provided that the total Contract term, including renewals, shall not exceed 15 years.

§ 886.112 Rent adjustments.

This section applies to adjustments of the dollar amount stated in the Contract as the Maximum Unit Rent. It does not apply to adjustments in rents payable to Owners as required by HUD in connection with its mortgage insurance and/or lending functions.

(a) *Funding of Adjustments.* Housing Assistance Payments will be made in increased amounts commensurate with Contract Rent adjustments up to the maximum annual amount of housing assistance payments specified in the Contract pursuant to § 886.108(b).

(b) *Automatic Annual Adjustments.* (1) Automatic Annual Adjustment Factors will be determined by HUD at least annually: interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the FEDERAL REGISTER. These published Factors will be reduced appropriately by HUD where utilities are paid directly by Families.

(2) On each anniversary date of the Contract, the Maximum Unit Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by HUD. Maximum Unit Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted rents be less than the Maximum Unit Rents on the effective date of the Contract.

(c) *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to HUD financial statements which clearly support the increase.

(d) *Overall Limitation.* Notwithstanding any other provisions of the Subpart, adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by HUD.

(e) *Incorporation of Rent Adjustments.* Any adjustment in Maximum Unit Rents shall be incorporated into the Contract by a dated addendum to the Contract establishing the effective date of the adjustment.

§ 886.113 Housing quality standards.

Housing used in this program shall meet the Performance Requirements set forth in this section. In addition, the housing shall meet the Acceptability Criteria set forth in this section except for such variations as are proposed and approved by HUD. Local climatic or geological conditions or local codes are examples which may justify such variations.

(a) *Sanitary Facilities*—(1) *Performance Requirement.* The dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

(2) *Acceptability Criteria.* A flush toilet in a separate, private room, a fixed basin with hot and cold running water, and a shower or tub with hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall utilize an approved public or private disposal system.

(b) *Food Preparation and Refuse Disposal*—(1) *Performance Requirement.* The dwelling unit shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.

(2) *Acceptability Criteria.* A cooking stove or range, a refrigerator of appropriate size for the unit, and a kitchen sink with hot and cold running water shall be present in proper operating condition within the unit. The sink shall drain into an approved public or private system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(c) *Space and Security*—(1) *Performance Requirement.* The dwelling unit shall afford the Family adequate space and security.

(2) *Acceptability Criteria.* A living room, kitchen area, and bathroom shall be present; and the dwelling unit shall contain at least one sleeping room or living/sleeping room of appropriate size for each two persons. Exterior doors and windows accessible from outside the unit shall be lockable.

(d) *Thermal Environment*—(1) *Performance Requirement.* The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.

(2) *Acceptability Criteria.* The dwelling unit shall contain safe heating and/or cooling facilities which are in proper operating condition and can provide adequate heat and/or cooling to each room in the dwelling unit appropriate for the climate to assure a healthy living environment. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

(e) *Illumination and Electricity*—(1) *Performance Requirement.* Each room shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while assuring safety from fire.

(2) *Acceptability Criteria.* Living and sleeping rooms shall include at least one window. A ceiling or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two

electric outlets, one of which may be an overhead light, shall be present and operable in the living area, kitchen area, and each bedroom area.

(f) *Structure and Materials*—(1) *Performance Requirement.* The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(2) *Acceptability Criteria.* Ceilings, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage. The roof structure shall be firm and the roof shall be weathertight. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition.

(g) *Interior Air Quality*—(1) *Performance Requirement.* The dwelling unit shall be free of pollutants in the air at levels which threaten the health of the occupants.

(2) *Acceptability Criteria.* The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable window or other adequate exhaust ventilation.

(h) *Water Supply*—(1) *Performance Requirement.* The water supply shall be free from contamination.

(2) *Acceptability Criteria.* The unit shall be served by an approved public or private sanitary water supply.

(i) *Lead Based Paint*—(1) *Performance Requirement.* (i) The dwelling unit shall be in compliance with HUD Lead Based Paint regulations, 24 CFR, Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4801, and the Owner shall provide a certification that the dwelling is in accordance with such HUD Regulations.

(ii) If the property was constructed prior to 1950, the Family upon occupancy shall have been furnished the notice required by HUD Lead Based Paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning.

(2) *Acceptability Criteria.* Same as Performance Requirement.

(j) *Access*—(1) *Performance Requirement.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties, and the building shall provide an alternate means of egress in case of fire.

(2) *Acceptability Criteria.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows).

(k) *Site and Neighborhood*—(1) *Performance Requirement.* The site and neighborhood shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the occupants.

(2) *Acceptability Criteria.* The site and neighborhood shall not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

(l) *Sanitary Condition*—(1) *Performance Requirement.* The unit and its equipment shall be in sanitary condition.

(2) *Acceptability Criteria.* The unit and its equipment shall be free of vermin and rodent infestation.

(m) *Congregate Housing.* The foregoing standards shall apply except for paragraph (b) of this section, Food Preparation and Refuse Disposal. In addition, the following standards shall apply:

(1) The unit shall contain a refrigerator of appropriate size.

(2) The central dining facility (and kitchen facility, if any) shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner, and there shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

§ 886.114 Equal opportunity requirements.

Participation in the program authorized in this Subpart requires compliance with (1) Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, and section 3 of the Housing and Urban Development Act of 1968; and (2) all rules, regulations, and requirements issued pursuant thereto.

§ 886.115 [Reserved]

§ 886.116 Security and utility deposits.

(a) An Owner may require Families to pay a security deposit in an amount up to, but not more than, one month's Gross Family Contribution. If a Family vacates its unit, the Owner, subject to State and local laws, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit and it is insufficient for such reimbursement, the Owner may claim reimbursement from HUD, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this section shall be applied first toward any unpaid rent. If a Family vacates the unit owing no rent or other amount under the Lease or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(b) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. All security deposit funds shall be deposited by the Owner in a segregated bank account, and the balance of this account, at all times, shall be equal to the total amount collected from tenants then in occupancy, plus any accrued interest. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

(c) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

§ 886.117 Establishment of Income Limit Schedules; 30 Percent Occupancy by Very Low-Income Families.

(a) HUD will establish schedules of Income limits for determining whether Families qualify as Lower-Income Families and Very Low-Income Families.

(b) In filling vacancies, the Owner shall rent to Very-Low Income Families until at least 30 percent of the Contract units are occupied by such Families. Thereafter, the Owner shall exercise his best efforts to maintain at least 30 percent occupancy of Contract units by Very Low-Income Families.

§ 886.118 Establishment of amount of housing assistance payments.

(a) The amount of Housing Assistance Payment on Behalf of Eligible Family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (1) no less than 15 percent nor more than 25 percent of the Family's Income, and (2) the Gross Rent taking into consideration the Income of the Family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the Family, except that, in the case of a large Very Low-Income Family or a very large Lower-Income Family or a Family with exceptional medical or other unusual expenses, the amount of the Housing Assistance Payment shall be the difference between 15 percent of the Family's Income and the Gross Rent. The term large Family means a Family which includes six or more minors (other than the head of the Family or spouse). The term very large Family means a Family which includes eight or more minors (other than the head of the Family or spouse).

(b) For any section 221(d)(3) BMIR, section 236, or Section 202 project, the Housing Assistance Payment shall be the amount by which the rent payable by the eligible Family under section 8 is less than the subsidized rent (which subsidy

shall not be reduced by reason of any section 8 assistance).

(c) In no event may any tenant benefit from more than one of the following subsidies: Rent Supplements, section 236 deep subsidies, section 23 leasing assistance, and section 8 housing assistance.

§ 886.119 Responsibilities of Owner.

(a) The Owner shall be responsible for management and maintenance of the project in conformance with requirements of the Regulatory Agreement. These responsibilities shall include but not be limited to:

(1) Payment for utilities and services (unless paid directly by the Family), insurance and taxes;

(2) Performance of all ordinary and extraordinary maintenance;

(3) Performance of all management functions including the taking of applications, selection of Families including verification of Income and other pertinent requirements, and determination of eligibility and amount of Family contribution in accordance with HUD-established schedules and criteria;

(4) Collection of Family rents;

(5) Termination of tenancies, including evictions; except that in cases where the PHA is a party to the Contract, the Owner must obtain the PHA's authorization for an eviction;

(6) Preparation and furnishing of information required under the Contract;

(7) Reexamination of Family Income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of Family contribution and amount of Housing Assistance Payment in accordance with HUD-established schedules and criteria;

(8) Redeterminations of amount of Family contribution and amount of Housing Assistance Payment in accordance with HUD-established schedules and criteria as a result of an adjustment by HUD of any applicable Allowance for Utilities and Other Services; and

(9) Compliance with equal opportunity requirements.

(b) In the event of a financial default under the project mortgage, HUD shall have the right to make subsequent Housing Assistance Payments to the mortgagee until such time as the default is cured, or, at the option of the mortgagee and subject to HUD approval, until some other agreed-upon time.

(c) Subject to HUD approval, any Owner may contract with any private or public entity to perform for a fee the services required by paragraph (a) of this section, provided that such contract shall not shift any of the Owner's responsibilities or obligations.

§ 886.120 Responsibility for contract administration.

(a) HUD is responsible for administration of the Contract. HUD may contract with another entity for the performance of some or all of its Contract administration functions.

(b) The Contract shall contain a provision to the effect (1) that if HUD determines that the Owner is not in compliance under the Contract, HUD shall notify the Owner of the actions required to be taken to restore compliance and of the remedies to be applied by HUD including abatement of Housing Assistance Payments and recovery of overpayments, where appropriate; and (2) that if he fails to comply, HUD has the right to terminate the Contract or to take other corrective action. A default under the Regulatory Agreement shall be treated as non-compliance under the Contract.

§ 886.121 Marketing.

(a) Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's HUD-approved Affirmative Fair Housing Marketing Plan, if required, and with all regulations relating to fair housing advertising including use of the equal opportunity logotype, statement, and slogan in all advertising. Projects shall be managed and operated without regard to race, color, creed, religion, sex, or national origin.

(b) In taking applications, selecting families, and all related determinations, the Owner shall comply with the applicable provisions of the Contract.

§ 886.122 Lease requirements.

The Lease shall contain all required provisions specified in paragraph (b) of this section and none of the prohibited provisions listed in paragraph (c) of this section and shall otherwise conform to the form of Lease approved by HUD.

(a) *Term of Lease.* The term of the Lease shall be for not less than one month, nor more than one year. The Lease may contain a provision permitting termination up 30 days advance written notice by either party.

(b) *Required Provisions.* The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

Addendum to Lease. The following additional Lease provisions are incorporated in full in the Lease between _____ (Lessor) and _____ (Lessee) for the following dwelling unit: _____. In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

a. The total rent shall be $_____ per month.

b. Of the total rent, $_____ shall be payable by or at the direction of the Department of Housing and Urban Development ("HUD") as housing assistance payments on behalf of the Lessee and $_____ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, family composition, or extent of exceptional medical or other unusual expenses, in accordance with HUD-established schedules and criteria; or by reason of adjustment by HUD of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification to the Lessee.

c. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

d. The Lessor shall provide the following utilities, services, and maintenance:

e. The Lessor shall not evict the Lessee unless the Lessor complies with the requirements of local law, if any, and of this provision. The Lessor shall give the Lessee a written notice of the proposed eviction, stating the grounds and advising the Lessee that he has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Lessor.

f. (Include this provision only where a PHA is a party to the Contract between the Lessor and HUD.) Because the Lessor must obtain the PHA's authorization for an eviction, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Lessee may, within the same time period, present his objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Lessor and the Lessee of its determination within 20 days of the date of the notice to the Lessee, whether or not the Lessee has presented objections to the PHA. If the Lessor has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Lessor that no notice has been mailed within the 20-day period, the PHA shall be deemed to have authorized the eviction. The PHA shall be entitled to a fee as provided in the Contract for each proposed eviction action submitted by the Lessor and reviewed by the PHA.

Lessor _____
By _____
Date _____
Lessee _____
Date _____

(c) *Prohibited Provisions.* Lease clauses which fall within the classifications listed below shall not be included in any Lease.

(1) *Confession of Judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the Lease and to a judgment in favor of the landlord.

(2) *Distraint for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

(3) *Exculpatory Clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

(4) *Waiver of Legal Notice by Tenant Prior to Actions for Eviction or Money Judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

(5) *Waiver of Legal Proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(6) *Waiver of Jury Trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

(7) *Waiver of Right to Appeal Judicial Error in Legal Proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

(8) *Tenant Chargeable with Costs of Legal Actions Regardless of Outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of such clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

§ 886.123 Maintenance, operation and inspections.

(a) *Maintenance and Operation.* The Owner shall maintain and operate the project so as to provide Decent, Safe, and Sanitary housing and he shall provide all the services, maintenance and utilities which he agrees to provide under the Contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(b) *Inspection Prior to Occupancy.* Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on forms prescribed by HUD that they have inspection the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed forms. Copies of these reports shall be kept on file by the Owner for at least three years.

(c) *Periodic Inspections.* HUD will inspect or cause to be inspected each Contract unit and related facilities at least annually and at such other times as HUD may determine to be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe and Sanitary condition and to provide the agreed upon utilities and other services. HUD will take into account complaints by occupants and any other information coming to its attention in scheduling inspections and shall notify the Owner of its determination.

(d) *Units Not Decent, Safe, and Sanitary.* If HUD notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, HUD may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit.

§ 886.124 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.

Reexamination of Family Income, composition, and the extent of medical or other unusual expenses incurred by the Family shall be made by the Owner at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of the Gross Family Contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

§ 886.125 Overcrowded and underoccupied units.

If HUD determines that a Contract unit assisted under this Part is not Decent, Safe, and Sanitary by reason of increase in Family size or that a Contract unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of § 886.109.

§ 886.126 Adjustment of allowance for utilities and other services.

HUD shall determine, as part of its annual inspection and at such other times as it deems apropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling units in the project, on grounds of changes in utility rates or other change of general applicability to all units in the project. If HUD determine that an adjustment should be made, HUD shall prescribe the amount of the adjustment and direct the Owner to make promptly a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payment.

§ 886.127 Inapplicability of low-rent public housing model lease and grievance procedures.

Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are not applicable to projects operating under section 8 project commitments pursuant to this Subpart.

§ 886.128 Evictions.

(a) The Owner shall not evict the Family unless the Owner complies with the requirements of local law, if any, and of this section. The Owner shall give the Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Owner.

(b) Where a PHA is a party to the Contract between the Owner and HUD, the Owner must obtain the PHA's authorization for an eviction; accordingly, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Family may, within the same time period, present its objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Owner and the Family of its determination within 20 days of the date of the notice to the Family, whether or not the Family has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20-day period, the PHA shall be deemed to have authorized the eviction. The PHA shall be entitled to a fee as provided in the Contract for each proposed eviction action submitted by the Owner and reviewed by the PHA.

§ 886.129 Reduction of number of contract units for failure to lease to eligible families.

(a) If at any time, beginning six months after the effective date of the Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract units leased or available for leasing by Eligible Families, HUD may on 30 days notice reduce the number of Contract units to not less than the number of units under lease or available for leasing by Eligible Families, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

(b) At the end of the initial term of the Contract and of each renewal term, HUD may, by notice to the Owner, reduce the number of Contract units to not less than (1) the number of units under lease or available for leasing by Eligible Families at that time, or (2) the average number of units so leased or available for leasing during the last year, whichever is the greatest number, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

(c) HUD will agree to an amendment of the Contract to provide for subsequent restoration of any reduction made pursuant to paragraph (a) or (b) of this section if HUD determines that the restoration is justified as a result of changes in demand and in the light of the owner's record of compliance with his obligations under the Contract and if contract authority is available; and HUD will take such steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance.

§ 886.130 HUD review of contract compliance.

HUD will review project operation at such intervals as it deems necessary to ensure that the Owner is in full compliance with the terms and conditions of the Contract. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

Effective date. This interim rule shall be effective on March 23, 1976.

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

ROBERT C. ODLE, Jr.,
Deputy Assistant Secretary for Housing Management.

[FR Doc.76-8113 Filed 3-22-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–76–411]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority With Respect to Loan and Contract Servicing

The redelegation of authority to Regional Administrators et al. with respect to loan and contract servicing published at 35 FR 16104, October 14, 1970, as amended, is further amended in the following respects:

1. A new section G is added to read as follows:

Sec. G. *Additional authority redelegated.* Each Regional Administrator, Deputy Regional Administrator, Area Office Director, Deputy Area Office Director, Insuring Office Director, and Deputy Insuring Office Director is authorized to:

1. Execute and amend Rental Assistance Contracts pursuant to Section 236 (f) (2) of the National Housing Act, as amended by Section 212 of the Housing and Community Development Act of 1974, and approve the disbursement of related funds.

2. Execute and amend Section 8 Housing Assistance Payments Contracts covering multifamily residential projects financed under HUD-Insured or HUD-Held mortgages, including purchase money mortgages, and Section 202 projects, pursuant to Section 8 of the U.S. Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, and as further described in 24 CFR Part 886.

3. The present section G is redesignated section H.

(Secretary's delegation of authority to redelegate published at 36 FR 5005, Mar. 16, 1971)

Effective date. This amendment to redelegation of authority is effective on publication in the FEDERAL REGISTER (3–23–76).

ROBERT C. ODLE, Jr.,
Deputy Assistant Secretary for Housing Management.

[FR Doc.76–8114 Filed 3–22–76;8:45 am]

federal register

TUESDAY, MARCH 23, 1976

PART V:

OFFICE OF MANAGEMENT AND BUDGET

■

SUMMARY OF PROPOSED DEFERRALS

OFFICE OF MANAGEMENT AND BUDGET

SUMMARY OF PROPOSED DEFERRALS

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report six new deferrals. One of the deferrals—a routine one deferring Navy shipbuilding and conversion funds—accounts for all but $316.3 million of the $2,562.2 million associated with these six new deferrals. The other five affect funds for the Departments of Labor, Commerce, and Agriculture.

In addition, I am reporting an increase of $188,510 in a previously transmitted deferral of funds for a program of the Department of Health, Education, and Welfare.

The details of each deferral are contained in the attached reports.

Gerald R. Ford

THE WHITE HOUSE,
March 18, 1976.

SUMMARY OF PROPOSED DEFERRALS

(In thousands of dollars)

Deferral #	Item	Budget Authority
	Agriculture:	
	Agricultural Stabilization and Conservation Service	
D76-104	Water Bank Act program	8,072
	Food and Nutrition Service	
D76-105	Special supplemental food program	61,000
	Commerce:	
	General Administration	
D76-106	Special foreign currency	1,220
	Maritime Administration	
D76-107	Ship construction	231,000
	Defense-Military:	
	Procurement	
D76-108	Shipbuilding and conversion, Navy	2,245,945
	Health, Education, and Welfare:	
	Social Security Administration	
D76-54A	Limitation on construction	15,098
	Labor:	
	Employment and Training Administration	
D76-109	Grants to States for Unemployment Insurance and Employment Services	15,000
	Total, deferrals	2,577,335

SUMMARY OF SPECIAL MESSAGES
FOR FY 1976

(Amounts in thousands of dollars)

	Rescissions	Deferrals
Twelfth special message:		
New items	---	2,562,237
Changes to amounts previously submitted	---	189
Effect of the twelfth special message	---	2,562,426
Previous special messages	3,328,714	6,420,441
Adjustments to eliminate double counting	---	-242,023
Total amount proposed in special messages	3,328,714 (in 44 rescission proposals)	8,740,844 (in 109 deferrals)

NOTE: All amounts listed represent budget authority except for $106,850,352 consisting of two general revenue sharing deferrals (of outlays only). A supplementary report (D76-25D) was included in the tenth special message for one of these deferrals. The other deferral (D76-67) was reported in the seventh 1976 special message.

Deferral No: D76-104

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. 94-122) $10,000,000
Bureau Agricultural Stabilization & Conservation Service	Other budgetary resources 12,979,806
Appropriation title & symbol Water Bank Act Program 12X3320	Total budgetary resources 22,979,806
	Amount deferred: Part of year $ 8,071,770 Entire year ____
OMB identification code: 05-60-3320-0-1-302	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification and Estimated Effects

During fiscal year 1976, the Water Bank Act program has been the subject of three previous reports under the Impoundment Control Act: deferral of continuing resolution funds was reported in D76-29 and D76-29A and, in R76-16, rescission of the 1976 and transition quarter appropriations was sought. The funds proposed for rescission in R76-16 were released on February 24, 1976, the day following expiration of the 45-day period prescribed by law for Congressional consideration of the rescission.

On February 13, 1976, $8,071,770 in unobligated balances was placed in reserve and an accompanying rescission proposal drafted for transmittal to the Congress. When the required release of other funds proposed for rescission took place on February 24, 1976, it was decided not to proceed with the further rescission proposal and the $8,071,770 was also released. Thus, this deferral now being reported was in effect only from February 13 to February 24, 1976. The 11-day withholding had no effect on the program.

Deferral No: D76-105

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. 94-122) $106,000,000
Bureau Food and Nutrition Service	Other budgetary resources* 144,000,000
Appropriation title & symbol Special Supplemental Food Program (WIC) 12X3510	Total budgetary resources 250,000,000
	Amount to be deferred: Part of year $ ____ Entire year 61,000,000
OMB identification code: 05-84-3539-0-1-604	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

Deferral of $61,000,000 of the appropriation for the Special Supplemental Food Program for Women, Infants, and Children (WIC) is necessary to enable the Secretary of Agriculture to ensure the provision of nutritious foods during the transition quarter to the maximum number of infants, young children, and pregnant and lactating mothers in an efficient and cost-effective manner and to maintain operations at the authorized program level of $250 million.

Although section 17(a) of the Child Nutrition Act, as amended by P.L. 94-105 (enacted October 17, 1975), authorizes the Secretary to make cash grants for the purposes of that section through fiscal year 1978, including the transition quarter, section 17(c) only authorizes the appropriation of $250 million for each of the fiscal years 1976, 1977, and 1978. Section 17(c) does not authorize separate appropriations for the transition quarter, unlike other sections of the Child Nutrition and School Lunch Acts, as amended by P.L. 94-105.

The Agriculture and Related Agencies Appropriation Act of 1976 (P.L. 94-122) which was enacted on October 21, 1975, 14 days after the enactment of P.L. 94-105, provided separate transition quarter funding for other domestic food programs (e.g., Food stamps, Food donation, and Child nutrition) but did not provide

* Includes transfer of $110,319,937 from Funds for strengthening markets, income, and supply and $33,680,063 from fiscal year 1975 carryover balances from this source (S.Rep. 94-293, p.83).

separate transition quarter funding for the WIC program. This deferral will assure the availability of $61 million for program operations during the transition quarter.

During the first quarter of fiscal year 1976, the program operated under a continuing resolution pending enactment of the Agriculture Appropriation Act and the participation level was approximately 500,000 a month. The $250 million annual authorization--which will support an annual caseload of about 830,000 participants--was not enacted until October 7, 1975. The program is now building to this level and is expected to reach the full caseload late in the fiscal year or during the transition quarter. The use of the total appropriation by the States within fiscal year 1976 would require departing from the orderly buildup now going on and initiating, instead, a dramatic increase in the caseload to a level at least double that which could be sustained in succeeding years under the authorizing legislation. Consistent with the plan for an orderly buildup to the $250 million level, the President has transmitted an appropriation request of $250 million to sustain the full authorized program level in fiscal year 1977, pending new legislation proposed to incorporate this program under the Child Nutrition Reform Act.

We believe that the deferral of $61 million for program operations in the transition quarter reflects sound budgetary procedures; ensures the integrity and orderly growth of the Supplemental Feeding Program for Women, Infants and Children; is consistent with the intent of Congress expressed in the process of enacting the substantive law and the appropriation; and assures essential funding for the transition quarter. The deferral prevents funding a 1976 program level which could not be sustained in 1977 or 1978 within the authorizations provided by law. It thus avoids a severe disruption of the program that would result from attempting to use the full appropriation in 1976.

Estimated Effects

The estimated effects of the proposed deferral are negligible. The caseload which can be supported by $250 million in each of the fiscal years 1976-1978 will be reached during fiscal 1976 or the transition quarter. All of the available fiscal year 1976 funds will be obligated in the fourth quarter of fiscal year 1976 for program operation in the transition quarter.

The proposed deferral will still allow funding for the Special Supplemental Food Program during fiscal 1976 and the transition quarter of double the level in fiscal 1975.

Outlay Effect

Comparison with President's 1977 Budget:

1.	Budget outlay estimate for 1976	$182.1
2.	Outlay savings, if any, included in the budget outlay estimate	61.0

D76-105

3

Current Outlay Estimates for 1976:	
3. Without deferral	$243.1
4. With deferral	182.1
Current outlay savings	61.0
Outlay Savings for the Transition Quarter	-61.0
Outlay Savings for 1977	-0-
Outlay Savings for 1978	-0-

Deferral No: D76-106

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority $ ____ (P.L. _____) Other budgetary resources 2,720,271
Bureau General Administration	Total budgetary resources 2,720,271
Appropriation title & symbol Special foreign currency 13X0160 1423 0654 1802	Amount to be deferred: Part of year $ ____ Entire year 1,220,000
OMB identification code: 06-05-0160-0-1-403	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☐ Other ____

Justification: Excess foreign currencies are used in this account to: (1) support U.S. export expansion programs, (2) further international cooperation in environmental research and allied sciences, and (3) provide for augmentation by foreign countries of the National Bureau of Standard's scientific and technical capabilities. Program plans provide for obligation in 1976 of $1,500,271. The funds deferred could not be efficiently and economically used in fiscal 1976 unless additional Foreign Currency Reservation Certificates were issued by the Department of the Treasury. Consequently, the amount proposed for deferral has been placed in reserve pursuant to the Antideficiency Act (31 U.S.C. 665 et seq.)

Estimated effects: The deferral will have no effect on the program plans for this activity. These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:	
1. Budget outlay estimate for 1976	0.8
2. Outlay savings, if any, included in the budget outlay estimate	---
Current Outlay Estimates for 1976:	
3. Without deferral	0.8
4. With deferral	0.8
5. Current outlay savings (line 3 - line 4)	---
Outlay Savings for the Transition Quarter	---
Outlay Savings for 1977	---
Outlay Savings for 1978	---

Deferral No: D76-107

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 94-121) $195,000,000
Bureau Maritime Administration	Other budgetary resources 236,010,661
Appropriation title & symbol Ship Construction 13X1708	Total budgetary resources 431,010,661
	Amount to be deferred: Part of year $ ____ Entire year $231,000,000*
OMB identification code: 06-70-1708-0-1-406	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program [X] Yes [ ] No	[ ] Other ____
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification

This appropriation, available until expended, provides subsidies to U.S. shipyards for the construction and conversion of ships for foreign trade.

The deferral is based on projections for fiscal year 1976 and the transition quarter (TQ) of realizable demand for U.S. shipbuilding. Anticipated new subsidized shipbuilding contracts through June 30, 1976, can be funded within $200,010,661 and those for 1976 and the transition quarter can be funded within $202,011,000.

Deferral of $231 million in 1976 is being reported now. Because the provisions of the Impoundment Control Act would nullify on July 1, 1976, any TQ deferral reported in fiscal year 1976, no such report is being made now, but projections have been made that include both 1976 and the TQ and call for the deferral of $16 million in TQ funds. The 1976 deferral ($231 million) and the TQ deferral ($16 million) will make $247 million available for the 1977 program.

Estimated Effects

The deferral will not delay planned construction or conversion of subsidized ships. The FY 1976 and transition quarter program provides subsidy for seven new ships and two conversions. Deferred 1976 and TQ funds will be used for a FY 1977 subsidy

program for eight new ships and two conversions. Both the FY 1976 and FY 1977 programs reflect the Administration's continuing commitment to a central objective of the Merchant Marine Act of 1970: assuring a sustained national shipbuilding capability.

If the funds being deferred were made available, they would not be used since there is no demand for the extra shipbuilding that could be subsidized. Consequently, this deferral has no effect on the international competitive position of U.S. shipyards.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:	
1. Budget outlay estimate for 1976	$242.0
2. Outlay savings, if any, included in the budget outlay estimate	---
Current Outlay Estimates for 1976:	
3. Without deferral	242.0
4. With deferral	242.0
5. Current outlay savings	---
Outlay Savings for the Transition Quarter	---
Outlay Savings for 1977	---
Outlay Savings for 1978	---

* These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Deferral No: D76-108

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. 94-212) $ 3,853,000,000
Bureau	Other budgetary resources 5,878,300,018
Appropriation title & symbol	Total budgetary resources 9,731,300,018
See Coverage section below	Amount to be deferred: Part of year $ ____
	Entire year 2,245,945,000
OMB identification code: 07-15-1611-0-1-051	Legal authority (in addition to sec. 1013): [x] Antideficiency Act
Grant program [ ] Yes [x] No	[ ] Other ____
Type of account or fund: [ ] Annual [x] Multiple-year (see Coverage section) (expiration date) [ ] No-year	Type of budget authority: [x] Appropriation [ ] Contract authority [ ] Other ____

Coverage

Shipbuilding and Conversion, Navy	172/61611	$ 0
Shipbuilding and Conversion, Navy	173/71611	29,430,000
Shipbuilding and Conversion, Navy	174/81611	192,348,000
Shipbuilding and Conversion, Navy	175/91611	713,991,000
Shipbuilding and Conversion, Navy	176/01611	1,310,176,000

Justification

This deferral report replaces report D76-4 transmitted to the Congress on July 1, 1975. Funds for four accounts (172/61611, 173/71611, 174/81611, 175/91611) are covered by both this report and by the earlier report, but only this report is in effect. The funds shown as deferred in D76-4 were released. The review of the 1976 regular appropriation resulted in the deferrals--of new and previous appropriations--shown in this report for Shipbuilding and conversion, Navy.

Due to the long period of time required to build ships, the Congress makes appropriations available for five-year periods. Since these funds are, by law, made available beyond the current year, they are not fully apportioned in the current year. The unapportioned amount is withheld and released as the program develops and additional funds are required. The amounts deferred are to be released contingent upon the development of program needs that arise in the current and future years. These funds are proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976.

Prudent financial management requires the deferral of those funds that could not be used effectively during the current year even if made available for obligation. The above multi-year appropriations are currently being deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

Estimated Effects

Deferral of $2.2 billion will have no program or budgetary impact, since these funds could not be obligated even if made available. Rather, the deferral of these multi-year funds assures availability of funds in future years to meet continuing program requirements.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:	
1. Budget outlay estimate for 1976	$2,721
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimates for 1976:	
3. Without deferral	$2,721
4. With deferral	2,721
5. Current outlay savings (line 3 - line 4)	0
Outlay Savings for the Transition Quarter	0
Outlay Savings for 1977	0
Outlay Savings for 1978	0

D76-54A

SUPPLEMENTARY REPORT

(Report Pursuant to Sec. 1014 (c) of P.L. 93-344)

This report revises deferral No. D76-54 transmitted to the Congress on September 24, 1975, and printed as House Document No. 94-320.

This revision reflects an increase of $188,510 in the amount deferred through June 30, 1976, for the Social Security Administration's Limitation on construction. The total amount deferred is now $15,098,131.

More funds are being deferred due to the revised estimated obligations for fiscal year 1976.

Deferral No: D76-54A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budget authority (P.L. 94-206) $6,300,000*
Bureau: Social Security Administration	Other budgetary resources 34,172,131*
Appropriation title & symbol: Limitation on Construction 75X8705	Total budgetary resources 40,472,131*
	Amount to be deferred: Part of year $ ____
	Entire year 15,098,131*
OMB identification code: 09-60-8006-0-7-601	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☐ Other ____

*Justification

Funds provided under the Limtiation on construction of the Social Security Administration (SSA) remain available until expended in recognition of the long lead time between the provision of funds and their use in carrying out authorized construction projects. A total of $15,098,131 is to be deferred for the entire year. Some of these funds will be apportioned for obligation in the transition quarter and the remainder are proposed, if appropriate legislation is enacted, for deferral through September 30, 1976. The amounts involved fall into three categories, discussed below.

*Funds Reprogrammed for Headquarters Construction

The Social Security Administration has requested approval of the Congress to use $2.1 million previously authorized for district office construction for headquarters construction. This amount is needed to cover General Services Administration project management costs through completion of the two new headquarters buildings--the computer building in Woodlawn and the Metro-West building in downtown Baltimore. These buildings are being constructed under the purchase contract method and these costs cannot be paid out of purchase contract funds. Normally such costs are paid from GSA's Federal Buildings Fund and recovered by GSA through the Standard Level User Charge. Since the Congress has indicated that SSA should pay only actual costs--not SLUC--SSA is being billed directly for these charges. If Congress approves this reprograming, $525,000 of the $2.1 million previously authorized for district office will be obligated in 1976. The remaining $1,575,000 will be obligated as needed until the buildings are completed.

*Unused balances of funds provided for district office construction

A total of $12,858,257 provided for district office construction is being proposed for future obligation. This proposal is the result of the following available funds and plans for their use and deferral:

1971 appropriation	$2,800,000
1974 transfer of unused program center money	4,065,000
1975 transfer of unused program center money	5,769,000
1975 appropriation	4,632,000
Funds available 6/30/75	$17,293,000
Proposed 1976 reprograming to headquarters project	-2,100,000
Estimated obligations through 6/30/76	-2,334,743
Amount to be deferred	$12,858,257

The district office construction program has been in a period of reevaluation since the offices constructed from 1968 and prior programs were started. New starts in the construction of district office buildings have lagged in recent years because the new Supplemental Security Income (SSI) program changed the workload patterns and introduced a greater element of uncertainty in planning for district office space needs. Further, due to rapid expansion of field facilities to meet the immediate needs of the SSI program, SSA had to acquire space quickly through lease rather than taking the longer time required for construction. SSA now plans to resume the district office construction program and is working on procedures to shorten the time involved in site selection and construction.

The estimated obligations for 1976 are for site selection and design. The $12.9 million available for future obligation will be used for expansion of existing offices, site acquisition, and design and construction of new offices.

*Unused blances of funds provided for construction of program centers

In 1972, $18.2 million was appropriated for direct construction of program centers in Philadelphia, Chicago and San Francisco. Subsequent to the provision of these funds, it was determined, with the concurrence of the Congress, that these centers would be built under the purchase contract method. This reduced the immediate funding requirements to $6.1 million, thus making $12.1 million available to meet other SSA construction requirements.

The $18.2 million has been used in the following ways:

1972 program center appropriation	$18,194,000
Used for program center design and GSA project management	-6,100,000
1974 transfer to the district office program approved by OMB and Congress	-4,065,000
1975 transfer to the program approved by OMB and Congress	-5,796,000
1976 transfer for headquarters projects approved by OMB and Congress	-1,147,876

D76-54A
3

Proposed use for purchase contract payments on program centers in 1976.....	-420,250
Available for future obligations.....	$664,874

The $664,874 remaining available will be used in the transition quarter for purchase contract payments on the program centers.

*Estimated Effects

The funds intended to be apportioned for obligation in 1976 will permit SSA to carry out its authorized construction program in an orderly manner. No currently planned construction would be delayed by this deferral. Because of the time required to plan, authorize and carry out construction activity, release of the funds at this time would be unlikely to affect the level of outlays in 1976 and would have minimal impact on 1977 outlays.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:	
1. Budget outlay estimate for 1976.....	$21.0
2. Outlay savings, if any, included in the budget outlay estimate.....	---
Current Outlay Estimates for 1976:	
3. Without deferral.....	21.0
4. With deferral.....	21.0
5. Current outlay savings.....	---
Outlay Savings for the Transition Quarter.....	---
Outlay Savings for 1977.....	---
Outlay Savings for 1978.....	---

* Addition or revision to previous report.

Deferral No: D76-109

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. 94-206) $ 81,300,000
Bureau Employment and Training Administration	Other budgetary resources 1/ (1,051,300,000)
Appropriation title & symbol: Grants to States for Unemployment Insurance and Employment Services 1660179	Total budgetary resources 1,132,600,000
	Amount to be deferred: Part of year $ 15,000,000
	Entire year
OMB identification code: 12-05-0179-0-1-504	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

P.L. 94-206 provided $15 million to expand computerized job matching in the Employment Service. The evaluation of pilot projects necessary to provide reasonable assurance of the cost effectiveness of computerized job matching, originally scheduled for completion in the fall of 1975, has not been completed by the Department of Labor. It is now scheduled for completion in early April 1976. The Department is commencing test operation of proposed "export" model job matching system components that could be transplanted to other States. Criteria have not been specified for determining to which States the new system should be initially extended. A program monitoring system to specify objectives and measure progress of the new and expanded job matching systems has not been developed. Funds are deferred pending (1) completion of the evaluation, (2) demonstration that the "export" model components are ready for export, (3) specification of criteria for selecting expansion sites, and (4) development of a program monitoring system.

Estimated Effects

Deferral may delay ordering some new computer equipment, but will permit completion and review of plans and other necessary preparations for computerized job matching expansion in a manner that can achieve the most effective and economical use of funds.

1/ Amount authorized in P.L. 94-206 to be transferred from Employment Security Administration account, Unemployment Trust Fund.

D76-109

2

Outlay Effect

The precise effect of the deferral on FY 1976 and transition quarter outlays cannot now be determined because the period during which the deferral will be in effect is uncertain. The deferral is planned to be in effect until the tasks specified in the "Justification" section above are completed. Total outlays over 1976, the transition quarter, and 1977 will not be affected by the deferral.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:	
1. Budget outlay estimate for 1976.....	$528.4
2. Outlay savings, if any, included in the budget outlay estimate.....	---
Current Outlay Estimates for 1976:	
3. Without deferral.....	548.2
4. With deferral.....	*
5. Current outlay savings (line 3 - line 4).....	*
Outlay Savings for the Transition Quarter.....	*
Outlay Savings for 1977.....	---
Outlay Savings for 1978.....	---

* Effect of the deferral cannot be estimated because its length is unknown due to its dependence on four variables all of which are difficult to estimate.

[FR Doc.76-8309 Filed 3-19-76;2:15 pm]

federal register

TUESDAY, MARCH 23, 1976

PART VI:

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

■

EXPORT MONITORING REPORT FOR FERTILIZERS

July—December, 1975

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EXPORT MONITORING REPORT FOR FERTILIZERS

July–December, 1975

Exports of nitrogenous and phosphatic fertilizer during July–December 1975 showed substantial increases over the comparable 1974 period but export contract data covering future shipments collected by the Office of Export Administration continues to indicate a sharp drop from these levels in 1976.

In the last half of 1975 exports of nitrogenous fertilizers reached 595,605 content tons, compared to 503,684 in the like 1974 period. Exports of phosphate fertilizers in the last six months of 1975 reached 1,165,992 content tons compared to 985,994 tons in 1974.

For the entire year 1975 exports of nitrogenous fertilizers totaled 1,197,463 content tons, or 18 percent more than the 1,018,017 content tons exported in 1974. Phosphate fertilizer exports reached 2,063,172 content tons in 1975, which is 22 percent higher than the 1,685,105 content tons exported in 1974.

According to data collected through December 1975 by the Office of Export Administration, contracts for exports during the first half of 1976 total less than 100,000 content tons for nitrogenous fertilizers, while phosphatic fertilizer export contracts for shipment during the first half of 1976 were reported at 390,000 content tons. These 1976 export contracts can be compared with actual exports in the 1975 first half of 602,000 and 900,000 content tons, respectively, for nitrogenous and phosphatic fertilizers. Although some additional export contracts covering spot sales are expected before the close of the first half, based on the data currently available, it is anticipated that total fertilizer exports during the first half of 1976 will be considerably below the same 1975 period.

Individual nitrogenous fertilizer exports during July–December 1975 reflect the overall trend. Anhydrous ammonia exports during the period were 99,492 content tons, or 60,386 content tons less than the same period in 1974. Urea exports during the last half of 1975 were 284,653 content tons, or 107,128 higher than 1974's total of 177,525 content tons. Exports of phosphoric acid were almost 50 percent higher than during the same six month period of 1974, totaling 171,383 content tons.

Exports of phosphate fertilizer materials were led by ammonium phosphate in 1975, reaching 1,518,388 content tons in the last half of the year. Total exports for the year were 2,686,000 content tons, compared to 1,992,000 content tons in 1974. Concentrated superphosphate exports were virtually the same in 1975's last half as in the same period of 1974, at 656,893 content tons.

According to data from the Bureau of the Census, production of anhydrous ammonia, the material which is itself used as a fertilizer and is the source from which almost all other nitrogenous fertilizers are made, was running at about the same level as the year before during the first 5 months of the 1976 crop year (July 1, 1975–June 30, 1976). Phosphoric acid production during July–November 1975 was 6.7 percent less than in the comparable period of 1974. Almost all phosphatic fertilizer materials are made from phosphoric acid. These production figures are a reflection of the lower consumption by U.S. farmers of both nitrogenous and phosphatic fertilizers during 1975.

Inventories of all fertilizer materials were substantially higher at the end of November 1975 than in November 1974, according to Bureau of the Census data. Anhydrous ammonia stocks were considerably higher, at 6,668,000 tons compared with 930,000 tons in November 1974. Phosphatic fertilizer inventories were substantially higher than a year ago but were somewhat lower than the June 1975 levels.

Current prices of major fertilizer materials are being substantially discounted from the list prices as quoted by the trade press. Prices on contracts for future exports of these fertilizer materials are also considerably lower than the list prices and are more representative of actual transaction prices than are the list prices.

Tables on exports, imports, production, inventories, prices, and future contracts follow.

Table 1

U.S. Trade in Nitrogen and Phosphate Fertilizer January 1974-December 1975
Export Contracts for January 1976-December 1976
(In Content Tons)

Commodity	Jan-June 1974	July-Dec 1974	Jan-June 1975	July-Dec 1975	Dec 1974	Dec 1975	Contracts Jan-Mar 1976	Contracts Apr-June 1976	Contracts July-Sept 1976	Contracts Oct-Dec 1976
Imports										
N and P_2O_5 Content Tons[1/]										
Nitrogen Fertilizer	636,818	490,425	709,546	540,412	91,739	117,317				
Phosphate Fertilizer	191,931	124,476	145,653	103,901	31,485	21,780				
Exports										
N and P_2O_5 Content Tons										
Nitrogen Fertilizer	514,386	503,684	601,858	595,605	88,127	86,835	90,891	8,637	1,958	1,958
Phosphate Fertilizer[2/]	699,111	983,994	897,180	1,165,992	224,589	177,887	264,874	123,531	120,960	42,909

1/ N and P_2O_5 content tons includes items not listed in accompanying tables.

2/ Does not include phosphate rock.

Source: Bureau of Census and Office of Export Administration.

Table 1A
U.S. Trade in Nitrogen and Phosphate Fertilizer July 1975 - December 1975
(In Content Tons)

Commodity	July 1975	August 1975	September 1975	October 1975	November 1975	December 1975
Imports						
N and P_2O_5 Content Tons [1/]						
Nitrogen Fertilizer	60,842	98,769	105,992	65,073	92,420	117,317
Phosphate Fertilizer	2,739	6,578	14,349	28,389	30,066	21,780
Exports						
N and P_2O_5 Content Tons						
Nitrogen Fertilizer	92,713	127,467	99,289	81,474	107,827	86,835
Phosphate Fertilizer [2/]	198,870	230,269	209,966	157,059	191,939	177,887

[1/] N and P_2O_5 content tons includes items not listed in accompanying tables

[2/] Does not include phosphate rock.

Source: Bureau of Census

Table 2
Fertilizer Exports, January 1974- December 1975
Export Contracts for January 1976 - December 1976
(Short Tons, Except as Noted)

Commodity	Jan-June 1974	July-Dec 1974	Jan-June 1975	July-Dec 1975	Dec 1974	Dec 1975	Contracts Jan-Mar 1976	Contracts Apr-June 1976	Contracts July-Sept. 1976	Contracts Oct-Dec 1976
Nitrogenous:										
Anhydrous Ammonia 1/	238,042	159,878	200,936	99,492	26,285	14,981	27,502	-	-	-
Urea	137,981	177,525	272,457	284,653	29,407	48,627	-	-	-	-
Ammonium Nitrate	9,940	8,160	14,189	31,847	4,255	539	10,376	3,255	-	-
Ammonium Sulfate	258,188	272,093	288,242	426,800	31,798	69,231	84,490	-	-	-
Phosphatic:										
Phosphoric Acid 2/	74,031	145,169	141,158	171,383	25,773	22,736	70,355	67,632	69,462	35,462
Phosphate Rock (000) (Fla. only)	6,631	6,778	5,613	5,710	1,171	926	2,929	2,289	1,670	560
Concentrated Superphosphate	384,815	687,947	416,340	656,893	210,913	143,279	171,302	80,319	101,262	5,500
Ammonium Phosphate	916,206	1,075,559	1167,979	1,518,388	208,380	191,213	254,414	42,399	11,000	11,000
Mixed Fertilizer	222,536	251,841	245,055	79,257	49,970	21,787	11,537	-	-	-

1/ - Includes fertilizer and other grades of anhydrous ammonia.

2/ - Includes phosphoric acid, fertilizer grade and N.E.C. (100% APA).

- Source: Bureau of Census and Office of Export Administration.

Table 2A
Fertilizer Exports, July 1975 - December 1975
(Short Tons, Except as Noted)

Commodity	July 1975	August 1975	September 1975	October 1975	November 1975	December 1975
Nitrogenous:						
Anhydrous Ammonia 1/	15,931	14,026	14,939	21,609	18,006	14,981
Urea	10,987	102,849	37,021	30,880	54,289	48,627
Ammonium Nitrate	8,851	183	372	2,372	19,530	539
Ammonium Sulfate	79,277	29,197	41,141	111,372	96,582	69,231
Phosphatic:						
Phosphoric Acid 2/	18,271	39,454	12,739	41,166	37,017	22,736
Phosphate Rock (000) (Fla. Only)	1,067	800	1,039	1,000	878	926
Concentrated Superphosphate	98,405	84,112	97,768	116,666	116,663	143,279
Ammonium Phosphate	298,002	332,054	337,965	136,710	222,444	191,213
Mixed Fertilizer	12,280	21,347	6,842	6,458	10,543	21,787

1/ - Includes fertilizer and other grades of anhydrous ammonia.
2/ - Includes phosphoric acid, fertilizer grade and N.E.C. (100% APA)

Source: Bureau of Census

Table 3

Fertilizer Imports, January 1974 - December 1975
(Short Tons)

Commodity	Jan-June 1974	July-Dec 1974	Jan-June 1975	July-Dec 1975	Dec 1974	Dec 1975
Nitrogenous:						
Anhydrous Ammonia	273,007	182,359	415,936	391,003	34,230	37,954
Urea	339,894	377,317	434,525	219,677	58,012	27,238
Ammonium Nitrate	193,946	175,267	140,960	103,912	63,763	14,685
Ammonium Sulfate	149,368	108,329	139,903	78,679	20,388	18,274
Ammonium Nitrate Limestone	198,776	134,087	55,858	9,890	25	-
Phosphatic:						
Phosphoric Acid	44,953	72,102	65,947	39,329	21,639	24
Concentrated Superphosphate	56,773	28,613	32,669	8,974	3,667	1,234
Ammonium Phosphate	238,486	105,917	141,100	161,860	32,396	45,418

Source: Bureau of Census

Table 3A

Fertilizer Imports, July 1975 - December 1975
(Short Tons)

Commodity	July 1975	August 1975	September 1975	October 1975	November 1975	December 1975
Nitrogenous:						
Anhydrous Ammonia	43,034	87,747	91,519	42,824	27,925	97,954
Urea	36,637	26,434	14,102	20,368	94,893	27,233
Ammonium Nitrate	8,369	23,290	11,814	14,249	31,505	14,685
Ammonium Sulfate	6,057	5,665	13,661	20,242	14,780	18,274
Ammonium Nitrate Limestone	-	-	-	9,890	-	-
Phosphatic:						
Phosphoric Acid	63	47	44	24,090	15,061	24
Concentrated Superphosphate	270	2,807	1,289	2,544	830	1,234
Ammonium Phosphate	4,514	10,674	26,756	27,104	47,394	45,418

Source: Bureau of Census

Table 4

. Fertilizer Production, July 1973-November 1975
(1000 Short Tons)

Commodity	July-June 73/74	July-June 74/75	Percent Change 75/74	July-Nov 1974	July-Nov 1975	Percent Change 75/74
Nitrogenous:						
Anhydrous Ammonia	15,705	15,674	-0.2	6,452	6,461	0.1
Urea	3,543	3,690	4.1	1,522	1,456	-4.3
Ammonium Nitrate	7,329	7,401	1.0	3,111	2,746	-11.7
Ammonium Sulfate	2,805	2,415	-13.9	1,046	N.A.	N.A.
Phosphatic:						
Phosphoric Acid 2/	6,950	7,339	5.6	3,119	2,909	-6.7
Concentrated Superphosphate 2/	1,705	1,728	1.3	698	595	-14.8
Ammonium Phosphate 3/	6,745	6,965	3.3	2,846	3,355	17.9

N.A - Not available

1/ - Includes coke oven by product

2/ - 100% APA

3/ - Gross Weight

Source: Bureau of Census

Table 4A
Fertilizer Production, July 1975 - December 1975
(1000 Short Tons)

Commodity	July 1975	August 1975	September 1975	October 1975	November 1975
Nitrogenous:					
Anhydrous Ammonia	1,349	1,360	1,264	1,235	1,253
Urea	295	292	294	294	281
Ammonium Nitrate	557	489	534	596	569
Ammonium Sulfate 1/	212	209	187	197	N.A.
Phosphatic:					
Phosphoric Acid 2/	502	543	573	635	636
Concentrated Superphosphate 2/	128	97	95	116	139
Ammonium Phosphate 3/	628	661	677	727	662

N.A. - Not available
1/ - Includes coke oven by product
2/ - 100% APA
3/ - Gross weight

Source: Bureau of Census

Table 5
Producers Inventories of Fertilizer Materials
(In Short Tons)

Commodity	June 1973	June 1974	June 1975	October 1975	November 1974	November 1975
Anhydrous Ammonia	622,318	615,376	1,131,500	1,614,729	930,932	1,668,059
Urea	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Ammonium Nitrate	90,811	90,491	214,326	423,788	231,820	432,955
Ammonium Sulfate	101,508	153,496	239,753	317,862	152,905	N.A.
Phosphoric Acid	88,150	133,313	211,579	209,029	175,115	216,985
Concentrated Superphosphate	103,960	95,016	254,029	183,221	159,156	203,906
Ammonium Phosphate	135,048	95,773	263,300	213,824	144,589	216,387

N.A. - Not available
Source: Bureau of Census

Table 5A

Producers Inventories of Fertilizer Materials

Commodity	July 1975	August 1975	September 1975	October 1975	November 1975
Anhydrous Ammonia	1,258,159	1,505,780	1,665,384	1,614,729	1,668,059
Urea	N.A.	N.A.	N.A.	N.A.	N.A.
Ammonium Nitrate	280,172	266,588	325,894	423,788	423,955
Ammonium Sulfate	308,221	311,216	332,002	317,862	N.A.
Phosphoric Acid	211,032	211,888	209,743	209,029	216,985
Concentrated Superphosphate	274,966	276,305	264,541	183,221	203,906
Ammonium Phosphate	285,742	302,326	227,770	213,824	216,187

N.A. - Not available
Source: Bureau of Census

Table 6
Producers Prices of Fertilizer Materials
($ Per Ton)

Commodity	October 24, 1973	October 21, 1974	October 27, 1975	February 16, 1976 (low)	February 16, 1976 (high)	% Change Oct. 73-Feb. 76 (low)	% Change Oct. 73-Feb. 76 (high)
Anhydrous Ammonia	65	160	190	180	190	177	192
Urea	72	175	175	160	175	47	86
Ammonium Nitrate	62	115	115	91	115	122	143
Phosphoric Acid (52-54%)	78	157	173	173	-	122	-
Phosphate Rock (66-68%)	7	25	31	31	-	343	-
Concentrated Superphosphate	55	140	140	127	140	131	155
Ammonium Phosphate	75	165	135	135	135	80	80

Source: Price column 1-- Cost of Living Council.
Columns 2,3, and 4 -- Chemical Marketing Reporter.
(low and High quote)

Table 6A

Producers Prices of Fertilizer Material
($ Per Ton)

Commodity	July 28, 1975 (low)	July 28, 1975 (high)	August 25, 1975 (low)	August 25, 1975 (high)	September 29, 1975 (low)	September 29, 1975 (high)	October 27 1975 (low)	October 27 1975 (high)	November 24, 1975 (low)	November 24, 1975 (high)	December 22, 1975 (low)	December 22, 1975 (high)
Anhydrous Ammonia	190	210	180	190	180	190	180	190	180	190	180	190
Urea	160	175	160	175	160	175	160	175	160	175	160	175
Ammonium Nitrate	91	115	91	115	91	115	91	115	91	115	91	115
Phosphoric Acid (52-54%)	173	-	173	-	173	-	173	-	173	-	173	-
Phosphate Rock (66-68%)	31	-	31	-	31	-	31	-	31	-	31	-
Concentrated Superphosphate	127	140	127	140	127	140	127	140	127	140	127	140
Ammonium Phosphate	192	195	192	195	192	195	135	135	135	135	135	135

Source: Chemical Marketing Reporter.

Table 7

Export Prices of Selected Fertilizer Products

December 1975

	Low	High	Weighted Average
Phosphate Rock			
Shipments	30	45	39
Remaining Contracts	30	45	37
Ammonia			
Shipments	106	106	106
Remaining Contracts	86	99	93
Urea			
Shipments	85	151	124
Remaining Contracts	-	-	-
Triple Superphosphate			
Shipments	95	146	106
Remaining Contracts	91	231	131
Diammonium Phosphate			
Shipments	122	420	151
Remaining Contracts	118	228	161

Soruce: Office of Export Administration, U.S. Department of Commerce

Exports and Anticipated Exports (Cont.)

Unit of Measure and Commodity Area of Destination	Actual July-Dec 1975	Unfilled Contracts Jan-Mar 1976	Apr-June 1976	July-Sept 1976	Oct-Dec 1976
Ammonium Sulfate					
Western Hemisphere	404,310	82,285	-	-	-
Western Europe	4,045	-	-	-	-
Asia	18,401	-	-	-	-
Africa	44	2,205	-	-	-
% Exported to Developing Countries July-Dec. 1975	94.1%				
Phosphoric Acid [3/]					
Western Hemisphere	122,278	55,440	42,632	44,462	35,462
Western Europe	9,736	--	-	-	-
Asia	38,822	14,915	25,000	25,000	-
Australia and Oceania	282	-	-	-	-
Africa	263	-	-	-	-
% Exported to Developing Countries July-Dec. 1975	86.3%				
Phosphate Rock (000)					
Western Hemisphere	1,992	1,233	882	815	288
Western Europe	1,762	551	526	419	200
Communist Areas in Europe	448	104	110	110	-
Asia	1,508	1,052	771	297	72
% Exported to Developing Countries July-Dec. 1975	37.1%				
Triple Superphosphate					
Western Hemisphere	371,034	10,280	5,500	5,500	5,500
Western Europe	121,985	51,900	8,819	29,762	-
Communist Areas in Europe	63,934	45,739	66,000	66,000	-
Asia	99,940	63,383	-	-	-
Africa	-	-	-	-	-
% Exported to Developing Countries July-Dec. 1975	75.2%				
Diammonium Phosphate and Other Ammonium Phosphates					
Western Hemisphere	447,410	10,515	-	-	-
Western Europe	521,455	125,622	39,699	11,000	11,000
Asia	475,677	106,689	2,700	-	-
Australia and Oceania	5,516	403	-	-	-
Africa	68,330	11,185	-	-	-
% Exported to Developing Countries July-Dec.1975	58.7%				

Exports and Anticipated Exports (Cont.)

Unit of Measure and Commodity Area of Destination	Actual July-Dec 1975	Unfilled Contracts Jan-Mar 1976	Apr-June 1976	July-Sept 1976	Oct-Dec 1976
Mixed Fertilizer					
Western Hemisphere	66,750	6,025	-	-	-
Western Europe	2,334	-	-	-	-
Asia	9,266	-	-	-	-
Australia and Oceania	275	-	-	-	-
Africa	632	5,512	-	-	-
% Exported to Developing Countries July-Dec.1975	54.4%				

1/ The data in this table with respect to "Unfilled Contracts" is based on information obtained from exporters by the Office of Export Administration subject to the confidentiality provisions of the Export Administration Act of 1969, as amended. In a number of instances only one exporter is involved in exports of a stated commodity to a particular country. Therefore, the publication of the data by country of destination could effectively reveal information required to be held confidential. Accordingly, in order to maintain the confidentiality of the information supplied by exporters, this data is published by the area of destination.

2/ Includes fertilizer and other grades of anhydrous ammonia.

3/ Includes fertilizer and other grades of phosphoric acid (100% APA)

Source: Bureau of Census and Office of Export Administration.

Sources:
Actual Exports: Bureau of the Census, U.S. Department of Commerce.

Unfilled Contracts: Office of Export Administration, U.S. Department of Commerce.

DONALD E. JOHNSON,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.76-8306 Filed 3-19-76;1:41 pm]

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for delivery in about 6 weeks

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1976)

Quantity	Volume	Stock Number	Price	Amount
_____	Title 7—Agriculture (Parts 1200–1499)	022–003–93171–6	$4.50	$_____
_____	Title 14—Aeronautics and Space (Parts 200–1199)	022–003–93183–0	6.20	_____
_____	Title 16—Commercial Practices (Parts 0–149)	022–003–93186–4	6.50	_____
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