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federal register

TUESDAY, MAY 11, 1976

highlights

PART I:

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reminders

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

Rules Going Into Effect Today

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FTC/CPSC—Hazardous substances and articles; administration and enforcement regulations; requirements for bicycles 52815, 52828; 11–13–75

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 8235..... Pub. Law 94–280
An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes
(May 5, 1976; 90 Stat. 425)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial perio d 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
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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Title 3—The President

PROCLAMATION 4438

National Historic Preservation Week, 1976

By the President of the United States of America

A Proclamation

In this Bicentennial year, we have many opportunities to recall that the greatness of America is founded upon appreciation of our heritage and upon knowledge of the historic events that have shaped our national identity.

One of the most important sources of our sense of national direction is our architectural heritage—the historic sites, structures and landmarks that link us physically with our past. This great fund of cultural resources includes not only sites such as well-known battlefields and structures of national significance such as the homes of famous patriots, but also includes typical houses, office buildings, factories, and stores, and other public buildings such as post offices, courthouses, and railroad stations. Along the streets of our cities and towns and in our rural areas, these sometimes humble but historic properties remind us of the accomplishments of our predecessors and, thereby, help to provide a continuity and historical perspective that are so important to the cultural heritage of any great nation.

We are a vigorous and mobile people, often oriented more toward the future than the past. It is important for us to preserve our physical heritage in the face of progress.

So it is a pleasure to note the efforts of those in the historic preservation movement, in both the public and private sector, who have led the movement to preserve these unique and irreplaceable inheritances of the past. An invaluable contribution by them has been to demonstrate how these historic structures of all types can meet the needs of contemporary society and at the same time add to the richness of our cultural heritage.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the calendar week beginning May 9, 1976, as National Historic Preservation Week. I call upon Government agencies at all levels, interested private individuals and organizations, and all concerned citizens, to mark this observance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord nineteen hundred seventy-six, and the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.76-13886 Filed 5-10-76;10:51 am]

Executive Order 11915 • May 10, 1976

Abolishing the Energy Research and Development Advisory Council

By virtue of the authority vested in me by the Constitution and Statutes of the United States, and as President of the United States of America, the Energy Research and Development Advisory Council established June 29, 1973, is hereby abolished and Section 2(4) of Executive Order No. 11827 of January 4, 1975, is hereby rescinded.

Gerald R. Ford

THE WHITE HOUSE,
May 10, 1976.

[FR Doc.76-13956 Filed 5-10-76;12:22 pm]

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Assistant to the Secretary and Deputy Secretaries of Defense is excepted under Schedule C.

Effective May 11, 1976, § 213.3306(a) (79) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(79) Assistant to the Secretary and Deputy Secretaries.

(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.76–13662 Filed 5–10–76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Assistant to the Assistant Secretary, Land and Water Resources, is excepted under Schedule C.

Effective May 11, 1976, § 213.3312(a) (44) is added as set out below:

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(44) One Assistant to the Assistant Secretary, Land and Water Resources.

(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.76–13663 Filed 5–10–76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3104 is amended to show the transfer of Schedule A exception for six Physical Science Administration Officers to the Bureau of Oceans and International Environmental and Scientific Affairs in order to reflect the organizational change of the positions' functions from the Office of the Secretary (International Scientific and Technological Affairs).

Effective May 11, 1976, § 213.3104(a) (1) is revoked and § 213.3104(e) is added as set out below:

§ 213.3104 Department of State.

(a) *Office of the Secretary.*

(1) [Revoked]

* * * * *

(e) *Bureau of Oceans and International Environmental and Scientific Affairs.*

(1) Six Physical Science Administration Officers at GS–14 and above.

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

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

[FR Doc.76–13665 Filed 5–10–76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one position of Special Assistant to the Assistant to the Secretary and Director, Office of Revenue Sharing is excepted under Schedule C.

Effective May 11, 1976, § 213.3305(a) (67) is added as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(67) Special Assistant to the Assistant to the Secretary and Director, Office of Revenue Sharing.

(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.76–13666 Filed 5–10–76;8:45 am]

PART 213—EXCEPTED SERVICE

Overseas Private Investment Corporation

Section 213.3317 is amended to show that one position of Secretary (Steno) to the Legislative Counsel is excepted under Schedule C.

Effective May 11, 1976, § 213.3317(e) is added as set out below:

§ 213.3317 Overseas Private Investment Corporation.

* * * * *

(e) One Secretary (Steno) to the Legislative Counsel.

(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.76–13664 Filed 5–10–76;8:45 am]

PART 213—EXCEPTED SERVICE

United States Information Agency

Section 213.3328 is amended to show that one position of Secretarial Assistant to the Assistant Director (Broadcasting) is excepted under Schedule C.

Effective May 11, 1976, § 213.3328(m) is added as set out below:

§ 213.3328 United States Information Agency.

* * * * *

(m) One Secretarial Assistant to the Assistant Director (Broadcasting).

(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.76–13667 Filed 5–10–76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 22]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Child Nutrition Programs

Correction

In FR Doc. 76–13122, appearing at page 18426, in the issue for Tuesday, May 4, 1976, there were typographical errors. The Codified portion of the document is therefore reprinted for the convenience of the reader as set forth below:

Accordingly, this part 220 is amended as set forth below:

1. Except in § 210.10 (a) and (c), the words "Type A" are deleted wherever they appear in this part.

2. In § 210.1, a sentence is added to the end of paragraph (c), to read as follows:

§ 210.1 General purpose and scope.

* * * * *

(c) * * * The Act also requires the Secretary to establish, in cooperation with State educational agencies, School Food Authorities, and children, administrative procedures, training modules, nutrition education materials, and guidance materials designed to diminish waste without endangering the nutritional integrity of the lunches.

* * * * *

3. In § 210.2 paragraph (c–1) is revised and redesignated as (c–2), paragraph (h–2) is redesignated as (h–6), paragraphs (c–1), (h–2), (h–3), (h–4), (h–5), and (p–1) are added, and paragraphs (f), (i), (k), (o), (p), and (s) are revised to read as follows:

§ 210.2 Definitions.

* * * * *

(c–1) "Child" means a person under 21 chronological years of age in schools as defined in § 2210.2(o) (2) and (3) or a student of high school grade or under as determined by the State educational agency in schools as defined in § 210.2 (o) (1).

(c–2) "Commodity only school" means a school which does not participate in the Program under this part, but which enters into an agreement as provided in § 210.15a(b) to receive commodities donated under Part 250 of this chapter for a nonprofit lunch program.

* * * * *

(f) "Fiscal year" means the period of 12 calendar months beginning July 1, 1975, and ending June 30, 1976; the period beginning July 1, 1976 and ending September 30, 1976; and the period of 12 calendar months beginning October 1, 1976 and each October 1 of any calendar year thereafter and ending with September 30 of the following calendar year.

* * * * *

(h–2) "Infant cereal" means any iron-fortified dry cereal especially formulated and generally recognized as cereal for infants that is routinely mixed with formula or milk prior to consumption.

(h–3) "Infant formula" means any iron-fortified infant formula intended for dietary use solely as a food for normal, healthy infants excluding those formulas specifically formulated for infants with inborn errors of metabolism or digestive or absorptive problems. Infant formula, as served, must be in liquid state at recommended dilution.

(h–4) "Long-term care facility" means any hospital, skilled nursing facility, intermediate care facility, or distinct part thereof, which is intended for the care of children confined for 30 days or more.

(h–5) "Lunch" means a meal which meets the lunch pattern for specified age groups of children as designated in § 210.10.

(i) "Milk" means pasteurized fluid types of unflavored or flavored whole milk, lowfat milk, skim milk, or cultured buttermilk which meet State and local standards for such milk except that, in the meal pattern for infants (0 to 1 year of age) milk means unflavored types of whole fluid milk or an equivalent quantity of reconstituted evaporated milk which meet such standards. In Alaska, Hawaii, American Samoa, Guam, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands, if a sufficient supply of such types of fluid milk cannot be obtained, "milk" shall include reconstituted or recombined milk. All milk should contain vitamins A and D at levels specified by the Food and Drug Administration and consistent with State and local standards for such milk.

* * * * *

(k) "Nonprofit" means exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954, as amended; or, in the Commonwealth of Puerto Rico, certified as nonprofit by its Governor.

* * * * *

(o) "School" means (1) An educational unit of high school grade or under operating under public or nonprofit private ownership in a single building or complex of buildings. The term "high school grade or under" includes classes of preprimary grade when they are conducted in a school having classes of primary or higher grade, or when they are recognized as a part of the educational system in the State, regardless of whether such preprimary grade classes are conducted in a school having classes of primary or higher grade. (2) With the exception of residential summer camps which participate in the Summer Food Service Program for Children and private foster homes, any distinct part of a public or nonprofit private institution or any public or nonprofit private child care institution, which (i) maintains children in residence, (ii) operates principally for the care of children, and (iii) if private, is licensed to provide residential child care services under the appropriate licensing code by the State or a subordinate level of government. The term "child care institution" includes, but is not limited to, homes for the mentally retarded, the emotionally disturbed, the physically handicapped, and unmarried mothers and their infants; group homes; halfway houses; orphanages; temporary shelters for abused children and for runaway children; long-term care facilities for chronically ill children; and juvenile detention centers. (3) With respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico.

(p) "School Food Authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a lunch program therein.

(p–1) "School year" means the period July 1 to June 30 of each year.

* * * * *

(s) "State agency" means (1) the State educational agency or (2) such other agency of the State as has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer the Program in schools as defined in § 210.2(o) (2) of this part.

* * * * *

4. In § 210.3, the last sentence of paragraph (c) is deleted; and paragraph (b) is revised and new paragraphs (b–1) and (b–2) are added, to read as follows:

§ 210.3 Administration.

* * * * *

(b) Within the States, responsibility for the administration of the Program in schools, as defined in § 210.2(o) (1) and (o) (3), shall be in the State educational agency, except that FNSRO shall administer the Program with respect to nonprofit private schools, as defined in § 210.2(o) (1), of any State wherein the State educational agency is not permitted by law to disburse Federal funds paid to it under the Act to such schools, or to match Federal funds paid with respect to such schools.

(b–1) Within the States, responsibility for the administration of the Program in schools, as defined in § 210.2 (o) (2), shall be in the State educational agency, or if the State educational agency cannot administer the Program in such schools, such other agency of the State as has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer the Program in such schools: *Provided, however,* That FNSRO shall administer the Program in such schools if the State agency is not permitted by law to disburse Federal funds paid to it under the Act to such schools or to match Federal funds paid with respect to such schools.

(b–2) References in this part to "FNSRO where applicable" are to FNSRO as the agency administering the Program.

* * * * *

5. In § 210.4a, paragraphs (b) (3) and (c) are deleted; in paragraph (b) (5) (iii) the words "and the Special Food Service Program for Children" are deleted; and the first sentence of paragraph (a) is revised to read as follows:

§ 210.4a State Plan of Child Nutrition Operations

(a) Not later than May 15 of each year, each State agency shall submit to FNS for approval a State Plan of Child Nutrition Operations for the following school year. * * *

* * * * *

6. In § 210.5, paragraphs (a) (2) and (3) are revised to read as follows:

§ 210.5 Method of payment to States.

(a) * * * (2) submit requests for funds only at such times and in such amounts, as will permit prompt payment of claims or authorized advances; and (3) use the

funds received from such requests without delay for the purpose for which drawn.

* * * * *

7. In § 210.5a, the words "Child Nutrition Operations for the applicable fiscal year" are deleted and the words "Child Nutrition Operations for the applicable school year" are inserted in lieu thereof.

8. In § 210.6, the words "nonprofit private" are deleted in the last sentence of paragraph (c), in paragraph (j) the words "nonprofit private" are deleted, and paragraphs (a) and (b) are revised to read as follows:

§ 210.6 Matching of funds.

(a) Each State agency shall match each dollar of general cash-for-food assistance funds expended by it, other than those determined by the Secretary to have been expended under the Program each fiscal year in connection with lunches served to children free or at a reduced price, with $3 of funds from sources within the State: *Provided, however,* That, if the per capita income of any State is less than the per capita income of the United States, the matching requirements so computed, for any fiscal year, shall be decreased by the percentage by which the State per capita income is below the per capita income of the United States.

(b) For the fiscal years beginning July 1, 1975, and October 1, 1976, State revenues (other than revenues derived from the Program) appropriated or specifically utilized for Program purposes (other than salaries and administrative expenses at the State, as distinguished from local levels) shall constitute at least 8 percent of an amount determined by multiplying $3 (or a lower matching requirement based upon the State's per capita income) times the total dollars of all general cash-for-food assistance funds expended by the State for the prior 12-month fiscal year; and for each fiscal year thereafter, an amount equal to at least 10 percent of such product. For the 3-month period beginning July 1, 1976, and ending September 30, 1976, such State revenue shall constitute at least 8 percent of the matching requirements for the same 3-month period of the preceding fiscal year based on the total general cash-for-food assistance funds expended during that period.

* * * * *

9. In § 210.7, the words "of high school grade or under" are deleted from paragraph (a).

10. In § 210.8, the word "administrative" is deleted from paragraph (e)(14), paragraph (f) is deleted, and the first sentence of paragraph (d) is revised to read as follows:

§ 210.8 Requirements for participation.

* * * * *

(d) Any School Food Authority may employ a food service management company, nonprofit agency or nonprofit organization in the conduct of its feeding operation, in one or more of its schools.

* * *

* * * * *

11. In § 210.10, paragraphs (b), (c), (d), (e), (f), (g), and (h) are redesignated as (c), (d), (e), (f), (g), (h) and (i), respectively; redesignated paragraph (d) is amended by adding the following words at the end thereof: "or the preschool lunch pattern listed in (b)(3 (i) and (ii) of this section."; the words "ufi" and "tanniers" are deleted in redesignated paragraph (f); redesignated paragraph (g) is amended by deleting the words "(a)(i)" and inserting the words "(a)(2), (b)(2) and (b)(3)" in lieu thereof; paragraph (a) is revised and a new paragraph (b) is added to read as follows:

§ 210.10 Requirements for lunches.

(a)(1) This paragraph sets forth the requirements for Type A lunches eligible for Federal cash reimbursement. The requirements are designed to provide a nutritious and well-balanced Type A lunch daily to each child of school age which, averaged over a period of time, will approximate one third of the child's Recommended Dietary Allowances. To provide variety and encourage participation, the School Food Authority should, whenever possible, provide a selection of foods from which the children may choose the Type A lunch. When more that one Type A lunch is offered or when a variety of items within the Type A lunch pattern is offered, all children shall be offered the same selections regardless of whether they are eligible for free or reduced price lunches or pay the full price.

(2) Except as otherwise provided in this section, and in any appendix to this part, to be eligible for Federal cash reimbursement, a Type A lunch shall contain, as a minimum, each of the following food components in the amounts indicated:

(i) One-half pint of fluid milk as a beverage.

(ii) Two ounces (edible portion as served) of lean meat, poultry, or fish; or two ounces of cheese; or one egg; or one-half cup of cooked dry beans or peas; or four tablespoons of peanut butter; or an equivalent quantity of any combination of the above listed foods. To be counted in meeting this requirement, these foods must be served in a main dish or in a main dish and one other menu item.

(iii) Three-fourths cup of two or more vegetables or fruits, or both. Full-strength vegetable or fruit juice may be counted to meet not more than one-fourth cup of this requirement.

(iv) One slice of whole-grain or enriched bread; or a serving of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour.

(v) One teaspoon of butter or fortified margarine.

(3) The kinds and amounts of foods specified in paragraph (a)(2) of this section are approximate amounts of foods to serve 10 to 12 year-old children. The Department shall issue guidance materials for the use of State agencies and FNSROs on the amounts of foods to be served children in various age groups. If consistent with State policy, School Food Authorities may allow children aged 6 through 10 years to be served lesser amounts of selected foods than are specified in paragraph (a)(2) of this section. For children older than 12 years of age, School Food Authorities shall encourage the serving of larger amounts of selected foods than are specified in paragraph (a)(2) of this section.

(b)(1) This paragraph, in subdivision (2), sets forth the requirements for lunches eligible for Federal cash reimbursement which are designed to provide nutritious lunches for infants aged up to 1 year, and, in subdivision (3), for children aged 1 to 6 years.

(2) When infants aged up to 1 year participate in the Program, an infant lunch pattern shall be offered. Foods within the infant lunch pattern shall be of texture and consistency appropriate for the particular age group being served. The amount of food in the lunch may be offered to the infant during a span of time consistent with the infant's eating habits. The infant lunch pattern shall contain, as a minimum, each of the following components in the amounts indicated for the appropriate age group:

(i) 0 to 4 months—four to six fluid ounces of infant formula; and zero to one tablespoon of infant cereal; and zero to one tablespoon of fruit or vegetable of appropriate consistency or a combination of both.

(ii) 4 to 8 months—six to eight fluid ounces of infant formula; and one to two tablespoons of infant cereal; and one to two tablespoons of fruit or vegetable of appropriate consistency or a combination of both; and zero to one tablespoon of meat, fish, poultry, or egg yolk, or zero to one-half ounce (weight) of cheese or zero to one ounce (weight or volume) of cottage cheese or cheese food or cheese spread of appropriate consistency.

(iii) 8 months to 1 year—six to eight fluid ounces of infant formula, or six to eight fluid ounces of whole fluid milk and zero to three fluid ounces of full-strength fruit juice; and three to four tablespoons of fruit or vegetable of appropriate consistency or infant cereal or combination of such foods; and one to four tablespoons of meat, fish, poultry, or egg yolk, or one-half to two ounces (weight) of cheese or one to four ounces (weight or volume) of cottage cheese or cheese food or cheese spread of appropriate consistency.

(3) When children aged 1 year to 6 years participate in the Program, a preschool lunch pattern shall be offered, which shall contain, as a minimum, each of the following food components in the amounts indicated for the appropriate age group:

(i) 1 to 3 years—one-half cup of fluid milk; and one ounce (edible portion as served) of lean meat, poultry, or fish, or one ounce of cheese, or one egg, or one-fourth cup of cooked dry beans or peas, or two tablespoons of peanut butter; and a one-fourth cup serving consisting of two or more vegetables or fruits or both; and one-half slice of whole-grain or enriched bread or equivalent; and one-half teaspoon of butter or fortified margarine.

(ii) 3 years to 6 years—three-fourths cup of fluid milk; and one an one-half ounces (edible portion as served) of lean meat, poultry, or fish, or one and one-half ounces of cheese, or one egg, or three-eighths cup of cooked dry beans or peas, or three tablespoons of peanut butter; and a one-half cup serving consisting of two or more vegetables or fruits or both; and one half slice of whole-grain or enriched bread or equivalent; and one-half teaspoon of butter or fortified margarine.

* * * * *

12. In § 210.16, in paragraph (g), the words "with respect to nonprofit private schools" are deleted, and in paragraph (h), the words, "§ 210.10(a)(2), (b)(2) and (b)(3)", are substituted for the words "§ 210.10(a)(1)".

13. In § 210.17, the first sentence of paragraph (e) is amended to read as follows:

§ 210.17 **Management evaluation and audits.**

* * * * *

(e) In making management evaluations or audits for any fiscal year, the State agency, FNS, or OA may disregard any overpayment which does not exceed $35 or, in the case of State agency administered programs, does not exceed the amount established under State law, regulations, or procedure as a minimum amount for which claim will be made for State losses generally. * * *

14. In § 210.19, in paragraph (a), the word "private" is deleted and, in paragraph (b), the words "nonprofit private" are deleted.

15. In § 210.20, paragraph (a) is revised and paragraph (f) is added to read as follows:

§ 210.20 **Program information.**

(a) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, 34 Third Avenue, Burlington, Massachusetts 01803.

* * * * *

(f) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 03540.

* * * * *

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Correction

In FR Doc. 76-13252 appearing at page 18781 of the issue for Friday, May 7, 1976, in Appendix B-1 to Part 271, page 18794, in the table headed "Coupon allotments—Alaska, effective July 1, 1976", the amounts in the column headed "Three-quarter-monthly", now reading "51, 91, 133, 174, 200, 244, 262, 308, +37", should read "51, 93, 134, 170, 201, 242, 267, 304, +38".

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

[Lemon Regulation 37, Amendment 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

PREAMBLE

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 2–8, 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 37 (41 F.R. 18286). 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 increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication 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 § 910.337 (Lemon Regulation 37 (41 F.R. 18286)) is hereby amended to read as follows:

§ 910.337 [Amended]

* * * * *

(b)(1) The quantity of lemons grown in California and Arizona which may be handled during the period May 2, 1976 through May 8, 1976, is hereby fixed at 280,000 cartons.

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

Dated: May 5, 1976.

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

[FR Doc.76-13583 Filed 5-10-76;8:45 am]

[Peach Regulation 1, Amendment 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Regulation by Grade and Size

This amendment extends by 7 days the period during which 1¾ inch peaches grown in Georgia may be shipped to points outside of the State. Under the amendment, the 1¾ inch minimum would be effective during the period May 1–16, 1976, and the 1⅞ inch minimum would become effective May 17, 1976.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, 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 recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this amendment will tend to effectuate the declared policy of the act.

(2) This action reflects the Department's appraisal of the need for amending the regulation, based on a more recent appraisal of the 1976 Georgia peach crop. Under the amendment peaches as small as 1¾ inches in diameter could be shipped through May 16, rather than through May 9, as is now the case. Consequently, the 1⅞ inch minimum would go into effect on May 17, rather than on May 10. Dry weather in Georgia, primarily in the southern part, has delayed the normal growth of the peaches, and as a result the fruit is not as large at this time of the year as was anticipated when the regulation was issued. A 7-day extension of the period during which 1¾ inch peaches could be shipped, would give handlers additional time to ship those early maturing varieties which normally ripen at smaller sizes than do the later maturing varieties. These requirements are designed to assure that peaches shipped to fresh markets will be of suitable quality and size in the interest of producers and consumers.

(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 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 restrictions on the handling of peaches grown in the State of Georgia.

Order. The provisions of § 918.318 Peach Regulation 1 (41 F.R. 15830) are hereby amended to read as follows:

§ 918.318 Peach Regulation 1.

Order. (a) No handler shall ship, except peaches in bulk to destinations in the adjacent markets, any peaches which:

(1) During the period April 19 through August 31, 1976, do not grade at least 85 percent U.S. No. 1 quality: *Provided,* That peaches with well-healed hail marks or split pits not scored as serious damage, or peaches with not more than 1 percent decay, may be shipped if they otherwise meet the requirements of the subparagraph.

(2) During the period May 1 through May 16, 1976, are smaller than 1¾ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1¾ inches in diameter.

(3) During the period May 17 through August 31, 1976, are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅞ inches in diameter.

(b) The inspection requirement contained in § 918.64 of this part shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent markets, except for peaches in new containers, during the period April 19 through August 31, 1976.

(c) The maturity regulations contained in § 918.400 of this part are hereby suspended with respect to shipments of peaches to all destinations other than those in the adjacent markets during the period April 19 through August 31, 1976.

(d) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the revised United States Standards for Peaches (7 CFR 51.1210–51.1223).

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

Dated: May 5, 1976.

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

[FR Doc.76–13584 Filed 5–10–76;8:45 am]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Expenses and Rate of Assessment

This document authorizes expenses of $17,192.65 of the Industry Committee under Marketing Order No. 918 for the 1976–77 fiscal period and fixes a rate of assessment of $0.015 per bushel basket of peaches (net weight of 48 pounds), handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On April 19, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 F.R. 16469) regarding proposed expenses and the related rate of assessment for the period March 1, 1976, through February 28, 1977, pursuant to the marketing agreement and Order No. 918 (7 CFR Part 918) regulating the handling of fresh peaches grown in Georgia. This notice allowed interested persons 15 days during which they could submit written data, views, or arguments pertaining to the proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 918.214 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Industry Committee during the period March 1, 1976, through February 28, 1977, will amount to $17,192.65.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 918.41, is fixed as $0.015 per bushel basket of peaches (net weight of 48 pounds), or an equivalent of peaches in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER. (7 U.S.C. 553) in that (1) shipments of fresh peaches have already begun; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning of such period; and (3) the current fiscal period began March 1, 1976, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

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

Dated: May 5, 1976.

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

[FR Doc. 76–13585 Filed 5–10–76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2811]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Continental Collection Service, et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection.

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

In the Matter of Continental Collection Service, a Partnership, and Carol Carrick and Morris Perna, Individually and as Co-partners of Said Partnership.

Consent order requiring a Clarissa, Minn., debt collection agency, among other things to cease misrepresenting the nature, import or urgency of any communication utilized in the collection of delinquent debts; misrepresenting the initiation of legal actions; misrepresenting that if debts are paid within a specified time, respondent will absorb the cost of any legal actions initiated; and furnishing means or instrumentalities of misrepresentation or deception. Further, respondents are required to disclose in correspondence to alleged debtors that respondents do not accept payment nor ordinarily file suits.

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

ORDER

It is ordered, That respondents, Continental Collection Service, a partnership, and Carol Carrick and Morris Perna, individually and as co-partners, trading and doing business as Continental Collection Service, or under any name or names, their successors and assigns, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of, or inducing or attempting to induce, the payment of alleged delinquent debts in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

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

1. Using or placing in the hands of others for use, envelopes, letters, forms or any other materials which by their appearance misrepresent a telegraphic communication.

2. Using or placing in the hands of others for use, envelopes, letters, forms or any other materials which misrepresent the nature, import, purpose or urgency of any communication; provided that it shall not be a violation of this order for respondents to use within the message of any communication, in the same type size as is otherwise employed in the message, a truthful reference to or implication of urgency.

3. Representing, directly or by implication, that:

(a) respondents have recommended, are prepared to recommend, initiate or cause to be initiated, legal proceedings in the collection of an alleged delinquent debt;

(b) legal action with respect to an alleged delinquent debt has been or is about to be initiated; or misrepresenting that legal action is imminent, will be or may be initiated;

(c) respondents recommend or have recommended that the creditor absorb the cost of legal action if the debt is paid within a specified time.

Provided, however, That it shall be a defense in any enforcement proceeding initiated under this Paragraph Three for the respondents to establish that such representations are factually correct.

4. Failing clearly and conspicuously to disclose in each letter, form, or notice to alleged delinquent debtors the following statement:

This communication is a reminder of creditor's claim. Continental Collection Service does not accept payment. Continental Collection Service does not ordinarily file suit.

This statement shall be made in prominent type, of a size no smaller than the basic body copy in the letter, form or notice and in a color which contrasts with the color of the stationery and writing or printing in the body of the letter, form or notice.

Provided, however, That the portion of the above statement, either as to accepting payment or the filing of suit, or both, shall not be required where respondent indicates specifically in a particular letter, form or notice that it will accept payment, file suit or institute legal proceedings and respondent does, in fact, accept payment, file suit or institute legal proceedings in that particular case, unless, suit was not filed due to subsequent instructions from the creditor or subsequent information from the debtor indicating nonexistence of the alleged debt.

5. Making any statement in any letter, form or notice to alleged delinquent debtors which is inconsistent with, negates or contradicts, the affirmative disclosure required by Paragraph Four.

6. Placing in the hands of others the means and instrumentalities to represent any of the matters prohibited in Paragraph Three or which fail to comply with the requirements of Paragraph Four or Five of this order.

It is further ordered, That the respondent shall distribute a copy of this order to each of its operating divisions or departments and to each of its present and future partners, officers, agents, representatives, or employees engaged in any aspect of the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce the payment of alleged delinquent debts, and that said respondent secure a signed statement acknowledging receipt of said order from each such person.

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

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their employment with Continental Collection Service and of their affiliation with a new business or employment. In addition, the individual respondents named herein shall promptly notify the Commission of their affiliation with a new business or employment whose principal activities include the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce, the payment of alleged delinquent debts, or of their affiliation with a new business or employment in which their own duties and responsibilities involve the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce, the payment of alleged delinquent debts. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That individual respondents named herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, signed by the respondents, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission Mar. 11, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-13595 Filed 5-10-76;8:45 am]

[Docket C-2808]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Continental Collection Bureau of America, Inc., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Furnishing means and instrumentalities of misrepresentation or deception. § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1895 Scientific or other relevant facts. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection.

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

In the Matter of Continental Collection Bureau of America, Inc., a Corporation, and William M. Weinberg, Peter J. Vann, and Lavail Clements, Individually and As Officers of Said Corporation.

Consent order requiring an Atlanta, Ga., debt collection agency, among other things to cease misrepresenting the nature, import, or urgency of communications used in the collection of delinquent debts; misrepresenting the initiation of legal actions for non-payment of alleged debts or the effect of non-payment on credit status of the alleged debtor; and furnishing means and instrumentalities of misrepresentation or deception. Further, the order requires respondent to disclose in correspondence to alleged debtors that respondents do not accept payments nor ordinarily file suits.

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

ORDER

It is ordered, That respondents, Continental Collection Bureau of America, Inc., a corporation, its successors and assigns, and its officers and William M. Weinberg, Peter J. Vann, and Lavail Clements, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce, the payment of alleged delinquent debts, in or affecting commerce, as "commerce" is defined in the Federal

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

Trade Commission Act, do forthwith cease and desist from:

1. Using or placing in the hands of others for use, envelopes, letters, forms, or any other materials which by their appearance misrepresent a telegraphic communication.

2. Using or placing in the hands of others for use, envelopes, letters, forms or any other materials which misrepresent the nature, import, purpose or urgency of any communication; provided that it shall not be a violation of this order for respondents to use within the message of any communication, in the same type size as is otherwise employed in the message, a truthful reference to or implication of urgency.

3. Representing, directly or by implication, that: (a) Respondents are prepared to recommend, initiate or cause to be initiated, legal proceedings in the collection of an alleged delinquent debt;

(b) Legal action with respect to an alleged delinquent debt has been or is about to be initiated; or misrepresenting that legal action is imminent, will be or may be initiated;

(c) Nonpayment of the alleged delinquent debt in response to respondents' demands will adversely affect the credit rating, record or status of the debtor with respect to any consumer reporting agency or any other third party; or misrepresenting the impact or effect of nonpayment upon the debtor's credit rating, record or status.

Provided, however, That it shall be a defense in any enforcement proceeding initiated under this Paragraph Three for the respondents to establish that such representations are factually correct.

4. Failing clearly and conspicuously to disclose in each letter, form or notice to alleged delinquent debtors the following statement:

This communication is a reminder of creditor's claim. Continental Collection Bureau of America, Inc., does not accept payment. Continental Collection Bureau of America, Inc., does not ordinarily file suit.

This statement shall be made in prominent type, of a size no smaller than the basic body copy in the letter, form or notice and in a color which contrasts with the color of the stationery and writing or printing in the body of the letter, form or notice.

Provided, however, That the portion of the above statement, either as to accepting payment or the filing of suit, or both, shall not be required where respondent indicates specifically in a particular letter, form or notice that it will accept payment, file suit or institute legal proceedings and respondent does, in fact, accept payment, file suit or institute legal proceedings in that particular case, unless suit was not filed due to subsequent instructions from the creditor or subsequent information from the debtor indicating non-existence of the alleged debt.

5. Making any statement in any letter, form or notice to alleged delinquent debtors which is inconsistent with, negates or contradicts, the affirmative disclosure required by Paragraph Four.

6. Placing in the hands of others the means and instrumentalities to represent any of the matters prohibited in Paragraph Three or which fail to comply with the requirements of Paragraph Four or Five of this order.

It is further ordered, That the respondent corporation shall distribute a copy of this order to each of its operating divisions or departments and to each of its present and future officers, agents, representatives, or employees engaged in any aspect of the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce the payment of alleged delinquent debts, and that said respondent secure a signed statement acknowledging receipt of said order from each such person.

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

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their employment with Continental Collection Bureau of America, Inc., and of their affiliation with a new business or employment. In addition, the individual respondents named herein shall promptly notify the Commission of their affiliation with a new business or employment whose principal activities include the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce, the payment of alleged delinquent debts, or of their affiliation with a new business or employment in which their own duties and responsibilities involve the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce, the payment of alleged delinquent debts. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That respondents named herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, signed by the respondents, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission Mar. 11, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-13597 Filed 5-10-76;8:45 am]

[Docket C-2809]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

North American Collections, Inc., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection.

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

In the Matter of North American Collections, Inc., a Corporation, and Robert J. Kerr, Individually and as An Officer of Said Corporation

Consent order requiring a St. Louis, Mo., debt collection agency, among other things to cease misrepresenting the nature, import, or urgency of communications used in the collection of delinquent debts; misrepresenting the initiation of legal actions for non-payment of alleged debts or the effect of nonpayment on credit status of the alleged debtor; and furnishing means and instrumentalities of misrepresentation or deception. Further, the order requires respondent to disclose in correspondence to alleged debtors that respondents do not accept payments nor ordinarily file suits.

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

ORDER

It is ordered, That respondents, North American Collections, Inc., a corporation, its successors and assigns, and its officers, and Robert J. Kerr, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce, the payment of alleged delinquent debts in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using or placing in the hands of others for use, envelopes, letters, forms or any other materials, which by their appearance misrepresent the nature, import, purpose or urgency of any communication; provided that it shall not be a violation of this order for respondents

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

to use within the message of any communication, in the same type size as is otherwise employed in the message, a truthful reference to or implication of urgency.

2. Representing, directly or by implication, that: (a) Respondents are prepared to recommend, initiate or cause to be initiated, legal proceedings in the collection of an alleged delinquent debt,

(b) Legal action with respect to an alleged delinquent debt has been or is about to be initiated; or misrepresenting that legal action is imminent, will be or may be initiated,

(c) Nonpayment of the alleged delinquent debt in response to respondents' demands will adversely affect the credit rating, record or status of the debtor with respect to any consumer reporting agency or any other third party; or misrepresenting the impact or effect of nonpayment upon the debtor's credit rating, record or status.

Provided that it shall be a defense in any enforcement proceeding initiated under Paragraph Two for respondents to establish that such representations are factually correct.

3. Failing clearly and conspicuously to disclose in each letter, form, or notice to alleged delinquent debtors the following statement:

This communication is a reminder of creditor's claim. North American Collections, Inc., does not accept payment. North American Collections, Inc., does not ordinarily file suit.

This statement shall be made in prominent type, of a size no smaller than the basic body copy in the letter, form or notice and in a color which contrasts with the color of the stationery and writing or printing in the body of the letter, form or notice.

Provided, however, That the portion of the above statement, either as to accepting payment or the filing of suit, or both, shall not be required where respondent indicates specifically in a particular letter, form or notice that it will accept payment, file suit or institute legal proceedings and respondent does, in fact, accept payment, file suit or institute legal proceedings in that particular case, unless, suit was not filed due to subsequent instructions from the creditor or subsequent information from the debtor indicating nonexistence of the alleged debt.

4. Making any statement in any letter, form or notice to alleged delinquent debtors which is inconsistent with, negates, or contradicts, the affirmative disclosure required by Paragraph Three.

5. Placing in the hands of others the means and instrumentalities to represent any of the matters prohibited in Paragraph Two or which fail to comply with the requirements of Paragraph Three or Four of this order.

It is further ordered, That the respondent corporation shall distribute a copy of this order to each of its operating divisions or departments and to each of its present and future officers, agents, representatives or employees engaged in any aspect of the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce the payment of alleged delinquent debts, and that said respondent secure a signed statement acknowledging receipt of said order from each such person.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment with North American Collections, Inc., and of his affiliation with a new business or employment. Such notice shall include respondent's new business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respnodents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, signed by the respondents, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission Mar. 11, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-13594 Filed 5-10-76;8:45 am]

[Docket C-2810]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Power's Service, Inc., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection.

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

In the Matter of Power's Service, Inc., a Corporation, and Community Systems Corporation, a Corporation, and Rosalind M. Mikesell, H. O. Seymour, and G. C. Seymour, Individually and as Officers of Said Corporations, and J. P. Mikesell, Individually and as an Officer of Power's Service, Inc.

Consent order requiring a Chicago, Ill., debt collection agency, among other things to cease misrepresenting the nature, import, or urgency of communications used in the collection of delinquent debts; misrepresenting the initiation of legal actions for non-payment of alleged debts or the effect of non-payment on credit status of the alleged debtor; and furnishing means and instrumentalities of misrepresentation or deception. Further, the order requires respondent to disclose in correspondence to alleged debtors that respondents do not accept payments nor ordinarily file suits.

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

ORDER

It is ordered That respondents, Power's Service, Inc., a corporation, and Community Systems Corporation, a corporation, their successors and assigns, and their officers, and Rosalind M. Mikesell, J. P. Mikesell, H. O. Seymour and G. C. Seymour, individually and as officers of either corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of any service or printed matter for use in the collection or attempting to collect, or assisting in the collection of or inducing or attempting to induce, the payment of alleged delinquent debts in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, or placing in the hands of others for use, envelopes, letters, forms, or any other materials which appear to be, or simulate, telegraphic messages.

2. Using, or placing in the hands of others for use, envelopes, letters, forms, or any other materials which misrepresent the nature, import, purpose or urgency of any communication.

3. Representing, directly or by implication, that:

(a) legal action with respect to an alleged delinquent debt has been, is about to be, or may be initiated;

(b) if payment is not made in response to respondents' demands, the alleged debtor's credit rating, record or status may be or will be adversely affected.

Provided, however, That it shall be a defense in any enforcement proceeding

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

initiated under this Paragraph Three for the respondents to establish that such representations are factually correct.

4. Failing clearly and conspicuously to disclose in each letter, form or notice to alleged delinquent debtors the following statement:

This communication is only a reminder notice. Power's Service, Inc., cannot accept payment nor will it take legal action regarding this claim.

This statement shall be made in prominent type, of a size no smaller than the basic body copy in the letter, form or notice and in a color which contrasts with the color of the stationery and writing or printing in the body of the letter, form, or notice.

5. Making any statement in any letter, form or notice to alleged delinquent debtors which is inconsistent with, negates or contradicts, the affirmative disclosure required by Paragraph Four.

6. Placing in the hands of others the means and instrumentalities to represent any of the matters prohibited in Paragraph Three or which fail to comply with the requirements of Paragraph Four or Five of this order.

It is further ordered, That the corporate respondent Community Systems Corporation shall distribute a copy of this order to each of its operating divisions or departments and to each of its present and future officers, agents, representatives or employees engaged in any aspect of the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce the payment of alleged delinquent debts and that said respondent secure a signed statement acknowledging receipt of said order from each such person.

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

It is further ordered That the individual respondents named herein promptly notify the Commission of the discontinuance of their employment with Community Systems Corporation or Power's Service, Inc., whichever is applicable, and of their affiliation with a new business or employment. In addition, the individual respondents named herein shall promptly notify the Commission of their affiliation with a new business or employment whose principal activities include the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce, the payment of alleged delinquent debts, or of their affiliation with a new business or employment in which their own duties and responsibilities involve the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce, the payment of alleged delinquent debts. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered That the respondents named herein shall within sixty (60) days after service upon them of this order file with the Commission a report, in writing, signed by the respondents, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission Mar. 11, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-13598 Filed 5-10-76;8:45 am]

[Docket C-2807]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Trans National Credit Corporation, Et Al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection.

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

In the Matter of Trans National Credit Corporation, a Corporation, and Robert F. Mitchell and Pat L. Bangor, Individually and as Officers of Said Corporation

Consent order requiring a Hazleton, Pa., debt collection agency, among other things to cease misrepresenting the nature, import, or urgency of communications used in the collection of delinquent debts; misrepresenting the initiation of legal actions for non-payment of alleged debts or the effect of nonpayment on credit status of the alleged debtor; and furnishing means and instrumentalities of misrepresentation or deception. Further, the order requires respondent to disclose in correspondence to alleged debtors that respondents do not accept payments nor ordinarily file suits.

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

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

ORDER

It is ordered That respondents, Trans National Credit Corporation, a corporation, its successors and assigns, and its officers, and Robert F. Mitchell and Pat L. Bangor, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce, the payment of alleged delinquent debts in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using or placing in the hands of others for use, envelopes, letters, forms, or any other materials which by their appearance misrepresent a telegraphic communication.

2. Using or placing in the hands of others for use, envelopes, letters, forms or any other materials which misrepresent the nature, import, purpose or urgency of any communication; provided that it shall not be a violation of this order for respondents to use within the message of any communication, in the same type size as is otherwise employed in the message, a truthful reference to or implication of urgency.

3. Representing, directly or by implication, that:

(a) respondents are prepared to recommend, initiate or cause to be initiated, legal proceedings in the collection of an alleged delinquent debt,

(b) legal action with respect to an alleged delinquent debt has been or is about to be initiated; or misrepresenting that legal action is imminent, will be or may be initiated,

(c) nonpayment of the alleged delinquent debt in response to respondents' demands will adversely affect the credit rating, record or status of the debtor with respect to any consumer reporting agency or any other third party; or misrepresenting the impact or effect of nonpayment upon the debtor's credit rating, record or status.

Provided, That it shall be a defense in any enforcement proceeding initiated under Paragraph 3 for respondents to establish that such representations are factually correct.

4. Failing clearly and conspicuously to disclose in each letter, form or notice to alleged delinquent debtors the following statement:

This communication is a reminder of creditor's claim. Trans National Credit Corporation does not accept payment. Trans National Credit Corporation does not ordinarily file suit.

This statement shall be made in prominent type, of a size no smaller than the basic body copy in the letter, form or notice and in a color which contrasts with the color of the stationery and writing or printing in the body of the letter, form or notice.

Provided, however, That the portion of the above statement, either as to accepting payment or the filing of suit, or both, shall not be required where respondent indicates specifically in a particular letter, form or notice that it will accept payment, file suit or institute legal proceedings and respondent does, in fact, accept payment, file suit or institute legal proceedings in that particular case, unless, suit was not filed due to subsequent instructions from the creditor or subsequent information from the debtor indicating non-existence of the alleged debt.

5. Making any statement in any letter, form or notice to alleged delinquent debtors which is inconsistent with, negates or contradicts, the affirmative disclosure required by Paragraph 4.

6. Placing in the hands of others the means and instrumentalities to represent any of the matters prohibited in Paragraph 3 or which fail to comply with the requirements of Paragraph 4 or 5 of this order.

It is further ordered, That the respondent corporation shall distribute a copy of this order to each of its operating divisions or departments and to each of its present and future officers, agents, representatives, or employees engaged in any aspect of the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce the payment of alleged delinquent debts, and that said respondent secure a signed statement acknowledging receipt of said order from each such person.

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

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment with Trans National Credit Corporation and of their affiliation with a new business or employment. Such notice shall include respondents' new business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, signed by the respondents, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission March 11, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-13593 Filed 5-10-76;8:45 am]

[Docket C-2806]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

United Compucred Collections, Inc., et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection.

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

In the Matter of United Compucred Collections, Inc., a Corporation, and Wes Symmonds and Janet Symmonds, Individually and as Officers of Said Corporation.

Consent order requiring a Cincinnati, Ohio, debt collection agency, among other things to cease misrepresenting the nature, import, or urgency of communications used in the collection of delinquent debts; misrepresenting the initiation of legal actions for non-payment of alleged debts or the effect of nonpayment on credit status of the alleged debtor; and furnishing means and instrumentalities of misrepresentation or deception. Further, the order requires respondent to disclose in correspondence to alleged debtors that respondents do not accept payments nor ordinarily file suits.

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

ORDER

It is ordered That respondents, United Compucred Collections, Inc., a corporation, its successors and assigns, and its officers, and Wes Symmonds and Janet Symmonds, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce the payment of alleged delinquent debts in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, or placing in the hands of others for use, envelopes, letters, forms or any other materials which by their appearance misrepresent a telegraphic communication.

2. Using, or placing in the hands of others for use, envelopes, letters, forms, or any other materials which misrepresent the nature, import, purpose or urgency of any communication; provided that it shall not be a violation of this order for respondents to use within the message of any communication, in the same type size as is otherwise employed in the message, a truthful reference to or implication of urgency.

3. Representing, directly or by implication, that:

(a) respondents are prepared to recommend, initiate or cause to be initiated legal proceedings in the collection of an alleged delinquent debt;

(b) legal action with respect to an alleged delinquent debt has been, or is about to be initiated; or misrepresenting that legal action is imminent, will be or may be initiated;

(c) nonpayment of the alleged delinquent debt in response to respondents' demands will adversely affect the credit rating, record or status of the debtor with respect to any consumer reporting agency or any other third party; or misrepresenting the impact or effect of nonpayment upon the debtor's credit rating, record or status.

Provided, however, That it shall be a defense in any enforcement proceeding initiated under this Paragraph Three for the respondents to establish that such representations are factually correct.

4. Failing clearly and conspicuously to disclose in each letter, form or notice to alleged delinquent debtors the following statement:

This communication is a reminder of creditor's claim. United Compucred Collections, Inc., does not accept payment. United Compucred Collections, Inc., does not ordinarily file suit.

This statement shall be made in prominent type, of a size no smaller than the basic body copy in the letter, form or notice, and in a color which contrasts with the color of the stationery and writing or printing in the body of the letter, form or notice.

Provided, however, That the portion of the above statement, either as to accepting payment or the filing of suit, or both, shall not be required where respondent indicates specifically in a particular letter, form or notice that it will accept payment, file suit or institute legal proceedings and respondent does, in fact, accept payment, file suit or institute legal proceedings in that particular case, unless, suit was not filed due to subsequent instructions from the creditor or subsequent information from the debtor indicating non-existence of the alleged debt.

5. Making any statement in any letter, form or notice to alleged delinquent debtors which is inconsistent with, negates or contradicts the affirmative disclosure required by Paragraph Four.

6. Placing in the hands of others the means and instrumentalities to represent any of the matters prohibited in Para-

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

graph Three or which fail to comply with the requirements of Paragraphs Four And Five of this order.

It is further ordered That the respondent corporation shall distribute a copy of this order to each of its operating divisions or departments and to each of its present and future officers, agents, representatives, or employees engaged in any aspect of the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce the payment of alleged delinquent debts, and that said respondent secure a signed statement acknowledging receipt of said order from each such person.

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

It is further ordered That the individual respondents named herein promptly notify the Commission of the discontinuance of their business or employment with United Compucred Collections, Inc. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered That the respondents named herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, signed by the respondents, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission Mar. 11, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-13596 Filed 5-10-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75N-0359]

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

SUBSTANCES PROHIBITED FROM USE IN HUMAN FOOD

The Commissioner of Food and Drugs is amending paragraph (d)(6)(ii) in § 121.106 *Substances prohibited from use in human food* (21 CFR 121.106) to make it clear that the prohibition on the use of safrole in food includes safrole-containing sassafras sold to make sassafras tea; effective June 10, 1976.

The Commissioner proposed this regulation in the FEDERAL REGISTER of July 23, 1974 (39 FR 26748). The proposal noted that § 121.106 was itself still in proposed form, but would shortly be published as a final order setting out the original version of § 121.106(d)(6)(ii), as corrected for a transcription error. The final order promulgating § 121.106 was published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34172).

Thirty days were provided for comment on the proposed revision of § 121.106(d)(6)(ii). Comments were received from private citizens, a representative of a company, and an attorney representing a distributor of herb teas. The comments submitted, and the Commissioner's conclusions on each comment, are as follows:

1. One comment objected that the proposal was intended to destroy the root beer business.

The Commissioner notes that safrole as such or as part of oil of sassafras was used as a flavoring ingredient in root beer and other soft drinks prior to publication in the FEDERAL REGISTER of December 3, 1960 (25 FR 12412) of the Commissioner's order refusing to extend the effective date of the Food Additives Amendment of 1958 with respect to safrole and oil of sassafras, and declaring that use of those substances in food was prohibited. Thereafter the soft drink industry voluntarily terminated use of safrole and oil of sassafras as flavoring ingredients. Compliance by the industry with the 1960 order was verified by inspections conducted by Food and Drug Administration (FDA) investigators. The proposed revision of § 121.106(d)(6)(ii), which concerns safrole-containing sassafras used to make sassafras tea, will thus have no impact on the soft drink industry.

2. One comment asked whether the Commissioner has investigated the properties of the sassafras leaf, which is used to make gumbo file.

The Commissioner advises that sassafras leaves are the subject of a food additive regulation at 21 CFR 121.1163, which provides that sassarfras leaves may be used on the condition that, among other things, they be "safrole free."

3. Several comments expressed the view that it is unlikely that consumption of sassafras tea is injurious to health even if safrole is carcinogenic. One comment noted that sassafras tea is consumed mainly in the spring. Another comment observed that sassafras tea has been used for centuries without reports of carcinogenic or other toxic effects, and that one of the standards for determining whether a food additive is generally recognized as safe is experience based on common use in food (21 U.S.C. 321(s)).

There is no evidence that the commercial marketing of sassafras for tea is seasonal or that consumption of sassafras tea is limited only to certain times of the year. Sassafras tea analyzed by the FDA was found to contain concentrations of safrole of the same order of magnitude as those once found in commercial root beer manufactured with safrole or oil of sassafras. The Commissioner considers as unfounded the assumption that ingestion of safrole at those levels, even if limited to one season, has been proved safe. The statute requires that food additives be proved safe, and there is no evidence demonstrating that consumption of safrole in the amounts persent in sassafras tea is safe.

That there have been no reported cases of carcinogenic or other toxic effects from drinking sassafras tea does not prove that it is safe. It is often impossible to demonstrate that specific adverse consequences have resulted from long-term exposure to low levels of a toxic substance. It is for that reason that the statute requires affirmative proof of safety as a condition of marketing a food additive.

The provision that a food ingredient used in food prior to January 1, 1958, is a "food additive" only if it is not generally recognized by qualified experts as having been adequately shown to be safe "through experience based on common use in food," (21 U.S.C. 321(s)) cannot be met by an ingredient, such as safrole, for which there is affirmative evidence of toxicity that may represent a health hazard. The existence of such evidence is incompatible with "general recognition of safety" as a definitional matter.

4. Several comments remarked on the presence of safrole in foods other than sassafras, or on the existence of carcinogens other than safrole in the food supply. Comments noted that safrole is present in foods such as nutmeg and mace. One comment proposed that § 121.106(d)(6)(ii) be amended to include all food substances containing detectable amounts of safrole. A comment stated that the fat of charcoal broiled steaks contains carcinogens and that action on sassafras should be deferred until something is done about that.

The Commissioner is aware that small or trace amounts of safrole have been detected in other foods. As explained in the preamble to the proposed revision of § 121.106(d)(6)(ii), probable consumption patterns can involve ingestion of substantially greater absolute amounts of safrole from sassafras tea than from those other foods. As with any other provision of the Federal Food, Drug, and Cosmetic Act, the Commissioner is not obligated to deal simultaneously with all situations involving a matter potentially subject to regulation as a condition of dealing with the most significant one. In addition, the Commissioner notes that the status of safrole in sassafras to make tea under the food additive provisions of the act is distinguishable from that of safrole in other food substances. The principal purpose of sassafras is to serve as a medium for imparting sassafras flavor to water to make sassafras tea, and safrole is the principal component of that flavor. By contrast, safrole is not an important part of the flavor provided by substances like nutmeg and mace. The presence of small or trace amounts of safrole in such substances does not present the same considerations under the

food additive provisions as does the presence of large amounts of safrole in sassafras intended to make tea. The proposal to amend § 121.106(d)(6)(ii) to include nutmeg, mace, and all other food substances in which safrole has been detected in any amount is accordingly denied. (Reference material on nutmeg and mace is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.)

With respect to the presence in the food supply of carcinogens other than safrole, the Commissioner advises that the FDA maintains continuous surveillance of food products subject to its jurisdiction to identify the presence of carcinogenic and other toxic substances subject to appropriate regulatory action. Whether and how the law applies in any particular case involves resolution of complex scientific and legal questions; the process may take considerable time to complete and it may or may not result in immediate, definitive administrative action, depending on the facts of each case. When, as with safrole in sassafras, the application of the law is clear, however, there is no reason to defer action.

5. A comment stated that the "corrected version" of § 121.106(d)(6)(ii) is "more than technical" because it subjects a natural food constituent to regulation as a food additive.

The Commissioner advises that the purpose of the proposed revision of § 121.106(d)(6)(ii) to include specific reference to sassafras for tea was to clarify the application of the prohibition on safrole to sassafras offered to make tea. Since infusion of sassafras in water is intended to result in safrole becoming a component of a tea beverage, and since safrole is known to be carcinogenic, safrole in sassafras is subject to regulation as a food additive under the self-executing terms of the statute itself. The revision of § 121.106(d)(6)(ii) is intended to make this clear for purposes of orderly administration of the Commissioner's regulatory responsibilities.

The Commissioner disagrees that there is a colorable issue concerning his authority to regulate a natural food constituent as a food additive when the constituent is used as such. The statutory definition of "food additive" in 21 U.S.C. 321(s) refers to "any substance the intended use of which results * * * in its becoming a component or otherwise affecting the characteristics of any food." Neither that language nor the legislative history of the Food Additives Amendment reveals an intent to exclude natural food constituents from regulation as food additives. Indeed, over 125 "natural flavoring substances and natural substances used in conjunction with flavors" are currently the subject of a food additive regulation (21 CFR 121.1163). That regulation has been in effect for many years and its validity has never been questioned. As was more fully explained in the preamble to the proposal, that safrole is a component of sassafras before becoming a component of sassafras tea through infusion does not make it something other than a substance the intended use of which results in its becoming a component of a food, i.e., a food additive.

6. A comment stated that although the FDA conducted tests on sassafras tea in the early 1960's and found that it contained safrole, the FDA set no tolerances for safrole and took no action against the use of sassafras to make tea.

The comment is correct. The Commissioner is unaware of any scientific data that would allow him to set a safe tolerance for safrole. The FDA analyzed sassafras tea in the early 1960's and found safrole. (The 1961 report of analysis is on display in the office of the Hearing Clerk.) In response to inquiries from the public and industry, the FDA has consistently stated that sassafras sold to make tea cannot be lawfully marketed in interstate commerce. Court enforcement action has not been undertaken until recently, however, because of the need to allocate limited administrative resources to other priorities.

7. A comment contended that there is no basis for the Commissioner's statement in the preamble to the proposal that safrole is the characterizing ingredient in sassafras tea, that this is proved by the existence of a food additive known as safrole-free extract of sassafras, and that the Commissioner's analysis of the food additive status of safrole in sassafras depends on whether safrole is the characterizing ingredient in sassafras tea.

The food additive "safrole-free extract of sassafras" is defined in a food additive regulation, 21 CFR 121.1097. The comment argues that safrole cannot be the flavoring agent in sassafras tea because safrole-free extract of sassafras is used in the manufacture of root beer, which presumably would not be the case unless it provided the same flavor as sassafras oil containing safrole.

When originally proposed for food additive approval, safrole-free extract of sassafras was represented as having the flavor characteristics of "tang," "tartness," and "astringency," not those associated with root beer, safrole, or oil of sassafras. The flavor characteristics of the substance have been described as weak. While it is possible that safrole-free extract of sassafras is used in the commercial manufacture of root beer and other soft drinks in combination with additional ingredients designed to yield a satisfactory substitute for the flavor of safrole and oil of sassafras, information available to the Commissioner indicates that total annual use of the substance is no more than a few pounds. Safrole-free extract of sassafras is not widely used in the commercial manufacture of root beer as a flavor substitute for safrole or oil of sassafras. Nor is there any indication that safrole-free extract of sassafras is, or ever has been, regarded by the flavor industry as providing the same flavor as safrole or oil of sassafras. It is described in a standard reference text as providing "body" and "top note" in soups and pharmaceuticals, with no mention of beverage use. (R. Swaine, "Natural and Synthetic Flavorings," pages 457, 481, in T. Furia, ed. "Handbook of Food Additives." CRC Press, Cleveland, OH 1972.)

The assertion that the food additive status of safrole in sassafras is dependent on its being the characterizing ingredient in sassafras tea is erroneous. Safrole was only one of several flavor ingredients in root beer manufactured in accordance with the old formula, but it was uniformly regarded by the FDA and the soft drink industry as a food additive to root beer. There is no serious question that safrole has a characteristic flavor. Prior to 1960 there was an established trade in oil of sassafras, which is approximately 80 percent safrole, as a flavor ingredient. If the flavor of sassafras tea consists partially of other flavors, safrole is nevertheless still necessary to complete the flavor commonly associated with sassafras tea. (See M. Jacobs, "Synthetic Food Adjuncts," p. 173 (1947) (Safrole "has a pleasant sassafras odor and flavor"); Givandan-Delawanna, "the Givandan Index," p. 273 (1949) (the aroma of safrole has the "typical sassafras-root beer character"); E. Guenther, "The Essential Oils," p. 196 (1950) ("Sassafras oil is the yellowish-reddish liquid having the characteristic odor and taste of sassafras").)

Use of sassafras to flavor tea is to be distinguished from food ingredients, like nutmeg, that contain minor or trace amounts of safrole. Sassafras is a principal source of safrole, and its usefulness is dependent on its high safrole content. When sassafras is used to make tea, the safrole itself is properly considered the food ingredient that is measured against the statutory criteria governing food additives. Safrole in minor or trace amounts in substances the food value of which is not dependent on the safrole content, however, is not a food additive. In that situation, the substance of which safrole is a part is the food ingredient that must satisfy the food additive provisions of the act.

8. A comment asserted that regulation of natural ingredients as food additives should be specifically authorized by Congress.

The Commissioner is of the opinion that Congress has already done this in the definition of "food additive" in 21 U.S.C. 321(s).

9. A comment contended that the Food Additives Amendment of 1958 applies only to "chemical" additives and to ingredients extracted for addition to other foods.

The Commissioner advises that all food ingredients, including natural food constituents, are chemicals. Safrole is the chemical 4-allyl-1,2-methylene-dioxybenzene, $C_{10}H_{10}O_2$. The Commissioner is of the opinion that to limit the definition of "food additive" to substances that, if extracted from another substance, are extracted before, rather than during the process of becoming a component of the food to which they are added is not justified by the statutory definition of "food additive," the legislative history of the Food Additives Amendment of 1958, or logic. Whether an ingredient

passes through an intermediate stage between extraction and addition, or instead migrates directly from the source into the food, is a distinction without a difference.

10. A comment stated that safrole in sassafras is a food, not a food additive.

The Commissioner agrees that safrole is a "food" within the meaning of 21 U.S.C. 321(f). The definition of "food" includes "articles used for components of" food, and thus by its terms includes food additives. Under the act, a food additive is subject to a regulation as a food (21 U.S.C. 342(a)(2)(C); *United States* v. *Articles of Food * * * Pottery * * * Cathy Rose*, 370 F. Supp. 371, 373 (E.D. Mich. 1974)) and, in fact, must be of "food grade" and be "prepared and handled as a food ingredient" (21 CFR 121.1000(a)(2)) to comply with applicable food additive regulations.

11. A comment stated that "an herb tea, like sassafras, is defined as a food, and the mere infusion of the bark with water does not make the bark, and its components, food additives."

The Commissioner advises that the definitions of "food" and "food additive" are not mutually exclusive, and that safrole in sassafras bark used to make tea meets all of the elements of the definition of "food additive" in 21 U.S.C. 321(s).

12. A comment contended that the Food Additives Amendment of 1958 was intended to regulate "intentional" and "incidental" food additives, but not "accidental" food additives, and "surely not those natural components of foods," citing the district court decision in *United States* v. *Vita Food Products, Inc.*, 356 F. Supp. 1213 (N.D. Ill. 1973).

The Commissioner agrees that strictly "accidental additives" are not subject to regulation under the Food Additives Amendment of 1958. Safrole in sassafras is not an "accidental additive." It is naturally present in sassafras, and it is intended to become a component of sassafras tea. It is thus an "intentional" food ingredient meeting the statutory definition of "food additive," and its regulation as such is within the intent of Congress. That safrole is a "natural component" of sassafras has no bearing on whether, in tea brewed from sassafras, it is an intentional, incidental, or accidental additive as those terms are used in the legislative history of the Food Additives Amendment of 1958.

The decision in *United States* v. *Vita Food Products, Inc.* involved DDT in processed fish, a distinguishable fact situation because the presence of the DDT, although known, was not desired. Even so, the U.S. Seventh Circuit Court of Appeals reversed the district court's decision, and held that the DDT constituted a "food additive." (*United States* v. *Ewig Bros. Co.*, 502 F. 2d 715 (7th Cir. 1974).)

13. A comment stated that the levels of safrole in sassafras tea are significantly lower than those used in the animal study that established the carcinogenicity of safrole, and which was the basis for the 1960 order prohibiting the use of safrole in food. The comment also refers to a study involving dogs in which safrole was not observed to produce carcinogenic effects.

The Commissioner advises that animal studies to establish whether a substance is carcinogenic employ high dosage levels to obtain statistically meaningful results from animal test groups of manageable size. Meaningful tests at dosage levels approximating those to which humans would be exposed under ordinary conditions are not necessary to establish that a substance has carcinogenic properties, nor are they feasible, because of the enormous number of test animals that would be required to provide statistically significant results. (See "Food and Drug Administration Advisory Committee on Protocols for Safety Evaluation: Panel on Carcinogenisis Report on Cancer Testing in the Safety Evaluation of Food Additives and Pesticides," Toxicology and Applied Pharmacology, 20:419, 1971.) Safrole is also known to be carcinogenic in mice at the levels administered to rats in the study on which the safrole prohibition was originally based. The Commissioner is unaware of any evidence establishing a safe level of exposure to safrole, or that the levels of safrole in sassafras tea are safe. The dog study referred to in the comment is reported in R. Hall, "Toxicants Occurring Naturally in Spices and Flavors," in "Toxicants Occurring Naturally in Foods," pages 448, 457 (National Academy of Sciences, Washington, DC, 1973). The study found no tumors in dogs that were fed safrole. It did find that safrole caused extensive liver damage at higher levels, and lesser liver damage at lower levels. The study does not establish that safrole is safe for humans at the levels present in sassafras tea. In fact, Hall states that "[a]side from its tumorigenic effects * * * the toxicity of safrole appears sufficient to rule out its intentional employment, as such, at the approximately 20 ppm levels at which it was once used in root beer." The levels of sassafras tea are about the same as those once present in root beer.

14. A comment mentioned that the 1960 order prohibiting the use of safrole in food was never tested in the courts by root beer manufacturers.

The Commissioner concludes that failure of the regulated industry to file suit to set aside agency action does not imply that such action is illegal.

15. Comment on that part of the preamble to the proposal discussing the status of sassafras tea as a drug within the meaning of 21 U.S.C. 321(g) if it is sold with representations of therapeutic effect stated that there is a difference between a tea and a tonic, and that whether a beverage is a tonic depends on its concentration.

The Commissioner advises that whether a product is a "drug" within the meaning of 21 U.S.C. 321(g) depends on whether claims of therapeutic benefit are made in the labeling accompanying the product, among other factors. It is also established that a substance may be simultaneously a "food" and a "drug" based on its intended use and the claims made for it. (*V.E. Irons, Inc.* v. *United States*, 244 F.2d 34 (1st Cir. 1957), cert. denied, 353 U.S. 923; *United States* v. *3 Cartons * * * "No. 26 Formula GM"*, 132 F. Supp. 569 (S.D. Cal. 1952).) Sassafras has been marketed to make a beverage characterized by the accompanying labeling as a "tonic." Whether use of the word "tonic" constitutes a representation of therapeutic benefit in any given case depends on the particular facts. That some consumers may recognize a difference between a "tea" and a "tonic" because of differences in the strength or concentration of the beverage does not affect the status of a product that is in fact offered for sale both as a food and as a drug.

16. A comment noted that no tests were conducted by the FDA to determine if the concentration of safrole in sassafras tea varied with the length of brewing time.

The Commissioner advises that the sassafras tea analyzed in connection with a pending seizure action was brewed for the length of time recommended in the accompanying labeling. The concentrations of safrole thus yielded were from about 4 to about 10 parts per million (ppm), i.e., about the same as in root beer manufactured with safrole or oil of sassafras as a flavor ingredient. Although no tests were conducted on tea brewed for longer periods of time, it is probable that lengthening brewing time would cause greater amounts of the safrole in the sassafras to migrate into the tea, and no evidence was submitted with the comments to demonstrate that the safrole content would remain constant. (The 1973 analysis of safrole in sassafras tea is on display in the office of the Hearing Clerk.)

17. A comment argued that safrole can properly be regarded as "intentionally present" in sassafras tea only when "'safrole' alone, after its extraction, is then added."

The Commissioner notes that the statutory definition of "food additive" does not contain a requirement that an ingredient undergo extraction from its source prior to being added to another food. As previously discussed, whether safrole is first extracted from sassafras bark and then added to water to become a component of tea, or instead is extracted directly from sassafras bark by the water into which the safrole is intended to migrate to become a component of sassafras tea, is legally and logically irrelevant to whether the safrole is a "food additive" within the meaning of the act. Further, it is not apparent how the presence of safrole in sassafras tea can be other than intentional when it is known that safrole is contained in sassafras and that hot water will extract some of the safrole to become part of a tea beverage in which safrole is a flavor ingredient.

18. A comment characterized as "specious" the Commissioner's statement that he could not distinguish between safrole alone or in oil of sassafras and safrole in sassafras bark with respect to

its use as a flavoring ingredient. The comment noted that sassafras bark consists of 6 to 9 percent oil of sassafras, and that oil of sassafras is about 80 percent safrole.

The Commissioner regards safrole in sassafras as having the same food additive status as safrole in oil of sassafras or pure safrole: all three substances, when used to impart flavor, are intended to result in safrole becoming a component of another food as a flavor ingredient. That the concentrations of safrole in the three substances vary from 6 to 9 percent in sassafras bark, up to 100 percent in pure safrole, does not alter that result, although it is evident that some means of adding safrole are more efficient than others.

19. A comment stated that the analogy between use of safrole as a flavor in sassafras tea and its use as a flavor in root beer is not pertinent because root beer is the result of a "manufacturing process" and sassafras tea is not.

Whether an ingredient is added to a food during manufacture or is sold separately to the consumer for use in food has no effect on the food additive status of the ingredient. The definition of "food additive" is not by terms limited to use of ingredients during the manufacturing process, as the Court in *United States* v. *Ewig Bros. Co., Inc.*, recognized: "The words 'the intended use of which' are not confined, as they easily could have been confined, to use in food processing." (502 F.2d at 722.) Such a limitation would defeat the purposes of the Food Additives Amendment of 1958 by permitting food additives to be freely sold for use in food outside the regulatory authority of the food additive provisions as long as they were intended to be added to food by the consumer after manufacture rather than by the food processor during manufacture.

20. A comment stated that there is no prohibition on the marketing of safrole as such.

The Commissioner advises that shipment of safrole as such in interstate commerce for food use constitutes shipment of a food deemed adulterated in accordance with 21 U.S.C. 342(a)(2)(C), and is subject to the injunctive, criminal, and civil seizure remedies of the act (21 U.S.C. 331–334). Shipment in interstate commerce of any food additive that is unsafe within the meaning of 21 U.S.C. 348(a) is proscribed.

21. A comment noted that safrole is carcinogenic but that no tests have been conducted to determine if sassafras tea is carcinogenic.

The Commissioner emphasizes that the safety standards of the food additive provisions of the act apply to the food ingredient, not to the food in which the ingredient is used. Whether sassafras tea is carcinogenic, therefore, is irrelevant to whether sassafras may be lawfully marketed for the purpose of imparting safrole, a known carcinogen, to water as an ingredient of sassafras tea.

The Commissioner emphasizes that the food additive definition in 21 U.S.C. 321(s) and the carcinogenicity and other toxicity standards relating to food additives ordinarily apply to a food ingredient considered as a whole, and not to its constituent parts considered in isolation. That a natural food substance, i.e., a raw agricultural commodity, used as a food ingredient contains a component that is toxic by itself is thus not determinative of the status or regulation of such an ingredient as a food additive. Where, however, the principal result of using a food substance is to furnish a constituent extracted therefrom for specific consumption, the Commissioner is of the opinion that determinations involving food additive status, toxicity, and the nature of regulatory controls that are required properly relate to that constituent and not to its source. The intended use of sassafras in making tea involves infusion of the sassafras in hot water to extract various of its component parts—most importantly, safrole—as flavoring ingredients, with the sassafras itself ultimately being discarded. Sensible application of the law requires that in those circumstances food additive decisions be made with specific reference to the constituent, not to the raw food substance in which it is conveyed.

22. A comment incorporated by reference the contents of various pleadings in a pending seizure action involving sassafras.

The Commissioner cannot respond to matters not expressly set forth in comments submitted pursuant to a notice of proposed rule making. Moreover, the U.S. Government has fully responded to the pleadings with its own pleadings submitted in the seizure action.

23. The revised wording proposed in the FEDERAL REGISTER of July 23, 1974, included reference to "food containing any added safrole, oil of sassafras, isosafrole, or dihydrosafrole." The Commissioner concludes that this reference is redundant, for a food that contains any safrole as an added ingredient would be deemed to be adulterated with safrole, an unsafe food additive. The Commissioner also concludes that the phrase "naturally occurring" in reference to safrole contained in food used mainly to impart safrole as a flavor to another food is an unnecessary qualification. The wording of the regulation is, accordingly, modified to delete these references.

The Commissioner concludes that this regulation does not have either a significant environmental impact or a significant inflation impact. However, because it does not represent a new action by the agency, but merely a clarification of an existing regulation, the agency is not required to prepare either a formal environmental impact assessment (21 CFR 6.1(c)) or a formal inflation impact assessment.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.106 by revising paragraph (d)(6)(ii) to read as follows:

§ 121.106 Substances prohibited from use in food.

* * * * *

(d) * * *

(6) * * *

(ii) Safrole, oil of sassafras, isosafrole, or dihydrosafrole, as such, or food containing any safrole, oil of sassafras, isosafrole, or dihydrosafrole, e.g., sassafras bark, which is intended solely or primarily as a vehicle for imparting such substances to another food, e.g., sassafras tea, is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of December 3, 1960 (25 FR 12412).

* * * * *

Effective date. This order shall become effective June 10, 1976.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: May 5, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76–13575 Filed 5–10–76;8:45 am]

[FRL 539–1; FAP6H5099/R25]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Picloram

On August 22, 1975, notice was given (40 FR 36798) that Dow Chemical Co., PO Box 1706, Midland MI 48640, had filed a food additive petition (FAP 6H5099) with the Environmental Protection Agency (EPA). This petition proposed that 21 CFR 123 and 561 be amended by establishing regulations permitting the use of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) on the growing crops wheat, barley, and oats with a tolerance limitation for residues in milled fractions (except flour) of wheat, barley, and oats at 1 part per million (ppm) and in the flour of wheat, barley, and oats at 0.1 ppm. No comments were received in response to this notice of filing.

Dow subsequently amended the petition 1) by deleting the proposed 0.1 ppm tolerance for residues of picloram in flour of wheat, barley, and oats since residues in flour would not exceed those limits established (40 CFR 180.292) for the raw agricultural commodity therefore negating the need for duplicative regulations [40 CFR 180.1(f)(2)] and 2) by revising the proposed 1 ppm tolerance in milled fractions (except flour) to 3 ppm.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling reg-

istered in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 *et seq.*). Therefore, the tolerances are being established as proposed.

Any person adversely affected by this regulation may, on or before June 10, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and specify 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 May 11, 1976, 21 CFR 123 & 561 are amended as follows.

Dated: May 5, 1976.

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

(Section 409 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 348].)

1. Section 123.350 is revised as follows:

* * * * *

§ 123.350 Picloram.

Tolerances are established for residues of picloram [4-amino-3,5,6-trichloropicolinic acid] resulting from the application of the pesticide to growing crops in the following:

Feed:	*Parts per million*
Barley, milled fractions (exc flour)	3
Oats, milled fractions (exc flour)	3
Wheat, milled fractions (exc flour)	3

* * * * *

2. 21 CFR 561 is amended by adding Section 561.305 as follows:

* * * * *

§ 561.305 Picloram.

Tolerances are established for residues of picloram [4-amino-3,5,6-trichloropicolinic acid] resulting from the application of the pesticide to growing crops in the following:

Feed:	*Parts per million*
Barley, milled fractions (exc flour)	3
Oats, milled fractions (exc flour)	3
Wheat, milled fractions (exc flour)	3

* * * * *

[FR Doc.76-13697 Filed 5-10-76;8:45 am]

Title 22—Foreign Relations

CHAPTER X—INTER-AMERICAN FOUNDATION

PART 1003—RULES SAFEGUARDING PERSONAL INFORMATION IN IAF RECORDS

Adoption of Rules

APRIL 21, 1976.

Notice is given that the Inter-American Foundation is adopting the following rules for safeguarding personal information in IAF records to implement Public Law 93-579 (88 Stat. 1896) of December 13, 1974. These are an adoption of the rules as published in the FEDERAL REGISTER on August 19, 1975, on pages 36264-36267.

WILLIAM M. DYAL, Jr.,
President.

Sec.

AUTHORITY: 5 U.S.C. 552a.

§ 1003.1 General policies, conditions of disclosure, accounting of certain disclosures, and definitions.

(a) The Inter-American Foundation will safeguard an individual against an invasion of personal privacy. Except as otherwise provided by law or regulation its officials and employees will:

(1) Permit an individual to determine what records pertaining to him or her will be collected, maintained, used, or disseminated by the Inter-American Foundation.

(2) Permit an individual to prevent records pertaining to him or her, obtained by the Inter-American Foundation for a particular purpose, from being used or made available for another purpose without his or her consent.

(3) Permit an individual to gain access to information pertaining to him or her in the Inter-American Foundation records, to have a copy made of all or any portion thereof, and to correct or amend such records.

(4) Collect, maintain, use or disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that the information is correct and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information.

(5) Permit exemptions from records requirements provided in 5 U.S.C. 552a only where an important public policy need for such exemption has been determined pursuant to specific statutory authority.

(b) The Inter-American Foundation will not disclose any record contained in a system of records by any means of communication to any person or any other agency except by written request of or prior written consent of the individual to whom the record pertains unless such disclosure is:

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

(2) Required under 5 U.S.C. 552;

(3) For a routine use of the record compatible with the purpose for which it was collected;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to title 13, United States Code;

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

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

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

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

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

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

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

(c) With respect to each system of records (i.e., a group of records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual) under Inter-American Foundation control, the Inter-American Foundation will (except for disclosures made under paragraph (b) (1) or (2) of this section) keep an accurate accounting as follows:

(1) For each disclosure of a record to any person or to another agency made under paragraph (b) of this section, maintain information consisting of the date, nature, and purpose of each disclosure, and the name and address of the person or agency to whom the disclosure is made;

(2) Retain the accounting made under paragraph (c) (1) of this section for at least 5 years or the life of the record, whichever is longer, after the disclosures for which the accounting is made;

(3) Except for disclosures made under paragraph (b) (7) of this section, make the accounting under paragraph (c) (1) of this section available to the individual named in the record at his or her request; and

(4) Inform any person or other agency about any correction or notation of dispute made by the agency of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

(d) The parent of any minor, or the legal guardian of any individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

(e) Section 552a(i), title 5, United States Code, provided that:

(1) Any officer or employee of the Inter-American Foundation, who by virtue of his or her employment or official position, has possession of, or access to, Inter-American Foundation records which contain individually identifiable information the disclosure of which is prohibited by 5 U.S.C. 552a and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

(2) Any officer or employee of the Inter-American Foundation who willfully maintains a system of records without meeting the notice requirements of 5 U.S.C. 552a(e)(4) shall be guilty of a misdemeanor and fined not more than $5,000.

(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from the Inter-American Foundation under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000.

§ 1003.2 Definitions.

The following definitions apply:

(a) The term "agency" includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the government (including the Executive Office of the President), or any independent regulatory agency.

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) The term "maintain" includes maintain, collect, use, or disseminate.

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

(e) The term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual except as provided by section 8 of title 13, United States Code.

(g) The term "routine use" means, with respect to the disclosure or a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 1003.3 Access to records.

(a) Except as otherwise provided by law or regulation any individual upon request may gain access to his or her record or to any information pertaining to him or her which is contained in any system or records maintained by the Inter-American Foundation. The individual will be permitted, and upon his or her request, a person of his or her own choosing permitted to accompany him or her, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him or her. The Inter-American Foundation will require, however, a written statement from the individual authorizing discussion of that individual's record in the accompanying person's presence.

(b) Any individual may request amendment of any Inter-American Foundation record pertaining to him or her. Not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, the Inter-American Foundation will acknowledge in writing such receipt. The Inter-American Foundation will also promptly either:

(1) Correct any part thereof which the individual believes is not accurate, relevant, timely, or complete; or

(2) Inform the individual of the Inter-American Foundation's refusal to amend the record in accordance with his or her request, the reason for the refusal, the procedures by which the individual may request a review of that refusal by the Administrator or designee, and the name and address of such official.

(c) Any individual who disagrees with the Inter-American Foundation's refusal to amend his or her record may request a review of such refusal. The Inter-American Foundation will complete such review not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review and make a final determination unless, for good cause shown, the Administrator extends such 30-day period. If, after review, the Administrator or designee also refuses to amend the record in accordance with the request the individual will be advised of the right to file with the Inter-American Foundation a concise statement setting forth the reasons for his or her disagreement with the Inter-American Foundation's refusal, and also advised of the provisions for judicial review of the reviewing official's determination (5 U.S.C. 552a(g)(1)(A)).

(d) In any disclosure, containing information about which the individual has filed a statement of disagreement, occurring after the filing of the statement under paragraph (c) of this section, the Inter-American Foundation will clearly note any part of the record which is disputed and provide copies of the statement (and, if the Inter-American Foundation deems it appropriate, copies also of a concise statement of the Inter-American Foundation's reasons for not making the amendments requested) to persons or other agencies to whom the disputed and provide copies of the state-

(e) Nothing in 5 U.S.C. 552a, however, allows an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 1003.4 Inter-American Foundation system of records requirements.

(a) The Inter-American Foundation will maintain in its records any such information about an individual as is relevant and necessary to accomplish a purpose of the Inter-American Foundation required to be accomplished by statute or Executive order of the President.

(b) The Inter-American Foundation will collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs.

(c) The Inter-American Foundation will inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual of:

(1) The authority (whether granted by statute or Executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses which may be made of the information, as published pursuant to paragraph (d)(4) of this section; and

(4) The effects on him or her, if any, of not providing all or any part of the requested information.

(d) Subject to the provisions of paragraph (k) of this section, the Inter-American Foundation will publish in the FEDERAL REGISTER at least annually a notice of the existence and character of its system of records. This notice will include:

(1) The name and location of the system or systems;

(2) The categories of individuals on whom records are maintained in the system or systems;

(3) The categories of records maintained in the system or systems;

(4) Each routine use of the records contained in the system or systems, including the categories of users and the purpose of such use;

(5) The policies and practices of the Inter-American Foundation regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The title and business address of the Inter-American Foundation official or officials responsible for the system or systems of records;

(7) The Inter-American Foundation procedures whereby an individual can be notified at his or her request if the system or systems of records contain a record pertaining to him or her;

(8) The Inter-American Foundation procedures whereby an individual can be notified at his or her request how he or she can gain access to any record pertaining to him or her contained in the system or systems of records, and how he or she can contest its content; and

(9) The categories of sources of records in the system or systems.

(e) All records used by the Inter-American Foundation in making any determination about any individual will be maintained with the accuracy, relevance, timeliness, and completeness reasonably necessary to assure fairness to the individual in the determination.

(f) Before disseminating any record about any individual to any person other than an agency the Inter-American Foundation will make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for Inter-American Foundation purposes unless the dissemination is required pursuant to 5 U.S.C. 552.

(g) The Inter-American Foundation will maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(h) The Inter-American Foundation will make reasonable efforts to serve notice on an individual when any record on such individuals is made available to any person under compulsory legal process when such process becomes a matter of public record.

(i) The Inter-American Foundation will establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record. Each such person will be instructed regarding such rules and the requirements of 5 U.S.C. 552a. The instruction will include any other rules and procedures adopted pursuant to 5 U.S.C. 552a, and the penalties it provides for noncompliance.

(j) The Inter-American Foundation will establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

(k) At least 30 days prior to the publication of a notice in the FEDERAL REGISTER at least annually regarding the routine use of the records contained in the Inter-American Foundation system or systems of records including the categories of users and the purpose of such use, pursuant to paragraph (d)(4) of this section, the Inter-American Foundation will also:

(1) Publish a notice in the FEDERAL REGISTER of any new use or intended use of the information in the system or systems; and

(2) Provide an opportunity for interested persons to submit written data, views, or arguments to the Inter-American Foundation.

§ 1003.5 Access to personal information from Inter-American Foundation records.

(a) The Inter-American Foundation will promulgate regulations, as necessary, to insure compliance with the provisions of 5 U.S.C. 552a, developed in accordance with the provisions of 5 U.S.C. 553, as applicable.

(b) Any individual will be notified upon request if any Inter-American Foundation system of records named contains a record pertaining to him or her. Such request must be in writing, over the signature of the requester. The request must contain a reasonable description of the Inter-American Foundation system or systems of records meant, as described at least annually by notice published in the FEDERAL REGISTER describing the existence and character of the Inter-American Foundation's system or systems of records. The request should be made to the Executive Officer, Inter-American Foundation, 1515 Wilson Boulevard, Rosslyn, Virginia 22209. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8:30 a.m. to 4:00 p.m. Monday through Friday. Identification of the individual requesting the information will be required consisting of name, signature, address, and claim, insurance or other identifying file number, if any, as a minimum.

(c) The department or staff office having jurisdiction over the records involved with establish appropriate disclosure procedures and will notify the individual requesting disclosure of his or her record or information pertaining to him or her of the time, place and conditions under which the Inter-American Foundation will comply to the extent permitted by law and Inter-American Foundation regulation. Special procedures will be established by the department or staff office concerned governing the disclosure to an individual of medical records, including psychological records pertaining to him or her.

(d) The department or staff office having jurisdiction over the records involved will also establish procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual for making a determination on the request, for an appeal within the Inter-American Foundation of an initial adverse Inter-American Foundation determination, and for whatever additional means may be necessary for each individual to be able to exercise fully his or her rights under 5 U.S.C. 552a.

(e) Fees to be charged, if any, to any individual for making copies of his or her record, excluding the cost of any search for and review of the record, will be as follows:

(1) Photocopy reproductions from all types of copying processes, each reproduction image, $0.05.

(2) Where the Inter-American Foundation undertakes to perform for a requester or for any other person services which are very clearly not required to be performed under section 552a, title 5, United States Code, either voluntarily or because such services are required by some other law (e.g., the formal certification of records as true copies, attestation under the seal of the Inter-American Foundation, etc.), the question of charging fees for such services will be determined by the official or designee authorized to release the information under § 1.556, in the light of the Federal user charge statute, 31 U.S.C. 483a, and any other applicable law.

§ 1003.6 Administrative review.

(a) Upon denial of a request, the responsible Inter-American Foundation official or designated employee will inform the requester in writing of the denial, cite the reason or reasons and the Inter-American Foundation regulations upon which the denial is based, and advise that the denial may be appealed to the Administrator.

(b) The final agency decision in such appeals will be made by the Administrator or Deputy Administrator.

§ 1003.7 Judicial review.

Any person may file a complaint against the Inter-American Foundation in the appropriate U.S. district court, as provided in 5 U.S.C. 552a(g), whenever the Inter-American Foundation:

(a) Makes a determination not to amend an individual's record in accordance with his or her request, or fails to make such review in conformity with that section;

(b) Refuses to comply with an individual request;

(c) Fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(d) Fails to comply under any other provision of 5 U.S.C. 552a, or any Inter-American Foundation regulation promulgated thereunder, in such a way as to have an adverse effect on an individual.

§ 1003.8 Exemptions.

No Inter-American Foundation records system or systems as such are exempted from the provisions of 5 U.S.C. 552a as permitted under certain conditions by 5 U.S.C. 552a(j) and (k).

§ 1003.9 Mailing lists.

An individual's name and address may not be sold or rented by the Inter-American Foundation unless such action is specifically authorized by law. This section does not require the withholding of names and addresses otherwise permitted to be made public.

§ 1003.10 Reports.

(a) The Administrator or designee will provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any Inter-American Foundation system or systems of records, as required by 5 U.S.C. 552a(o). This will permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers.

(b) If at any time an Inter-American Foundation system or systems of records is determined to be exempt from the application of 5 U.S.C. 552a in accordance with the provisions of 5 U.S.C. 552a (j) and (k), the number of records contained in such system or systems will be separately listed and reported to the Office of Management and Budget in accordance with the then prevailing guidelines and instructions of that agency.

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Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments

Preamble. This document contains miscellaneous amendments to the Statement of Procedural Rules (26 CFR Part 601) which was last amended on August 1, 1975 (40 F.R. 32322).

The Statement of Procedural Rules sets forth the procedural rules of the Internal Revenue Service respecting all taxes administered by the Service.

The amendments to the Statement of Procedural Rules contained in this document are adopted by this document. A discussion of the most significant of these amendments follows:

Paragraph (c)(2)(iv) of § 601.105 is revised to provide that in field audit cases involving an amount in excess of $2,500 for any year, when the nature or complexity of the unagreed issues is such that original consideration by the Appellate Division would result in the more expenditious resolution of the case, taxpayers will be invited to request initial consideration by the regional Appellate Division.

Paragraph (c)(5) of § 601.105 is amended to provide that District conferees are authorized to consider and accept settlement proposals by taxpayers, subject to certain approval, where the amount involved does not exceed $2,500 for any year.

A new paragraph (l) is added to § 601.105 which sets forth procedures under which district Audit Divisions may dispose of cases defined by the Tax Court as "small tax cases". Under these procedures, the district Audit Division has up to 60 days from the date on which the petition is served to resolve the issues of the "small tax case". If the case has not been resolved within that time, it will be referred to the Appellate Division for disposition.

Paragraphs (a) (1) and (2) of 601.106 are amended to clarify the jurisdiction and authority of the Appellate Division.

A new sentence is added to paragraph (a) (3) of § 601.106 to reflect the revocation of the Appellate Division's jurisdiction over cases involving determinations and/or related excise taxes involving employee plans and exempt organizations. This appeals function is now conducted by the Office of the Assistant Commissioner (Employee Plans and Exempt Organizations).

Paragraph (e) (8) of § 601.201 is amended to provide that if a request for a ruling or opinion letter is lacking essential information, the taxpayer or his representative will be advised that if the information is not forthcoming within a reasonable time, generally 30 days, the request will be closed by issuing a closing letter. If the information is received after mailing the closing letter, the request will be reopened and treated as a new request as of the date of the receipt of the essential information. Priority treatment of such request will be granted only in rare cases upon the approval of the appropriate Division Director.

The revisions of paragraphs (e)(11) and (e)(12) of § 601.201 reflect a realignment of the areas of responsibility of the Individual and Corporation Tax Divisions within the Office of Assistant Commissioner (Technical).

A new paragraph (t) is added to § 601.201 to set forth procedures under which a taxpayer may apply for approval to use an alternative method of depletion when computing gross income from mining.

Paragraph (a) of § 601.204 is amended to permit the filing of consents to changes in accounting periods, on Form 1128, with the Director of the Internal Revenue Service Center in whose district the taxpayer files his return.

The revision of paragraph (a)(2)(ii) of § 601.402 reflects changes in section 4161 of the Code which extended the manufacturers excise tax on recreational equipment to bows and arrows sold on or after January 1, 1975.

A reference to "foreign cars" is deleted from paragraph (e)(3) of § 601.402 to reflect repeal of the manufacturers excise tax on automobiles.

Paragraph (a)(9) of § 601.403 is deleted to reflect the expiration, under section 4911(d) of the Code, of the Interest Equalization Tax.

Paragraph (b)(1)(ii) of § 601.504 is amended to provide that either the husband or the wife may executive a power of attorney or a tax information authorization for purposes of inspecting a joint income tax return. This conforms to § 301.6103(a)-1(c)(1)(iii) of the Regulations on Procedure and Administration (26 CFR 301).

Sections 601.601 and 601.602 are amended to remove all references to alcohol, tobacco, firearms, and explosives rules, regulations, and forms, administered by the Bureau of Alcohol, Tobacco and Firearms. As a result of the addition of subpart D to 27 CFR Part 71 (§§ 71.31 and 71.32) relating to the formulation and publication by the Bureau of Alcohol, Tobacco and Firearms of rules, regulations, and forms (published in the FEDERAL REGISTER on January 17, 1974 (39 F.R. 2090) and effective on February 16, 1974), subpart F of 26 CFR Part 601 (§§ 601.601 and 601.602) has been superseded to the extent that it applied to alcohol, tobacco, firearms, and explosives rules, regulations, and forms administered by the Bureau.

Amendments to the Statement of Procedural Rules. The following amendments are made to Part 601:

Paragraph 1. Section 601.101 is amended by revising the last sentence of paragraph (d).

Par. 2 Section 601.105 is amended as follows:

1. Paragraph (b)(5)(v)(b) is revised by deleting "Income Tax Division or Miscellaneous and Special Provisions Tax Division" from the second sentence and inserting in lieu thereof "Corporation Tax Division or Individual Tax Division".

2. Paragraph (b)(5)(v)(e) is revised by deleting "Director, Income Tax Division" and inserting in lieu thereof "Director, Corporation Tax Division", and by deleting "Director, Miscellaneous and Special Provisions Tax Division" and inserting in lieu thereof "Director, Individual Tax Division".

3. Paragraph (c)(2)(i) is revised by deleting "a thorough technical and procedural" from the second sentence and inserting in lieu thereof "appropriate".

4. Paragraph (c)(2)(iv) is revised to.

5. Paragraph (c) (5) is revised.
6. A new paragraph (l) is added.

Par. 3. Section 601.106 is amended as follows:

1. The sixth sentence in paragraph (a) (1) is deleted.
2. Paragraph (a) (2) (iii) is revised.
3. A new sentence is added after the last sentence in paragraph (a) (3).
4. A new sentence is added immediately after the first sentence in that portion of paragraph (d) (3) (iii) as precedes paragraph (d) (3) (iii) (*a*).
5. The last sentence in paragraph (d) (3) (iii) (*g*) is revised.

Par. 4. Section 601.201 is amended as follows:

1. Paragraph (a) (2) is revised by deleting "Directors of the Income Tax Division and the Miscellaneous and Special Provisions Tax Division" from the third sentence and inserting in lieu thereof "Director, Corporation Tax Division and Director, Individual Tax Division".
2. Paragraph (e) (2) is revised.
3. Paragraph (e) (8) is revised by adding three new sentences immediately after the last sentence.
4. Paragraphs (e) (11) and (e) (12) are revised.
5. Paragraph (e) (13) is revised by deleting "Director, Income Tax Division" and inserting in lieu thereof "Director, Corporation Tax Division", and by deleting "Director, Miscellaneous and Special Provisions Tax Division" and inserting in lieu thereof "Director, Individual Tax Division".
6. Paragraph (e) (15) is revised by deleting "Income" from the fourth and fifth sentences and inserting in lieu thereof "Corporation".
7. A new paragraph (t) is added.

Par. 5. Section 601.204 is amended as follows:

1. Paragraph (a) is amended by revising the last sentence and adding three new sentences.
2. Paragraph (b) is amended by revising the last three sentences.
3. Paragraph (c) is amended by revising the last sentence.

Par. 6. Section 601.401 is amended by deleting "$12,000" from the first sentence in paragraph (d) (1) and inserting in lieu thereof "$13,200".

Par. 7. Section 601.402 is amended as follows:

1. Paragraph (a) (2) (ii) is revised.
2. Paragraph (e) (3) is amended by deleting "foreign cars," from the first sentence.

Par. 8. Section 601.403 is amended by deleting paragraph (a) (9) and redesignating (a) (10) and (a) (11) as paragraphs (a) (9) and (a) (10), respectively.

Par. 9. Section 601.504 is revised by amending paragraph (b) (1) (ii).

Par. 10. Section 601.601 is amended as follows:

1. Paragraph (a) (1) is revised.
2. The phrase "or the Director, as applicable," is deleted from the first sentence of paragraph (a) (2).
3. Paragraph (a) (3) (iv) is revised.
4. Paragraphs (d) (2) (iv) (*e*) and (d) (2) (iv) (*f*) are deleted, and paragraphs (d) (2) (iv) (*g*) and (d) (2) (iv) (*h*) are redesignated as paragraphs (d) (2) (iv) (*e*) and (d) (2) (iv) (*f*), respectively.
5. Paragraph (d) (3) is deleted.

Par. 11. Section 601.602(a) is amended.

DONALD C. ALEXANDER,
Commissioner.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

§ 601.101 Introduction.

* * * * *

(d) *Application to Bureau of Alcohol, Tobacco and Firearms.* This part sets forth most of the procedural rules for the Bureau of Alcohol, Tobacco and Firearms. However, some of its procedural rules have been transferred to Part 71 of Title 27 of the Code of Federal Regulations (a portion of the Code of Federal Regulations exclusively devoted to alcohol, tobacco, firearms, and explosives matters). As used in this part, the terms "Alcohol, Tobacco, and Firearms Division", "assistant regional commissioner (alcohol, tobacco and firearms)", and "chief special investigator (alcohol, tobacco and firearms)" shall be construed as meaning respectively "Bureau of Alcohol, Tobacco and Firearms", "regional director, Bureau of Alcohol, Tobacco and Firearms", and "special agent-in-charge, Bureau of Alcohol, Tobacco and Firearms". Also, with regard to the administration and enforcement of the laws applicable to distilled spirits, wines, beer, cigars, cigarettes, cigarette papers and tubes, firearms, and explosives, the terms "assistant regional commissioner", "Commissioner", and "Chief Counsel" used in Subpart C of this part, shall be construed as meaning respectively "regional director", "Director", and "Chief Counsel", the Bureau of Alcohol, Tobacco and Firearms. The term "internal revenue region" or "region" when used in connection with documents filed with, or matters handled by, a regional director, shall mean an Alcohol, Tobacco and Firearms Region. The seven ATF regions and their geographical compositions are listed in 27 CFR 71.22(b) (3) (ii). [The seven ATF regions coincide geographically with the seven internal revenue regions.]

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§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

* * * * *

(b) Examination of returns. * * *

(5) Technical advice from the National Office—

* * * * *

(v) Conference in the National Office.

* * * * *

(*b*) A taxpayer is entitled, as a matter of right, to only one conference in the National Office unless one of the circumstances discussed in (*c*) of this subdivision exists. This conference will usually be held at the branch level in the appropriate division [(Income Tax Division or Miscellaneous and Special (Corporation Tax Division or Individual Tax Division) Provisions Tax Division)] in the office of the Assistant Commissioner (Technical), and will usually be attended by a person who has authority to act for the branch chief. In appropriate cases the examining officer may also attend the conference to clarify the facts in the case. If more than one subject is discussed at the conference, the discussion constitutes a conference with respect to each subject. At the request of the taxpayer or his representative, the conference may be held at an earlier stage in the consideration of the case than the Service would ordinarily designate. A taxpayer has no "right" of appeal from an action of a branch to the director of a division or to any other National Office official.

* * * * *

(*e*) A taxpayer or his representative desiring to obtain information as to the status of his case may do so by contacting the following offices with respect to matters in the areas of their responsibility:

Official:	*Telephone numbers, (area code 202)*
Director, [Income Tax] Corporation Tax Division	964–4504 or 964–4505.
Director, [Miscellaneous and Special Provisions Tax] Individual Tax Division	964–4504 or 964–3788.

* * * * *

(c) *District conference procedure—*

* * *

(2) *Field audit.* (i) If, at the conclusion of an examination, the taxpayer does not agree with the adjustments proposed by the examining officer, a complete examination report will be prepared fully explaining all proposed adjustments. Before the report or any invitation to a district Audit Division conference is sent to the taxpayer, the case file will be submitted to the district Review Staff for [a thorough technical and appropriate procedural] review. Following such review, the taxpayer will receive a copy of the examination report under cover of a transmittal letter (30-day letter) providing him with a detailed explanation of the available appeal procedure and requesting the taxpayer to inform the district director of his choice of action.

* * * * *

(iv) In cases involving proposed additional tax, proposed overassessment, or claimed refund in excess of $2,500 for

any year, when the nature or complexity of the unagreed issues is such that original consideration by the Appellate Division would result in the more expeditious resolution of the case, taxpayers will be invited to request initial consideration by the regional Appellate Division.

* * * * *

(5) *Settlement authority.* District conferees are authorized to consider and accept settlement proposals by taxpayers, subject to approval of Chief, Conference Staff, Section Chief (Conference Staff), or Chief, Technical Branch (except in Manhattan District), as appropriate, in field and office audit cases when the total amount of proposed additional tax, proposed overassessment, or claimed refund does not exceed $2,500 for any year. This authority includes the right to settle issues on a basis favorable to the taxpayer even though contrary to nonacquiescence in court decisions, revenue rulings, or interpretations of the Service as set forth in ruling letters issued to, or technical advice memorandums concerning, the taxpayer whose case is being considered by the district conferee.

* * * * *

(l) *Small Tax Court case referred to district Audit Divisions.* In a "small tax case" (as defined in Rule 171 of the Rules of Practice and Procedure of the U.S. Tax Court) in which a district director has issued the statutory notice of deficiency, the district Audit Division (unless regional counsel decides otherwise) attempts to resolve the case after service of the petition and before referral of the case to the Appellate Division. If possible, a conference will be arranged with petitioner in an attempt to resolve the issues of the case without trial. If the case has not been resolved within 60 days after the date of service of the petition (but not later than receipt of notification of placing the case on the trial calendar), it will be referred to the Appellate Division for disposition. A "small tax case" will also be referred to the Appellate Division for disposition in the event the district Audit Division determines that its efforts to resolve the case would be unavailing, that the petition was not timely filed, that the petition does not result from a statutory notice of deficiency, that the petition is not on behalf of all taxpayers involved in the notice, or that the petition does not cover all taxable years involved in the notice.

§ 601.106 Appellate functions.

(a) *General.* (1) There is provided in each region an Appellate Division with office facilities within the region. Unless they otherwise specify, taxpayers living outside the United States use the facilities of the Washington, D.C., branch office of the Appellate Division of the Mid-Atlantic Region. Subject to the limitations set forth in subparagraphs (2) and (3) of this paragraph, the Commissioner has delegated to certain officers of the Appellate Division of each region authority to represent the regional commissioner in his exclusive and final authority for the determination of Federal income, profits, estate, gift, or Chapter 42 tax liability (whether before or after the issuance of a statutory notice of deficiency) and for the determination of employment or certain Federal excise tax liability, in any case originating in the office of any district director situated in the region or in any case in which jurisdiction has been transferred to the region, in which the taxpayer requests Appellate consideration and submits a written protest, when required, to the determination of liability made by that officer. A written protest is required if the total amount of proposed additional tax, proposed over-assessment, or claimed refund exceeds $2,500 for any taxable period; or in an offer-in-compromise, if the tax, penalty, and assessed (but not accrued) interest sought to be compromised exceeds $2,500 for any taxable period. A written protest is also required if no district conference is held regardless of the amount involved. [The Appellate Division has complete jurisdiction of every income, profits, estate, gift, or Chapter 42 tax case after the issuance of the statutory notice of deficiency, subject to the limitations provided in subparagraph (2) of this paragraph.] If the statutory notice of deficiency was issued by a district director or the Director of International Operations, the Appellate Division may waive jurisdiction to the director who issued the statutory notice during the 90-day (or 150-day) period for filing petition with the Tax Court, except where criminal prosecution has been recommended and not finally disposed of or the statutory notice includes the ad valorem fraud penalty. After the filing of a petition in the Tax Court the Appellate Division continues to have exclusive jurisdiction of the case, subject to the provisions of subparagraph (2) of this paragraph. Subject to the exceptions and limitations set forth in subparagraph (2) of this paragraph, there is also vested in the Appellate Division of the region authority to represent the regional commissioner in his exclusive authority to settle (i) all cases docketed in the U.S. Tax Court and designated for trial at any place within the territory comprising the region and (ii) all docketed cases originating in the office of any district director situated within the region or in which jurisdiction has been transferred to the region, which are designated for trial at Washington, D.C., unless the petitioner resides in and his books and records are located or can be made available) in the region which includes Washington, D.C.

(2) * * *

(iii) Eliminate the ad valorem fraud penalty in any [income, profits, estate, or gift tax case] case under jurisdiction of the Appellate Division in which the penalty has been determined by the district office in connection with a tax year or period, or which is related to or affects such year or period, for which criminal prosecution against the taxpayer (or a related taxpayer involving the same transaction) has been recommended to the Department of Justice for willful attempt to evade or defeat tax, or for willful failure to file a return, except upon the recommendation or concurrence of the [Regional Counsel] regional counsel; nor

* * * * *

(3) The authority vested in the Appellate Division does not extend to the determination of liability for any excise tax imposed by the following chapters of the 1954 Code (and the corresponding provisions of the 1939 Code): chapter 35 (relating to wagering); subchapter A of chapter 39 (relating to narcotic drugs and marihuana); subtitle E (relating to alcohol, tobacco, machine guns and certain other firearms); and subchapter D of chapter 78 (relating to certain import taxes) insofar as it relates to alcohol and tobacco. The authority vested in the Appellate Division also does not extend to determinations and/or related excise taxes involving employee plans and exempt organizations under the Employee Retirement Income Security Act of 1974.

* * * * *

(d) *Disposition and settlement of cases before the Appellate Division* * * *

(3) *Cases docketed in the Tax Court.* * * *

(iii) If the deficiency notice in a case docketed in the Tax Court was not issued by the Appellate Division and no recommendation for criminal prosecution is pending, the case will be referred by the regional counsel to the Appellate Division for settlement as soon as it is at issue in the Tax Court. However, see § 601.105(l) for "small tax case" procedure before case is referred to Appellate Division. The settlement procedure shall be governed by the following rules:

* * * * *

(g) Upon receipt of the trial calendar, the regional counsel will address an appropriate letter to the taxpayer in each case on the calendar which has not been settled, or where the file has been retained by the Appellate Division, or in which the parties are not then negotiating a stipulation of facts. [This letter will arrange or suggest a conference at an early date for the purpose of stipulating facts, as required by Rule 31(b) of the Tax Court, to clarify and, if possible, limit the issues.] This letter will arrange or suggest a conference at an early date for the purpose of stipulating facts, as required by Rule 91 of the Rules of Practice and Procedure of the U.S. Tax Court, to clarify and, if possible, limit the issues.

* * * * *

§ 601.201 Rulings and determination letters.

(a) *General practice and definitions.*

* * * * *

(2) A "ruling" is a written statement issued to a taxpayer or his authorized representative by the National Office which interprets and applies the tax laws to a specific set of facts. Rulings are issued only by the National Office. The issuance of rulings is under the general supervision of the Assistant Commissioner (Technical) and has been largely redelegated to the Director, Corporation

Tax Division and Director, Individual Tax Division. [Directors of the Income Tax Division and the Miscellaneous and Special Provisions Tax Division.] (See § 601.328 for rulings issued by the Bureau of Alcohol, Tobacco, and Firearms.)

* * * * *

(e) *Instructions to taxpayers.* * * *

(2) Each request for a ruling or a determination letter must contain a complete statement of all relevant facts relating to the transaction. Such facts include names, addresses, and taxpayer identifying numbers of all interested parties; the location of the district office that has or will have audit jurisdiction over the return or report of each party; a full and precise statement of the business reasons for the transaction; and a carefully detailed description of the transaction. In addition, true copies of all contracts, wills, deeds, agreements, instruments, and other documents involved in the transaction must be submitted with the request. However, relevant facts reflected in documents submitted must be included in the taxpayer's statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. (The term "all interested parties" is not to be construed as requiring a list of all shareholders of a widely held corporation requesting a ruling relating to a reorganization, or a list of employees where a large number may be involved in a plan.) The request must contain a statement whether, to the best of the knowledge of the taxpayer or his representative, the identical issue is being considered by any field office of the Service in connection with an active examination or audit of a tax return of the taxpayer already filed or is being considered by a branch office of the Appellate Division. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. If the request is for an advance ruling under section 367 of the Code, see Revenue Procedure 68–23, 1968–1 C.B. 821. (Revenue Procedure 68–23 contains guidelines for taxpayers and their representatives in connection with requests for rulings under section 367.) If the request is for a ruling under section 351 of the Code, see Revenue Procedure 73–10, 1973–1 C.B. 760, and Revenue Procedure 69–19, 1969–2 C.B. 301. (Revenue Procedure 73–10 sets forth the information to be included in the request for a ruling under section 351, and Revenue Procedure 69–19 sets forth the conditions and circumstances under which an advance ruling will be issued under section 367 of the Code that an agreement which purports to furnish technical know-how in exchange for stock is a transfer of property within the meaning of section 351.) If the request is for a ruling under section 332, 334 (b) (1), or 334 (b) (2) of the Code, see Revenue Procedure 73–17, 1973–2 C.B. 465. (Revenue Procedure 73–17 sets forth the information to be included in the request for a ruling under section 332, 334(b)(1), or 334(b)(2).) If the request is for a ruling under section 302 or section 311, see Revenue Procedure 73–35, 1973–2 C.B. 490. (Revenue Procedure 73–35 sets forth the information to be included in the request for a ruling under sections 302 and 311.) If the request is for a ruling under section 346 (and its related sections, 331 and 336), see Revenue Procedure 73–36, 1973–2 C.B. 496. (Revenue Procedure 73–36 sets forth the information to be included in the request for a ruling under section 346, and its related sections, 331 and 336.) Original documents should not be submitted because documents and exhibits become a part of the Internal Revenue Service file which cannot be returned. If the request is with respect to a corporate distribution, reorganization, or other similar or related transaction, the corporate balance sheet nearest the date of the transaction should be submitted. (If the request relates to a prospective transaction, the most recent balance sheet should be submitted.)

* * * * *

(8) Any request for a ruling or an opinion or determination letter that does not comply with all the provisions of this paragraph will be acknowledged, and the requirements that have not been met will be pointed out. A request for a ruling or opinion letter addressed to the district director that does not comply with the provisions of this paragraph will be returned by the district director for completion prior to sending it to the National Office. If a request for a ruling or opinion letter addressed to the Commissioner of Internal Revenue is lacking essential information, the taxpayer or his representative will be advised that if the information is not forthcoming within a reasonable time, generally 30 days, the request will be closed by issuing a closing letter. If the information is received after mailing the closing letter, the request will be reopened and treated as a new request as of the date of the receipt of the essential information. Priority treatment of such request will be granted only in rare cases upon the approval of the Division Director.

* * * * *

(11) The Director, Corporation Tax Division, has responsibility for issuing rulings in areas involving the application of Federal income tax to taxpayers; those involving income tax conventions or treaties with foreign countries; those involving depreciation, depletion, and valuation issues; and those involving the taxable status of exchanges and distributions in connection with corporate reorganizations, organizations, liquidations, etc. [The Director, Income Tax Division, has primary responsibility for issuing rulings in areas involving the application of Federal income and employment taxes and the interest equalization tax to corporate and noncorporate taxpayers (including individuals, partnerships, estates, and trusts); those involving income tax conventions or treaties with foreign countries; those involving depreciation, depletion, and valuation issues; and those involving the taxable status of exchanges and distributions in connection with corporate reorganizations, organizations, liquidations, etc.]

(12) The Director, Individual Tax Division, has responsibility for issuing rulings with respect to the application of Federal income tax to taxpayers (including individuals, partnerships, estates and trusts); areas involving the application of Federal estate and gift taxes including estate and gift tax conventions or treaties with foreign countries; areas involving certain excise taxes; the provisions of the Internal Revenue Code dealing with procedure and administration; and areas involving employment taxes. [The Director, Miscellaneous and Special Provisions Tax Division, has primary responsibility for issuing rulings with respect to organizations exempt from income tax; matters involving the qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans, the tax treatment of employees and their beneficiaries and deductions for employer contributions under such plans; areas involving the application of Federal estate and gift taxes, including estate and gift tax conventions or treaties with foreign countries; certain excise taxes; the procedure and administration provisions of the Internal Revenue Code; and matters requiring actuarial determinations.]

(13) A taxpayer or his representative desiring to obtain information as to the status of his case may do so by contacting the following offices with respect to matters in the areas of their responsibility:

Official:	*Telephone numbers (area code 202)*
Director, Corporation Tax Division [Director, Income Tax Division]	964–4504 or 964–4505.
Director, Individual Tax Division [Director, Miscellaneous and Special Provisions Tax Division]	964–3767 or 964–3788.

* * * * *

(15) The taxpayer may, within 90 days after receipt of an adverse ruling letter under section 367 of the Code, protest the adverse determination by letter to the Assistant Commissioner (Technical). The Assistant Commissioner (Technical) will establish an ad hoc advisory board to consider each protest. The Assistant Commissioner will not be a member of the board but will be present at any conference granted. Neither the Director, [Income] Corporation Tax Division, the Chief, Reorganization Branch, nor any member of their staffs will be a member of the board. However, the Director, Corporation [Income] Tax Division, and Chief, Reorganization Branch, will be either present or represented by any conference granted. The board will consider all materials submitted in writing by the taxpayer and oral arguments presented

at the conference. Whether or not a conference is granted, all protests will be considered by the board, which will make its recommendation to the Assistant Commissioner (Technical) for his decision. The specific procedures to be used by a taxpayer in protesting an adverse ruling letter under section 367 of the Code will be published from time to time in the Internal Revenue Bulletin (see, for example, Rev. Proc. 73–5, I.R.B. 1973–8, 37).

* * * * *

(t) *Alternative method of depletion.*— (1) *In general.* Section 1.613–4(d) (1) (i) of the regulations, adopted by T.D. 7170, March 10, 1972, provides that in those cases where it is impossible to determine a representative market or field price under the provisions of § 1.613–4(c), gross income from mining shall be computed by use of the proportionate profits method set forth in § 1.613–4(d) (4).

(2) *Exception.* An exception is provided in § 1.613–4(d) (1) (ii) where, upon application, the Office of the Assistant Commissioner (Technical) approves the use of an alternative method that is more appropriate than the proportionate profits method or the alternative method being used by the taxpayer.

(3) *Procedure.* The procedure for making application for approval to compute gross income from mining by use of an alternative method, other than the proportionate profits method; the conditions for approval and use of an alternative method; changes in an approved method; and other pertinent information with respect thereto, will be published from time to time in the Cumulative Bulletin (see, for example, Rev. Proc. 74–43, 1974–2 C.B. 496).

§ 601.204 Changes in accounting periods and in methods of accounting.

(a) *Accounting periods.* A taxpayer who changes his accounting period shall, before using the new period for income tax purposes, comply with the provisions of the income tax regulations relating to changes in accounting periods. In cases where the regulations require the taxpayer to secure the consent of the Commissioner to the change, the application for permission to change the accounting period shall be made on Form 1128 and shall be submitted to the Commissioner of Internal Revenue, Washington, D.C. 20224, within the period of time prescribed in such regulations. See section 442 of the Code and regulations thereunder. If the change is approved by the Commissioner, the taxpayer shall thereafter make his returns and compute his net income upon the basis of the new accounting period. A request for permission to change the accounting period will be considered by the Corporation Tax Division. However, in certain instances, Form 1128 may be filed with the Director of the Internal Revenue Service Center in which the taxpayer files its return. See, for example, Rev. Proc. 66–13, 1966–1 C.B. 626; Rev. Proc. 66–50, 1966–2 C.B. 1260, and Rev. Proc. 68–41, 1968–2 C.B. 943. With respect to partnership adoptions, see § 1.706–1(b) of the Income Tax Regulations. [A request for permission to change the accounting period will be considered by the Income Tax Division.]

(b) *Methods of accounting.* A taxpayer who changes the method of accounting employed in keeping his books shall, before computing his income upon such method for purposes of income taxation, comply with the provisions of the income tax regulations relating to changes in accounting methods. The regulations require that, in the ordinary case, the taxpayer secure the consent of the Commissioner to the change. See section 446 of the Code and the regulations thereunder. Application for permission to change the method of accounting employed shall be made on Form 3115 and shall be submitted to the Commissioner of Internal Revenue, Washington, D.C., 20224, within 180 days after the beginning of the taxable year in which it is desired to make the change. Permission to change the method of accounting will not be granted unless the taxpayer and the Commissioner agree to the terms and conditions under which the change will be effected. The request will be considered by the Corporation Tax Division. However, in certain instances, Form 3115 may be filed with the Director of the Internal Revenue Service Center. See, for example, Rev. Proc. 74–11, 1974–1 C.B. 420. [The request will be considered by the Income Tax Division. However, in certain instances, Form 3115 may be filed with the District Director of Internal Revenue. See, for example, Rev. Proc. 64–51, C.B. 1964–2, 1003, and Rev. Proc. 67–40, C.B. 1967–2, 674.]

(c) *Verification of changes:* Written permission to a taxpayer by the National Office consenting to a change in his annual accounting period or to a change in his accounting method is a "ruling." Therefore, in the examination of returns involving changes of annual accounting periods and methods of accounting, district directors must determine whether the representations upon which the permission was granted reflect an accurate statement of the material facts, and whether the agreed terms, conditions, and adjustments have been substantially carried out as proposed. An application, Form 3115, filed with the [District Director of Internal Revenue] Director of the Internal Revenue Service Center is also subject to similar verification.

§ 601.401 Employment taxes.

* * * * *

(d) *Special refunds of employee social security tax.* (1) * An employee who receives wages from more than one employer during a calendar year may, under certain conditions, receive a "special refund" of the amount of employee social security tax (*i.e.*, employee tax under the Federal Insurance Contributions Act) deducted and withheld from wages that exceed the following amounts: calendar years 1968 through 1971, $7,800; calendar year 1972, $9,000; calendar year 1973, $10,800; calendar year 1974, $13,200 [$12,000]; calendar years after 1974, an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) effective with respect to that year. [When an employee receives wages from more than one employer during a calendar year, amounts may be deducted and withheld as employee social security tax (i.e., employee tax under the Federal Insurance Contributions Act) based on wages in excess of $7,800 ($6,600 for calendar years 1966 and 1967). Under certain conditions, the employee may receive a so-called "special refund" of the amount of employee social security tax deducted and withheld from wages in excess of such amount.] An employee who is entitled to a special refund of employee tax with respect to wages received during a calendar year, and who is required to file an income tax return for such calendar year (or for his last taxable year beginning in such calendar year), may obtain the benefits of such special refund only by claiming credit for such special refund on such income tax return in the same manner as if such special refund were an amount deducted and withheld as income tax at source on wages.

* * * * *

§ 601.402 Sales taxes collected by return.

(a) *General.* Sales taxes collected by return include the following:

(1) The retailers excise taxes, imposed by chapter 31 of the Code, with respect to:

Diesel fuel;
Special motor fuels;
Noncommercial aviation fuel.

(2) The manufacturers excise taxes, imposed by chapter 32 of the Code, with respect to the following items:

(i) Motor vehicles and related items: Certain heavy-duty trucks, buses, trailers, truck parts and accessories; tires, tubes, and tread rubber; gasoline and lubricating oil.

(ii) Recreational equipment:

[Fishing rods, creels, and reels;
Artificial lures, baits and flies;
Pistols and revolvers;
Other firearms, shells, and cartridges.]

Fishing rods, creels, and reels;
Artificial lures, baits and flies;
Bows and arrows;
Pistols and revolvers;
Other firearms, shells, and cartridges.

* * * * *

(e) *Registration and bonding requirements.* * * *

(3) Every importer of [foreign cars,] trucks, buses, etc., taxable under chapter 32 of the Code must make application to the district director for the district in which he will file returns of the tax for

* This sentence, as unchanged, was inserted in § 601.401(d) (1) in lieu of the first two sentences (in brackets) by an amendment published in the Federal Register on March 7, 1974, and does not yet appear in the bound volume of the Code of Federal Regulations. As indicated, the current amendments change the $12,000 amount in this sentence to $13,200.

a determination whether he is required to give bond securing the payment of the tax on his sales of such commodities. Detailed instructions as to the information required to be included in the application and the procedure to be followed by the importer are set forth in the applicable regulations. Form 3006 has been prescribed for the convenience of importers and may be obtained from the district director.

§ 601.403 Miscellaneous excise taxes collected by return.

(a) *General.* Miscellaneous excise taxes collected by return include the following:

* * * * *

[(9) *Interest equalization.* Chapter 41 of the Code imposes (subject to specified exemptions) a tax on the acquisition by United States persons of foreign securities from a foreign person. The tax became effective July 19, 1963.]

(9) [(10)] *Hydraulic mining.* The act entitled "An Act to create the California Debris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893, as amended (33 U.S.C. 661–687), imposes a tax with respect to certain hydraulic gold mining in the State of California.

(10) [(11)] *Investment Income.* Under chapter 42 of the Code a tax of 4 percent is imposed each taxable year on the net investment income of a domestic private foundation which is exempt from tax under section 501(a).

* * * * *

§ 601.504 Requirement for execution, attestation, acknowledgment or witnessing, and certification of copies, of power of attorney and tax information authorization.

* * * * *

(b) *Execution of a power of attorney or a tax information authorization*—(1) *Ordinary cases.* A power of attorney or a tax information authorization must be executed as follows:

* * * * *

(ii) *Husband and Wife.* In the case of any taxable year for which a joint return was made by husband and wife, by both husband and wife except that either spouse may sign for the other if such signature is duly authorized in writing by the other spouse; however, an execution of a power of attorney or a tax information authorization for purposes of inspecting a joint income tax return may be made by either the husband or the wife. See § 301.6103 (a)–(1) (c) (iii) of the Regulations on Procedure and Administration (26 CFR Part 301). [*Husband and wife.* In the case of any taxable year for which a joint return was made by husband and wife, by both husband and wife except that either spouse may sign for the other if such signature is duly authorized in writing by the other spouse.]

* * * * *

§ 601.601 Rules and regulations.

(a) *Formulation.* (1) Internal revenue rules [or alcohol, tobacco, and firearms rules] take various forms. The most important rules are issued as regulations and Treasury decisions prescribed by the Commissioner [or the Director, Bureau of Alcohol, Tobacco, and Firearms, as applicable,] and approved by the Secretary or his delegate. Other rules may be issued over the signature of the Commissioner [or the Director, as applicable,] or the signature of any other official to whom authority has been delegated. [The channeling of rules varies with the circumstances.] Regulations and Treasury decisions, [except those relating to alcohol, tobacco, and certain firearms,] are prepared in the Office of the Chief Counsel. [Alcohol, tobacco, explosives, and certain firearms regulations and Treasury decisions are prepared in the Office of the Regulations and Procedures Division and reviewed in the Office of the Chief Counsel, Bureau of Alcohol, Tobacco, and Firearms.] After approval by the Commissioner [or the Director], [as applicable (and, in the case of regulations relating to narcotics and certain regulations relating to alcohol and tobacco taxes, the approval of the Commissioner of Narcotics or the Commissioner of Customs, as the case may be),] regulations and Treasury decisions are forwarded to the Secretary or his delegate for further consideration and final approval.

(2) Where required by 5 U.S.C. 553 and in such other instances as may be desirable, the Commissioner [or the Director, as applicable,] publishes in the FEDERAL REGISTER general notice of proposed rules (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law). This notice includes (i) a statement of the time, place, and nature of public rulemaking proceedings; (ii) reference to the authority under which the rule is proposed; and (iii) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(d) *Publication of rules and regulations.* * * *

(2) *Objectives and standards for publications of Revenue Rulings and Revenue Procedures in the Internal Revenue Bulletin.* * * *

(iv) * * *

[(e) Acceptability under the law and regulations of containers, labels, and advertising involving alcoholic beverages or tobacco products;]

[(f) Tobacco operations, such as the disposition of abandoned, seized, or condemned tobacco products;]

(e) [(g)] Informers and informers' rewards;

(f) [(h)] Disclosure of secret formulas, processes, business practices, and other similar information.

* * * * *

[(3) All Bureau of Alcohol, Tobacco and Firearms regulations and Treasury decisions are published in the FEDERAL REGISTER and in the Code of Federal Regulations. The Treasury decisions are also published in the monthly Alcohol, Tobacco and Firearms Bulletin. The Alcohol, Tobacco and Firearms Bulletin is the authoritative instrument of the Director, Bureau of Alcohol, Tobacco and Firearms, for announcing official rulings and procedures of the Bureau and for publishing Treasury decisions, legislation, administrative matters, and other items of general interest. The Bulletin incorporates, into one publication, all matters of the Bureau which are of public record. It is the policy of the Bureau to publish in the Bulletin all substantive rulings necessary to promote a uniform application of all laws administered by the Bureau as well as all rulings that supersede, revoke, modify or amend any of those previously published in the Bulletin (including those published prior to July 1, 1972, in the Internal Revenue Bulletin). Procedures relating solely to matters of internal management are not published; however, industry regulations appearing in internal management documents and statements of internal practices and procedures that affect the rights and duties of the public are published. Rulings and procedures reported in the Bulletin do not have the force and effect of Treasury Department Regulations, but they may be used as precedents. In applying published rulings and procedures, the effect of subsequent legislation, regulations, court decisions, rulings, and procedures must be considered. Concerned parties are cautioned against reaching the same conclusions in other cases unless the facts and circumstances are substantially the same. The Bulletin is published monthly and may be obtained from the Superintendent of Documents on a subscription basis. Bulletin contents of a permanent nature are consolidated each calendar year into cumulative issues, which are sold on a single-copy basis.]

* * * * *

§ 601.602 Forms and instructions.

(a) *Tax return forms and instructions.* Forms and instructions are developed by the Internal Revenue Service [and the Bureau of Alcohol, Tobacco, and Firearms] to explain the requirements of the internal revenue laws and regulations administered by the Internal Revenue Service and are issued for the assistance of taxpayers in exercising their rights and discharging their duties under the internal revenue laws. All internal revenue taxes which are not collected by stamps are assessed and collected through the self-determination and self-application of the law and the regulations by taxpayers. The tax return forms are the instruments through which this is accomplished.

(b) *Other forms and instructions.* In addition to the forms and instructions for the return of internal revenue taxes, the Internal Revenue Service [and the Bureau of Alcohol, Tobacco, and Firearms] provides other necessary or appropriate forms for assisting the public in complying with the technical requirements of the internal revenue laws and regulations administered by the Internal Revenue Service. The material contained in the forms and instructions, and the arrangements thereof, is carefully con-

sidered and is designed to lead the taxpayer step-by-step through an orderly accumulation of data to an accurate report of the information required.

(c) *Procurement of forms and instructions.* Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from district directors or directors of service centers [or where appropriate, from regional directors, Bureau of Alcohol, Tobacco, and Firearms.] Descriptions of many of the forms and publications of the Internal Revenue Service [or the Bureau of Alcohol, Tobacco, and Firearms] for public use are contained in [Publication No. 480, Alcohol, Tobacco and Firearms Public Use Forms and] Publication No. 481, *Description of Principal Federal Tax Returns, Related Forms, and Publications* and Publication 676, *Catalogue of Forms, Form Letters, Notices.* Publication Nos. 481 and 676 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. [Publication No. 480 and] Publication No. 481 may be purchased from the Superintendent of Documents, U.S. Government Printing Office. Washington, D.C. 20402.

[FR Doc.76-13672 Filed 5-10-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 648-76]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

BUREAU OF PRISONS

Delegation of Authority To Prescribe Rules and Regulations Relating to Firearms

This order delegates to the Director of the Bureau of Prisons the authority of the Attorney General under 18 U.S.C. 3050 to prescribe rules and regulations relating to the carrying of firearms by officers and employees of the Bureau of Prisons.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Section 0.96 of Subpart Q of Part O of Chapter I of Title 28, Code of Federal Regulations, is amended by adding a new paragraph (s) at the end thereof, to read as follows:

§ 0.96 Delegations.

* * * * *

(s) Prescribing rules and regulations applicable to the carrying of firearms by Bureau of Prisons officers and employees. (18 U.S.C. 3050).

Dated: May 4, 1976.

EDWARD H. LEVI,
Attorney General.

[FR Doc.76-13571 Filed 5-10-76;8:45 am]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

[Army Reg. 340-21]

PART 505—PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

Implementation

Correction

In FR Doc. 75-32158 appearing at page 55551 in the issue for Friday, November 28, 1975, and corrected at page 1286 in the issue for Wednesday, January 7, 1976, the text starting in the center column of page 55566 headed "Exempted Record Systems" and running through the 45th line reading "Records' is claimed for exemption." in the center column of page 55572 should be deleted.

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Gateway National Recreation Area, New York and New Jersey Off-Road Vehicle Use

On January 20, 1976 there was published in the FEDERAL REGISTER (41 FR 2826) a notice of proposed rulemaking to provide for control of the off-road use of motor vehicles within Gateway National Recreation Area. Interested parties were given the opportunity to submit, not later than February 19, 1976, written comments, suggestions, or objections regarding the proposed rules.

No unfavorable comments have been received and the proposed regulations are hereby adopted without change by adding section 7.29 to Part 7 of Title 36 of the Code of Federal Regulations as set forth below.

Effective date: June 10, 1976.

RAYMOND L. FREEMAN,
Acting Associate Director,
National Park Service.

§ 7.29 Gateway National Recreation Area.

(a *Operation of motor vehicles.* The operation of motor vehicles, other than authorized emergency vehicles, is prohibited outside of established public roads and parking areas, except on beaches and oversand routes designated by the Superintendent by the posting of appropriate signs and identified on maps available at the office of the Superintendent. These beaches and routes will be designated after consideration of the criteria contained in sections 3 and 4 of E.O. 11644, (37 FR 2877) and § 4.19(b) of this Chapter.

(b) *Off-road vehicle operation.* (1) Operation of motor vehicles, (including the various forms of vehicles used for travel oversand, such as but not limited to, "beach buggies") on beaches or on designated oversand routes without a permit from the Superintendent is prohibited. Before a permit will be issued, each vehicle will be inspected to assure that it contains the following equipment which must be carried in the vehicle at all times while on the beaches or on the designated oversand routes:

(i) Shovel;
(ii) Jack;
(iii) Tow rope or chain;
(iv) Board or similar support;
(v) Low pressure tire gauge.

Prior to the issuance of such permits, operators must show compliance with Federal and State regulations and applicable to licensing, registering, inspecting, and insuring of such vehicles. Such permits shall be affixed to the vehicles as instructed at the time of issuance.

(2) Driving off designated, marked oversand routes or beaches is prohibited.

(3) Vehicles shall not be parked in designated oversand routes or interfere with moving traffic.

(4) When the process of freeing a vehicle which has been stuck results in ruts or holes, the ruts or holes shall be filled by the operator of such vehicle before it is removed from that area.

(5) The operation of a motorcycle on an oversand vehicle route or beach is prohibited.

(6) The Superintendent may establish limits on the number of oversand vehicles permitted on designated oversand routes and beaches when such limitations are necessary in the interest of public safety, protection of the ecological and environmental values of the area, coordination with other visitor uses.

[FR Doc.76-13574 Filed 5-10-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL-529-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama: Revised Emission Limits for Portland Cement Plants

On July 24, 1975 (40 FR 30982), notice was given of Alabama's proposal to revise its approved implementation plan by changing the emission limits applicable to Portland cement plants. The revised limits were adopted by the Alabama Air Pollution Control Commission on April 22, 1975, after notice and public hearing and were submitted for the Agency's approval on June 4, 1975. Copies of the materials submitted by the State were made available at the Agency's Region

IV office in Atlanta, Georgia and at the office of the Alabama Air Pollution Control Commission in Montgomery. The public was invited to comment on the proposed revision, but no comments were received. The purpose of the present notice is to announce the Administrator's approval of this revision.

Under the original particulate control strategy of the Alabama plan, Portland cement plants were regulated by the process weight regulations (Part 4.4) of the State's air pollution control regulations. Since the application of these rules to certain new and existing sources would have the effect of requiring them to meet emission limits more stringent than those set forth in the Agency's New Source Performance Standards (NSPS) for this category of sources, the State has added specific regulations to govern particulate emissions from cement plants. These new regulations, Part 4.11 of the Alabama regulations, exempt new facilities in this category—as well as existing sources with a process weight rate greater than 88.7 tons per hour—from Part 4.4, and make them subject to emission limits which are identical to those contained in the NSPS for Portland Cement Plants (40 CFR 60.62(a)(1) and 60.62(b)(1)): (a) kiln emissions—0.30 pounds per ton of feed to the kiln, maximum two-hour average; and (b) clinker cooler emissions—0.10 pounds per ton of feed to the kiln, maximum two-hour average.

Since these changes do not affect any existing facility, the State did not submit a revised particulate control strategy to support their approval. Copies of the evaluation statement prepared by the Agency in connection with the present revision and copies of the revision itself are available for public inspection during normal business hours at the following locations:

Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104.

The Administrator has determined that implementation of the present revision will not interfere with the attainment and maintenance of the national ambient air quality standards, and it is hereby approved.

This action is effective immediately. The Administrator finds that good cause for making his action immediately effective in that the revision affects no existing facilities, and thus imposes no additional burden on anyone.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: April 30, 1976.

JOHN QUARLES,
Acting Administrator.

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

In § 5250 paragraph (c) is amended by adding subparagraph (12) as follows:

§ 52.50 Identification of plan.

* * * * *

(c) * * *

(12) Revised limits on particulate emissions from Portland cement plants, submitted on June 4, 1975, by the Alabama Air Pollution Control Commission.

* * * * *

[FR Doc.76-13540 Filed 5-10-76;8:45 am]

[FRL 538-8; PP6F1653/R92]

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

Picloram

On August 22, 1975, notice was given (40 FR 36798) that Dow Chemical Co., PO Box 1706, Midland MI 48640, had filed a petition (PP 6F1653) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.292 be amended by establishing tolerances for residues of the herbicide picloram [4-amino-3,5,6-trichloropicolinic acid] in or on the following raw agricultural commodities: green forage and straw of wheat, barley and oats at 1 part per million (ppm); grain of wheat, barley and oats at 0.5 ppm; eggs, and the meat, fat, and meat byproducts of poultry at 0.05 ppm; kidney of hogs and horses at 5 ppm; liver of hogs and horses at 0.5 ppm; and the meat, fat, and byproducts (except kidney and liver) of hogs and horses at 0.2 ppm. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the tolerances should be established as proposed. The pesticide is considered useful for the purpose for which the tolerances are sought. The tolerance already established and those established by this amendment are adequate to cover residues resulting in milk and the meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry and sheep. The tolerances established by amending 40 CFR 180.292 will protect the public health.

Any person adversely affected by this regulation may, on or before June 10, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and specify 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 May 11, 1976, Part 180, Subpart C, Section 180.292, is amended as set forth below.

Dated: May 5, 1976.

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

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

Section 180.292 is amended and revised as follows.

Tolerances are established for residues of the pesticide picloram (4-amino-3,5,6-trichloropicolinic acid) from its application in the acid form or in the form of its potassium, triethylamine, or triisopropanolamine salts expressed as picloram in or on the following raw agricultural commodities:

* * * * *

§ 180.292 Picloram; tolerances for residues.

Commodity:	*Parts per million*
Barley, grain	0.5
Barley, green forage	1
Barley, straw	1
Cattle, fat	0.2
Cattle, kidney	5
Cattle, liver	0.5
Cattle, mbyp (exc kidney & liver)	0.2
Cattle, meat	0.2
Eggs	0.05
Goats, fat	0.2
Goats, kidney	5
Goats, liver	0.5
Goats, mbyp (exc kidney & liver)	0.2
Goats, meat	0.2
Grasses, forage	80
Hogs, fat	0.2
Hogs, kidney	5
Hogs, liver	0.5
Hogs, mbyp (exc kidney & liver)	0.2
Hogs, meat	0.2
Horses, fat	0.2
Horses, kidney	5
Horses, liver	0.5
Horses, mbyp (exc kidney & liver)	0.2
Horses, meat	0.2
Milk	0.05
Oats, grain	0.5
Oats, green forage	1
Oats, straw	1
Poultry, fat	0.05
Poultry, mbyp	0.05
Poultry, meat	0.05
Sheep, fat	0.2
Sheep, kidney	5
Sheep, liver	0.5
Sheep, mbyp (exc kidney & liver)	0.2
Sheep, meat	0.2
Wheat, grain	0.5
Wheat, green forage	1
Wheat, straw	1

* * * * *

[FR Doc.76-13698 Filed 5-10-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-3—PROCUREMENT BY NEGOTIATION

Small Purchase Methods

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

It is the general policy of the Department of the Interior to allow time for interested persons to participate in the rulemaking process. However, the amendments herein are administrative procedures concerning the oral ordering and C.O.D. methods of making small

purchases within the Department. Because the amendments are entirely administrative in nature, the public rulemaking process is waived in this instance and the amendments stated herein are effective immediately.

Dated: May 4, 1976.

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

1. The table of Contents of Subpart 14–3.6 is amended by adding new §§ 14–3.650, 14–3.650–1, and 14–3.650–2 as follows:

Subpart 14–3.6—Small Purchases

Sec.
14–3.650 Small purchase methods.
14–3.650–1 Oral ordering method.
14–3.650–2 C.O.D. method.

2. Subpart 14–3.6 is amended by adding new §§ 14–3.650, 14–3.650–1, and 14–3.650–2 as follows:

Subpart 14–3.6—Small Purchases

§ 14–3.650 Small purchase methods.

This section sets forth policies and procedures for small purchase methods which may be used by authorized personnel in procuring activities in addition to the small purchase methods contained in Subpart 1–3.6 of this title. These policies and procedures are designed to expedite small purchases, simplify purchase methods, reduce administrative costs, improve opportunities and lessen paperwork for small business concerns, and reduce costly and time consuming administrative processes.

§ 14–3.650–1 Oral ordering method.

The oral ordering method is designed to permit ordering of supplies by authorized procurement personnel, using a requisition form for record purposes, and for delivery by the vendor without the issuance of a confirming written purchase order.

(a) *Criteria.* The oral ordering method may be used when all of the following conditions exist:

(1) The authorized procurement official (purchasing agent, procurement clerk, procurement specialist, etc.) determines that the oral order is the most appropriate method of purchase.

(2) The number of line items is small (six or less) and the total amount of the purchase will not exceed $5,000. Orders aggregating more than $5,000 may not be broken down into several orders which are less than $5,000 merely for the purpose of using the oral order method authorized under this § 14–3.650–1.

(3) Reasonable competition can be obtained and quotation information is documented as required by § 1–3.603 of this title.

(4) A written purchase order is not required by the procuring activity, and the vendor is willing to furnish the supplies without a written confirming purchase order.

(5) Detailed specifications or complicated terms and conditions are not required or used.

(6) The purchase requirement is not for services, except that minor office machine repairs and work of a similar nature may be procured by oral order method in amounts not to exceed $250.

(b) *Procedures.* The procedures used by purchasing offices shall be subject to the criteria set forth in paragraph (a) of this § 14–3.650–1 and the following instructions:

(1) The regular requisition form of the procuring activity shall be used to initiate and document such oral order transactions provided it is also identified as an oral order.

(2) Instructions beyond those provided in this § 14–3.650–1 to meet the individual requirements of purchasing offices for documentation and distribution of requisition copies for fund obligation, receipt and recording of deliveries, procuring office records, and processing of payments by the fiscal office, shall be provided by the procuring activity.

(3) Appropriate internal procedures shall be adopted by the procuring activity for determining and recording the oral order number and date, item descriptions, quantity, unit, unit price, amount, trade discount, f.o.b. point, delivery time, invoice terms, delivery point, and, when applicable, the method of shipment.

(4) Multiple oral orders utilizing one requisition shall require separate documentation for each order.

(5) Vendors shall be given complete instructions concerning the procedure and specific instructions on invoicing procedures for each oral order transaction.

(6) Receipt of deliveries including partial deliveries and complete shipments shall be properly documented. Partial deliveries and discrepancies in shipments shall be reported to, and coordinated by, the purchasing agent, and except under unusual circumstances, should be documented and handled in the same manner as written orders.

§ 14–3.650–2 C.O.D. method.

The collect-on-delivery (C.O.D.) method is a combination of the oral ordering method described in § 14–3.650–1 of this chapter and the imprest funds (petty cash) method prescribed in § 1–3.604 of this title. It is authorized by § 1–3.604–4 of this title and is designed to permit oral ordering of supplies by authorized procurement personnel, using the requisition form of the procuring activity for record purposes; shipment by the vendor without the issuance of a written confirming purchase order; and payment from imprest funds by the purchasing office at the time of delivery. This method can be particularly useful when purchasing from vendors that are located outside the local supply area.

(a) *Criteria.* The C.O.D. method may be used when all of the following conditions exist:

(1) The authorized purchasing agent determines that the C.O.D. method is the most appropriate method of purchase.

(2) Imprest funds are available at the purchasing office to make payment for the supplies at the time of delivery. limitations prescribed or otherwise authorized under § 1–3.604–5 of this title.

(4) A determination is made and documented at the time of purchase that the price is reasonable, as set forth in § 1–3.603–1 of this title, when competition is not required.

(5) A written purchase order is not required by the procuring activity and the vendor is willing to furnish the supplies on a C.O.D. basis without a written confirming purchase order.

(6) Detailed specifications or complicated terms and conditions are not required or used.

(7) The purchase requirement is not for services, except that minor office machine repairs and work of a similar nature may be procured by this method within the limits set forth in § 1–3.604–5 of this title.

(b) *Procedures.* The procedures used by purchasing offices shall be subject to the criteria set forth in paragraph (a) of this § 14–3.650–2 and the following instructions:

(1) The regular requisition form of the procuring activity shall be used to document such C.O.D. transactions, provided it is also identified as a C.O.D. order.

(2) Instructions beyond those provided in this § 14–3.650–2 to meet the individual requirements of purchasing offices for documentation and distribution of requisition copies for receipt and recording of deliveries and procuring office records, shall be provided by the procuring activity. Documentation for fund obligation and fiscal purposes is accomplished through the normal imprest fund procedures.

(3) Appropriate internal procedures shall be adopted by the procuring activity for determining and recording the C.O.D. order number and date, item descriptions, quantity, unit, unit price, amount, trade discount, delivery time, delivery point, and, when applicable, the method of shipment. A C.O.D. order register shall be established to provide separate control of these orders.

(4) Multiple C.O.D. orders utilizing one requisition will require separate documentation for each order.

(5) Vendors shall be given complete instructions concerning the C.O.D. ordering method and specific instructions to include with each C.O.D. shipment a priced packing list or invoice.

(6) Receipt of deliveries, including partial deliveries and complete shipments shall be properly documented. Partial deliveries and discrepancies in shipments shall be reported to, and coordinated by, the purchasing agent.

(7) Payment shall be made from the imprest fund at the time of delivery. The imprest fund voucher number shall be recorded on the requisition document and the packing list or invoice which accompanies the shipment. All other requirements for payments from imprest funds shall be observed.

[FR Doc.76–13612 Filed 5–10–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20637; FCC 76-376]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

Frequency Loading Criteria for Intra-Urban Passenger Motor Carriers in the 470–512 MHz Band

1. On December 2, 1975, we released a Notice of Proposed Rule Making (FCC 75-1286, 40 FR 57369) in which we proposed to increase the loading standard for intra-urban passenger motor carriers (primary busses) licensed in either the Business Radio Service or the Local Government Radio Service to 150 mobile units per frequency pair in the 470–512 MHz frequency band. Transit systems may be licensed in the Local Government Radio Service, if they are operated by governmental entities, or in the Business Radio Service if they are commercial enterprises, in lieu of being licensed in the Motor Carrier Radio Service. The loading level of 150 units currently applies to these carriers which are licensed in the Motor Carrier Radio Service, and it was our intention, when we adopted that level, to apply it to all intra-urban passenger motor carriers regardless of the radio service in which the licensee might establish his eligibility. However, we inadvertently amended only the rules governing the Motor Carrier Radio Service, resulting in different loading levels for carriers licensed in different radio services. This has caused confusion and uncertainty as to the correct loading standard to be applied. Consequently, we initiated this proceeding to remove this uncertainty and conform to our original intention.

2. The time for comments on the proposed rules has elapsed; no comments have been received. Accordingly, we are adopting the amendments as originally proposed.

3. In view of the foregoing, it is ordered, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that effective June 10, 1976, Parts 89 and 91 of the Commission's Rules and Regulations are amended as set forth in the Appendix. It is further ordered, That this proceeding is terminated.

Adopted: April 27, 1976; Released: May 6, 1976.

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

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

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

§ 89.123 Frequencies in the band 470–512 MHz.

* * * * *

(c) * * *

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

* * * * *

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

§ 91.114 Frequencies in the band 470–512 MHz.

* * * * *

(f) * * *

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

* * * * *

[FR Doc.76-13673 Filed 5-10-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Corrected Amendment No. 2 to Service Order No. 1238]

PART 1033—CAR SERVICE

Certain Railroads Directed To Operate Portions of Lines Formerly Operated by Railroads in Bankruptcy

MAY 6, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 3rd day of May, 1976.

Upon further consideration of Service Order No. 1238 (40 F.R. 14520 and 15848), and good cause appearing therefor:

It is ordered, That: § 1033.1238 Service Order 1238 (*Certain Railroads Directed to Operate Portions of Lines formerly operated by Railroads in Bankruptcy*) Corrected Second Revised Appendix A to Service Order No. 1238 be, and it is hereby, substituted for Second Revised Appendix A thereof.

Effective date. This amendment shall become effective at 12:01 a.m., May 4, 1976.

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Interprets and applies Sec. 304 of Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 744); Public Laws 93-236 and 94-210.)

By the Commission, Railroad Service Board, Members, Lewis R. Teeple, Thomas J. Byrne, and William J. Love. Member Thomas J. Byrne not participating.

[SEAL] ROBERT L. OSWALD,
Secretary.

Service order No. 1238, corrected second revised appendix A

Line description USRA No.	From	To	Designated operator	Former operator	Person offering rail service continuation payment
442	Mackinaw City, Mich.	St. Ignace, Mich.	Soo Line R.R. Co.	Mackinaw Transportation Co.	State of Michigan.
		Effective 12:01 a.m., Apr. 1, 1976.			
533/534/534a	Celina, Ohio, M.P. 127.3.	Celina, Ohio, M.P. 125.8.	Norfolk and Western Ry. Co.	PC	State of Ohio.
		Effective 12:01 a.m., Apr. 15, 1976			
924	Rupert, Pa. M.P. 147.1.	Milton, Pa. M.P. 169.0.	Consolidated Rail Corp.	RDG	State of Pennsylvania.
		Effective 12:01 a.m., May 4, 1976.			

NOTES

Definitions: PC=Penn Central Transportation Co., Robert W. Blanchette, Richard C. Bond, and John H. McArthur, trustees; RDG=Reading Co., Andrew L. Lewis, Jr., and Joseph L. Castle, trustees.
Revised May 3, 1976.
[1] Correction of railroad name.

[FR Doc.76-13678 Filed 5-10-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

State Cooperative Agreements

On March 15, 1976, the Service proposed a number of amendments to the regulations for Endangered and Threatened wildlife found in Part 17, Chapter I, Title 50, Code of Federal Regulations (41 F.R. 10912). This proposal was necessitated by the implementation of the Service's Cooperative Agreement program with the States and included additional amendments designed to correct various clerical errors in the original final rulemaking for Part 17, published on September 26, 1975 (40 F.R. 44412). With the changes noted in this preamble, this rulemaking adopts the original proposal which will be effective May 15, 1976.

Background. On September 26, 1975, the Service published a rulemaking on Part 17 which revised the regulatory procedures implementing the Endangered Species Act of 1973 (hereinafter the Act) (40 F.R. 44412). This rulemaking contained provisions concerning the Act's prohibitions: the issuance of permits and other exceptions to those prohibitions; the maintenance and amendment of the List of Endangered and Threatened Species; the listing of species under the "similarity of appearance" provision; and the establishment of provisions for the determination of "captive, self-sustaining populations" of Endangered animals. This rulemaking also removed the American alligator in three Louisiana parishes from the list of Endangered Species, and based upon the "similarity of appearance" provision, treats it as a Threatened Species.

Since publication, some clerical errors and ambiguities in the regulations have been identified. Amendment number 1, below, concerns the inaccurate common name listing for the Santa Cruz Long-toed Salamander in § 17.11 on page 44422 of the FEDERAL REGISTER. The present common name listing refers to the "Santa Cruz Longtailed Salamander." Amendment number 1 corrects this misnomer.

Section 17.40(b) sets forth the special rules concerning the taking and commerce prohibitions regarding the grizzly bear. In particular, § 17.40(b)(1)(i)(E) authorizes the hunting of grizzly bears in limited circumstances: "If it is not contrary to the laws and regulations of the State of Montana, a person may hunt grizzly bears in the Flathead National Forest, the Bob Marshall Wilderness Area and the Mission Mountains Primitive Area of Montana: Provided, That if in any year in question, 25 grizzly bears have already been killed for whatever reason in that part of Montana, including the Bob Marshall Wilderness Area and the Mission Mountains Primitive Area * * *." Since the grizzly bear can be hunted in the Flathead National Forest, that Forest was intended to be included within the overall area subject to the annual quota of 25 bears. The Flathead National Forest was erroneously omitted from the quota area and part of amendment number 2 remedies this omission.

Three other subsections of § 17.40(b) allow "Federal or State employees" to take and import grizzly bears for scientific or research purposes. §§ 17.40(b)(1)(D); (ii)(B), and (iii)(A)(1). It has been argued that this language exempts a potentially broader category of people from the taking requirements than was intended. Only those State or Federal employees whose jobs are related or connected with wildlife management were intended to be exempted. The latter part of amendment number 2, below, clarifies this situation by inserting the word "authorized" before "federal or state employees."

The Service recognizes that many scientific or conservation programs, such as bird banding, require the repetitive handling and taking of listed species over an extended period of time. Rather than requiring a permit application for each anticipated taking, the Service has developed a flexible concept of permits in which one permit could authorize a series of transactions over a period of time. This concept is set forth for Threatened Species in the following language in § 17.32: "Such permits may authorize a single transaction, a series of transactions, or activities over a specified period of time." Amendment number 3, below, incorporates this flexible approach into § 17.22 for Endangered Species.

In addition to the above amendments to Part 17, the Service proposed a substantive amendment to § 17.21 which would incorporate the State Cooperative Agreement programs, authorized pursuant to section 6(c) of the Act, into the prohibition provisions for Endangered Species. Section 6(c) authorizes the Director to enter into a Cooperative Agreement with a State which has established an "adequate and active" program for the conservation of Endangered and Threatened Species. Such a finding requires the satisfaction of the criteria set forth in subsections 6(c)(1) through (5) of the Act, pertaining to the adequacy of the State's authorities for law enforcement, research, habitat acquisition and conservation programs. Each State must submit extensive documentation of these authorities to the Service. Only after a careful review of the submitted information will the Service certify or reject the "adequacy and activeness" of a State's Endangered and Threatened Species conservation program.

It is the opinion of the Service that upon the approval of a State's Endangered and Threatened Species conservation program and negotiation of the Cooperative Agreement, a State should be accorded a greater degree of flexibility in the conservation of such species. Additionally, it is believed that the degree of continual supervision provided for by the permit requirements of § 17.22 is unnecessarily burdensome for a responsible State program operated under a Cooperative agreement.

For these reasons, it was proposed in amendment number 4 that, except in four specific situations, authorized State personnel operating under a Cooperative Agreement be allowed to take Endangered Species for conservation purposes without individual permits. If the taking of the species would involve one of the four situations set forth in subsections (i) through (iv) of amendment number 4, then a separate permit issued in accordance with § 17.22 would be required. For instance, if a State conservation program would result in the death of an Endangered Species for research purposes, the State agency would have to obtain a § 17.22 permit, regardless of the existence of a Cooperative Agreement. It was felt that the standard permit procedure should apply in those four situations because of the greater need to monitor and provide coordinations to biologically sensitive situations, thereby further reducing the possibility of duplication and lessening the impact upon the species.

It is believed, however, that the majority of the State conservation programs implemented under a Cooperative Agreement will not fit into either of the four situations which require permits issued pursuant to § 17.22. This will free responsible State agencies, who are party to Cooperative Agreements, from the day to

day burden of acquiring permits to carry out basic conservation programs. Similar flexibility currently exists in § 17.31(b) for the taking of Threatened Species under a Cooperative Agreement.

While the amendment significantly reduces the amount of paper work required of a State and of the Service, it would not eliminate the Service's ability to monitor the overall impact of State takings of Endangered species under Cooperative Agreements. The Service will require, as one of the conditions for the renewal of a Cooperative Agreement, that the State provide an annual accounting of its Endangered and Threatened Species taken for conservation programs.

In addition to listing the numbers of individual Endangered and Threatened Species taken, the State would be required to describe the conservation programs involved and any mortalities or permanent disabilities that result from the programs. The Service will evaluate carefully the above information in determining whether the State has maintained an "adequate and active" Endangered Species conservation program under the Cooperative Agreement. Failure to maintain such a program would prevent the renewal of the Cooperative Agreement as well as its matching Federal grant-in-aid funding arrangements.

The Service will retain the power to terminate a Cooperative Agreement, upon 60 days written notice, if abuse of these exemptions is brought to its attention. In addition, the Cooperative Agreement will provide for suspension of authority for a particular project if abuses are uncovered. In this fashion, the Service believes that a workable balance has been struck between the desirability of minimizing a State's permit paperwork obligations and the need to maintain a coordination review of the status of listed species.

The adoption of amendment number 4 requires a slight modification of § 17.31 (a) dealing with the prohibitions applicable to Threatened Species. Section 17.31(a) presently states that with a few specific exceptions, all of the provisions of § 17.21, for Endangered Species, shall apply to Threatened Species. While it has been noted that a provision similar to amendment number 4 already exists in § 17.31(b) for Threatened Species, it is not identical because it does not require the State to get a permit in the four situations set forth for § 17.21(c)(5) in amendment number 4.

The present language of § 17.31(a), in stating that all of the provisions of § 17.21, including the newly adopted § 17.21(c)(5), apply to Threatened Species, creates confusion as to the circumstances under which a Threatened Species may be taken without a permit under a Cooperative Agreement. The transference of the provisions of § 17.21 to Threatened Species would include the four restrictions on taking without a permit, while the present language in § 17.31 (b) does not.

The Service proposed in amendment number 5, below, to eliminate this confusion by expressly excluding the transference of the provisions of § 17.21(c)(5) in § 17.31(a). This reaffirms the intent of the present language of § 17.31(b) to provide the maximum State autonomy possible under a Cooperative Agreement for the conservation of Threatened Species.

Another proposed amendment was also related to the Cooperative Agreement program. At the time of final publication of Part 17 last September, the Cooperative Agreement program had not been fully developed and it was expected to be months before the first Cooperative Agreement could actually be signed.

The management flexibility afforded States with Cooperative Agreements in § 17.31(b) would therefore have no immediate impact. Yet it was recognized that during the interim period in certain situations it might be advantageous to authorize the issuance of a broadly worded permit for the management of Threatened Species. Hence, section 17.32 was accordingly drafted to provide for the issuance of a permit for "management by State conservation agencies."

By May 15, 1976, however, twelve States will have negotiated Cooperative Agreements with the Service. The previously mentioned interim period has come to an end, therefore, and the justification for a "management" permit no longer exists. Amendment number 6, below, proposed to eliminate this "management" provision in § 17.32.

The Service also believes the elimination of the "management" authorization under § 17.32 would provide State agencies an added incentive to seek Cooperative Agreements. Such an elimination would leave § 17.31(b) as the only provision granting the States significant independence for the management of Threatened Species. If a State agency desires that degree of autonomy, it would have to insure that its Endangered Species authorities could satisfy the Cooperative Agreement criteria in section 6 (c) of the Act. Accordingly, amendment number 6, below, proposed to eliminate this "management" provision in § 17.32.

One final amendment was necessitated by the Cooperative Agreement program. It was the intent of the Service that any taking of Threatened wildlife by State conservation agencies under § 17.31(b) for scientific research or conservation programs, would be pursuant to the terms of a Cooperative Agreement with the Service. Amendment number 7, below, attempts to clarify this position. Amendment number 7 also deletes the present reference in § 17.31(b) to Cooperative Agreements with the National Marine Fisheries Service. Since the regulations for threatened species in Part 17 cover only those species under the jurisdiction of the United States Fish and Wildlife Service, the present reference to the National Marine Fisheries Service is inappropriate.

Public Comments. The proposed rulemaking was published in the FEDERAL REGISTER on March 15, 1976 (40 F.R. 10912). Interested persons were invited to submit written comments to the Director until April 14, 1976. Two written responses were received, one of which represented the combined views of a number of signatory parties. One of the responses misunderstood the impact of proposed § 17.21(c)(5) upon the ability of a State conservation agency to respond to emergency illnesses among Endangered species. The emergency provisions of § 17.21(c)(3) operate independently of the proposed § 17.21(c)(5), and thus would not be affected by this rulemaking.

The other written comment objected to proposed amendments 3 through 7 on the grounds that they did not provide the degree of oversight envisioned by the Act. It was suggested that a 3 month time limit be placed on all Endangered species permits and that under no circumstances should a permit be issued which would allow the killing of an Endangered species. It was also stated that amendment number 4 provided inadequate controls to guarantee that State activities under a Cooperative Agreement would promote the continuation of Endangered species. Alternative language was offered for amendment number 4 which would have required that the taking of Endangered species be limited to trained and qualified State employees only. And finally it was suggested that the phrase in the first proviso of amendment number 4, "avoidable or intentional death" was ambiguous and should be changed to read: "the death or debilitation of a specimen which reasonably could or should have been anticipated and avoided by qualified personnel."

The Service disagrees that amendments 3 through 7 fail to provide the necessary oversight for the protection of Endangered species. Amendment number 4 clearly limits the taking of Endangered species for "conservation" purposes only. Conservation is defined in the Act as the use of all methods and procedures which are necessary to bring a listed species back to the point where the protections of the Act are no longer necessary. Thus, only those research and management activities which have a beneficial effect on the Endangered species would be permissible under the amendment. Furthermore, the more biologically sensitive activities set forth in the 4 provisos in amendment number 4 would still require a permit if they were to be allowed at all.

The Service also rejects the proposed 3 month time limit for Endangered species permits because its inherent inflexibility would hamper numerous, beneficial conservation research programs and make extended research nearly impossible. Such a three month time limit is not required by the Act and would be contrary to the best interests of the Endangered species. It should also be noted that the Act does not prohibit the issuance of a permit authorizing the lethal

taking of an Endangered species, as long as the permit is to be issued for scientific purposes or to enhance the propagation or survival of the affected species.

It has always been the intent of the Service that only trained and qualified State employees or agents would be allowed to take Endangered species for conservation purposes under amendment number 4. It was thought that this was accomplished by requiring such employees and agents to be "designated" by the State conservation agency for such purposes and requiring that the takings occur during the course of official duties. To clarify the matter, the Service has added the word "qualified" to the final rulemaking for amendment 4.

The Service agrees that the phrase "avoidable * * * death" in the first proviso of amendment number 4 is ambiguous. The Service also accepts the need to require a permit for otherwise legitimate activities which could result in a permanently disabling injury to an Endangered species. The final rulemaking for amendment number 4 responds to these needed modifications.

Finally, during the recent Cooperative Agreement negotiations with the qualified State conservation agencies, while proposed amendment number 4 was definitely supported by the qualified State conservation agencies, many expressed the objection that the 30 day captivity limitation, in the fourth proviso in amendment number 4, was too restrictive for many short term research projects. It was suggested that the exemption be expanded from between 60 to 90 days. While recognizing the validity of the suggestions, the Service has expanded the exemption to only 45 days because of the potential side effects of extended captivity upon many Endangered species.

Adoption and Effective Date. Having considered public comments on the proposed rulemaking of March 15, 1976 (40 F.R. 10912), the Service deems it appropriate to adopt the proposal, with the modifications discussed above. Because there is an urgent need to expedite the Cooperative Agreement program so that federal matching funds may be made available for State Endangered and Threatened species conservation projects during the present fiscal year, it has been determined that good cause exists for abbreviating the effective date of this rulemaking. This rulemaking shall become effective on May 15, 1976. Accordingly, Part 17 of Chapter I, Title 50, Code of Federal Regulations, is amended as set forth below:

§ 17.11 [Amended]

1. Amend the list § 17.11 by deleting the present Common Name listing for the "Salamander, Santa Cruz Long-tailed" and substituting "Salamander, Santa Cruz Long-toed."

§ 17.40 [Amended]

2. Amend § 17.40(b)(1)(i)(E) by adding the words "the Flathead National Forest" after the word "including" and before the words "the Bob Marshall Wilderness * * *." Furthermore, amend § 17.40(b)(1)(i)(D), § 17.40(b)(1)(ii)(B) and § 17.40(b)(1)(iii)(A)(1) by adding the word "Authorized" before the words "Federal or State employees may * * *."

§ 17.22 [Amended]

3. Amend § 17.22 by adding the sentence "Such permits may authorize a single transaction, a series of transactions, or a number of activities over a specific period of time." at the end of the first, preambular paragraph, before the words "(See § 17.32 for permits for * * * words "(See § 17.32 for permits for * * *").

§ 17.21 [Amended]

4. Amend § 17.21(c) by adding a new subparagraph (5), reading as follows: "(5) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties take Endangered Species, for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in: (i) the death or permanent disabling of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or (iv) the holding of the specimen in captivity for a period of more than 45 consecutive days."

§ 17.31 [Amended]

5. Amend § 17.31(a) by adding the following after "§ 17.21" and before the words "shall apply": "(a) through (c)(4)".

§ 17.32 [Amended]

6. Amend § 17.32 by deleting the words "* * * or management by State Conservation Agencies * * * in the first preambular paragraph.

§ 17.31 [Amended]

7. Amend § 17.31(b) by deleting the word "under" and substituting in its place the words, "a conservation program pursuant to the terms of". Furthermore, amend § 17.31(b) by deleting the words, "or with the National Marine Fisheries Service", which are presently before the words "in accordance with section 6(c) of the Act".

(16 U.S.C. 1531–43)

GEORGE W. MILIAS,
Acting Director.

MAY 5, 1976.

[FR Doc.76-13554 Filed 5-11-76;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 JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

NALBUPHINE

Controlled Substances

Nalbuphine is a controlled substance in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. § 812(c) Schedule II (a)(1); § 1308.12(b)(1), Title 21 of the Code of Federal Regulations (CFR)).

On January 29, 1973, Endo Laboratories, Inc., Garden City, New York, requested that the Bureau of Narcotics and Dangerous Drugs (BNDD) exclude nalbuphine from all schedules of the Act, and submitted data in furtherance thereof. The Drug Enforcement Administration reviewed this data and by letter dated September 27, 1973, advised Endo that it was withholding initiating proceedings to decontrol nalpuphine until the Food and Drug Administration approved the drug for marketing by granting approval of its New Drug Application (NDA). By copy of the above letter, the Food and Drug Administration was requested to offer its control recommendations on nalbuphine in advance of its granting the NDA.

By letter dated January 23, 1976, the Assistant Secretary for Health, Department of Health, Education, and Welfare (HEW), recommended to the Drug Enforcement Administration that nalbuphine be removed from controls of the Act. Enclosed with the letter were the HEW scientific and medical evaluations of nalbuphine.

The Assistant Secretary's recommendation was based upon HEW's analysis of data submitted by it by the sponsor for obtaining an approved NDA for nalbuphine, and because the magnitude of abuse potential of nalbuphine does not seem to HEW to presently justify control.

In his letter, the Assistant Secretary stated that future control considerations of nalbuphine would be undertaken if the Food and Drug Administration's continuing analysis of relevant data on the drug indicated a need for such action.

Based upon the investigations of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to Section 201(b) of the Act (21 U.S.C. 811(b)), the Administrator of the Drug Enforcement Administration finds that nalbuphine does not have sufficient potential for abuse or abuse liability to justify its continued control in any schedule under the Act.

Therefore, under the authority vested in the Attorney General by Section 201 (a) of the Act (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part O), the Administrator hereby proposes that 21 CFR § 1308.12 (b)(1) be amended as follows:

§ 1308.12 Schedule II.

* * * * *

(b) * * *

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding naloxone, naltrexone, apomorphine, and nalbuphine, and their respective salts, but including the following:

(1)	Raw opium	9600
(2)	Opium extracts	9610
(3)	Opium fluid extracts	9620
(4)	Powdered opium	9639
(5)	Granulated opium	9640
(6)	Tincture of opium	9630
(7)	Codeine	9050
(8)	Ethylmorphine	9190
(9)	Etorphine hydrochloride	9059
(10)	Hydrocodone	9193
(11)	Hydromorphone	9150
(12)	Metopon	9260
(13)	Morphine	9300
(14)	Oxycodone	9143
(15)	Oxymorphone	9652
(16)	Thebaine	9333

* * * * *

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 Eye Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received on or before June 14, 1976. In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail of the time and place that the hearing will be held. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting grounds for a hearing on the proposal are received within the time limitations, or all interested parties waive or are deemed to waive their opportunity for a hearing or to participate in a hearing, the Administrator, after giving considerations to written comments and objections, will issue his final order pursuant to 21 CFR 1308.45 without a hearing.

Dated: April 28, 1976.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.76-13694 Filed 5-10-76;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

[15 CFR Part 10]

STRUCTURAL GLUED LAMINATED TIMBER STANDARD

Proposed Amendment

Notice is hereby given of a proposed amendment to Voluntary Product Standard PS 56-73, "Structural Glued Laminated Timber," developed under the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970).

The proposed amendment provides clarification in line with changing technology and marketing practices, updates referenced publications, and adds definitions. The amendment will have no anticompetitive effects and can be reasonably injected into PS 56-73 without disturbing the general applicability of the standard. The changes are not comprehensive in nature, have no substantive effect on the standard, and in no way alter the level of performance or safety of the product.

Copies of PS 56-73, the proposed amendment, or both may be obtained from the Standards Development Services Section, National Bureau of Standards, Washington, D.C. 20234.

Any comments or objections concerning the proposed amendment should be made in writing to the Standards Development Services Section on or before June 25, 1976.

Dated: May 4, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-13567 Filed 5-10-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 296]

[EDR-297; Docket 28256; Dated May 5, 1976]

CHARTERING BY COOPERATIVE SHIPPERS ASSOCIATIONS AND JOINT LOADING BETWEEN COOPERATIVE SHIPPERS ASSOCIATIONS AND AIR FREIGHT FORWARDERS

Notice of Proposed Rulemaking

MAY 5, 1976.

Notice is hereby given that the Civil Aeronautics Board is considering the

amendment of Parts 207 and 208 of its Economic Regulations (14 CFR Parts 207, 208) so as to allow cooperative shippers associations to charter aircraft from direct air carriers under the same terms and conditions applicable to air freight forwarders and the amendment of Part 296 of its regulations (14 CFR Part 296) so as to allow such associations to engage in joint loading with air freight forwarders. The purpose of the proposed amendments is explained in the attached Explanatory Statement, and the proposed amendments are set forth in the attached Proposed Rules.

Interested persons may participate in the proposed rulemaking through the submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before June 10, 1976, and reply comments thereon received on or before June 25, 1976, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., upon receipt thereof.

(Secs. 101(3), 204(a), 401, 402, 412 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 770 and 788, 49 U.S.C. 1301(3), 1324(a), 1371, 1372, 1382 and 1481.)

By the Civil Aeronautics Board.

Dated: May 5, 1976.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

Explanatory statement. On September 12, 1975, Hawaii Air Cargo Shippers Association, Inc. (HACSA), a cooperative shippers association as defined in § 296.2(c) of the Board's Economic Regulations (14 CFR 296.2(c), as recodified by ER–917, 40 F.R. 28079 et seq., July 3, 1975), filed a petition seeking the institution of public rulemaking procedures to allow such associations to charter aircraft from direct air carriers under the same terms and conditions as are now applicable to air freight forwarders.[1] Cooperative shippers associations are not prohibited by the regulations contained in Part 296 from engaging in such chartering (see sections 296.21, 296.22 and 296.23, ER–917, supra), since the authorization to charter contained in that Part is given to "indirect air carriers of property," and the Part defines that phrase to include both cooperative shippers associations and forwarders. However, the provisions of our general charter regulations applicable to certificated route air carriers (14 CFR Part 207) and to certificated supplemental carriers (14 CFR Part 208) permit direct air carriers to charter, as relevant here, only to air freight forwarders and international air freight forwarders (see 14 CFR 207.11(b)(3) and 14 CFR 208.6(b)(3)).

In its petition, HACSA asserts that the fact that direct carriers are permitted to charter to forwarders but not to cooperative shippers associations constitutes unjust discrimination against such associations. HACSA further argues that the discriminatory effect is particularly acute in the case of its own operations, because it is based in the State of Hawaii, which is said to be uniquely dependent on air freight. No answers to HACSA's petition were filed.

Upon consideration of HACSA's petition, we are of the view that its proposal warrants the institution of public rulemaking procedures, and we are therefore proposing the amendments to Parts 207 and 208 set forth below. We emphasize, however, that in instituting this proceeding we have tentatively concluded only that our rules should be changed so as to expressly authorize direct carriers to charter to cooperative associations to the same extent that they may charter to forwarders; but we do not intend hereby to imply that we agree with HACSA's assertion that the existing regulations result in "unjust discrimination," under the Act, since the differences between air freight forwarders and cooperative shippers associations, both in purpose and in organization, indicate that they are not sufficiently "like" each other as to give rise to a prima facie case of statutory discrimination.

We have also decided that this proceeding will consider whether Part 296 of our Economic Regulations should be amended to allow cooperative shippers associations to engage in joint loading with air freight forwarders. This second matter also was raised by HACSA, in an application for exemption to allow it to joint load with a particular forwarder, filed in Docket 27267 on December 16, 1974. In that application HACSA alleged that the Board's original purpose in prohibiting joint loading between forwarders and cooperative shippers associations was to prevent the joint-loading forwarder from gaining undue influence over other forwarders. These potential problems, HACSA alleges, would not arise with respect to its operations, since it is a strong association and has no business connections with any forwarder.

An answer in opposition to HACSA's application was filed by the members of the Air Freight Forwarders Association (AFFA), which argued that insufficient need was shown for the grant of an exemption or for the institution of public rulemaking procedures. AFFA also noted that the forwarder with which HACSA sought to joint load had not shown that all other forwarders operating in the market were unwilling to joint load with it, and commented that "if HACSA does not have sufficient traffic to reach a high volume, the services of numerous forwarders in this market are available * * *" to HACSA's members.

While we agree with AFFA's position with respect to HACSA's request for exemption,[2] we do believe, contrary to AFFA, that HACSA's second request also justifies consideration in this rulemaking proceeding. We will, however, to propose to amend Part 296 to provide that joint loading agreements entered into between cooperative shipper associations and forwarders shall (unlike joint loading agreements between two or more cooperative shippers associations) be filed pursuant to section 412 of the Act. Given this amendment, we tentatively conclude that any "undue influence" could be detected, and corrected, on a case-by-case basis, thus eliminating the potential problems, mentioned by HACSA, which might result from allowing cooperative shippers associations to joint load with air freight forwarders. We see no reason why shippers should be forced to abandon a cooperative shippers association in favor of a forwarder or direct carrier by reason of an association's inability to find a joint loading partner within its own subclassification. The restriction on joint loading presently contained in our regulations would appear to be especially burdensome for such asociations, since there are only, according to our records, five of them in operation at the present time.

Finally, since former Part 297 has been condensed into a new Part 296 (ER–917, supra) we will include in this notice certain revisions reflecting that recodification.

PROPOSED RULES

It is proposed to amend Parts 207, 208 and 296 of the Board's Economic Regulations (14 CFR Parts 207, 208 and 296), as set forth below:

PART 207

1. Revise § 207.11(b)(3) to read as follows:

§ 207.11 Charter flight limitations.

* * * * *

(b) * * *

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 of this subchapter for the carriage of property in air transportation; by a cooperative shippers association currently in compliance with the relevant provisions of Part 296 of this subchapter; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder who has complied with the provisions of § 296.41 of this subchapter;

* * * * *

[1] HACSA also sought expedited relief because of a possible longshoremen's strike which was then imminent. Shortly after HACSA's petition was filed, however, the labor dispute was settled.

[2] Accordingly, HACSA's application in Docket 27267 is hereby denied.

PART 208

2. Revise § 208.6(b)(3) to read as follows:

§ 208.6 Charter flight limitations.

* * * * *

(b) * * *

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 of this subchapter for the carriage of property in air transportation; by a cooperative shippers association currently in compliance with the relevant provisions of Part 296 of this subchapter; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder who has complied with the provisions of § 296.41 of this subchapter;

* * * * *

PART 296

3. Revise § 296.1(g) to read as follows:

§ 296.1 Definitions.

* * * * *

(g) "Joint loading" means the pooling of shipments and their delivery to a direct air carrier for transportation as one shipment in accordance with the filed tariff rules of the direct carrier, pursuant to an agreement between two or more indirect carriers of the same subclassification established in § 296.2, or between one or more air freight forwarders and one or more cooperative shippers association established in § 296.1(c).

* * * * *

4. Revise the second proviso to § 296.12 to read as follows:

§ 296.12 Exemption of cooperative shippers associations.

* * * * *

Provided, however, * * *

Provided, further, however, That cooperative shippers associations are hereby relieved from the requirements of section 412 of the Act insofar as agreements relate to joint loading, as defined in § 296.1(g), with other cooperative shippers associations.

Provided, further, however, * * *

* * * * *

[FR Doc.76-13661 Filed 5-10-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1202]

MATCHBOOKS

Changed Date and Expanded Oral Presentations

In the FEDERAL REGISTER of April 1, 1976 (41 FR 14112), the Consumer Product Safety Commission proposed a consumer product safety standard for matchbooks. As part of this proposal the Commission gave notice of an opportunity for interested persons to make oral presentations of data, views, or arguments relating to the proposal.

In order to accommodate all parties who have indicated an interest in making an oral presentation, notice is given that the oral presentation is being expanded to two days, to commence at 9:30 a.m. on May 20, 1976 instead of 10:00 a.m. on May 21, 1976, as previously announced, and will run through May 21, 1976. The second day of presentations will begin at 9:00 a.m. Both days of presentations will take place in the Sixth Floor Hearing Room, 1750 K Street, N.W., Washington, D.C.

Dated: May 5, 1976.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Commission.

[FR Doc.76-13577 Filed 5-10-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20721; RM-2432]

NETWORK BROADCASTING, AM AND FM STATIONS

Mutual Broadcasting System, Inc.

In the Matter of Review of Commission rules and regulatory policies concerning network broadcasting by standard (AM) and FM broadcast stations. Petitions of Mutual Broadcasting System, Inc. for rules applicable to audio services furnished by newswire services.

1. As specified in the February 19, 1976 Notice beginning this inquiry and rulemaking proceeding, the dates for comments and reply comments are May 10 and June 7, 1976, respectively. National Broadcasting Company, Inc. (NBC), on April 27 filed a "Request for Extension of Time to file Comments, asking that these times be extended three months, or until August 10 and September 10, 1976, respectively. American Broadcasting Companies, Inc. (ABC), in a statement filed April 29, 1976, supports NBC's request although stating that it does not require the full three months but would be able to file comments by about July 1.

2. NBC's request is premised on the fact that on April 1, the National Association of Broadcast Employees and Technicians (NABET) began a strike against NBC; the continuing absence of the numerous employees involved means that others at NBC—management, research persons and supervisory engineers—must perform duties other than their regular activities, and cannot provide needed participation in preparation of NBC's comments in this proceeding, which involves a number of complex issues. ABC, which does not have a similar problem, calls attention to the broad scope of this proceeding (the first general look at network radio in over 30 years), and its importance to ABC in particular with its four-network operation. It is claimed that the scope of the proceeding (requiring more than usual attention to the preparation of comments), the pressure of other regulatory matters which have interfered with the preparation in this proceeding (specifically the New Jersey television proceeding, Docket 20350), and the apparent absence of urgency, make an extension appropriate.

3. Considering the broad and fundamental nature of the present proceeding and the desirability of having complete and thoughtful comments in it, the conflict created by the pressing New Jersey proceeding (involving ABC, CBS and NBC), and to some extent the other matters mentioned above, we are of the view that a substantial additional amount of time is warranted. However, there are some aspects of this proceeding which should have reasonably prompt resolution, including the question of the network rules' applicability to the newswire audio services and some pending requests for waiver of the "small market policy" with respect to ABC affiliations. Therefore it does not appear appropriate to grant the full amount of time requested by NBC. Rather, we are giving additional time of just under two months, which should permit the proceeding to be resolved by mid-fall.

4. Accordingly, *it is ordered,* That the times for comments and reply comments herein are extended, to and including July 9 and August 6, 1976, respectively.

5. This action is taken pursuant to authority contained in §§ 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Adopted May 5, 1976.

Released May 6, 1976.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-13674 Filed 5-10-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-12384, File No. S7-515]

SHORT SALES

Withdrawal of Proposal

Notice is hereby given, That the Securities and Exchange Commission has determined to withdraw certain proposed amendments to Rule 10a-1 (17 CFR 240.-10a-1) under the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) (the "Act"). Rules 3b-3, 10a-1, and 10a-2 under the Act (17 CFR 240.3b-3, 240.10a-1, 240.10a-2) comprise the Commission's short sale rules.

The amendments withdrawn were proposed on June 12, 1975,[1] in conjunction with the Commission's adoption of certain amendments to Rules 10a-1 and 10a-2 designed to provide for comprehensive regulation of all short sales of securities as to which last sale information is to be reported in the consoli-

[1] Securities Exchange Act Release No. 11468 (June 12, 1975), 40 FR 25494 (June 16, 1975).

dated transaction reporting system (the "consolidated system") contemplated by Rules 17a–15 under the Act (17 CFR 240.-17a–15), regardless of the market in which such short sales are effected.[2] The first of the proposed amendments would have altered the reference point for application of the "tick" test under paragraph (a)(1) of Rule 10a–1 for purposes of determining the permissibility of a short sale by permitting the test to be applied to either the last sale reported in the consolidated system or the last sale in the market in which the short sale is to be effected (treating the over-the-counter market as a single market).[3] The second proposal would have amended the exemption afforded by paragraph (e)(5) of Rule 10a–1 to permit equalizing short sales on a limited basis by persons other than specialists and market makers.[4]

The Commission received a number of comments with respect to the proposals, and convened a public meeting to discuss the proposals and related issues with representatives of various self-regulatory organizations.[5] Based on the Commission's review of the comments received and of the presentations made at the recent public meeting, the Commission has determined that it does not appear to be either necessary or appropriate in the public interest or for the protection of investors to adopt the proposed amendments at the present; accordingly, the proposed amendments have been withdrawn.

In reviewing the proposed amendments, the Commission has considered whether short sale regulation as currently in effect continues to be necessary or appropriate in the public interest or for the protection of investors in view of the improved reporting of transactions in listed securities and the development of more sophisticated techniques for market surveillance by the Commission and the various self-regulatory organizations. The Commission has concluded that the continuation of the short sale rules, and regulation of short selling, may no longer be required except perhaps in certain limited circumstances (e.g., in connection with underwritten offerings, and possibly other circumstances[6]) and that it may well be that the types of harmful conduct intended to be prevented by short sale rules can be checked without recourse to such regulation. Accordingly, the Commission is attempting to formulate for public comment a proposed program to suspend short sale regulation to the degree necessary to provide a meaningful basis for evaluating the impact of short selling and the efficacy of existing short sale regulation and to gather evidence as to whether short sale regulation of the type currently provided by Rule 10a–1 is needed in today's regulatory environment.[7] Such a program would provide for detailed monitoring of short sale activity after its initiation. Until such time as the Commission formally adopts such a program, however, Rule 10a–1 under the Act will remain in full force and effect, and all persons must effect short sales in compliance with the provisions of that rule (as amended on June 12, 1975).

By the Commission.

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

APRIL 28, 1976.

[FR Doc.76–13623 Filed 5–10–76;8:45 am]

[2] See id. Those amendments become effective on April 30, 1976, the date on which last sale information is deemed to be "made available" on a real-time basis within the meaning of paragraph (a) of Rule 10a–1. See Securities Exchange Act Release No. 12138 (February 25, 1976).

[3] Securities Exchange Act Release No. 11468 (June 12, 1975) at 5–6.

[4] Id. at 7–8.

[5] See Securities Exchange Act Release No. 12342 (April 14, 1976) 41 FR 16184 (April 16, 1976). That meeting was held on April 26, 1976.

[6] See, e.g., Securities Exchange Act Release No. 11328 (April 2, 1975) 40 FR 16090 (April 9, 1975).

[7] See Securities Exchange Act Release No. 11276 (March 5, 1975) 40 FR 12522 (March 19, 1975).

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1051.1(b)]

[No. 36314]

DAMAGE CLAIMS

Addition of Carriers Name to Freight Bill

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C. on the 28th day of April 1976.

The Interstate Commerce Commission is proposing to amend Part 1051 of Title 49 of the Code of Federal Regulations by amending 1051.1(b). The amendment would require that the address of the principal place of business of each carrier participate in the transportation service be shown on the face of the freight or expense bill covering each shipment.

Current provisions of 49 CFR 1051.1 (b) include a requirement that the name of each carrier be shown on the face of the freight or expense bill. However, it appears that the name of the carrier alone has not been sufficient to allow some shippers and consignees to discover the address of the carrier for purposes of filing claims for loss and damage of shipments within the statutory time period.

Emmett Allred, sole proprietor of Allred's House of Quality, a retail furniture store located in Cullman, Alabama has filed a petition seeking the institution of a rulemaking proceeding, proposing that the carrier's name and address appear on the freight bill so that the recipient of merchandise will be able to contact the carrier in the event that a damage claim must be filed.

Upon consideration of the above-described matters, and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of Parts I and II of the Interstate Commerce Act (49 U.S.C. 1 and 301 et seq., specifically section 316) and sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559), to determine whether the facts and circumstances require or warrant the addition of the words "and the address of the principal place of business of each carrier" following the phrase "the route of movement indicating each carrier" and proceeding the phrase "participating in the transportation service", found in 49 U.S.C. 1051.1(b), or other regulation of similar purport applicable to common carriers of property by motor vehicle subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all common carriers of property by motor vehicle operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for receiving testimony in this proceeding unless a need should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, or arguments on the subject mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before May 7, 1976.

It is further ordered, That the original and one copy of statements of intention to participate shall be so filed; that the Office of Proceedings then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be served; and that at the same time of the service of the service list the Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That a copy of this notice and order be served on petitioner and on each respondent herein, that notice of the institution of this proceeding shall be given by mailing a copy of this notice and order to the Governor of every State and to the Public Utilities Commission or Board of each State having jurisdiction over transportation, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C., during regular business hours.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission. Commissioners Gresham, Corber and Christian voted to reject the order.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13679 Filed 5-10-76;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 488]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA CONCERNING TRANSIT PIPELINES

Availability of Ad Referendum Text

The Department of State hereby gives notice that on May 10, 1976 it released for public comment the text of a draft pipeline agreement between the Governments of the United States and Canada. The proposed treaty provides for non-interference and non-discriminatory treatment of hydrocarbons transiting the territory of either party.

Copies of the draft agreement, may be obtained from Mr. Lawrence R. Raicht, Director, Office of Fuels and Energy, Department of State, Room 3524–A, Washington, D.C. 20520 (202) 632–1420.

Comments on the draft agreement should be submitted in writing to Mr. Lawrence R. Raicht, Director, Office of Fuels and Energy, EB/ORF/FSE, Department of State, Room 3524–A, Washington, D.C. 20520 on or before June 9, 1976.

LAWRENCE R. RAICHT,
Director, Office of Fuels and Energy.

[FR Doc.76–13759 Filed 5–7–76;3:36 p.m.]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 76–3]

TECHNICAL SUBCOMMITTEE OF THE ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Advisory Committee on Explosives Tagging will be held on June 9, 1976, in Room 5041, Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC beginning at 9:30 a.m. (e.d.t.).

The Advisory Committee will discuss proprietary scientific and technical data concerning various explosive tagging systems that can be used in the detection and identification of explosives. The information which will be presented and discussed during the meeting will constitute trade secrets and commercial or financial information from a person privileged or confidential within the ambit of Title 5, United States Code, Section 552(b)(4). Accordingly, the meeting of the Advisory Committee will, under authority of Section 10(d) of the Federal Advisory Committee Act (Public Law 92–463), not be open to the public.

All communications regarding this Advisory Committee meeting should be addressed to the Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Attention: Mr. Robert F. Dexter, Committee Manager, Technical Services Division, Explosive Technology Branch, Room 8233.

Dated: May 4, 1976.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco, and Firearms.

[FR Doc.76–13562 Filed 5–10–76;8:45 am]

Internal Revenue Service

[Order No. 18 (Rev. 4)]

FISCAL MANAGEMENT OFFICER

Delegation of Authority

Endorsement of Miscellaneous Administrative Checks Received by the Internal Revenue Service

Authority is hereby granted to the Fiscal Management Officer to sign the name of the Commissioner of Internal Revenue in endorsing checks, money orders, and other negotiable instruments received in his/her organization and which require the endorsement of the Commissioner. The Fiscal Management Officer is also authorized to endorse checks and other instruments made payable to Internal Revenue Service, Chief, Fiscal Section or Treasurer of the United States when such receipts are for credit to an administrative appropriation, fund, or receipt account. The authority may be redelegated to the Chief, Fiscal Section, but may not be further redelegated.

Such authority is also granted to the Director, Facilities Management Division with regard to checks, money orders, or other negotiable instruments received in his/her organization and which are erroneously made payable to the Internal Revenue Service rather than to the Superintendent of Documents. Such receipts normally involve payment for purchase of documents sold only by the U.S. Government Printing Office and should properly go directly to that organization. The authority may be redelegated to the Supervisor, Inventory Management Unit, but may not be further redelegated.

This authority is also granted to the Chief, Disclosure Staff, with respect to checks, money orders, or other negotiable instruments received in that office in payment of materials furnished under the provisions of the Freedom of Information Act or the Privacy Act. The authority herein may be redelegated to the Supervisor, Tax Information Assistance, but may not be further redelegated.

Endorsements made pursuant to this Delegation Order will be in the form prescribed by the appropriate Treasury and Internal Revenue Service regulations. The prescribed legend is set forth in 463 of IRM 1717, Administrative Accounting Handbook.

This Delegation Order applies only to receipts of an administrative nature and has no bearing on receipts in payment of taxes.

Delegation Order No. 18 (Rev. 3), dated November 11, 1975, is hereby superseded.

Date of issue, May 7, 1976.

Effective date: May 24, 1976.

DONALD ALEXANDER,
Commissioner.

[FR Doc.76–13671 Filed 5–10–76;8:45 am]

Office of the Secretary

[Legal Division Order No. 1 (Rev. 1)]

LEGAL DIVISION

Organization and Functions

Pursuant to the authority vested in me as General Counsel, paragraph 7 of Legal Division Order No. 1, dated December 19, 1974, is deleted in its entirety and the following inserted in its place as paragraph 7:

7. The Assistant General Counsel (Administration, Legislation, and Fiscal Operations) provides legal advice to the Assistant Secretary (Administration), the Fiscal Assistant Secretary, the Assistant Secretary (Legislative Affairs), the Assistant Secretary (Capital Markets and Debt Management), and to the Office of the Secretary generally with respect to administrative procedure and Department administration. He also serves as legal adviser to the Treasurer of the United States, the Special Assistant to the Secretary (Public Affairs), and to the U.S. Savings Bonds Division. He is in charge of the nontax legislative activities of the Department. He supervises the Chief Counsel, Bureau of the Public Debt, the Chief Counsel, Office of Revenue Sharing, and the legal functions of the Director, Office of the Director of Practice. He reports to the General Counsel through the Deputy General Counsel.

Effective Date: May 4, 1976.

RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.76–13568 Filed 5–10–76;8:45 am]

PUBLIC DEBT SERIES—NO. 10–76

Supplement to Department Circular

MAY 5, 1976.

The Secretary of the Treasury announced on May 4, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 10–76, dated April 29, 1976,

will be 6½ percent per annum. Accordingly, the notes are hereby redesignated 6½ percent Treasury Notes of Series L–1978. Interest on the notes will be payable at the rate of 6½ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76–13553 Filed 5–10–76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

BALLISTIC MISSILE DEFENSE TECHNOLOGY ADVISORY PANEL

Closed Meeting

1. In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–643), an announcement is made of the following committee meeting:

Name of Committee: Ballistic Missile Defense Technology Advisory Panel.

Dates of Meeting: 1 through 3 June 1976.

Place: BMD Advanced Technology Center, 106 Wynn Drive, Huntsville, Alabama 35807.

Time: 0830–1630 hours on dates indicated above.

Proposed Agenda: I. Review of Ballistic Missile Defense Advanced Technology Center Programs.

II. Review the Results of Ad Hoc Advanced Technology Studies, Programs, and Special Reports.

2. The meeting is closed to the public since the agenda consists of BMDATC's on-going and future programs which are classified as SECRET or higher defense information pursuant to Executive Order 11652 (dated 8 March 1972); and therefore, do fall within the policies analogous to those recognized in Section 552(b)(1) of Title 5, U.S. Code and national security does require that the details of these programs be withheld.

Dated: May 4, 1976.

HAROLD E. STUBBS,
LTC, GS, Commanding.

[FR Doc.76–13592 Filed 5–10–76;8:45 am]

DEPARTMENT OF JUSTICE

Attorney General

[Order No. 649–76]

BUREAU OF PRISONS INSTITUTIONS

Correction of List

Order No. 646–76 of March 31, 1976, published in the FEDERAL REGISTER on April 7, 1976 (41 FR 14805) classifies and lists the various Bureau of Prisons institutions. This order adds to the list the Community Treatment Center at Long Beach, California, which was inadvertently omitted from Order No. 646–76.

By virtue of the authority vested in me by Sections 4003, 4042, 4081, and 4082 of Title 18, United States Code, Order No. 646–76 is amended by adding a subparagraph (12) to paragraph D of section 1, as follows:

"D. The Bureau of Prisons community residential facilities at the following locations are designated as Community Treatment Centers:

* * * * *

(12) Long Beach, California."

This order is effective as of March 22, 1976, the effective date of Order No. 646–76.

Dated: May 4, 1976.

EDWARD H. LEVI,
Attorney General.

[FR Doc.76–13613 Filed 5–10–76;8:45 am]

Drug Enforcement Administration

BIOMEDICAL RESEARCH BRANCH, NIDA

Importer of Thebaine; Notice of Withdrawal of Application

On March 4, 1976, the Drug Enforcement Administration published a Notice in the Federal Register (Vol. 41, No. 44) stating that on December 22, 1975, Biomedical Research Branch, Division of Research, National Institute on Drug Abuse, DHEW, 11400 Rockville Pike, Rockwell Building, Rockville, Maryland 20852, made application for registration as an importer of thebaine, a basic class of controlled substance in schedule II, for research unique to the material to be imported and conversion to a non-controlled product for research purposes.

On March 31, 1976, Biomedical Research Branch, Division of Research, NIDA, DHEW, requested the withdrawal of their application to be registered as an importer of thebaine. Therefore, notice is hereby given the above application is withdrawn and any proceedings relating to the application have been terminated.

Dated: April 27, 1976.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.76–13693 Filed 5–10–76;8:45 am]

MALLINCKRODT, INC.

Manufacture of Controlled Substances; Notice of Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effect date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to Section 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on April 2, 1976, Mallinckrodt Inc., Mallinckrodt and Second Street, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug:	*Schedule*
Nalbuphine	II
14-Hydroxynormorphinone	I

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with Section 1301.43 (a) of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances indicated, and any other such person, and any existing registered bulk manufacturer of the above substances may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than June 14, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: April 27, 1976.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.76–13692 Filed 5–10–76;8:45 am]

PARKE DAVIS & CO.

Manufacture of Controlled Substances; Notice of Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to Section 1301.43 of Title 21 of the Code of Federal Regulations,

notice is hereby given that on March 3, 1976, Parke, Davis & Company, 188 Howard Avenue, Holland, Michigan 49423, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	Schedule
Methaqualone	II
Pentobarbital	II
Methylphenidate	II
Oxycodone	II

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with Section 1301.43 (a) of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances indicated, and any other such person, and any existing registered bulk manufacturer of the above substances may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than June 14, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: May 4, 1976.

JERRY N. JENSON,
Deputy Administrator, Drug Enforcement Administration.

[FR Doc.76-13691 Filed 5-10-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

TENTATIVE GEOTHERMAL LEASE SCHEDULES

Correction

In FR Doc. 76-11483, appearing at page 16668, in the issue for Wednesday, April 21, 1976, make the following change; in the first column, move the headings at the top of the table and insert them above the entry for Arizona.

Bureau of Land Management

BAKERSFIELD DISTRICT MULTIPLE USE ADVISORY BOARD

Notice of Postponement of Meeting

MAY 3, 1976.

Notice is hereby given that the May 14 and 15, 1976, meeting of the Bureau of Land Management, Bakersfield District Multiple Use Advisory Board has been postponed. A new date, place and time will be published at a later date.

LOUIS A. BOLL,
District Manager.

[FR Doc.76-13655 Filed 5-10-76;8:45 am]

BURNS DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Burns District Advisory Board will meet on June 10 and 11, 1976, commencing at 8:00 a.m. on June 10 in the Burns District Office at 74 S. Alvord St., Burns, Oregon. The agenda will include a tour of the Drewsey Resource Area on June 10 and June 11 a discussion of the Drewsey Environmental Statement and a slide presentation of wilderness proposals will be held in the district office.

The meetings will be open to the public. Transportation on the tour of Drewsey Area will be furnished for board members only, the public will be required to provide their own transportation and meals. In addition to discussion of agenda topics by board members, there will be time for brief statements by non-members. Persons wishing to make oral statements should so advise the chairman or co-chairman prior to the meeting, to aid in scheduling the time available. Any interested person may file a writtten statement for consideration by the board by sending it to the chairman, in care of the co-chairman: Burns District Manager, 74 S. Alvord, Burns, Oregon 97720.

JEROME M. HEINZ,
Acting District Manager.

APRIL 30, 1976.

[FR Doc.76-13600 Filed 5-10-76;8:45 am]

SUSANVILLE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Susanville, California, Multiple Use Advisory Board will hold a one day meeting beginning at 9:00 a.m. on June 4, 1976, at the Susanville District Office, Susanville, California.

Agenda items will include:

Home Camp/Tuledad Allotment Management Plan, Management Framework Plan, Environmental Impact Statement.

Honey Lake Management Framework Plan.

Honey Lake Valley Geothermal Environmental Analysis Report.

Upper Pit River Geothermal Environmental Analysis Report.

Wild Horses & Burros.

The meeting is open to the public. Interested persons may make oral/written presentations to the Board. Such requests should be made to the official listed below at least five days prior to the meeting. Requests for additional information should be submitted to the District Manager, P.O. Box 1090, Susanville, California 96130 Telephone Number (916) 257-5385.

HERMAN KAST,
Acting District Manager.

[FR Doc.76-13599 Filed 5-10-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-255]

BETH-ELKHORN CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Beth-Elkhorn Corporation has filed a petition to modify the application of 30 CFR 75.1710 to the following mines:

Mine No. 22, Letcher County, Kentucky.
Mine No. 26, Pike County, Kentucky.
Mine No. 29, Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Mine No. 22 employs 296 employees, 249 of whom are hourly employees and 47 of whom are salaried employees. Mine No. 22 operates in the No. 3 Elkhorn Seam. The height of the coal seam is generally between 40 and 46 inches, and the mining height is generally between 46 and 54 inches, depending on roof and floor conditions. Five sections of the mine presently utilize continuous mining equipment, and one shortwall mining unit is in operation. The following mining equipment is utilized at Mine No. 22:

Lee Norse 28E Miners
Joy 11 CM Miners
Jeffrey 120 L Miners
Joy 6 SC Shuttle Cars
Joy 18 SC Shuttle Cars
Joy 21 SC Shuttle Cars
Galis 300 Roof Drills
Fletcher Twin Head Roof Drills
Elkhorn AR–4 Scoops

2. Substantial effort has been expended in an attempt to install canopies on mining equipment at Mine No. 22, and yet Petitioner has experienced serious problems resulting from the presence of canopies during the mining cycle where the mining height is less than 54 inches.

(a) For example, a hydraulic canopy was installed on the Lee Norse 28E Miner, but since the operator's vision was significantly obstructed and he could not see without leaning outside the deck, it was necessary to remove the canopy.

(b) A factory-designed canopy was installed on a Jeffrey 120L Continuous Miner, but the canopy so restricted the deck in heights of less than 54 inches that the operator was unable to fit beneath the canopy.

(c) The canopy installed on the Joy 11 CM has been broken off two times when operating in mining heights lower than 54 inches.

3. Mine No. 26 employs 387 employees, 330 of whom are hourly employees and 57 of whom are salaried employees. Mine No. 26 operates in the No. 2 Elkhorn Seam. The height of the coal seam is generally between 40 and 48 inches, depending on roof and floor conditions. Six sections of the mine presently utilize continuous mining equipment, and one longwall mining unit is in operation. The following mining equipment is utilized at Mine No. 26:

Lee Norse 28E Miners
Jeffrey 120L Miners
Joy 18 SC Shuttle Cars
Joy 21 SC Shuttle Cars
Joy 6 SC Shuttle Cars
Galis 300 Roof Drills
Twin Head Fletcher Roof Drills
Elkhorn AR–4 Scoops

4. Substantial effort has been expended in an attempt to install canopies on mining equipment at Mine No. 26, and yet Petitioner has experienced serious problems resulting from the presence of canopies during the mining cycle where the mining height is less than 54 inches.

(a) For example, canopies were installed on Joy 21 SC Shuttle Cars in mining heights generally between 47 and 49 inches. However, the canopies continualy struck the roof bolts despite the efforts of the operators to avoid this problem, and the tension on the roof bolts was lost. In addition, the canopies restricted the deck of the operator so that he could not fit all his body inside, and obstructed the operator's view. In fact, the problems associated with canopies on these shuttle cars were so evident that the Kentucky Department of Mines and Minerals ordered Petitioner to remove the canopies from the shuttle cars.

(b) Even in areas where mining heights generally exceed 48 inches, various problems associated with the use of canopies were encountered. When a canopy was installed on the Lee Norse 28E Miner, the canopy struck the roof and was damaged to the extent it would no longer fit the mounts. The canopy affixed to the battery-powered Elkhorn AR–4 Scoop prevented it from being able to reach the battery charging station in an outbay area.

5. Mine No. 29 employs 187 employees, 143 of whom are hourly employees and 44 of whom are salaried employees. Mine No. 29 operates in two seams. Mine No. 29–A operates in the No. 2 Elkhorn Seam where the height of the coal seam is generally between 38 inches and 46 inches, and the mining height is generally between 40 inches and 48 inches. Mine No. 29–B operates in the Lower Elkhorn Seam where the height of the coal seam is generaly between 39 inches and 40 inches, and the mining height is generally between 40 inches and 42 inches. The following mining equipment is used at Mine No. 29:

Mine No. 29–A

Lee Norse 35Y Miner
Joy 11 CM Miner
Joy 21 SC Shuttle Cars
Twin Head Fletcher Roof Drills
Elkhorn AR–4 Scoops

Mine No. 29–B

Joy 14 BU–7 Loading Machine
11 RU Sullivan Cutting Machine
Galis 300 Roof Drill
Joy 21 SC Shuttle Car

6. Substantial effort has been expended in an attempt to install canopies on equipment at Mine No. 29, and yet Petitioner has experienced serious problems resulting from the presence of canopies during the mining cycle where the mining height is less than 54 inches.

(a) For example, when a Joy 11 CM Miner, equipped with a floating deck and factory designed canopy, was put into operation in mining heights between 47 and 48 inches, the canopy caught in the roof and broke the frame of the miner. In addition, the floating deck plowed up soft bottom with the result that the canopy was raised against the roof, damaging bolts, and the operator was severely jolted when the deck traveled over undulating bottom.

(b) The Twin Head Fletcher Roof Drill's factory designed canopy was torn off almost immediately because the canopy came in contact with the roof.

(c) It was necessary to remove the factory designed canopy for the Elkhorn AR–4 Scoops when the mining height reached 48 inches.

(d) The installation of canopies on the Joy 21 SC Shuttle Cars so restricted the operator's deck that the operators were compelled to operate the shuttle cars with their heads virtually between their legs. In fact, a MESA inspector, recognizing the hazards associated with operating the shuttle cars with the operators so confined, recommended that the canopies be removed pending suitable modification.

7. Petitioner's experience indicates the application of the mandatory standard will result in a diminution of safety to miners for the following reasons:

(a) Several instances occurred where canopies became wedged against the roof. Such instances subject the operator to potentially serious injuries.

(b) Employees strongly object to operating machinery so equipped in low coal and allege a diminution of safety resulting from impaired vision and being required to operate in cramped positions. The impaired vision and cramped positions cause the following hazards and unsafe practices:

(1) Miners attempt to operate the machinery while standing between it and the rib, thus incurring a risk of being crushed should the machine slue.

(2) The combination of impaired vision and cramped positions cause the operator to expose his body and appendages, such as head and feet, to the risk of being crushed between the machine and rib, or any other equipment.

(3) Impaired vision is given as a major cause by machine operators for the damaging or severing of power cables by running over them.

(4) Impaired vision subjects the operator and fellow employees to increased risks of injury because the operator cannot adequately see other employees and/or equipment.

(5) The canopies drag against the roof and destroy both the torque and tension of the roof bolts.

(6) The operators' reduced visibility as the result of canopies places the helpers in the area in jeopardy when working in such confined conditions.

8. At present, Petitioner is unaware of any proposed commercially manufactured canopy which could be installed which would provide the same degree of safety to miners as the complete removal of the canopy would provide. Petitioner has recently requested assistance from the manufacturer of the mining equipment in an attempt to determine ways in which to modify the equipment with canopies so the safety of those operating the equipment will not be diminished, and so the safety of those working in the vicinity of the equipment while it is in operation will also not be diminished. To date, a feasible method of modifying the equipment has not been found.

9. Under the circumstances described above, the approved roof control plans presently utilized by Petitioner provide no less than the same degree of protection afforded by the safety standards in question. Such approved roof control plans are deemed satisfactory for all other personnel in the mine including the helpers on self-propelled face equipment who move freely about the mine under the protection of such approved support.

10. Hence, the alternate method Petitioner proposes to establish, in lieu of the mandatory standard, is the elimination of canopies on its face equipment until such time as technology establishes beyond doubt that canopies can be safely used in Petitioner's mines.

Request for Hearing or Comments. Persons interested in this petition may

request a hearing on the petition or furnish comments on or before June 10, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 3, 1976.

[FR Doc.76-13601 Filed 5-10-76;8:45 am]

[Docket No. M76-149]

BUFFALO MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Buffalo Mining Company has filed a petition to modify the application of 30 CFR 75.1704-1(a) to its Buffalo Mark Mine located in Mingo County, West Virginia.

30 CFR 75.1704-1(a) provides:

Except in situations where the height of the coalbed is less than 5 feet, escapeways should be maintained at a height of at least 5 feet (excluding necessary roof support) and the travelway in such escapeway should be maintained at a width of at least 6 feet. In those situations where the height of the coalbed is less than 5 feet the escapeway should be maintained to the height of the coalbed (excluding any necessary roof support) and the travelway in such escapeways should be maintained at a width of at least 6 feet.

The substance of Petitioner's statement is as follows:

1. Petitioner's operations in the Mark Mine have been proceeding in seams of coal which, when mined, are in excess of 5 feet in height.

2. Petitioner's mine has been in operation since October 1970. Petitioner's mine is a slope mine driven in solid rock. The rock heading in question was driven on approximately 15 degrees of slope and is approximately 15 feet in width. Within these 15 feet, very close to being centered, is the coal haulage conveyor belt with a width of 5 feet, leaving only 5 feet clearance on either side. This particular entryway is used as the secondary escapeway at this mine. When in operation as a secondary escapeway, the belt would be shut off. Hence, there would be no hazard to the men traveling the escapeway at that time.

3. Miners at this mine have an average of 5 feet of clearance on both sides of the belt, more than enough for the fully equipped miner to pass through. In order to comply with the 6-feet requirement, the entire solid rock slope would have to be driven wider necessitating the closing of the entire mine for approximately 1 year or the entire 7,800 feet of belt line, including 10 belt heads, would have to be relocated causing a disruption of mining operations for approximately 6 months.

4. Petitioner submits that the application of the foregoing provisions of the regulations, if applied to Petitioner's mine, will not guarantee them any higher degree of safety than is now maintained and result in a severe economic hardship to the miners involved.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 3, 1976.

[FR Doc.76-13602 Filed 5-10-76;8:45 am]

[Docket No. M76-158]

CARPENTERTOWN COAL AND COKE CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Carpentertown Coal and Coke Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mahoning No. 2 Mine located in Armstrong County, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner respectfully requests the modification of the application of the mandatory safety standard 30 CFR 75.-1710-1(a) with respect to the subject mine for the reason that the application of such standard will result in a diminution of safety to the miners.

2. Petitioner asserts that technology does not presently exist to enable it to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators.

3. The average mining height for the subject mine contained in this petition and the average two (2) to three (3)-inch decrease in that height as a result of installation of supplemental supports in accordance with approved roof support plans is as follows:

Mine	Average mining height without supplemental supports	Average mining height with supplemental supports
Mahoning No. 2.	32 to 23 in.....	30 to 31 in.

This coal seam also undulates and rolls resulting in ascending and descending grades that further limit and prevent the effective use of cabs and canopies.

4. Operators of face equipment, including shuttle car operators, are under MESA approved plans for permanently and/or temporarily supported roof at all times. Such roof support is deemed satisfactory for all other personnel in the mines including the helpers on self-propelled electric face equipment and these helpers and other personnel freely move about the mines under the protection of approved roof support.

5. Petitioner indicates the application of the mandatory standard will result in a diminution of safety to the miners for the following reasons:

(a) By installing cabs or canopies on our face equipment, it would create an impairment of vision and place our operators in a cramped position.

(b) The combination of impaired vision and cramped position could cause the operator to expose his body and appendages, such as head and feet, to the risk of being crushed between the machine and rib.

(c) Ingress and egress from the cab would be limited and could effectively prevent quick escape when mining conditions warrant such escape.

(d) Impaired vision could be a major cause of operators damaging or severing power cables by running over them.

(e) Impaired vision would also subject the operators and fellow employees to increased risks of injury because the operator cannot adequately see other employees and/or equipment.

6. The alternate method Petitioner proposes to establish, in lieu of the mandatory standard, is to request a modification until such time as technology establishes beyond doubt that canopies can be safely used in Petitioner's mine.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 3, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-13603 Filed 5-10-76;8:45 am]

[Docket No. M 76-150]

CRESS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Cress Coal Company has filed a petition to modify the application of 30 CFR 75.301 to its No. 1 Slope Mine located in Schuylkill County, Pennsylvania.

30 CFR 75.301 provides:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute. The authorized representative of the Secretary may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the health of safety of miners. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

The substance of Petitioner's statement is as follows:

1. Petitioner requests that section 75.301 be modified for this anthracite mine to require, in part, that the minimum quantity of air reaching each working face should be 1,500 cubic feet a minute, that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

2. This petition requesting modification of 30 CFR 75.301 is submitted for the following reasons:

(a) Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

(b) Ignition, explosion and mine fire history are nonexistent for the mine.

(c) There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

(d) Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

(e) Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

(f) High velocities and large air quantities cause extremely uncomfortably damp and cold conditions in the already uncomfortable wet, mines.

(g) Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 3, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-13604 Filed 5-10-76;8:45 am]

[Docket No. M 76-153]

EXTRACTORS, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that is accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Extractors, Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Deep Mine located in Wyoming County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which is pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or ribs, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. By Memorandum to all District Managers dated September 20, 1973, the MESA Acting Assistant Administrator further interpreted these sections to mean that the mining heights listed in 30 CFR 75.1710-1 were "the distance from the floor to the finished roof *less 12 inches.*" (Emphasis added.)

2. The coalbed height in Petitioner's No. 1 Deep Mine varies between 38 inches and 48 inches.

3. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator proper visibility for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will clear the top in areas where the equipment must operate in this mine.

5. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator to escape rapidly from the confines of such cabs or canopies in the event of an emergency.

6. Petitioner is a small operator whose electrical face equipment is provided, under a lease-purchase agreement, by Itmann Company ("Itmann"), from whom Petitioner also leases its mining property. Under the agreement, Petitioner shares Itmann's technology in attempting to design a cab or canopy for electrical face equipment to comply with the Secretary's regulations.

7. Itmann has petitioned, in Docket No. M 76–80, for modification of the application of 30 CFR 75.1710 and 75.1710–1(a)(5) to its Itmann Nos. 1–3 Mines. The Petition states, inter alia, the conclusion of Itmann's engineers that neither their own experimental cab or canopy designs, nor any prefabricated cab or canopy known to them, would alleviate the dangers of poor visibility, "roofing," and entrapment.

8. Petitioner contends, therefore, that application of 30 CFR 75.1710 and 75.1710–1(a)(5) to its present electrical face equipment, operating in the coalbed height shown in paragraph 2 above, will result in a diminution of safety to the miners at its No. 1 Deep Mine.

Petitioner's Alternate Method. Petitioner proposes the following alternative method in lieu of compliance with 30 CFR 75.1710 and 75.1710–1:

1. Petitioner's present electrical face equipment will be replaced, as that equipment wears out, with smaller equipment with cabs or canopies installed to the extent that the cabs or canopies on such smaller equipment may satisfy the human and physical engineering problems identified in paragraphs 3, 4 and 5 of this Petition.

2. Petitioner will retrofit its present electrical face equipment with any cab or canopy developed or discovered by Itmann's engineers or any cab or canopy which becomes commercially available which will satisfy the human and physical engineering problems identified in paragraphs 3, 4, and 5 of this petition.

3. In addition to complying with the roof control plan in effect at the subject mine, Petitioner will reinstruct all face workers and section supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

4. Petitioner respectfully requests that its Petition for Modification of the application of 30 CFR 75.1710 and 75.1710–1(a)(5) be granted until such time as it is able to acquire cabs or canopies configurated for safe operation in the coalbed height at the No. 1 Deep Mine.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 3, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76–13604 Filed 5–10–76;8:45 am]

[Docket No. M 76–156]

HARMONY MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Harmony Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Harmony No. 1 Mine located in Cambria County, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner contends that equipping self-propelled electrical face equipment with canopies or cabs will create greater safety hazards than are presently encountered.

2. Petitioner asserts that crowded conditions and lower visibility are some of the major factors constituting such hazards. Petitioner also cites lack of engineering methods and controls on their low seam equipment as factors in requesting a modification of the aforementioned regulation.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 3, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76–13606 Filed 5–10–76;8:45 am]

[Docket No. M 76–170]

H & W COAL CO.

Amended* Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), H & W Coal Company has filed an amended petition to modify the application of 30 CFR 75.1710 to its Mine No. 2, Devonia, Anderson County, Tennessee.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's amendment is as follows:

Since the filing of the original Petition for Modification, Petitioner has determined that compliance with 30 CFR 75.1710–1 for all self-propelled electric face equipment, including shuttle cars and scoops, at Petitioner's Mine No. 2

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*The orginal petition appeared in 41 Fed. Reg. 15886 on Thursday, April 15, 1976.

will result in a diminution of safety to the miners in each such mine. Consequently, Petitioner amends its petition to include all self-propelled electric face equipment.

Requests for Hearings or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 3, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-13607 Filed 5-10-76;8:45 am]

[Docket No. M 76-151]

JACKSON BRANCH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Jackson Branch Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 27 mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner contends that installation of canopies on its haulage equipment presents a hazard to its operators. Petitioner's equipment includes Meschers Manufacturing Company Battery tractors and cars. The cars range in height from 24 to 32 inches. Petitioner assets that such equipment was manufactured in the early 1960's. Hence, it was not designed to have canopies installed as are cars manufactured more recently.

2. Petitioner states that the No. 27 mine is in the 3½ Elkhorn Seam, which ranges in height from 34 to 38 inches. Petitioner contends that there are ascending and descending grades within this seam. Installation of canopies on the battery tractors, contends Petitioner, will limit visibility of the machine operators, thereby creating a hazard to them as well as to other miners in the mine.

3. Petitioner contends that the installation of canopies on its equipment will be a contributing factor to accidents that may arise inasmuch as the operator's visibility will be limited. Petitioner is concerned also with the position required to operate the machinery should a canopy be installed.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 3, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-13608 Filed 5-10-76;8:45 am]

[Docket No. M 76-157]

NEW RIVER CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), The New River Company has filed a petition to modify the application of 30 CFR 75.1710 to its Skelton Mine located in Raleigh County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 48 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner requests that Section 317 (j) of the Act and specifically Section 75.-1710-1, subparagraph (4) be modified until further technology be developed for equipment mining in seams of 36 inches, as the installation of canopies in this height creates a diminution of safety to the employees at its Skelton Mine and for grounds therefor states as follows:

(a) The Skelton Mine is a three section coal mine producing coal on two shifts per day with one shift being used for supplying and maintenance of equipment. Mining is accomplished by Jeffrey 120L continuous mining machines, Joy A.C./D.C. 21SC shuttle cars, Galis 300 and Lee-Norse Top Dog II roof bolting machines. Coal is being mined in the Beckley Seam, which coal is loaded into shuttle cars, transported to and dumped onto a belt feeder which dumps onto a belt conveyor, and transported to the surface by a series of belt conveyors.

(b) The Beckley Seam of coal at the Skelton Mine is a very difficult seam of coal to mine due not only to undulating seam conditions, but also due to the variable height of the coal seam. Coal seam grades are mined up to 30 percent with the seam height variation of 36 inches to 72 inches. This height variation is encountered many times on the same mining section. In addition to the undulation and the height variation, many sand rock rolls are present in the seam.

(c) Many types of conventional equipment and continuous mining machines have been used in the Skelton Mine over

the past years with the present type of equipment, *i.e.*, Joy 21SC shuttle cars 29½ inches high and Jeffrey 120L continuous miners 31¼ inches high, being the only equipment that is low enough to mine the coal with its varying heights and powerful enough to cut the rock rolls and able to negotiate the adverse grades. Petitioner has not found any other equipment manufactured that is able to meet all the requirements necessary to mine the Beckley Seam in the Skelton Mine.

(d) Canopies have been installed on the self-propelled electric face equipment in the Skelton Mine with our best good-faith efforts to comply, but Petitioner is not able to attain satisfactory compliance with this requirement. Stationary canopies have been installed that may be manually raised or lowered, hydraulically operated canopies have also been installed, canopies purchased from the equipment manufacturers have been installed, and canoplies designed and manufactured by The New River Company have been installed, and yet with all of these, we are not able to comply with the requirement.

(e) As shown in a letter from Jeffrey Mining Machinery Company, their canopy has a minimum height of 42¾ inches. Petitioner has been able to bring this down to 39½ inches; however, the operator has limited visibility and is not able to turn his head. The equipment is then roofed, but before roofing, many roof bolts are either loosened or dislodged since the head of the roof bolt with a roof bolt plate extends 1 inch below the roof line. This brings about another diminution of safety to the employees.

(f) The canopy on the Joy 21SC shuttle car imparts even more diminution of safety to the employees in trying to comply with the requirement. Petitioner has been able to provide 27 inches between the seat of the shuttle car and the canopy for the operator; however, this does not give the operator of the opposite standard shuttle car enough visibility to get under the boom of the continuous miner to be loaded. He must get out of the deck and out from under the protection of the canopy to operate the controls for the shuttle car. It becomes necessary for the operators of both cars to stick their heads out from under the canopy in order to steer the cars because of the limited visibilty.

(g) The operators of the roof bolting machines are experiencing the same difficulty with canopies as the operators of other equipment in trying to meet the requirement.

2. Petitioner respectfully requests that pursuant to Section 301(c) of the Act that Section 317(j) of the Act be modified until further technology be developed for seams under 48 inches in height due to the overall diminution of safety to employees.

Requests for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 10, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 3, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-13609 Filed 5-10-76;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 April 30, 1976. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the signficance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by May 21, 1976 (10 days after publication).

WILLIAM J. MURTAGH,
Acting Director, Office of Archeology and Historic Preservation.

ALASKA

Bristol Bay Division

Kanatak vicinity, *Kukak Village Site*, NE of Kanatak on the Shelikof Straits on Katmai National Monument.

ARKANSAS

Van Buren County

Choctaw vicinity, *Stobaugh House*, AR 9 0.5 mi. SW of Choctaw.

CALIFORNIA

Orange County

El Toro, *Serrano, Jose, Adobe*, 21802 Serrano Rd.

COLORADO

Larimer County

Estes Park vicinity, *Fall River Historic District*, Fall River Rd., W of Estes Park.

DELAWARE

New Castle County

Newark, *Academy of Newark*, Main and Academy Sts.

Sussex County

Lewes vicinity, *Wolfe's Neck Site*, S of Lewes.

FLORIDA

Hardee County

Bowling Green vicinity, *Payne's Creek Massacre/Fort Chokonikla Site*, SE of Bowling Green.

Manatee County

Bradenton, *Manatee County Courthouse*, Manatee Ave. and 15th St.

Monroe County

Key West, *West Martello Tower*, Monroe County Beach between Reynolds and White Sts.

Seminole County

Sanford, *Sanford Architectural District*, irregular pattern along 1st St.

HAWAII

Honolulu County

Honolulu, *Halekulani Hotel*, 2199 Kalia Rd.

IDAHO

Franklin County

Preston, *Cowley, Mathias, House*, 110 S. First East.

Idaho County

Kamiah, *McBeth, Sue, Cabin*, U.S. 12.

Kooteni County

Coeur d'Alene, *Roosevelt School*, 1st. and Wallace.

Allamakee County

New Albin, *Iron Post*, N end of Main St.

Ceder County

Tipton vicinity, *Floral Hall*, W. of Tipton on Cedar County Fair Grounds.

Clayton County

Elkader, *Clayton County Courthouse*, 111 High St., NE.
Elkader, *Elkader Opera House*, 207 N. Main St.
Elkader, *Reimer, W. C., House*, 101 High St., SE.
Elkader, *Schmidt House*, 101 Oak St., NW.
Elkader, *Stemmer, J. C., House*, 113 Oak St., N.W.

Davis County

Bloomfield vicinity, *Russell Octagon House*, SW of Bloomfield off U.S. 63.

Dubuque County

Dubuque, *Dubuque Brewing and Malting Company Buildings*, 30th and Jackson Sts.

Fremont County

Riverton, *Chautauqua Pavilion*, IA 42.

Lee County

Ft. Madison, *Lee County Courthouse*, 701 Avenue F.

Linn County

Marion, *Granger House*, 970 10th St.

Polk County

Des Moines, *Old Southeast Water Trough*, SE 11th and Scott Sts.

Scott County

Davenport, *Collins House*, 1234 E. 29th St.

Winneshiek County

Decorah, *Miller, Norris, House*, 118 N. Mill St.

Worth County

Grafton, *Chicago, Milwaukee, St. Paul and Pacific Railroad Depot*, IA 337.

KENTUCKY

Mason County

Washington, *Washington Historic District*, U.S. 62/68.

Pike County

Pikeville and vicinity, *Hatfield-McCoy Feud Historic District*.

MARYLAND

Prince Georges County

Takoma Park, *Takoma Park Historic District*, roughly bounded by D.C., Silver Spring and Prince Georges County, Md.

MONTANA

Deer Lodge County

Deer Lodge, *Montana Territorial and State Prison*, 925 Main St.

NEW YORK

Albany County

Albany, *United Traction Company Building*, 598 Broadway.

Erie County

Buffalo, *County and City Hall*, 95 Franklin St.

Herkimer County

Ilion, *Remington Stables*, 1 Remington Ave.

Nassau County

Oyster Bay, *Swan, Edward H. House*, Cove Neck Rd.

New York County

New York, *Watch Tower*, Marcus Garvey Park at E. 122nd St.

Suffolk County

Orient, *Orient Historic District*, NW 25.

PENNSYLVANIA

Carbon County

Summit Hill and vicinity, *Mauch Chunk and Summit Hill Switchback Railroad*, Ludlow St., Summit Hill, E to Jim Thorpe.

TENNESSEE

Williamson County

Franklin vicinity, *Glen Echo*, Spencer Creek Rd., N of Franklin.

TEXAS

Bowie County

Texarkana, *Draughn-Moore House*, 420 Pine St.

Crockett County

Iraan vicinity, *41 CX 110*, about 15 mi. E of Iraan.

Taylor County

Abilene, *Sayles, Henry, House*, 642 Sayles Blvd.

Terrell County

Dryden vicinity, *Geddis Canyon Rock Art Site*, NE of Dryden.

UTAH

Salt Lake County

Salt Lake City, *Herald Building*, 165–169 S. Main.

WASHINGTON

Asotin County

Asotin vicinity, *Snake River Archeologic District*, Snake River from Asotin to Oregon border.

Franklin County

Pasco vicinity, *Strawberry Island Village Archeological Site*, E of Pasco in Lower Snake River.

Spokane County

Cheney vicinity, *Italian Rock Ovens*, S of Cheney.

[FR Doc.76-13485 Filed 5-10-76;8:45 am]

Office of the Secretary

DOLORES PROJECT, COLORADO

Land Class Equivalents

1. Section 501(d) of the Act of September 30, 1968 (82 Stat. 898), provides, "The Secretary shall, for the Animas-La Plata, Dolores, Dallas Creek, San Miguel, West Divide, and Seedskadee participating projects of the Colorado River storage project, establish the non-excess irrigable acreage for which any single ownership may receive project water at one hundred and sixty acres of class 1 land or the equivalent thereof, as determined by the Secretary, in other land classes."

2. Accordingly, I have determined and hereby establish that, in computing the equivalent of one hundred and sixty acres of class 1 land on the Dolores Project, each acre of class 2 land shall be counted as seventy-three one hundredths of an acre, and each acre of class 3 land shall be counted as sixty-eight one hundredths of an acre.

Dated: April 30, 1976.

DENNIS N. SACHS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-13610 Filed 5-10-76;8:45 am]

[INT FES 76-24]

RIO GRANDE RIVER

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, P.L. 91-190, the Department of the Interior has prepared a final environmental impact statement for the proposed Rio Grande National Wild and Scenic River.

The proposal involves the designation of 191.2 miles of the Rio Grande River as a component of the National Wild and Scenic Rivers System.

Copies are available for inspection at the Bureau of Outdoor Recreation, South Central Regional Office, 5000 Marble Avenue, N.E., Albuquerque, New Mexico 87110 and at the Bureau of Outdoor Recreation, Division of Resource Area Studies, Room 4256, 18th and C Streets, N.W., Washington, D.C. 20240.

A limited number of copies are also available and may be obtained by writing the Regional Director, South Central Regional Office at the address shown above.

Dated: May 4, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-13611 Filed 5-10-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

COMMITTEE OF NINE

Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given of a meeting of the Committee of Nine at 8:30 a.m., June 1, 1976, at the Stewart Hotel, 351 Geary Street, San Francisco, California.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State agricultural experiment stations. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-5260.

Dated: April 30, 1976.

T. S. RONNINGEN,
Acting Administrator.

[FR Doc.76-13586 Filed 5-10-76;8:45 am]

Forest Service

COOPERATIVE WESTERN SPRUCE BUDWORM PEST MANAGEMENT PLAN

Availability of Final 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 final environmental statement for control of the western spruce budworm in Oregon and Washington, USDA-FS-R6-FES(Adm)-76-7.

The environmental statement concerns a proposed treatment of the western spruce budworm on 326,300 acres of infested Federal, State, and private lands in Washington and Oregon during the spring and summer of 1976 with carbaryl and malathion to suppress the western spruce budworm.

This final environmental statement was transmitted to CEQ on May 3, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 97204.
Okanogan National Forest, 219 Second Avenue South, Okanogan, Washington 93840.
Wenatchee National Forest, 301 Yakima Street, Wenatchee, Washington 98801.
Bureau of Indian Affairs, 1425 N.E. Irving, Portland, Oregon 97232.
Washington State Department of Natural Resources, Public Lands Building, Room 201, Olympia, Washington 98504.

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the final environmental statement have been sent to various Fed-

eral, State and local agencies as outlined in the CEQ guidelines.

Dated: May 3, 1976.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

[FR Doc.76-13591 Filed 5-10-76;8:45 am]

Rural Electrification Administration

CONTINENTAL TELEPHONE COMPANY OF ARKANSAS

Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $10,097,000 to the Continental Telephone Company of Arkansas, Russellville, Arkansas. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. D. E. Feaster, President, Continental Telephone Company of Arkansas, P.O. Box 307, Wentzville, Missouri 63385. To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. D. E. Feaster. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Continental Telephone Company of Arkansas and REA deem appropriate. Prospective lenders are advised that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 4th day of May, 1976.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.76-13548 Filed 5-10-76;8:45 am]

SUGAR LAND TELEPHONE CO.

Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $20,277,000 to Sugar Land Telephone Company, Sugar Land, Texas. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proopsed project from Mr. Robert P. Hill, President, Sugar Land Telephone Company, P.O. Box 650, Sugar Land, Texas 77478.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. Robert P. Hill. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Sugar Land Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 4th day of May, 1976.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.76-13547 Filed 5-10-76;8:45 am]

CONTINENTAL TELEPHONE COMPANY OF TEXAS, DALLAS, TEXAS

Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $10,254,000 to Continental Telephone Company of Texas, Dallas, Texas. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. James F. Miles, President, Continental Telephone Company of Texas, P.O. Box 30098, Dallas, Texas 75230.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. James F. Miles. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Continental Telephone Company of Texas and REA deem appropriate, Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 5th day of May 1976.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.76-13677 Filed 5-10-76;8:45 am]

Soil Conservation Service

CHAMBERS CREEK WATERSHED PROJECT, TEXAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service; U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Chambers Creek Watershed Project, Navarro, Ellis, Hill and Johnson Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include the installation of a floodwater release channel below floodwater retarding structure No. 75B.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state and local agencies. The

basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, First National Bank Building, Temple, Texas 76501. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

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

Dated: April 30, 1976.

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

[FR Doc.76-13617 Filed 5-10-76;8:45 am]

McGEE LAKE PUBLIC WATER-BASED FISH AND WILDLIFE RC&D MEASURE, PRIRU-TA RC&D PROJECT, RUSK COUNTY, WISCONSIN

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 McGee Lake Public Water-Based Fish and Wildlife RC&D Measure, Rusk County, Wisconsin.

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. J. C. Hytry, State Conservationist, U.S. Department of Agriculture, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for a public water-based fish and wildlife development. The planned works of improvement include the installation of an earth embankment dam to reestablish the water level on a 70-acre area for fish and wildlife. (The original dam failed in the spring of 1973.) Land treatment within the watershed is presently adequate. The state agency responsible for fish and wildlife management will assist the local sponsors with the operation and management of the development according to a wildlife management plan.

The environmental assessment file is available for inspection during regular working hours at the following location:

U.S. Department of Agriculture, Soil Conservation Service, Courthouse, Ladysmith, Wisconsin 54848.

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 of publication of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: May 3, 1976.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.76-13618 Filed 5-10-76;8:45 am]

PECAN CREEK WATERSHED, HAMILTON COUNTY, TEXAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pecan Creek Watershed, Hamilton County, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by three single purpose floodwater retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, First National Bank Building, Temple, Texas 76501. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

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

Dated: April 30, 1976.

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

[FR Doc.76-13619 Filed 5-10-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

GEORGIA SOUTHWESTERN COLLEGE ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

Correction

In FR Doc. 76-13349 appearing on page 18895 in the issue of Friday, May 7, 1976, the 3rd paragraph from the bottom in column 3 should be deleted its entirety.

WASHINGTON UNIVERSITY

Consolidated Decision on Applications for Duty Free Entry of Scientific Articles

Correction

In FR Doc. 67-13348 appearing on page 18894 in the issue of May 7, 1976, the docket number in the 1st line of paragraph 3 should read "76-00288".

Economic Development Administration

DAME BELT CO., INC.

Petition for a Determination

A petition under Section 251 of the Trade Act of 1974 (P.L. 93-618), initially submitted on February 6, 1976, and accepted on February 18, 1976, from Dame Belt Company, Inc., New York, New York 10001, was subsequently withdrawn and resubmitted. The amended petition dated April 28, 1976, from the producer of belts and handbags, was accepted for filing on May 3, 1976. Consequently, the United States Department of Commerce has resumed its investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on May 21, 1976.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-13569 Filed 5-10-76;8:45 am]

FERRICYANIDE AND FERROCYANIDE PIGMENTS INDUSTRY

Study of the Producing Firms

SUMMARY

The Department of Commerce has conducted a study of firms in the ferricyanide and ferrocyanide pigments industry pursuant to the Trade Act of 1974. Such a study is required whenever the U.S. International Trade Commis-

sion makes an industry investigation under Section 201. On April 2, 1976, the Commission submitted its report to the President on its recently completed investigation of the ferricyanide and ferrocyanide pigments industry. The Commission determined by a 5 to 1 majority that increased imports are causing or threatening to cause serious injury to the domestic industry. The Commissioners voting in the affirmative recommended relief in the form of increased duties to be imposed on imports of iron blue pigments over a 5-year period. According to Section 202 of the Trade Act, the President shall determine whether to provide import relief and what method and amount of import relief will be provided.

The Ferricyanide and Ferrocyanide Pigments Industry. Ferricyanide and ferrocyanide pigments—commonly called iron blue pigments—are fine powders used as coloring agents. These pigments are forms of ferric ammonium ferrocyanide, a blue inorganic chemical. Manufacturers produce many different grades of these pigments for different uses. These grades vary in particle size, shade, texture, oil absorption, and other characteristics. The main uses involve printing inks and one-time-use blue carbon paper. Green plastic bags and certain paints also use iron blue pigments.

Expect for sharp declines in 1975, production and employment in the iron blue pigments industry has been fairly stable since 1970. Very minor declines from 1970 to 1974 reflect both the 1974–75 recession and increased imports. Increased consumption absorbed most of the import increases, but the unabsorbed imports did contribute to production and employment declines. The sharp production and employment declines in 1975 were due primarily to the recession; imports fell 43 percent that year and, therefore, probably were not a contributing factor.

Firms Eligible for Adjustment Assistance. Section 264 requires that this study include consideration of "the number of firms in the domestic industry * * * which have been or are likely to be certified as eligible for adjustment assistance." To be certified, firms must show that increased imports "contributed importantly" to (a) the separation, or threat thereof, of a significant number or proportion of their workers, and (b) an absolute decrease in their sales or production.

The iron blue pigments industry has four firms. None of the firms have petitioned the Department of Commerce for certification. Although each case would have to be judged on its own merits, it is unlikely that any of these firms could qualify for certification. The industry did not experience significant employment declines from 1970 and 1974 and had only a negligible 1970–74 production decline, but overall employment and production trends for the entire operations of the four firms are unknown. For certification purposes, the Department of Commerce usually considers all products of multiproduct firms and all operations of related firms in evaluating employment, sales, and production changes. All four firms derive 3 percent or less of total sales from iron blue pigment, and it is unlikely that any declines for this product would be responsible for an overall decline in a firm's sales or production. Regarding 1975, the employment and production declines by the industry were substantial but were due primarily to the recession, not imports.

Sources of Federal Assistance. Two Federal agencies—the Economic Development Administration ("EDA") and the Farmers Home Administration ("FmHA")—have programs that might facilitate orderly adjustment of firms in the iron blue pigments industry to import competition.

EDA, in the Department of Commerce, has several programs that might help. The Trade Act of 1974 authorizes financial assistance (loans and loan guarantees) and technical assistance to certified firms. The Act also provides for certification of communities that have been adversely affected by imports. These communities become eligible for public works grants, loans, and loan guarantees, all of which may be of indirect benefit to affected firms. Additional assistance is available under the Public Works and Economic Development Act of 1965, as amended. It allows firms in EDA-designated "redevelopment areas" and "economic development centers" to obtain loans and loan guarantees and to benefit indirectly from public works grants to the designated places. The Act also authorizes technical assistance to firms regardless of location.

FmHA, in the Department of Agriculture, has two potentially useful programs. First, FmHA can guarantee loans to businesses located in areas other than cities of over 50,000 population. Second, it can make grants and loans to public bodies, such as local governments and development organizations, in areas other than cities of over 10,000 population.

Additional information about the adjustment assistance progams and copies of the report, Prospects for Adjustment Assistance for Firms in the Ferricyanide and Ferrocyanide Pigments Industry, are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/377–5113).

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76–13570 Filed 5–10–76;8:45 am]

National Oceanic and Atmospheric Administration

OFFICE OF COASTAL ZONE MANAGEMENT

Notice of Public Hearing

Notice hereby is given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold an additional public hearing for the purpose of receiving comments on the draft environmental impact statement concerning the establishment of an estuarine sanctuary in Waimanu Valley, County of Hawaii, State of Hawaii. The Hawaii State Department of Planning and Economic Development has submitted an application for approval of the establishment of this sanctuary by the Secretary of Commerce as authorized by Section 312 of the Coastal Zone Management Act of 1972.

The hearings will be held in two sessions: the first in the County Council Chambers in Hilo at 10:00 a.m., Saturday, May 22; the second the following Monday at 7:00 p.m. in the Honoka'a High and Elementary School Cafeteria. An earlier set of informational meetings was held in April. Statements, both written and oral, are invited from the general public and interested organizations. Presentations will be scheduled on a first-come, first-served basis, but may be limited to a maximum of ten minutes or as otherwise appropriate. Priority will be given to those with prepared statements; time will be available, however, at the end of the meeting for those persons without statements to present their views. The Office of Coastal Zone Management staff may question any speaker following presentation of his statement. No verbatim transcript of the hearing will be maintained, but staff present will record the general thrust of remarks.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible so that an appearance schedule may be drawn up and definite times established for presentations. Please contact:

Office of Coastal Zone Management, 3300 Whitehaven Street, NW., Page Building No. 1, Washington, D.C. 20235, Phone: 202/634–4241.

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such comments must be received before May 21, 1976, or at the public hearing, in order to be considered for inclusion in the final environmental impact statement.

Copies of the draft environmental impact statement may be obtained by contacting the Office of Coastal Zone Management or:

Department of Planning and Economic Development, Kamamalu Building, 250 South King Street, Honolulu, Hawaii.
Hawaii Document Center, State Libraries, 478 South King Street, Honolulu, Hawaii.

Comments may address the adequacy of the impact statement and/or the nature of the estuarine sanctuary proposal itself.

Following consideration of the comments received at this hearing, as well as written comments submitted to the Office of Coastal Zone Management, the Office of Coastal Zone Management will prepare the final environmental impact

statement pursuant to the National Environmental Policy Act of 1969 and implementing guidelines.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.76-13588 Filed 5-10-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Notice of Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of June 1976:

DRUG ABUSE DEMONSTRATION REVIEW COMMITTEE

JUNE 1-3; 9:00 A.M.

Conference Room 873, Rockwall Building, Rockville, Md.

Open—June 1, 9:00-10:00 a.m. Closed—Otherwise.

Contact Ms. Peggy Thompson, Rockwall Building, Room 628, 11400 Rockville Pike, Rockville, Md. 20852, 301-443-1243.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to demonstration activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 9:00 a.m. to 10:00 a.m., June 1, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. App. I).

EXPERIMENTAL PSYCHOLOGY RESEARCH REVIEW COMMITTEE

JUNE 2-4; 9:00 A.M.

Circle Room, Dupont Plaza Hotel, Dupont Circle, N.W., Washington, D.C.

Open—June 2, 9:00-9:30 a.m. Closed—Otherwise.

Contact Sally Connell, Parklawn Building, Room 10-95, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3936.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to experimental psychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 a.m. to 9:30 a.m., June 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

CLINICAL PROGRAM-PROJECTS RESEARCH REVIEW COMMITTEE

JUNE 4-5; 9:00 A.M.

Holiday Inn, Bethesda, Maryland.

Open—June 4, 9:00-10:00 a.m. Closed—Otherwise.

Contact Evelyn Cralle, Parklawn Building, Room 10C-25, 5600 Fisher Lane, Rockville, Maryland 20852, 301-443-4707.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., June 4, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

EPIDEMIOLOGIC STUDIES REVIEW COMMITTEE

JUNE 4-5; 9:00 A.M.

Tokyo Room, International Hotel, 300 Canal Street, New Orleans, Louisiana 70140.

Open—June 4, 9:00-10:00 a.m. Closed—Otherwise.

Contract Lavinia Walsh, Parklawn Building, Room 10C-09, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3774.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in the field of epidemiology and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., June 4, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

NEUROPSYCHOLOGY RESEARCH REVIEW COMMITTEE

JUNE 7-9; 9:00 A.M.

Maryland Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Md.

Open—June 7, 9:00-10:00 a.m. Closed—Otherwise.

Contact Eileen Nugent, Parklawn Building, Room 10C-06, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3942.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to neuropsychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., June 7, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

METROPOLITAN MENTAL HEALTH PROBLEMS REVIEW COMMITTEE

JUNE 9-10; 9:00 A.M.

Conference Room, Institute for Social Research, University of Michigan, 426 Thompson Street, Ann Arbor, Michigan 48104.

Open—June 9, 9:00-9:30 a.m. Closed—Otherwise.

Contact Phyllis Pinzow, Parklawn Building, Room 15-99, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3373.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, Division of Special Mental Health Programs, Center for Studies of Metropolitan Problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9:30 a.m., June 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

SOCIAL SCIENCES RESEARCH REVIEW COMMITTEE

JUNE 9-11; 9:00 A.M.

Executive Room, Dupont-Plaza Hotel, Dupont Circle, N.W., Washington, D.C.

Open—June 9, 9:00-9:30 a.m. Closed—Otherwise.

Contact Marilyn Andersen, Parklawn Building, Room 10-95, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3936.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to social science research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9:30 a.m., June 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

MINORITY GROUP MENTAL HEALTH PROGRAMS REVIEW COMMITTEE

JUNE 10-12; 9:00 A.M.

North Scott Room, Gramercy Inn, 1616 Rhode Island Ave., N.W., Wash., D.C.

Open—June 10, 9:00–10:00 a.m. Closed—Otherwise.

Contact Edna M. Hardy Hill, Parklawn Building, Room 7–102, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–2988.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to minority mental health research and training and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., June 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

PERSONALITY AND COGNITION RESEARCH REVIEW COMMITTEE

JUNE 15–17; 9:00 A.M.

Brent II Room, Old Town Holiday Inn, 480 King Street, Old Town Alex., Va.

Open—June 15, 9:00–10:00 a.m. Closed—Otherwise.

Contact Shirley Maltz, Parklawn Building, Room 10C–06, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3942.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., June 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

DRUG ABUSE RESEARCH REVIEW COMMITTEE

JUNE 15–18; 9:00 A.M.

Conference Rooms 945, 873, and 677, Rockwall Building, Rockville, Md.

Open—June 15, 9:00–9:30 a.m. Closed—Otherwise.

Contact Ms. Ellen Simon Stover, Rockwall Building, Room 750, 11400 Rockville Pike, Rockville, Maryland 20852, 301–443–6664.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to research activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 9:00 to 9:30 a.m., June 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

CLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

JUNE 17–18; 9:00 A.M.

Conference Room C, Parklawn Building, Rockville, Maryland.

Open—June 17, 9:00–10:00 a.m. Closed—Otherwise.

Contact Antoinette C. Simms, Parklawn Building, Room 9–105, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3568.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendation to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., June 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

PRECLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

JUNE 17–18; 9:00 A.M.

Embassy Room, Suite G101, Wardman Towers, Sheraton Park Hotel, 2600 Woodley Road, N.W., Washington, D.C.

Open—June 17, 9:00–10:00 a.m. Closed—Otherwise.

Contact Dr. Dorothy Karp, Parklawn Building, Room 9–97, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3454.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., June 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

JUVENILE PROBLEMS RESEARCH REVIEW COMMITTEE

JUNE 17–19; 9:00 A.M.

Solar Parlor, Washington Hilton Hotel, Connecticut Ave., at Columbia Rd., N.W. Washington, D.C.

Open—June 17, 9:00–9:30 a.m. Closed—Otherwise.

Contact Dr. Teresa Levitin, Parklawn Building, Room 10–104, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3566.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Division of Extramural Research Programs, National Institute of Mental Health relating to the developmental growth of Juveniles and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9:30 a.m., June 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

SOCIAL PROBLEMS RESEARCH REVIEW COMMITTEE

JUNE 18–20; 9:00 A.M.

Independence Room, Washington Hilton Hotel, Connecticut Avenue at Columbia Road, N.W., Washington, D.C.

Open—June 18, 9:00–9:30 a.m. Closed—Otherwise.

Contact Dr. Herbert H. Coburn, Parklawn Building, Room 10–104, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–4843.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Division of Extramural Research Programs, NIMH, relating to the field of social problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9.30 a.m., June 18, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

CLINICAL PROJECTS RESEARCH REVIEW COMMITTEE

JUNE 21–23; 9:00 A.M.

Marriott Key Bridge Hotel, Rosslyn, Virginia.

Open—June 21, 9:00–10:00 a.m. Closed—Otherwise.

Contact Harriet German, Parklawn Building, Room 10C–23, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–4707.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., June 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

DRUG ABUSE PREVENTION REVIEW COMMITTEE

JUNE 23–24; 9:00 A.M.

Conference Room 873, Rockwall Building, Rockville, Maryland.

Open—June 23, 9:00–12:00 a.m. Closed—Otherwise.

Contact Ms. Margaret Wilmore, Rockwall Building, Room 752, 11400 Rockville Pike, Rockville, Maryland 20852, 301–443–2450.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to drug abuse prevention activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 9:00 a.m. to 12:00 noon, June 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

ALCOHOL RESEARCH REVIEW COMMITTEE

JUNE 23–25; 9:00 A.M.

Holiday Inn, Bethesda, Maryland.

Open—June 23, 9:00–10:00 a.m. Closed—Otherwise.

Contact James C. Teegarden, Ph. D., Parklawn Building, Room 6C–03, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–4223.

Purpose: The Committee provides initial review of applications for basic research grants, applied research grants, and special grants, in such project areas as pharmacological, physiological, sociological and psycholocigal aspects of alcohol use, incidence and prevalence of alcohol-related problems, and makes recommendations to the Director of the National Institute of Alcohol Abuse and Alcoholism and to the National Advisory Council on Alcohol Abuse and Alcoholism.

Agenda: From 9:00 to 10:00 a.m., June 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

MENTAL HEALTH SMALL GRANT COMMITTEE

JUNE 24; 1:00 P.M.

JUNE 25–26; 8:30 A.M.

Executive Suite and Parlor 509, Statler Hilton Hotel, 16th and K Streets, N.W., Washington, D.C.

Open—June 24, 4:00–5:00 p.m. Closed—Otherwise.

Contact Mary E. Enyart, Parklawn Building, 10C–14, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–4337.

Purpose: The Committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 4:00–5:00 p.m., June 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

CONTINUING EDUCATION TRAINING REVIEW COMMITTEE

JUNE 28–30; 10:00 A.M.

Conference Room C, Parklawn Building, Rockville, Maryland.

Open—June 28, 10:00–11:00 a.m. Closed—Otherwise.

Contact Luella McNay, Parklawn Building, Room 8C–22, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–4735.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to education activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 10:00–11:00 a.m., June 28, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Harry C. Bell, Associate Director for Public Affairs, NIAAA, Room 6C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, 20852, 301–443–3306. The NIDA Information Officer who will furnish summaries of the meetings and rosters of the Committee members is Mr. Joshua Hammond, Program Information Officer for Drug Abuse, NIDA, Room 814, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland, 20852, 301–443–6458. The NIMH Information Officer who will furnish summaries of the meetings and rosters of the Committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3600.

Dated: May 6, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76–13696 Filed 5–10–76;8:45 am]

Food and Drug Administration

PANEL ON REVIEW OF ORTHOPEDIC DEVICES

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Orthopedic Devices by the Secretary, Department of Health, Education, and Welfare for an additional period of 2 years beyond April 25, 1976.

Authority for this Committee will expire April 25, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: May 5, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76–13576 Filed 5–10–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–76–524, OILSR No. 0–2844–02–588]

HAULAPAI HIGHLANDS

Proceedings and Opportunity for Hearing

Notice is hereby given that: On March 19, 1976, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Carl Hanauer, President, Phase II Properties, Inc., 3443 North Central Avenue, Phoenix, Arizona 85012, a Notice of Proceedings and Opportunity for Hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d)) and 24 CFR 1710.45(b)(1), the Notice of Proceedings and Opportunity for Hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Secretary in administering the Interstate Land Sales Full Disclosure Act of 1968, 15 U.S.C. 1701, et seq., and its Regulations finds her public files discloses that:

A The Respondent is a Corporation organized under the laws of the State of Arizona and has its principal office in Phoenix, Arizona

B. Carl Hanauer is the President of the Respondent.

C. The mailing address of Respondent's last known principal office or place of business is 3443 North Central Avenue, Phoenix, Arizona 85012.

D. The Respondent Phase II Properties, Inc. filed a Statement of Record and Property Report for Haulapai Highlands located in Mohave County, which became effective March 22, 1973.

II. The Office of Interstate Land Sales Registration (OILSR) from its records or from other sources has obtained in-

formation which tends to show, and it so alleges that the Statement of Record and Property Report of the subdivision captioned above includes untrue statements of material fact or omits to state material facts required to be stated therein or necessary to make statements therein not misleading, to wit:

1. Failure to file the revised first page of the Property Report and revised form of contract in the form and with the language as prescribed by Regulations 24 CFR 1710.110, Part B, 2, 4, 5 and 6 and 24 CFR 1710.105, Part VI, or 24 CFR 1710.120 Section II, B, as amended, to disclose and conform to the amendments made in the Interstate Land Sales Full Disclosure Act (15 USC 1710 et seq.) by subsection 812(c)(1) of th Housing and Community Development Act of 1974 (Public Law 93–383) which subsection became effective October 21, 1974.

2. Failure to amend the filing in compliance with the Rules and Regulations of the Office of Interstate Land Sales Registration which became effective on December 1, 1973, 24 CFR 1710 et seq., as required by the Effective Date provision thereof.

III. In view of the allegations contained in Part II above, the Secretary will provide an opportunity for a public hearing to determine:

A. Whether the allegations set forth in Part II are true and in connection therewith to afford Respondent an opportunity to establish any defenses to such allegations; and

B. What, if any, remedial action is appropriate in the public interest and for the protection of purchasers pursuant to the Interstate Land Sales Full Disclosure Act.

IV. If the Respondent desires a hearing, he shall file a request for hearing accompanied by an answer within fifteen days after service of this Notice of Proceedings. Respondent is hereby notified that if he fails to file a response pursuant to 24 CFR 1720.140 and 1720.145 within 15 days after services of this Notice of Proceedings, Respondent shall be deemed in default, and the proceedings shall be determined against him, the allegations of which shall be determined to be true, and an order shall remain in effect until the Statement of Record and Property Report have been amended in accordance therewith, and thereupon the order shall cease to be effective.

V. Any request for hearing, answer, motion, amendment to pleadings, offer of settlement or correspondence forwarded during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, S.W., Washington, D.C. 20410. All such papers shall clearly identify the type of matter and the docket number as set forth in this Notice of Proceedings.

VI. *It is hereby ordered* That upon request of the Respondent a public hearing for the purpose of taking evidence on the questions set forth in Part III hereof be held before Administrative Law Judge James W. Mast or other Administrative Judge as may be designated, in Room 7146, HUD Building, 451 Seventh Street, S.W., Washington, D.C. 20410, at 10:00 a.m. on the 30th day after receipt of the answer or at such other time as the Secretary or her designee may fix by further order.

This Notice of Proceeding shall be served upon the Respondent pursuant to 24 CFR 1720.440 and/or 44 U.S.C. 1508.

Issued at Washington, D.C., May 4, 1976.

ALAN J. KAPPELER,
Acting Interstate
Land Sales Administrator.

[FR Doc.76–13581 Filed 5–10–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27813; Order 76–5–7; Agreement C.A.B. 2573 R–1 through R–21]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Caribbean Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of May, 1976.

Order 76–3–3 (March 1, 1976) described the principal elements of an agreement among the carrier members of the International Air Transport Association (IATA) to establish Caribbean passenger fares through April 30, 1977, and established procedural dates for the submission of carrier justification, third-party comments and replies.

Insofar as the agreement would apply in air transportation as defined by the Act, the agreement would increase normal economy fares by three percent; establish first-class fares at 140 percent of normal economy fares with increases limited to a maximum of eight percent; increase excursion fares by six percent and all other promotional fares by five percent. The agreed increases incorporate a three-percent fuel-related increase previously filed and currently pending before the Board.

Justification with supporting financial data has been submitted by Pan American World Airways, Inc. (Pan American), American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), and Delta Air Lines, Inc. (Delta). The following table summarizes the carriers' statements of load factor (LF) and return on investment (ROI) during the historical and forecast periods:

Carrier	Year ended Dec. 31, 1975 (percent)		Year ending Mar. 31, 1977 (percent)			
			Present fares		Proposed fares	
	LF	ROI	LF	ROI	LF	ROI
Pan American	52.8	(14.77)	60.1	(15.11)	59.4	(11.98)
American	[1] 53.6	[1] 1.9	54.1	5.7	52.4	8.3
Eastern	54.8	.6	55.1	0	55.1	5.7
Delta	56.6	18.59	56.6	21.16	56.6	22.59

[1] Year ended Sept. 30, 1975.

Upon full consideration of the agreement and the carriers' justifications, the Board has concluded to approve the agreement. In Order 75–3–96 (March 26, 1975), which approved the current Caribbean fare structure, the Board concluded that the U.S. carriers would be in an overall loss position during 1975. This expectation is borne out by the results for calendar 1975 now before us, which show a composite return on investment of –3.33 percent. Our analysis of the carriers' justifications and forecasts, including adjustments enumerated below, indicates that this return would improve marginally during the forecast period, to 1.95 percent under present fares. Under the proposed fares, the composite return on investment would improve to 5.83 percent, but would still be substandard and well below the Board's 12 percent guidelines.[2] (See Appendix).

As indicated, the Board has made several adjustments in the data submitted by the carriers. First, the carriers' forecasts of increased fuel cost over that experienced during the historical period do not accurately reflect fuel-cost data reported to the Board on Form P–12a. Pan American, American, and Eastern have overstated fuel expenses by $1,745,000, $898,000, and $687,000, respectively, while Delta has understated its fuel expenses by $135,000. We have adjusted each of their forecasts to correspond with the increase reflected by a comparison of the January 1976 fuel price over each carrier's average calendar 1975 fuel price. The Board notes that American and Eastern, as part of their fuel-cost forecast, have assumed a 2. cents/gallon increase during March 1976 over the January level, citing Order 76–2–120 (February 27, 1976) which approved a general two-percent domestic-fare increase. In that order the Board estimated that, under the price adjustment provisions of the Energy Policy and Conservation Act, the price of domestic jet fuel at March 1 could be expected to show a

[2] Delta's profitability stands in sharp contrasts to that of the other Caribbean carriers, and involves a return on investment substantially in excess of the Board's 12 percent guideline. Delta is certificated to serve three Caribbean markets, New Orleans-Jamaicia-Venezuela, Boston-Bahamas and Boston-Bermuda, and is the only carrier authorized to provide direct, through-plane service on the New Orleans-Jamaica-Venezuela and Boston-Bahamas routes. However, the pattern of frequencies in these two markets clearly indicates that the vast priority of service is provided by other carriers via intermediate connecting points. Disapproval of the proposed fare increases in these markets would impact unduly on those carriers which provide the preponderance of service.

2.0 cents/gallon increase over January. Although the U.S. international carriers' purchases in the United States are mostly nonbonded fuel, and to that extent the anticipated 2.0 cents increase might be valid, a large portion of the fuel consumed in international operations is nevertheless foreign and thus not subject to U.S. energy policy or any reliable price forecast.[3]

Second, we have eliminated from Eastern's forecast an anticipatory increase in nonfuel cost reflecting a projection over the entire forecast period of the escalation in unit cost experienced for calendar 1975 over the year ended September 1974. While the Board recognizes the possibility of cost escalations during the forecast period in connection with international rate agreements, we believe a more accurate picture can be established by reference to contractual obligations, which include most of the costs in this industry, rather than by a simple straight-line extrapolation of past cost trends.

Finally, while we have accepted, arguendo, the estimates of Pan American, American, and Delta with respect to price elasticity of demand,[4] we note that fare increases are but one of many factors affecting traffic growth. We would expect that a fare increase would actually depress the volume of traffic only when it exceeds the general inflation in all consumer prices, considering also the impact of changes in disposable income. International operations invariably include traffic originating at foreign points where the above-mentioned considerations and their impact upon elasticity are not so easily reviewed as in the case of domestic transportation. However, even eliminating the elasticity factor from the carriers' forecasts, the resulting composite return on investment would be only 6.81 percent.[5]

In addition to providing improved earnings for the U.S. carriers, the agreement also represents encouraging progress in the area of fare structure in line with the Board's objectives. As noted, normal economy fares would be increased three percent, whereas promotional fares are generally increased five to six percent. Individual inclusive-tour fares are to be introduced in the U.S.-Venezuela market as part of a complete phase-out of group inclusive-tour fares in the Caribbean, which the carriers state are subject to significant abuse.

[3] Filed as part of the original document.

[4] Eastern forecasts no elasticity.

[5] We are unable to reconcile Pan American's forecast of a 6 point improvement in load factor with its projected ROI of −11.98 percent in the face of the forecasts of other carriers, which project less favorable load factors and positive returns under the proposed fares. Eliminating Pan American's operations results in a composite ROI of 12.46 percent (with no elasticity), whereas including Pan American's operations with a much reduced weight would bring the composite ROI below 12 percent. Under all the circumstances, therefore, our difficulties with Pan American's forecast do not lead us to disapprove the agreement.

Consistent with the Board's decision in Docket 24869, Baggage Allowance Tariff Rules in Overseas & Foreign Air Transportation (Order 76–3–81, March 12, 1976), we will herein disapprove Resolutions 310 (Free Baggage Allowance), and 311 (Baggage Excess Weight Charges) effective March 13, 1977 and June 10, 1976, respectively.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), 404(a), and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25713 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
25713:			
R–1	001b(II)	TC1—Special Effectiveness Resolution (Tie-in)	1
R–2	001cc	Special Emergency Escape for TC1 (Caribbean) Agreement (NEW)	1
R–3	002(II)	Special Adoption Resolutions 310 and 311 (except insofar as it would adopt Resolutions 310 and 311).	1
R–4	051b	TC1 First-Class Fares	1
R–5	061b	TC1 Economy-Class Fares	1
R–6	070bb	TC1 Excursion Fares—U.S.A./Mexico-Bermuda/Caribbean/Venezuela and within Caribbean (Adopting and Amending).	1
R–9	075t	TC1 Advance Purchase Travel Group Fares (U.S.A./Canada/Mexico-Bermuda/Caribbean/Venezuela) (Adopting and Amending).	1
R–10	076q	TC1 Own Use and Incentive Group Fares (Bermuda and Caribbean) (Adopting and Amending).	1
R–13	080L	TC1 10-Day Individual Inclusive-Tour Fares—U.S.A.-Bermuda/Bahamas/Caribbean (Adopting and Amending).	1
R–14	080LL	TC1 14-Day Individual Inclusive-Tour Fares U.S.A.-Venezuela (NEW)	1
R–17	084i	TC1 14-Day Group Inclusive-Tour Fares—Netherlands Antilles (Adopting and Amending).	1
R–18	084j	TC1 14-Day Group Inclusive-Tour Fares—Venezuela (Adopting and Amending).	1
R–19	084jj	TC1 5-Day Group Inclusive-Tour Fares—Venezuela (Adopting and Amending).	1

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 25713 as indicated, is adverse to the public interest or in violation of the Act provided that approval is subject to the conditions hereinafter stated:

Agreement CAB	IATA No.	Title	Application
25713:			
R–11	076qq	TC1 Affinity Group Fares—U.S.A.-Bermuda/Bahamas/Caribbean (NEW).	1

Provided that: 1. The provisions imposing numerical limitation and/or population standards on affinity groups from which the passengers may be drawn shall not be applicable.

2. The provision which at departure time would permit a lesser number of passengers than that prescribed by the Resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group, and the balance of the group may travel at no added cost.

3. In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid shall be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin. Similar credit toward the purchase of transportation at applicable fares shall be made for other members of the fare group who belong to the immediate family of such passenger.

4. The amount of the forfeiture to be imposed in the event of cancellation by the group or members of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of normal fare transportation from the point of origin to the point of cancellation.

5. Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

6. Full refund of the group fares paid shall be made in the event of cancellation of travel arrangements by a carrier on the ground that the group or any members of the group are ineligible for the group fares.

3. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25713 as indicated and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25713:			
R–7	070i	TC1 21-Day Excursion Fares—Canada-Bermuda/Caribbean (Adopting and Amending).	1
R–16	080p	TC1 10/14-Day Individual Inclusive-Tour Fares—Canada and Bermuda/Bahamas/Caribbean (Adopting and Amending).	1

4. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25713 as indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
25713:			
R-8	075s	TC1 Intra-Caribbean 10-Day Group Excursion Fares (Adopting and Amending).	1
R-12	084kk	TC1 10-Day Individual Inclusive-Tour Fares—Mexico-Cuba (NEW)	1
R-15	080o	TC1 21-Day Individual Inclusive-Tour Fares—Bermuda/Bahamas-Mexico (Adopting and Amending).	1
R-20	084LL	TC1 Group Inclusive-Tour Fares—Caribbean-Mexico (Adopting and Amending).	1
R-21	092o	TC1 Intra-Caribbean Youth Fares (Adopting and Amending)	1

5. It is found that the following resolution, incorporated in Agreement C.A.B. 25713 as indicated, is adverse to the public interest and in violation of the Act to the extent it would adopt Resolutions 310 and 311:

Agreement CAB	IATA No.	Title	Application
25713:			
R-3	002(II)	Special Adoption Resolution	1

Accordingly, it is ordered that: 1. Those portions of Agreement C.A.B. 25713 set forth in finding paragraphs 1 and 3 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. That portion of Agreement C.A.B. 25713 set forth in finding paragraph 2 above be and hereby is approved subject to the conditions stated therein;

3. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreement C.A.B. 25713 set forth in finding paragraph 4 above;

4. Resolutions 310 and 311, incorporated in Agreement C.A.B. 25713, R–3, as indicated in finding paragraph 5 above, be and hereby are approved through March 12, 1977 and June 9, 1976, respectively, and disapproved thereafter. The carriers' tariffs shall carry appropriate expiry dates;

5. The carriers are hereby authorized to file tariffs implementing those portions of Agreement C.A.B. 25713 approved in ordering paragraphs 1 and 2 above on less than 30 days' notice, for effectiveness not earlier than May 1, 1976. The authority granted in this paragraph expires May 31, 1976; and

6. Tariffs implementing those portions of Agreement C.A.B. 25713 approved in paragraphs 1 and 2 above shall be marked to expire April 30, 1977.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-13508 Filed 5-10-76;8:45 am]

AIR FREIGHT FORWARDERS ASSOCIATION OF AMERICA

Notice of Meeting

Notice is hereby given that a presentation will be made by the Air Freight Forwarders Association of America on May 27, 1976, at 10:00 a.m. (local time), in Rcom 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., regarding the present status and objectives of the air freight forwarding industry.

Dated at Washington, D.C., May 5, 1976.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-13658 Filed 5-10-76;8:45 am]

[Order 76-5-5; Docket 27573]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Cargo Rates

Issued under delegated authority May 4, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement was adopted at the Cargo Traffic Conference Meeting held in Geneva during March/April 1976, and has been assigned C.A.B. agreement number 25790.

The agreement would increase surcharges on sales of cargo transportation from Greece to various areas within TC2, as well as amend certain TC2 general commodity rate add-ons and TC2 specific commodity rates. We will approve the agreement insofar as the general cargo rates are combinable with rates to/from United States points and thus have indirect application in air transportation as defined by the Act but will disclaim jurisdiction with respect to the specific commodity rates which are not similarly combinable.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25790 as indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25790:			
R-1	022m(I)	TC2 Special Rules For Sales of Cargo Air Transportation (Amending) (Expedited).	2
R-2	022m(II)	TC2 Special Rules for Sales of Cargo Air Transportation (Amending) (Expedited).	2
R-3	552	TC2 General Cargo Rates (Amending) (Expedited)	2

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 25790, affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
R-4	590	Specific Commodity Rates Board (Amending) (Expedited)	2

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 25790 described in finding paragraph 1 above, which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25790 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-13660 Filed 5-10-76;8:45 am]

[Docket 27761]

PEORIA SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 26, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., May 5, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-13659 Filed 5-10-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON STATE JURISDICTION AND RESPONSIBILITIES UNDER THE COMMODITY EXCHANGE ACT

Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(a), that the Commodity Futures Trading Commission's Advisory Committee on State Jurisdiction and Responsibilities under the Commodity Exchange Act ("Advisory Committee on State Jurisdiction and Responsibilities") will conduct a public meeting on Monday, June 7, 1976, in the Superior Room of the Sheraton-Chicago Hotel, 505 North Michigan Avenue, Chicago, Illinois 60611, beginning at 9:30 a.m. and lasting until 4:00 p.m. The Advisory Committee on State Jurisdiction and Responsibilities is an advisory committee created by the Commission for the purpose of receiving advice and recommendations on such matters as state enforcement of the Commodity Exchange Act and enforcement of general state antifraud laws in the commodity area. The purposes and objectives of the Advisory Committee on State Jurisdiction and Responsibilities are more fully set forth at 41 *Fed. Reg.* 13393 (March 30, 1976).

The summarized agenda for the meeting is as follows:

(a) discussion of standards for commodity pool operators;

(b) consideration of the concept of *parens patriae,* and the states' enforcement role under the Commodity Exchange Act; and

(c) analysis of current enforcement cases of interest to the Commission and the states.

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 that wishes to file a written statement with the committee should mail a copy of the statement to William Gressman, Esq., Advisory Committee on State Jurisdiction and Responsibilities, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, at least five days before the meeting. Members of the public that wish to make oral statements should inform William Gressman, Esq., telephone (202) 254-5347, at least five days before the meeting and reasonable provision will be made for their appearance, to the extent time permits, at the conclusion of the meeting to present oral statements of no more than ten minutes in duration.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Dated: May 5, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-13539 Filed 5-10-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MACAU

Designating an Additional Official To Issue Export Visas for Cotton, Wool, and/or Man-Made Fiber Textile Products

MAY 6, 1976.

On August 14, 1973, there was published in the FEDERAL REGISTER (38 F.R. 21962), a letter dated August 6, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products, produced or manufactured in Macau and exported from Macau for which Macau had not issued a visa. One of the requirements is that each visa include the signature of an official authorized to issue visas. Macau has requested that Dr. Joaquim Leonel Ferreira Marinho de Bastos also be authorized to issue visas. The list of authorized officials was previously amended on March 6, 1975 (40 F.R. 11636) and April 23, 1975 (40 F.R. 18487) and February 11, 1976 (41 F.R. 7170).

Accordingly, there is published below a letter of May 6, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of August 6, 1973. A facsimile of the signature of the newly-designated official is filed as part of the original document with the Office of the Federal Register. A complete list of officials currently authorized to issue visas for cotton, wool and man-made fiber textile products exported to the United States from Macau is enclosed with the letter set forth below.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C. 20229.

MAY 6, 1976.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of August 6, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consump-

tion and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–64; wool textile products in Categories 101–126, 128, and 131–132; and man-made fiber textile products in Categories 200–243, produced or manufactured in Macau for which Macau had not issued an appropriate visa. One of the requirements is that each visa include the signature of a Macau official authorized to issue visas. The directive of August 6, 1973 was previously amended by directives of March 6, 1975, April 23, 1975, and February 11, 1976.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of March 3, 1975, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of August 6, 1973 is further amended to authorize Dr. Joaquim Leonel Ferreira Marinho de Bastos to issue visas in addition to the four officials previously designated. A complete list of Macau officials currently authorized to issue visas is enclosed.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

Macau Officials Currently Authorized to Issue Visas for Cotton, Wool and Man-Made Fiber Textile Products Exported to the United States:

Dr. Jose Francisco Cadorio Ferreira Lino
Dr. Armando Gil Lopes de Campos
Mrs. Olivia Maria dos Remedios Cesar
Dr. Jose Bernardino Marques Ferreira
Dr. Joaquim Leonel Ferreira Marinho de Bastos

[FR Doc.76-13669 Filed 5-10-76;8:45 am]

REPUBLIC OF KOREA

New Official Authorized To Issue Export Visas and Certifications for Exempt Textile Products

MAY 6, 1976.

On May 25, 1972, there was published in the FEDERAL REGISTER (37 F.R. 10605) a letter dated May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported from the Republic of Korea, for which the Republic of Korea had not issued a visa.

On August 29, 1973, there was published in the FEDERAL REGISTER (38 F.R. 23357) a letter dated August 22, 1973 from the Chairman, Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing an administrative mechanism to exempt from the limitations of the bilateral agreement between the Governments of the United States and the Republic of Korea, certain textile products, which have been certified for exemption by the Government of the Republic of Korea.

One of the requirements is that the visas and certifications for exemption include the signature of an official designated by the Government of the Republic of Korea. The purpose of this notice is to announce that, at the request of the Government of the Republic of Korea, effective on April 15, 1976, Mr. Park Yong Dow, Chief, Quota Management Division, Ministry of Commerce and Industry, is the official authorized to issue export visas and certifications for exempt items, replacing Mr. Yoo Ho Min. Goods covered by visas and certifications issued by Mr. Min before April 15, 1976 will not be denied entry. A facsimile of Mr. Dow's signature is filed as part of the original document with the Office of the FEDERAL REGISTER.

Accordingly, there is published below a letter of May 6, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing this action.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C. 20229.

MAY 6, 1976.

DEAR MR. COMMISSIONER: This letter further amends, but does not cancel, the directive of May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreeents, that directed you to prohibit, effective 30 days after publication of notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–64; wool textile products in Categories 101–126, 128, and 131–132; and man-made fiber textile products in Categories 200–243, produced or manufactured in the Republic of Korea for which the Republic of Korea had not issued a visa. The directive of May 19, 1972 was previously amended on December 21, 1972, July 17 and July 18, 1973, August 8, 1973, September 24, 1973 and August 19, 1974. It also further amends, but does not cancel, the directive of August 22, 1973, which established a mechanism to exempt from the levels of the bilateral agreement between the Governments of the United States and the Republic of Korea, certain textile products which have been certified for exemption by the Government of the Republic of Korea. The latter directive was previously amended on August 19, 1974.

Under the provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directives of May 19, 1972 and August 22, 1973 are further amended to authorize Mr. Park Yong Dow to issue visas and certifications for exempt items for cotton, wool and man-made fiber textile products exported from the Republic of Korea, effective April 15, 1976, replacing Mr. Yoo Ho Min. Goods covered by visas and certifications issued by Mr. Min before April 15, 1976 shall not be denied entry.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products fraom the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-13670 Filed 5-10-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RCC—TELEPHONE INTERCONNECTION

Additional Meetings

MAY 5, 1976.

The Commission's Common Carrier Bureau has scheduled additional meetings concerning interconnection between the wireline telephone companies and the Radio Common Carriers (RCCs), which furnish two-way radiotelephone and one-way signaling service to the public.

The meetings will be held on May 12 and 13, 1976, in the offices of the U.S. Independent Telephone Association, 1801 K Street, N.W., Suite 1201, Washington, D.C. (Enter L Street entrance). The May 12 meeting will begin at 9:30 a.m. The May 13 meeting is scheduled to begin at 9:00 a.m.

Because of the possibility of last-minute room and time changes, participants should contact Mrs. Borthwick at 632–6400 on the morning of each meeting to verify the room location and time.

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

[FR Doc.76-13777 Filed 5-10-76;8:45 am]

[Report No. 980]

RULE MAKING PROCEEDINGS

Petitions for Reconsideration of Actions

MAY 7, 1976.

Docket or RM No.	Rule No.	Filed by	Date rec'd.
20487	Part 76 Subpart D	Thomas N. Dowd and Mark J. Tauber, Attorneys for Association of Independent Television Stations	2-19-76

NOTE: Oppositions to petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

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

[FR Doc.76-13778 Filed 5-10-76;8:45 am]

[Docket No. 20718]

ISM EQUIPMENT

Order Extending Time To File Comments

1. The Ultrasonic Industry Association (UIA) has requested an extension of time within which comments in this proceeding might be filed.

2. Because of the Commission's desire to have the most definitive response possible, an extension of time to June 18, 1976 for the filing of Comments is ordered pursuant to Section 0.251(b) of the Commission's Rules.

Adopted: May 5, 1976; released: May 5, 1976.

[SEAL] WERNER K. HARTENBERGER,
Deputy General Counsel.

[FR Doc.76-13675 Filed 5-10-76;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-35]

CITY OF ANCHORAGE ET AL.

Enlargement of Time To Comment

MAY 5, 1976.

In the matter of Agreement Nos. T-1685 as amended and T-1685-6: between the City of Anchorage and Sea-Land Service, Inc; and Agreement No. T-3130: between the City of Anchorage and Totem Ocean Trailer Express, Inc.

Notice of Environmental Negative Declaration was published in this proceeding May 3, 1976 (41 F.R. 18348). Upon request of counsel for Tesoro-Alaskan Petroleum Company, and good cause appearing time within which exceptions to the Negative Declaration may be filed is enlarged to and including May 19, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-13668 Filed 5-10-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-650]

BALTIMORE GAS & ELECTRIC CO.

Cancellation of Rate Schedule

MAY 4, 1976.

Take notice that on April 28, 1975 Baltimore Gas and Electric Company (BG&E) tendered for filing notice of cancellation of its Rate Schedule FPC No. 25. BG&E states this agreement expired by its own terms and no new rate schedule, or part thereof, is to be filed in its place.

The cancellation is effective as of midnight April 30, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 May 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 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 inspections.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13638 Filed 5-10-76;8:45 am]

[Docket No. ER76-635]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Filing of Wholesale Electric Service Agreement

MAY 4, 1976.

Take notice that on April 26, 1976, Central Illinois Public Service Company tendered for filing a proposed new Wholesale Electric Service Agreement witht he Village of Rantoul. The Agreement is proposed to become effective June 1, 1976, and supersedes the previous agreement with the Village of Rantoul dated July 13, 1971.

Rate Schedule W-3, under which the Village of Rantoul will be billed, was previously filed with the Commission and approved in Docket No. ER76-311 to be become effective January 1, 1976.

A copy of the filing was sent to the Village of Rantoul.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Proceude (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 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.No. 13633 Filed 5-10-76;8:45 am]

[Docket No. RP72-157 (PGA76-6b)]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

MAY 4, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on April 26, 1976, tendered for filing a second revision to its proposed rate changes requested to be effective May 1, 1976. Consolidated states that the revision reflects no changes in the overall amount to be collected, but only a recalcuation of the surcharge.

Consolidated further states that the revision was prompted by a Protest and Petition to Intervene filed by Rocheser Gas and Electric Corporation (Rochester) in Consolidated's filing of March 31, 1976 in Docket No. RP72-157, PGA76-5, which was revised April 9, 1976. Rochester protests inclusion of refund amounts attributable to demand charges being netted with unrecovered purchased gas costs and included in the commodity component of the rates. In response, Consolidated states it has submitted a revised Appendix C allocating refunds applicable to demand charges on the basis of a three-day peak.

Additionally, Consolidated tenders for filing substitute alternate tariff sheets reflecting the exclusion of amounts resulting from rates in excess of those established by Opinion No. 742.

Consolidated is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates shown on Second Substitute Eleventh Revised Sheet Nos. 8 and 9 or the alternate Second Substitute Alternate Eleventh Revised Sheet Nos. 8 and 9 to go into effect on May 1, 1976.

Consolidated states that copies of this filing were served upon Consolidated's jurisdictional customers, as well as 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, 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 petitions or protests should be filed on or before May 19, 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.76-13650 Filed 5-10-76;8:45 am]

[Docket No. ER76-513]

CONSUMERS POWER CO.

Inservice Date of Interconnection Point

MAY 5, 1976.

Take notice that on April 16, 1976, Consumers Power Company (Consumers) tendered for filing a letter advising that the Hersey Interconnection Point was placed in service on April 11, 1976. Consumers states that by letter dated February 12, 1976, it submitted for filing Supplemental Agreement No. 5 to the Interconnection Agreement between Consumers and The MMCPP Members (designated Consumers Power Company Rate Schedule FPC 34). Consumers states that this Agreement provided for the addition of a third interconnection point between the parties, to be known as the Hersey Interconnection Point, which was described in Supplement E (Revision 2) to the Interconnection Agreement. Consumers states that it requested that Supplement E (Revision 2) be allowed to become effective on the inservice date of the Hersey Interconnection Point and promised to notify the Commission when this date occurred. Consumers states that the letter tendered for filing on April 16, 1976, so notifies the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 May 21, 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.76-13642 Filed 5-10-76;8:45 am]

[Docket No. RP72-134 (PGA76-16)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

MAY 4, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on April 19, 1976, tendered for filing Twenty-Ninth Revised Sheet No. 3A and Twenty-Ninth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective May 2, 1976, will increase the commodity or delivery charges of Eastern Shore's Rate Schedules CD, CD-E, G-1, E-1, I-1, and PS-1 by $.002¢ per Mcf to reflect a corresponding increase of Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier. Transco filed its revised tariff sheets on March 30, 1976, in Docket Nos. RP73-3, RP73-69 and RP72-99.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted herewith to become effective as of May 2, 1976, to coincide with the proposed effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's filing of its revised tariff sheets on March 30, 1976, along with computation problems delayed its submission of these sheets to counsel before April 19, 1976, thereby prohibiting its compliance with the applicable notice requirements.

Eastern Shore states that copies of this filing have been mailed to each of the Company's jurisdictional customers and to 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, 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 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13634 Filed 5-10-76;8:45 am]

[Docket No. RP 72-134; (DCA 76-2)]

EASTERN SHORE NATURAL GAS CO.

Curtailment Credit Adjustment to Rates and Charges

MAY 4, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on April 20, 1976, tendered for filing Thirtieth Revised Sheet No. 3A and Thirtieth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective June 1, 1976, will increase the commodity or delivery charges of Eastern Shore's Rate Schedules CD, CD-E, G-1, E-1 and PS-1 by $.07¢ per Mcf to reflect curtailment credits.

Eastern Shore states that copies of this filing have been mailed to each of the Company's jurisdictional customers and to 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, 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 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13632 Filed 5-10-76;8:45 am]

[Docket No. RP 72-134; (PGA76-15)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

MAY 4, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on April 19, 1976, tendered for filing Twenty-Eighth Revised Sheet No. 3A and Twenty-Eighth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective May 1, 1976, will increase the commodity or delivery charges of Eastern Shore's Rate Schedules CD, CD-E, G-1, E-1, I-1 and PS-1 by $.022¢ per Mcf to reflect corresponding increases of Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier. Transco filed its revised tariff sheets on March 30, 1976, in Docket Nos. RP73-3, RP73-69 and RP72-99.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted herewith to become effective as of May 1, 1976, to coincide with the proposed effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's filing of its revised tariff sheets on March 30, 1976, along with computation problems delayed its submission of these sheets to counsel before April 19, 1976, thereby prohibiting its compliance with the applicable notice requirements.

Eastern Shore states that copies of this filing have been mailed to each of the Company's jurisdictional customers and to 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, 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 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13631 Filed 5-10-76;8:45 am]

[Docket No. ER76-536]

GEORGIA POWER CO.

Tariff Change

MAY 5, 1976.

Take notice that Georgia Power Company, on April 30, 1976, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. The filing contains a proposed Second Revised Sheet No. 25-A.

The Company asserts that the sole purpose of the revised tariff sheet is to permit the continued application of the Unrecovered Excess Fuel Cost Surcharge, accepted for filing by Order issued March 19, 1976 in Docket No. ER76-397. The Unrecovered Excess Fuel Cost Surcharge has been in effect, subject to refund, since March 23, 1976. An effective date of May 1, 1976, is requested.

Copies of the filing were served upon all of the Company's jurisdictional customers, whether full requirements or partial requirements customers, and on the Georgia Public Service Commission.

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, NE., Washington, D.C 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 21, 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.76-13641 Filed 5-10-76;8:45 am]

[Project No. 2458]

GREAT NORTHERN NEKOOSA CORP.

Application for Amendment of License

MAY 4, 1976.

Public notice is hereby given that on March 4, 1976, an application was filed under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Great Northern Nekoosa Corporation (Correspondence to: Mr. Ronald D. Jones, LeBoeuf, Lamb, Leiby & MacRae, 140 Broadway, New York, New York 10005) for amendment of license for the constructed Penobscot Mills Project No. 2458 located on the West Branch of the Penobscot River in Penobscot County, Maine.

Applicant seeks Commission approval to modify the project boundary by removing a strip of land approximately one mile in length with an average width of 500 feet. This strip of land was formerly occupied by five 6.9 kv transmission lines that were eliminated from the license when three obsolete generating units were replaced at the project's Dolby Hydro Station pursuant to Commission order issued September 10, 1975.

Any person desiring to be heard or to make protest with reference to said application should on or before June 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestans parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by 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 CFR § 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 and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13651 Filed 5-10-76;8:45 am]

[Docket No. ER76-649]

ILLINOIS POWER CO.

Filing Revised Exhibits A and B to Interconnection Agreement

MAY 5, 1976.

Take notice that Illinois Power Company (Illinois Power) on April 28, 1976, tendered for filing Revised Exhibits A and B to the Interconnection Agreement dated August 19, 1974, between the City of Mascoutah (Mascoutah) and Illinois Power.

The Company states that the purpose of the filing is to revise Exhibits A and B to reflect the actual facilities installed for the interconnection and the actual costs thereof.

Illinois Power states that at the time the Agreement was agreed to by the parties, Mascoutah was planning a 138/34.5 kv interconnection with Illinois Power. Those plans were subsequently changed to provide for a 138/13.8 kv interconnection and Exhibit A has been revised to reflect the aforementioned change in delivery voltage.

According to Illinois Power, it was the understanding of the parties that execution of Revised Exhibit B would not be finalized until the actual costs could be determined. For this reason the filing is respectfully requested to become effective on January 23, 1976, the date the interconnection was placed in service.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 21, 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.76-13643 Filed 5-10-76;8:45 am]

[Docket No. ER76-21]

INDIANA & MICHIGAN ELECTRIC CO.

Informal Conference

MAY 4, 1976.

Take notice that on May 14, 1976, an informal conference will be convened at 9:30 A.M. in Room 8402 of the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The purpose of the conference is to permit the Company and the Commission Staff, the only parties of record to the captioned proceeding as of this date, to explore the possibility of settlement of the issues in said proceeding.

Customers and other interested persons may attend this conference, but such attendance will not be deemed to authorize intervention as a party in the proceedings. A petition to intervene tendered pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13639 Filed 5-10-76;8:45 am]

[Docket No. ES76-51]

IOWA ELECTRIC LIGHT & POWER CO.

Application

MAY 5, 1976.

Take notice that on April 26, 1976, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell to certain of the holders of the Company's presently outstanding Series C First Mortgage Bonds, due July 1, 1976, $12,150,000 principal amount of Series O First Mortgage Bonds.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the State of Iowa.

The Series O First Mortgage Bonds which are to mature July 1, 1991 will be issued on approximately July 1, 1976 under the Applicant's Indenture of Mortgage and Deed of Trust, dated August 1, 1940, as heretofore amended and supplemented by forty-three supplemental indentures and as to be further supplemented by a forty-fourth supplemental indenture to be dated as of July 1, 1976 between the Company and The First National Bank of Chicago, as Trustee.

The purpose for which the said securities are to be issued is the refunding of the Applicant's First Mortgage Bonds, Series C, 3% maturing July 1, 1976, in the principal amount of $12,150,000.

Any person desiring to be heard or to make protest with reference to this Application should on or before June 1, 1976 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13646 Filed 5-10-76;8:45 am]

[Docket Nos. ER76-39; ER76-340 and ER76-363]

KANSAS POWER & LIGHT CO.

Settlement Conference

APRIL 27, 1976.

Take notice that on April 29, 1976 a settlement conference of all parties to intervene in these proceedings, Kansas Power and Light Company and the Commission Staff will be held in the Commission's Conference Room No. 3200 in the North Building at 941 North Capitol Street, N.E., Washington, D.C. at 10:00 a.m. (EST).

Copies of this notice were mailed on April 23, 1976, to all jurisdictional customers and interested State Commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13652 Filed 5-10-76;8:45 am]

[Docket No. RI76-121]

T. W. McGUIRE & ASSOCIATES, INC., ET AL.

Petition for Special Relief

MAY 5, 1976.

Take notice that on April 16, 1976, T. W. McGuire & Associates, Inc., *et al.* (Petitioner), P.O. Box 1763, Shreveport, Louisiana 71166, filed a petition for special relief in Docket No. RI76-121, pursuant to Order No. 481. Petitioner states that it is uneconomical to continue sales of natural gas to Texas Gas Transmission Corporation from the Carthage Field, Panola County, Texas due to the greatly reduced reservoir pressures, the deliverability of the wells, even though full compression facilities are in use, has declined to the point that production is uneconomical at the existing gas price. Petitioner seeks a rate of 79.39 cents per Mcf at 14.65 psia, plus reimbursement for the State production taxes.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 17, 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 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13649 Filed 5-10-76;8:45 am]

[Docket No. RP76-50]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Late Intervention

MAY 4, 1976.

On December 29, 1975, Michigan-Wisconsin Pipe Line Company (Mich-Wisc) tendered for filing, in Docket No. RP76-50, seven tariff sheets, setting forth its proposed curtailment plan to be effective February 1, 1976. Notice of Mich-Wisc.'s filing was issued on January 14, 1976, with protests and petitions to intervene due on or before January 21, 1976.

An untimely petition to intervene was filed by Central Indiana Gas Company, Inc. (Central Indiana) on March 18, 1976.

Having reviewed the above petition to intervene, we believe Central Indiana has sufficient interest in the proceedings to warrant intervention.

The Commission finds. (1) The participation of Central Indiana may be in the public interest.

(2) Although the petition to intervene referred to above was filed out of time, good cause exists to allow its filing upon the specific condition that the late filing shall not be the basis for any delay in this proceeding.

The Commission orders. (A) Central Indiana is hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13635 Filed 5-10-76;8:45 am]

[Docket Nos. RP72-149; PGA76-9 and 76-9a]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

MAY 3, 1976.

Take notice that Mississippi River Transmission Corporation (Mississippi) on April 22, 1976 submitted six (6) copies of Forty-First Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective June 1, 1976.

Mississippi states that the instant tariff sheet was submitted pursuant to its purchased gas cost adjustment clause (PGA) provision to track a rate change filing by Natural Gas Pipeline Company of America (Natural). Natural submitted a rate change filing on April 15, 1976, pursuant to the PGA provision of its tariff.

Mississippi also submitted six (6) copies of Alternate Forty-First Revised Sheet No. 3A in the event the Commission accepts Alternate Fortieth Revised Sheet No. 3A which was submitted on April 1, 1976, in the alternative, to become effective May 1, 1976.

Mississippi submitted schedules containing computations supporting the rate changes to be effective June 1, 1976. Mississippi states that copies of its filing were served on Mississippi's jurisdic-

tional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission 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 May 14, 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 to must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13637 Filed 5-10-76;8:45 am]

[Docket No. ER76-644]

MISSOURI PUBLIC SERVICE CO.

Request for Extension of Time for Filing Order No. 517 Fuel Clause

MAY 4, 1976.

Take notice that on April 19, 1976, Missouri Public Service Company (MPS) tendered for filing a request for a 90-day extension for filing an Order No. 517 fuel clause for its Interchange Agreement with the City of Independence, Missouri, FPC Rate Schedule No. 26, Schedule C, Requisitioned Power and Accompanying Energy. MPS states that it is now in the process of revising the rate schedules associated with the above mentioned Interchange Agreement and requests the extension to the filings may be presented at one time. MPS states that no power or energy transactions have occurred under the above mentioned schedules inthe last 12 months.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 110 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 May 17, 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.76-13628 Filed 5-10-76;8:45 am]

[Docket No. ER76-642]

MONONGAHELA POWER CO.

Initial Rate Filing

MAY 4, 1976.

Take notice that Monongahela Power Company, on April 26, 1976, tendered for filing as an initial rate schedule for West Penn Power Company, an electric service agreement and rate schedule under Monongahela Power Company's FPC Electric Tariff Original Volume No. 1. Service under the initial rate schedule is expected to commence on or about June 1, 1976.

Copies of this filing were served upon all of Monongahela Power Company's other jurisdictional customers, to-wit: The City of Philippi, The Town of New Martinsville, Harrison Rural Electrification Association, Inc., Preston County Coke Company and The Potomac Edison Company and upon the Public Service Commission of West Virginia and the Public Utility Commission of Pennsylvania.

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 (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 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 persons 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.76-13648 Filed 5-10-76;8:45 am]

[Docket No. RP71-125; (PGA76-6)]

NATURAL GAS PIPELINE CO. OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

MAY 3, 1976.

Take notice that on April 15, 1976, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets, to be effective June 1, 1976:

Twenty-eighth Revised Sheet No. 5
Third Revised Sheet No. 5A

Natural states the purpose of the filing is to adjust its rates, pursuant to the provisions of its Purchased Gas Cost Adjustment Clause, to reflect changes in the cost of gas purchased from producer suppliers and to recover accumulated deferred purchased gas costs as of February 29, 1976.

The annual effect on the producer supplier changes increases Natural's purchased gas cost by approximately $19.0 million which equates to a current PGA unit adjustment of 1.84¢ per Mcf.

Natural states that the Deferred Purchased Gas Cost Account Balance filed for was adjusted to reflect elimination of the deferred cost related to Company-Owned production priced at Opinion No. 749 rates for the months of January and February, 1976. That portion of the deferred cost was included in Natural's Special PGA filing of March 29, 1976, tracking Opinion No. 749 increases.

Copies of this filing were mailed to Natural's jurisdictional customers and interested state regulatory agencies.

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 Section 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 May 23, 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.76-13636 Filed 5-10-76;8:45 am]

[Docket No. CP76-350]

NORTHWEST PIPELINE CORP.

Application

MAY 5, 1976.

Take notice that on April 28, 1976, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-350 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, sale, and exchange of natural gas in interstate commerce and the construction and operation of facilites, all so that Applicant may receive natural gas dedicated to it in the Salt Wells South Unit Area of Sweetwater 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 has acquired a new source of gas supply in the Salt Wells South Unit Area which is remote from Applicant's existing transmission system. In order to receive this gas with the least possible investment Applicant proposes to transport the gas from the producing area to a point on the facilities of Mountain Fuel Supply Company (Mountain Fuel) in Sweetwater County for delivery to Mountain Fuel in exchange for thermally equivaleint volumes of gas to be delivered to Applicant at an existing point of interconnection between Applicant and Mountain Fuel in Sweetwater County. The application states that Applicant would construct and operate the facilities between the producing area and Mounain Fuel under budget-type certificate authorization and in the instant application proposes to construct and operate the measuring facilities required by Mountain Fuel to accept the gas to be delievered by Applicant. Said facilities are estimated to cost $8,118, which Applicant states, would be financed with funds on hand.

The application states that Mountain Fuel has a continuing option to purchase up to 25 percent of the gas delivered by Applicant, that Mountain Fuel had not exercised its option at the time of filing of the instant application, and that Applicant expects Mountain Fuel to exercise the option. Accordingly, Applicant proposes to sell natural gas to Mountain Fuel for resale in interstate commerce. Applicant would charge Mountain Fuel a rate equivalent to Applicant's gas purchase cost plus Applicant's cost of gathering and transporting the gas to Mountain Fuel. It is stated that Applicant would purchase the gas from the producer at an initial rate of 76.5 cents per Mcf and would charge 5.0 cents per Mcf for gathering and transportation.

Applicant states that the total initial volume to be delivered to Mountain Fuel would be approximately 600 Mcf of gas per day and that Applicant's gathering and transmission system would have an initial maximum capacity of 15,400 Mcf of gas per day. Applicant would pay Mountain Fuel an initial rate of 4.0 cents per Mcf for Mountain Fuel's services.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 4, 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 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 a 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.76-13644 Filed 5-10-76;8:45 am]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

Application for Amendment of License

MAY 5, 1976.

Public notice is hereby given that an amended application was filed on April 14, 1976, under the Federal Power Act (16 U.S.C. § 791a–825r) by South Carolina Electric & Gas Company (Correspondence to: Mr. T. C. Nichols, Jr., General Manager Power Production and Mr. Edward C. Roberts, Senior Attorney, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218: and to Peyton G. Bowman III, and Brian McManus, Reid & Priest; Attorneys at Law, 1701 K Street, N.W., Washington, D.C. 20006), Licensee for Saluda Project No. 516, for Commission approval to exclude certain lands from the project area for the purpose of constructing thereon a new ash disposal pond for an existing coal-fired steam electric generating plant known as McMeekin Station.

The site of the new ash pond would be located on the south bank of the Saluda River in the tailrace area of the Saluda Dam, and directly behind the existing ash pond which is adjacent to the McMeekin Station, in Lexington County, South Carolina. The original site as sought for approval in the initial application filed December 16, 1974, would have been located on the north side of the Saluda River in the tailrace area of the dam, immediately east of the McMeekin Station. Public notice of the initial application was given on June 19, 1975 (40 FR 27298, June 27, 1975).

The Applicant now proposes to construct the new ash settlement pond on approximately 50 acres of land now owned by the South Carolina Electric & Gas Company. The new ash pond would replace the existing inadequate ash pond presently in use. This pond would serve as a settlement basin for the ash sluice water collected during operation of the coal burning facility. In addition, certain low level wastes may be put in the pond, but no metal cleaning wastes would be placed there until further tests and studies are concluded.

Water for the ash sluice intake would be withdrawn from Lake Murray and used in the ash pond for settling prior to being discharged into the Saluda River by way of the Saluda River spillway channel. The ash pond effluent flow would not exceed 1,500,000 gallons per day (2.32cfs). Applicant has applied to the South Carolina Department of Health and Environmental Control for a NPDES permit and for certification pursuant to Section 401 of the Federal Water Pollution Control Act Amendments of 1972.

The application has been consolidated with an ongoing hearing proceeding involving Project No. 516. Further hearing sessions are to commence May 3, 1976.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 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 (19 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13647 Filed 5-10-76;8:45 am]

[Docket No. ER76-631]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Initial Rate Schedule and Request for Waiver

MAY 4, 1976.

Take notice that on April 23, 1976, Southern California Edison Company (Edison) tendered for filing an April 21, 1976 Agreement with the City of Anaheim providing for the transmission by Edison on a non-firm basis of power purchased by Anaheim from Nevada Power Company, also on a non-firm basis. Edison will charge Anaheim for transmission, dispatching and scheduling services, and for losses between point of Attachment to Nevada Power and Point of Delivery to Anaheim.

Edison states that Anaheim requests that service be initiated as early as possible under this Agreement, and for that reason Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective as of the date tendered for filing.

Copies of this filing were served upon the City of Anaheim, California and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 May 17, 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.76-13629 Filed 5-10-76;8:45 am]

[Docket No. ER76-632]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Initial Rate Schedule and Request for Waiver

MAY 4, 1976.

Take notice that on April 23, 1976, Southern California Edison Company (Edison) tendered for filing an April 21, 1976 Agreement with the City of Riverside providing for the transmission by Edison on a non-firm basis of power purchased by Riverside from Nevada Power Company, also on a non-firm basis. Edison will charge Riverside for transmission, dispatching and scheduling services, and for losses between Point of Attachment to Nevada Power and Point of Delivery to Riverside.

Edison states that Riverside requests that service be initiated as early as possible under this Agreement, and for that reason Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective as of the date tendered for filing.

Copies of this filing were served upon the City of Riverside, California and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 May 17, 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.76-13630 Filed 5-10-76;8:45 am]

[Docket Nos. RP75-13; and RP75-113]

TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO INC.

Postponement of Hearing

MAY 5, 1976.

On April 26, 1976, Tennessee Gas Pipeline Company filed a motion to defer hearing for purposes of holding settlement conference after issuance of decision in Docket No. RP73-113. The motion states that Commission Staff Counsel, Bay State Gas Company, et al., Consolidated Gas Supply Corporation, Columbia Gas Transmission Corporation, Knoxville Utilities Board, et al., Northern Illinois Gas Company, Northern Indiana Public Service Company, The People Gas Light and Coke Company, The Public Service Commission of the State of New York and Trunkline Gas Company, do not object to the motion.

Upon consideration, notice is hereby given that the hearing now set for May 11, 1976 is deferred to facilitate the commencement of conferences shortly after the issuance of the Commission's decision in Docket No. RP73-113.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13645 Filed 5-10-76;8:45 am]

TEXAS GAS TRANSMISSION CORPORATION ET AL.

[Docket Nos. CP75-275; CP75-276; CP75-337; CS73-296]

Order Modifying and Approving Settlement Agreement

MAY 4, 1976.

Texas Gas Transmission Corporation (Texas Gas) in Docket No. CP75-275, Tennessee Gas Pipeline Company (Tennessee) in Docket No. CP75-276, and Transcontinental Gas Pipe Line Corporation (Transco) in Docket No. CP75-337 seek authority to transport, on a best efforts basis, up to 15,000 Mcf of natural gas per day for Public Service Electric and Gas Company of New Jersey (Public Service), an existing resale customer of Tennessee and Transco, and Public Service's wholly-owned producing subsidiary, Energy Development Corporation (EDC).

Texas Gas filed its application on March 21, 1975, proposing to receive and to transport for EDC up to 15,000 Mcf per day by displacement, from the North Parcperdue Field[1] to an existing interconnection with Tennessee at the tailgate of Shell Oil Company's Chalkley Gasoline Plant, Cameron Parish, Louisiana. Tennessee's application was filed on March 21, 1975, which proposes to transport the North Parcperdue gas for Public Service from the Chalkley Gasoline Plant to an existing point of delivery to Transco in Bergen County, New Jersey. Transco's application filed on May 13, 1975, proposes to transport the gas from the point of receipt in Bergen County and deliver it to Public Service at existing delivery points on Transco's Riverdale, New Jersey lateral.

No additional facilities will be required by any of the Applicants as the proposed service will be on an interruptible or best efforts basis.

The gas to be transported by Applicants will be sold to Public Service by its producing affiliate, EDC, pursuant to a contract dated February 22, 1974, as amended February 28, 1975, at a rate of 51 cents per Mcf. EDC has, by letter agreement dated February 28, 1975, agreed to provide for sale to Tennessee at the small producer rate, certain volumes of gas to be used for system fuel and use requirements associated with Tennessee.

The transportation service is proposed for a term ending November 1, 1988, and year-to-year thereafter. No estimates of revenues and costs have been submitted by Applicants on the grounds that such amounts would be relatively negligible compared to overall system operation, especially in view of the interruptible nature of the transportation.

A hearing was held on these applications on October 21, 1975 and a settlement agreement certified to us by the Presiding Administrative Law Judge on January 5, 1976. Comments on the proposed settlement were filed by Staff, EDC, Public Service, Transco, Texas Gas, and Tennessee.

In substance, the Proposed Settlement provides that certificates of public convenience and necessity will be issued to:

1. Texas Gas Transmission Corporation, conditioned upon the company's transportation of the subject gas at a rate of 1¢ per Mcf.

2. Tennessee Gas Pipeline Company at a rate based on the system average transmission cost underlying the rates determined by a final and non-appealable order in Docket Nos. RP75-13 and RP75-113.

3. Transcontinental Gas Pipe Line Corporation, conditioned on providing transportation service at an initial rate of 2.6¢ per Mcf.

4. Energy Development Corporation. This certificate will be conditioned as follows:

(a) The certificate granted EDC shall not be transferable and shall be effective only so long as EDC continues the acts or operations authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to small producer sales as defined in Section 157.40(a)(3) of the Regulations under the Natural Gas Act; and

(2) EDC shall file annual statements pursuant to Section 154.104 of the Regulations under the Natural Gas Act.

(b) The certificate granted shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificate because EDC no longer qualifies as a small producer or fails to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificate. Upon such termination, EDC will be required to file separate certificate applications and individual rate schedules for future sales.

(c) The certificate granted shall apply only to sales of natural gas in interstate commerce for resale by EDC on or after October 17, 1972 (the date of filing of the application in Docket No. CS73-296).

(d) With respect to any small producer sale made pursuant to the authorization herein, the small producer shall not be relieved from compliance with Section 7(b) of the Natural Gas Act.

(e) EDC's attention is directed to Commission Order No. 539; issued Octo-

[1] The subject gas wil be obtained from EDC's production in the North Parcperdue Field, Lafayette and Vermilion Parishes, Louisiana.

ber 14, 1975, 40 FR 49571, and to the provisions of Section 2.83 General Policy and Interpretations, 18 CFR 2.83. Issuance of this certificate authorization is conditioned to require EDC, within 30 days of the initial reserve determination or any subsequent redetermination thereof, to report the results of each such initial or redetermination study to the Commission. The certificate minimum daily delivery obligation of the seller (1) shall be determined in accordance with applicable provisions specificaly set forth in seller's contract unless otherwise changed by the certificate authorization, (2) shall be without regard to any contractual reservations contrary to the certificate authorization, and (3) shall remain in full force and effect unless and until changed by appropriate certificate authorization amendment based upon EDC's full documentation of, inter alia, the reasons for any such proposed amendment, the sales production history, the amount of remaining connected reserves of EDC dedicated under the contract and the status of EDC's nondeveloped reserves dedicated under the contract. The certificate authorization is further conditioned to require that, if EDC has not secured an appropriate certificate amendment and there are circumstances resulting in the delivery of a lesser quantity of natural gas than any certificated delivery obligation, EDC shall file for each contract year quarter a verified report setting out the circumstances of such lesser deliveries and the corrective actions which EDC proposes to undertake in order to meet any experienced delivery deficiency, such verified reports to be filed within 10 calendar days after expiration of each contract year quarter. It is expressly recognized that the policies expressed in Order No. 539 are currently being contested, and that accordingly the foregoing condition may be subject to such modification as may be required by reason of a final, nonappealable order in Docket No. RM76–8.

5. The certificates of public convenience and necessity issued in Docket Nos. CP75–275, CP75–276 and CP75–337 are further conditioned as follows:

(a) EDC agrees that it will not sell gas owned and/or controlled by EDC in the North Parcperdue Field to its affiliate, PSE&G, at a price in excess of the applicable large producer rate for sales in interstate commerce, such rate being presently the National Area Rate established by the Commission in its Opinion No. 699, issued on June 21, 1974, and modifying orders issued therein.

(b) EDC agrees that it will file with the Commission within 60 days of the date of execution thereof each new contract or contract amendment applicable to the sale of natural gas from the North Parcperdue Field to its affiliate, PSE&G.

(c) EDC agrees to notify the Commission within 30 days of any change in its rate charged for gas sold to its affiliate, PSE&G, from the North Parcperdue Field under the certificate issued to EDC herein.

(d) EDC shall offer to sell to one of the three transporting pipeline companies at the highest lawful rates (excluding emergency rates) applicable to such sales in interstate commerce any gas owned or controlled by EDC in the North Parcperdue Field which is not already committed to the interstate market and which is surplus to the requirements of this and any other project now or hereafter designed to meet PSE&G's market and storage requirements.

(e) Except for gas used for ignition and emergency purposes (as described in the Petition filed by PSE&G in this proceeding on November 13, 1975), during each winter season (December 1 through March 31), the gas certificated herein from the North Parcperdue Field shall not be used by PSE&G as boiler fuel for electric generation until such gas has been offered for sale to one of the three transporting pipeline companies at the highest lawful rate (excluding emergency rates) applicable to such sales in interstate commerce, and such pipeline company has determined not to purchase such gas, such offer to sell by PSE&G and refusal by the pipeline company to be documented and filed thereafter with the Commission.

(f) During the summer season (April 1 through November 30) EDC shall offer to sell to one of the three transporting pipeline companies any gas volumes owned and/or controlled by EDC from the North Parcperdue Field which, when combined with CD–3 volumes being received from Transco, are in excess of PSE&G's total CD–3 contractual requirements from Transco.

(g) Within 60 days following conclusion of the third winter heating season after commencement of service pursuant to this certificate, EDC and PSE&G may file for such amendment or modification of the provisions of Subsections (d), (e) and (f) hereof as they deem appropriate.

(h) The certificate of public convenience and necessity in Docket No. CP72–182, involving the authorized exchange of gas between Transco and Texas Gas, shall be amended to reflect the point of delivery from EDC to Texas Gas in the North Parcperdue Field, Lafayette and Vermilion Parishes, Louisiana, as an authorized delivery and exchange point from Transco to Texas Gas for any gas that Transco may purchase from EDC in the field under the provisions of this proposed Stipulation and Agreement of Settlement. Redelivery of gas by Texas Gas to Transco may take place at any then-authorized point of redelivery, as the dispatchers of Texas Gas and Transco may from time to time agree.

Staff is the only party in any way opposed to the proffered settlement. That opposition rests on one provision of the transportation agreement between Tennessee and Public Service. As part of that agreement, EDC is committed, "to make available for sale" to Tennessee nine percent of the monthly volumes for Tennessee's system fuel and use requirements. This sale will be at the applicable small producer rate. Staff would recommend modification of the language to delete "for sale" and have the volumes made available to Tennessee without cost.

It is Staff's position that the charges imposed by the terms of the contract will adversely affect other customers on Tennessee's system. There is no direct evidence of this "fact". It is, however, possible to infer this effect from the fact that the small producer rate charged will be above Tennessee's average system-wide rate—used in its costs for fuel use and unaccounted-for volumes. Tennessee's other customers will, Staff contends, have to absorb the difference to make Tennessee whole on that cost item.

The other parties filing comments are opposed to Staff's recommendation and fully supportive of the settlement proposal.

DISCUSSION. Staff concedes that the actual effect on other customers of the sale in question will be de minimis. It urges, however, that the precedential value of this case demands that we insure that there be no impact on other pipeline customers of Tennessee, occasioned by this transportation. There is evidence in the record to support the settlement. The purchase by Tennessee of 1350 Mcf EDC gas per day at the legitimate small producer rate will not adversely affect other Tennessee customers in any meaningful way.

The point raised by Staff is well taken. There is no reason to impose upon other pipeline customers a financial burden brought about by transporting gas they never used.

At the same time, however, Public Service and EDC raise the equally legitimate point of what, if any, incentive exists for a distribution company to engage in the type of self-help program engaged in by Public Service if the distributor is unable to recoup any of the capital risked by selling minimal volumes at a small producer rate if it qualifies as such.

Even though Tennessee's transportation charge of 38.28¢ per Mcf includes Tennessee's costs for system fuel and use requirements we are disposed to side with Staff. EDC will be ordered to supply Tennessee without charge to Tennessee 9 percent of the gas delivered to Tennessee for its compressor use and line loss. Public Service will be ordered to pay EDC for those fuel and line loss volumes delivered to Transco. In order to avoid a double charging for the cost of Tennessee's system fuel and use requirements we will order Tennessee to charge a rate based on the system average transmission cost underlying the rate determined by a final and non-appealable order in Docket Nos. RP75–13 and RP75–113, exclusive of fuel adjustments.

The Commission finds: Approval of the settlement agreement filed in this proceeding, modified in accord with the discussion herein, is reasonable and appropriate and in the public interest in carrying out the provisions of the Natural Gas Act.

The Commission orders: (A) The "Stipulation and Agreement of Settlement" filed in this proceeding commencing at page 179 of the transcript except as

modified herein is incorporated herein by reference, approved, and made effective as provided by the provisions of the Stipulation and Agreement.

(B) Public Service, through its affiliate EDC is required to supply Tennessee, without charge, 9% of the volumes transported hereunder for use by Tennessee for its compressor fuel and line loss and Public Service is hereby required to pay EDC for those fuel and line loss volumes delivered to Tennessee.

(C) Tennessee's transportation charge will be at a rate based on the system average transmission cost underlying the rate determined by a final and non-appealable order in Docket Nos. RP75–13 and RP75–113, exclusive of fuel adjustments.

(D) The Secretary shall cause prompt publication to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–13640 Filed 5–10–76;8:45 am]

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register

NATIONAL FIRE CODES

Proposed Revision of Standards

The Office of the Federal Register issues this notice of proposed changes to the fire safety standards developed by the technical committees of the National Fire Protection Association (NFPA). These standards, known as the National Fire Codes, are used in the regulations of several Federal agencies, and the proposed changes may affect many businesses, communities, and individuals. These proposed changes are announced to inform the general public and invite comments from interested persons.

Comments by: June 28, 1976.

To: Assistant Vice President-Standards, NFPA, 470 Atlantic Avenue, Boston, Massachusetts 02210. Commenters may use the forms provided for comments in the Technical Committee Reports. Each comment should contain the commenter's name and address, the identity of the notice and reasons for any recommendations being made.

The National Fire Protection Association is a non-profit technical and educational organization that promotes fire protection and prevention. Its Technical Committees develop the National Fire Codes which are incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51 into the regulations of many Federal agencies.

The NFPA meets twice each year, in November and May. Revisions of existing standards and adoption of new standards are reported by the Technical Committees at these meetings. Public comments are invited on the Technical Committee reports.

Action at the NFPA Fall 1976 meeting is being proposed on the following NFPA standards:

NFPA No.	Title	Type of action
13	Automatic sprinklers	O–P
13A	Sprinkler systems care and maintenance.	O–P
30	Flammable and combustible liquids code.	O–P
41L	Model rocketry code	O–C
56B	Respiratory therapy	O–P
56D	Hyperbaric facilities	O–P
56HM	Manual on home use of respiratory therapy.	O–P
58	LPG storage and handling	O–P
59	LPG-utility gas plants	O–P
75	Electronic computer/DP equipment	O–C
86D	Industrial vacuum furnaces	N–O
88A	Parking structures	O–P
89M	Heat-producing appliances clearances.	O–P
90B	Warm air heating and air-conditioning.	O–P
96	Vapor removal from cooking equipment.	O–C
105	Recommended practice for installation of smoke and draft control door assemblies.	N–O
252	Fire tests of door assemblies	O–P
321	Basic classification of flammable and combustible liquids.	O–P
501B	Mobile homes	O–C
501BM	Manual on mobile home heating and cooling load calculations.	N–O
501C	Recreational vehicles	O–P
902	Field incident manual	O–C
1021	Fire service professional standards for fire service officer qualifications.	N–O
[1] 1202	Organization of a fire department	O–C

[1] Formerly 4A.

TYPES OF ACTION

PROPOSED ACTION ON OFFICIAL DOCUMENTS

O–P—Partial Amendments
O–C—Complete Revision.
O–T—Tentative Revision

PROPOSED ACTION ON NEW DOCUMENTS

N–T—Tentative Adoption
N–O—Official Adoption

PROPOSED ACTION ON TENTATIVE DOCUMENTS

T–P—Partial Amendments
T–C—Complete Revision
T–O—Official Adoption

OTHER PROPOSED ACTION

R—Reconfirmation
W—Withdrawal

Single copies of the 1976 Fall Technical Committee Reports are available at no charge from the National Fire Protection Association, Publications Department, 470 Atlantic Avenue, Boston, MA 02210. The Reports will be mailed beginning the week of May 3, 1976.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as the Technical Committee Documentation by September 27, 1976, prior to the Annual Meeting. A copy of the Technical Committee Documentation will be sent automatically to each commenter. Action on the Technical Committee Reports (adoption or rejection) will be taken at the Fall Meeting, November 15–18, 1976, at the Netherland Hilton Hotel, Cincinnati, Ohio, by NFPA members who are members of record 30 (thirty) days prior to that meeting.

Copies of the Technical Committee Reports and Technical Committee Documentation, when published, will also be available for review at the Office of the FEDERAL REGISTER, 1100 L Street, NW., Room 8401, Washington, D.C.

(5 U.S.C. 552(a), 1 CFR Part 51)

FRED J. EMERY,
Director of the Federal Register.

MAY 6, 1976.

[FR Doc.76–13616 Filed 5–10–76;8:45 am]

PRIVACY ACT OF 1974

Notice of Changes to Systems of Records

On August 27, 1975, there was published in the FEDERAL REGISTER (40 FR 39137 through 39195) notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Public Law 93–579, 5 U.S.C. 552a. On February 27, 1976, GSA published a notice of proposed changes to the GSA inventory of systems of records (41 FR 8548). Because GSA has received no comments on the proposed changes, the notice of the GSA systems of records is hereby amended to provide a change in location, expand the routine use for a system of records, and delete two systems of records, as follows:

GSA/FPA 5 (40 FR 39169)

Change to read:

System location: Change Region 7 address to: Region 7, Federal Building, Room 7C52, 1100 Commerce Street, Dallas, TX 75242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the purpose of administering the NDER program, agency officials and officials of participating departments and agencies may obtain from the NDER Coordinator data relevant to reservists assigned to their units. Periodically, a directory (containing name, title, business name and address, NDER unit, and status—emeritus or active) will be distributed to reservists and to NDER units. Additional routine uses are contained in the appendix following the GSA notices.

The system of records identified as "Inventory Management and Buyer Workload Automated Systems GSA/FSS 13" is deleted.

The system of records identified as "Employee Related Files, GSA/FMPO 1" is deleted.

Dated at Washington, DC, on May 3, 1976.

G. C. GARDNER,
Director of Administration.

[FR Doc.76–13565 Filed 5–10–76;8:45 am]

PRIVACY ACT OF 1974

Notice of Changes to Systems of Records

On August 27, 1975, there was published in the FEDERAL REGISTER (40 FR 39137 thru 39195) notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Public Law 93–579, 5 U.S.C. 552a. On December 31, 1975, GSA published a notice of proposed changes to the GSA systems of records (40 FR 60114). Because GSA has received no comments on the proposed changes,

the notice of the GSA systems of records is hereby amended to add additional locations to three systems of records, and delete two systems of records, as follows:

The system of records identified as "GSA/Regional Administrators 1" is deleted.

GSA/Regional Administrators 2 (40 FR 39174)

Change to read:

System name: Employee related files, GSA Regions 1 thru 10.

System location: The system is located in the offices of the Regional Administrators, Regions 1 thru 10 at the addresses listed below:

GSA Region 1, Office of the Regional Administrator (1A), John W. McCormack Post Office and Courthouse, Boston, MA 02109.
GSA Region 2, Office of the Regional Administrator (2A), 26 Federal Plaza, New York, NY 10007.
GSA Region 3, Office of the Regional Administrator (3A), 7th & D Streets, SW., Washington, DC 20407.
GSA Region 4, Office of the Regional Administrator (4A), 1776 Peachtree Street, NW., Atlanta, GA 30309.
GSA Region 5, Office of the Regional Administrator (5A), 230 South Dearborn Street, Chicago, IL 60604.
GSA Region 6, Office of the Regional Administrator (6A), 1500 East Bannister Road, Kansas City, MO 64131.
GSA Region 7, Office of the Regional Administrator (7A), 819 Taylor Street, Fort Worth, TX 76102.
GSA Region 8, Office of the Regional Administrator (8A), Building 41, Denver Federal Center, Denver, CO 80225.
GSA Region 9, Office of the Regional Administrator (9A), 525 Market Street, San Francisco, CA 94105.
GSA Region 10, Office of the Regional Administrator (10A), GSA Center, Auburn, WA 98002.

Categories of individuals covered by the system: Individuals include employees in the offices of the Regional Administrators, Regions 1 thru 10.

System manager(s) and addresses: The officials responsible for the system of records are the Regional Administrators, at the addresses listed above.

Notification procedures: Information may be obtained from the Regional Administrators, at the addresses listed above.

Record access procedures: Request to access records may be directed to the Regional Administrators at the addresses listed above, in accordance with the GSA rules as promulgated in 41 CFR 105–64, published in the FEDERAL REGISTER.

GSA/Regional Administrators 3 (40 FR 39174)

Change to read:

System name: Biographical Sketches.

System location: This system is located in the Offices of the Regional Administrators Regions 1 thru 10 at the addresses listed below:

GSA Region 1, Office of the Regional Administrator (1A), John W. McCormack Post Office and Courthouse, Boston, MA 02109.
GSA Region 2, Office of the Regional Administrator (2A), 26 Federal Plaza, New York, NY 10007.
GSA Region 3, Office of the Regional Administrator (3A), 7th & D Streets, SW., Washington, DC 20407.
GSA Region 4, Office of the Regional Administrator (4A), 1776 Peachtree Street, NW., Atlanta, GA 30309.
GSA Region 5, Office of the Regional Administrator (5A), 230 South Dearborn Street, Chicago, IL 60804.
GSA Region 6, Office of the Regional Administrator (6A), 1500 East Bannister Road, Kansas City, MO 64131.
GSA Region 7, Office of the Regional Administrator (7A), 819 Taylor Street, Fort Worth, TX 76102.
GSA Region 8, Office of the Regional Administrator (8A), Building 41, Denver Federal Center, Denver, CO 80225.
GSA Region 9, Office of the Regional Administrator (9A), 525 Market Street, San Francisco, CA 94105.
GSA Region 10, Office of the Regional Administrator (10A), GSA Center, Auburn, WA 98002.

System manager(s) and addresses: The officials responsible for the system of records are the Regional Administrators, at the addresses listed above.

Notification procedure: Information may be obtained from the Regional Administrators, at the addresses listed above.

GSA/Regional Administrators 4 (40 FR 39174)

Change to read:

System name: Regional Administrators' official correspondence files.

System location: The system is located in the offices of the Regional Administrators, Regions 1 thru 10 at the addresses listed below:

GSA Region 1, Office of the Regional Administrator (1A), John W. McCormack Post Office and Courthouse, Boston, MA 02109.
GSA Region 2, Office of the Regional Administrator (2A), 26 Federal Plaza, New York, NY 10007.
GSA Region 3, Office of the Regional Administrator (3A), 7th & D Streets, SW., Washington, DC 20407.
GSA Region 4, Office of the Regional Administrator (4A), 1776 Peachtree Street, NW., Atlanta, GA 30309.
GSA Region 5, Office of the Regional Administrator (5A), 230 South Dearborn Street, Chicago, IL 60604.
GSA Region 6, Office of the Regional Administrator (6A), 1500 East Bannister Road, Kansas City, MO 64131.
GSA Region 7, Office of the Regional Administrator (7A), 819 Taylor Street, Fort Worth, TX 76102.
GSA Region 8, Office of the Regional Administrator (8A), Building 41, Denver Federal Center, Denver, CO 80225.
GSA Region 9, Office of the Regional Administrator (9A), 525 Market Street, San Francisco, CA 94105.
GSA Region 10, Office of the Regional Administrator (10A), GSA Center, Auburn, WA 98002.

Categories of individuals covered by the system:

Individuals include those corresponding with the Regional Administrators regarding: savings bond campaigns, employees receiving letters of appreciation and commendation, Members of Congress, mayors and their staffs, and other individuals.

Categories of records in the system: Records consist of incoming correspondence, background material, and outgoing correspondence to indviduals described in the system. The system is used as a record of correspondence received by the Offices of the Regional Administrators and as reference in preparing and replying to immediate and future correspondence.

System manager(s) and addresses: The officials responsible for the system of records are the Regional Administrators, at the addresses listed above.

Notification procedures: Information may be obtained from the Offices of the Regional Administrators, at the addresses listed above.

Record access procedures: Requests to access records may be directed to the Offices of the Regional Administrators, at the addresses listed above, in accordance with the GSA rules as promulgated in 41 CFR 105–64, published in the FEDERAL REGISTER.

The system of records identified as "GSA/Regional Administrators 5" is deleted.

Dated at Washington, D.C. on May 3, 1976.

G. C. GARDNER,
Director of Administration.

[FR Doc.76–13566 Filed 5–10–76;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

DOMESTIC POLICY DIRECTIVE

Information From Meeting Held March 15–16, 1976

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on March 15–16, 1976.[1]

The information reviewed at this meeting suggests that output of goods and services has continued to expand at a moderate rate in the current quarter. In February retail sales rose considerably and recovery in industrial production continued. Gains in nonfarm employment were again widespread and the unemployment rate dropped from 7.8 to 7.6 per cent. Wholesale prices of all commodities declined again in February, as average prices of farm products and foods fell appreciably further. Average wholesale prices of industrial commodities increased somewhat less than in January, owing in part to a reduction in crude oil prices required by the Energy Policy and Conservation Act. Over recent months, the advance in the index of average wage rates has moderated somewhat.

The average value of the dollar against leading foreign currencies has increased

[1] The Record of Policy Actions of the Committee for the meeting of March 15–16, 1976, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

in recent weeks to its highest level in 2 years. In the exchange markets, the British pound has depreciated sharply; the lira has weakened further; and most recently, the French franc has depricated after abandonment of efforts to maintain fixed margins with certain other European currencies. In January the U.S. foreign trade balance shifted into deficit.

M_1, which had increased only a little in January, expanded moderately in February; M_2 and M_3 rose sharply. At commercial banks and nonbank thrift institutions, inflows of time and savings deposits other than large-denomination CD's remained large. Since mid-February, both short- and long-term interest rates have changed little on balance.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions that will encourage continued economic recovery, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic financial markets and the sensitive state of foreign exchange markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the period ahead.

By order of the Federal Open Market Committee, May 3, 1976.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.76-13549 Filed 5-10-76;8:45 am]

FEDERAL RESERVE SYSTEM

BUYA CORP.

Order Approving Action To Become a Bank Holding Company

Pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(1)) and section 225.3(a) of Regulation Y (12 CFR 225.3(a)), BUYA Corp., Wakefield, Nebraska ("Applicant"), has applied for prior approval to become a bank holding company through the acquisition of 80 per cent or more of the voting shares of The Wakefield National Bank, Wakefield, Nebraska ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through acquisition of Bank (deposits of approximately $8 million).[1] Bank is the 184th largest bank in Nebraska, holding .14 per cent of total deposits in commercial banks in the State. Bank is the largest bank in the relevant banking market, which is approximated by Dixon County, and controls 34.7 per cent of the total commercial bank deposits therein.

Two of the principals of Applicant are also the principals in another one-bank holding company located in Nebraska. That holding company and its subsidiary bank are located approximately 35 miles from Bank in a different banking market. Since Applicant has no existing banking subsidiaries, consummation of the transaction would not eliminate any existing or potential competition, increase the concentration of banking resources, nor have any adverse effects on any other banks in the relevant market. Thus, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank are regarded as satisfactory and consistent with approval. Applicant's management is satisfactory and its financial condition and future prospects, which are dependent upon profitable operation of Bank, appear favorable. Although Applicant will incur debt in connection with the acquisition of Bank, the projected income from Bank should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Accordingly, considerations relating to the banking factors are regarded as being consistent with approval.

Consummation of the transaction would result in the provision of some new services and the improvement of some existing services. For example, Bank will offer checking accounts with reduced service charges. Bank will also offer installment loan services to its customers. Convenience and needs considerations are consistent with approval of the application to acquire Bank. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

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 the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 3, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-13550 Filed 5-10-76;8:45 am]

[1] All banking data are as of June 30, 1975.

[2] Voting for this action: Vice Chairman Gardner and Governors Holland, Wallich, Coldwell, and Partee. Absent and not voting: Chairman Burns and Governor Jackson.

FIRST BANC GROUP, INC.

Order Approving Acquisition of Bank

First Banc Group, Inc., Creve Coeur, Missouri, a bank holding company within the meaning of 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 50 per cent or more of the voting shares of American State Bank of Flat River, Flat River, Missouri ("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 eighteenth largest banking organization in Missouri, controls five banks with aggregate deposits of $92.0 million, representing approximately .57 per cent of the total deposits in commercial banks in the State.[1] Acquisition of Bank (deposits of $16.0 million) would increase Applicant's share of commercial bank deposits in Missouri by .1 per cent and would have no appreciable effect upon the concentration of banking resources in Missouri.

Bank, the third largest of seven banks in the relevant market,[2] holds approximately 17.1 per cent of total market deposits. Applicant has no banking office in the relevant market, and the nearest office of any of Applicant's subsidiary banks to any office of Bank is approximately 42 miles.

No meaningful competition presently exists between any of Applicant's subsidiary banks and Bank, and it appear unlikely that such competition would develop in the future in view of the distances involved. Moreover, the population and economic characteristics do not indicate that the relevant area is especially attractive for *de novo* entry. Accordingly, on the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and future prospects of Applicant and its present and proposed subsidiaries are regarded as generally satisfactory and consistent with approval even though Applicant will incur debt as a result of this acquisition. It appears that the proposed affiliation of Bank with Applicant is likely to result in an expansion of the services presently offered by Bank. Considerations relating to the convenience and needs of the community to be served, therefore, lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the

[1] Banking data are as of June 30, 1975.

[2] The relevant banking market is approximated by St. Francois County plus the town of Fredericktown in northern Madison County.

public interest and that the application should be approved.

On the basis of the record in the case,[3] 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 the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors, effective [4] May 3, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-13551 Filed 5-10-76;8:45 am]

PEOPLES CREDIT CO.

Order Approving Acquisition of Controlling Interest of Bank

Peoples Credit Co., Kansas City, Missouri ("Applicant"), a registered bank holding company,[1] has applied for approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) and section 225.3(a) of Regulation Y (12 CFR 225.3(a)) to acquire an additional 30.0 percent of the voting shares of The Lathrop Bank, Lathrop, Missouri ("Bank").

The 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)(24) of the Rules Regarding Delegation of Authority.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (41 FR 10269 (1976)). The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant currently has interests in five Missouri banks.[2] The five banks together held, as of June 30, 1975, total deposits of approximately $68.3 million representing approximately .42 percent of total deposits in commercial banks in the State of Missouri.[3] Bank holds total deposits of approximately $5.7 million, representing .04 percent of the total deposits in commercial banks in the State and 14.05 percent of the total deposits in the relevant market,[4] and is the 500th largest banking organization in the State.

Applicant currently owns 24.9 percent of the outstanding shares of Bank. Applicant proposes to acquire an additional 30.0 percent of Bank's shares for cash from current minority shareholders of Bank. None of Applicant's other banking interests are located in the same banking market as Bank. Therefore, consummation of the proposal would not have an adverse effect on existing or potential competition, would not increase concentration of banking resources and would not have an adverse effect on other banks in the area. Thus, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and Bank are considered satisfactory and future prospects for both appear favorable. Banking factors are consistent with approval of the application. Although there will be no change in management or Bank's services and facilities, it does not appear that the needs of the Lathrop community are going unserved. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. This Reserve Bank, therefore, finds that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

[SEAL] JOHN F. ZOELLNER,
Vice President.

APRIL 26, 1976.

[FR Doc.76-13552 Filed 5-10-76;8:45 am]

[3] In its consideration of the subject application, the Board also considered the comments submitted on behalf of a shareholder of Bank. Having examined such submissions, the Board is of the view that, based upon the entire record, the arguments put forth by the protestant are not sufficient to warrant denial of the application.

[4] Voting for this action: Vice Chairman Gardner and Governors Holland, Wallich, Coldwell and Partee. Absent and not voting: Chairman Burns and Governor Jackson.

[1] Applicant registered as a bank holding company in 1971, apparently on the premise that it controlled The Metropolitan Bank, Kansas City, Missouri, by virtue of the fact that it owned 24.9 percent of Metropolitan's stock and officers and employees of Applicant owned additional shares. Although a rebuttable presumption that Applicant controls Metropolitan Bank exists under section 225.2(b) of the Board's Regulation Y (12 CFR 225), the Board has made no formal determination that Applicant controls that bank. However, Applicant received Board approval to acquire The Pleasant Hill Bank, Pleasant Hill, Missouri, and will, upon consummation of that transaction, own 44.7 percent interest in that bank.

[2] Applicant also engages in the following nonbanking activities: making or acquiring for its own account or for the account of others, loans and other extensions of credit and providing bookkeeping or data processing services for internal operations of the company and storing and processing other banking, financial, or related economic data, including performing payroll, accounts receivable, and billing services. Applicant has two years after becoming a bank holding company in which to make application to continue to engage in these nonbanking activities.

[3] Banking data are as of June 30, 1975, unless otherwise specified.

[4] The relevant market is approximated by Clinton County, Missouri, in which five banks operate.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

PRIVACY ACT OF 1974

Systems of Records

On January 14, 1976, at 41 FR 2114, the Commission proposed a routine use which would apply to all FCSC systems of records listed in the FEDERAL REGISTER (40 FR 39023) as follows: Routine Use-Congressional Inquiry—A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office, made to the request of the individual about whom the record is maintained.

Interested persons were given 30 days in which to submit written comments. No comments were received and the routine use is adopted, as proposed, without changes effective September 27, 1975, the effective date of section 3, Public Law 93-579.

Dated at Washington, DC on April 22, 1976.

[SEAL] WAYLAND D. MCCLELLAN,
General Counsel.

[FR Doc.76-13564 Filed 5-10-76;8:45 am]

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

THE ADVISORY COMMITTEE ON NATIONAL GROWTH POLICY PROCESSES

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. § 10(a), that the Advisory Committee on National Growth Policy Processes to the National Commission on Supplies and Shortages will conduct a public meeting on May 27, 1976, in the 6th Floor Hearing Room of the Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. The meeting will begin at 9:30 a.m. (The May 27 meeting date of the Committee constitutes a change in the May meeting date announcement which was published in the FEDERAL REGISTER, Vol. 41, No. 49, dated Thursday, March 11, 1976.)

The objectives and scope of activities of the Advisory Committee on National Growth Policy Processes is ". . . to develop recommendations as to the establishment of a policy-making process and structure within the Executive and Legislative branches of the Federal Government as a means to integrate the study of supplies and shortages of resources and commodities into the total problem of balanced national growth and development, and a system for coordinating these efforts with appropriate multistate, regional and state governmental jurisdictions."

The summarized agenda for the meeting is as follows:

1. Reports by Executive Director and Study Group Leaders.

2. Discussion and review of proposals, relating to improvements in the Federal policy-making process and structure, with particular emphasis on the Executive and Legislative Branches.

In the event the Committee does not complete its consideration of the items on the agenda on May 27, 1976, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the Committee will conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to the Advisory Committee on National Growth Policy Processes, 1750 K Street, N.W., 8th Floor, Washington, D.C. 20006, at least five days before the meeting. Members of the public that wish to make oral statements should inform Katherine Soaper, telephone (202) 254-6836, at least five days before the meeting, and reasonable provisions will be made for their appearance on the agenda.

The Advisory Committee is maintaining a list of persons interested in the operations of the Committee and will mail notice of its meetings to those persons. Interested persons may have their names placed on this list by writing James E. Thornton, Executive Director, The Advisory Committee on National Growth Policy Processes, 1750 K Street, N.W., 8th Floor, Washington, D.C. 20006.

Dated: May 10, 1976.

ARNOLD A. SALTZMAN,
Chairman, The Advisory Committee on National Growth Policy Processes.

[FR Doc.76-13654 Filed 5-10-76;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

RECORD-KEEPING PRACTICES OF HEALTH CARE PROVIDERS AND INSTITUTIONS

Notice of Hearings

The Privacy Protection Study Commission will hold public hearings on the record-keeping practices of health care providers and institutions on June 10 and 11, 1976, in Room 8544, Federal Building, 300 North Los Angeles Street, Los Angeles, California. The Commission will consider the feasibility and desirability of extending the principles and requirements of the Privacy Act of 1974 to health-care institutions and providers, as well as other means of preventing the misuse of medical information, including confidentiality safeguards for medical records.

To assist in the development of this inquiry, the Commission wishes to learn about the experiences and views of interested parties, including members of the public, prior to the hearings.

Written submissions should be made to the Executive Director, Privacy Protection Study Commission, Suite 424, 2120 L Street, NW., Washington, D.C. 20506, and should be received in the Commission offices no later than May 30, 1976.

In this hearing, the Commission will concentrate on the development and use of medical records by health-care providers and institutions, (e.g., physicians, general hospitals, nursing homes, psychiatric facilities, ambulatory care facilities) and closely allied users of medical records (e.g., utilization review programs, PSROS, bio-medical and health services researchers). Although the Commission will examine the uses of medical records in non-medical settings in other hearings (e.g., on insurance, consumer-reporting, education, and employment records), it nonetheless seeks in this hearing to examine the conditions under which disclosures of records should be made by health-care providers and institutions.

The Commission is interested in views and statements from the public about current medical record-keeping practices and confidentiality safeguards, and in particular, seeks information as to the following:

Content of records: What standards and customs govern the content of a medical record? How are these standards enforced (e.g., accreditation requirements, training and certification of physicians and other health personnel)? What information does the typical medical record contain? Does the kind of information included in a medical record vary radically with the type of care provided and/or from physician to physician? To what extent, and in what ways, is the content of a medical record influenced by the non-medical users of the record (e.g., third party payors, accrediting agencies)? Are there limits of any kind, self-imposed or other, on the type of information recorded in a medical record?

Access and correction by record subject: To what extent have health-care providers and institutions voluntarily, or pursuant to law, permitted patients to either inspect or be informed of the contents of the medical record? What have been the consequences, both negative and positive, of permitting an individual access to a medical record? What are the advantages (e.g., greater patient involvement in health care, decrease in malpractice suits) and disadvantages (e.g., increase in malpractice suits) of permitting access? Have patients been permitted, in an institution, to correct their medical records? What rights and standards govern the correction of a medical record? Does patient access alter or violate the confidentiality of the doctor/patient relationship? Would separate procedures be required for different types of records (e.g., psychiatric records, office records)?

Disclosure to third parties: To which third parties are records commonly disclosed? When a disclosure is made, is the whole record disclosed, or is only relevant information extracted from the record? Is the subject routinely informed of disclosures? What professional guidelines govern the disclosure of medical records? Should laws (e.g., public reporting statutes) *compel* the disclosure of medical records or information contained therein? What form do patient authorizations for the disclosure of medical information commonly take and do they represent an informed consent to the disclosure of such records or information? What effect would the constraints imposed by the Privacy Act have on the conduct of biomedical and health services research?

National health insurance: Will the advent of national health insurance create new types of record-keeping and/or new institutional relationships that will require the imposition of record-keeping requirements? To what extent would the various national health insurance proposals impede or facilitate compliance with the fair information practice principles of the Privacy Act of 1974?

To determine the feasibility and desirability of applying fair information practice safeguards to individual and institutional health-care providers, the Commission wishes to learn about the experiences under the Privacy Act of Federal agencies that maintain medical records. In addition, the Commission seeks comment, both before and during the hearing on the following Privacy Act principles noted here with appropriate modifications for application to medical records:

1. An individual should be informed of the existence of all medical records pertaining to him and his health care, and of the use(s) that are (to be) made of such records without his consent.

2. An individual who is the subject of a medical record should, upon request, be granted access to such record. At the record subject's request, a health care professional should be present when access is granted. A copy of a medical record should be made available to the subject upon request. Minors who seek and receive care independent of their parents shoud be granted the same access rights as adults.

3. A record subject must be assured that: (a) the data in records maintained about him are accurate, timely and complete; (b) he will have an opportunity

to review such records for accuracy before release to third parties; and (c) he will have an opportunity to correct, amend, or supplement inaccurate or misleading information.

4. No individually identifiable information should be released by the hospital, facility, agency, or health-care provider without the subject's express written consent. This consent must specifically state the information to be disclosed and the individual or organization to whom it is to be disclosed, except when the disclosure is to:

A State or local health department, pursuant to a public reporting statute designed to prevent danger to the health of others;

On court order, provided that the individual is notified of the order and has an opportunity to contest it;

To a health professional, in a bona fide medical emergency, if the individual is unable to give voluntary, informed consent; and

To the legal next of kin when the record subject is decreased.

Records should not be disclosed, with or without consent, to any agency or organization that will redisclose the record without the consent of the individual.

Finally, the Commission wishes to receive comment on the various means that could be used to apply these principles to medical records not currently subject to the requirements of the Privacy Act, including, but not limited to:

(1) Voluntary compliance of doctors and institutions;

(2) Standards developed and enforced by accrediting institutions, State licensing agencies, professional associations, etc.;

(3) State law; and/or

(4) Conditions applied to the receipt of Federal funds.

DAVID F. LINOWES,
Chairman.

CAROLE W. PARSONS,
Executive Director.

[FR Doc.76-13578 Filed 5-10-76;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

ADVISORY BOARD

Open Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that an open meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held in the Host International Hotel at Detroit Metropolitan Airport, Detroit, Michigan on May 27, 1976, at 11:00 a.m.

Agenda items are as follows: (1) Opening remarks by the Administrator; (2) Approval of minutes of prior meeting; (3) Administrator's report; (4) Program reviews; and (5) Closing remarks.

Reservations and further information may be obtained from Mr. Robert Kraft, Deputy General Counsel, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling 202/426-3574.

D. W. OBERLIN,
Administrator.

[FR Doc.76-13614 Filed 5-10-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12310; File No. SR-NYSE-76-28]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 16, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Text of Proposed Rule Changes—Deletions [bracketed]; Additions *italicized.*

Amend Paragraph .30, in part, of Rule 118 to read as follows:

The following is the procedure with respect to orders in stocks selling "ex" on the first business day [of May and November] *following the semi-annual confirmation of* G.T.C. orders:

(1) The specialist shall be responsible for reducing the price and, if paragraph .22 above is applicable, increasing the shares in orders which are properly confirmed or renewed on the last business day of [April and October] *the confirmation period.*

(2) The members or member organizations giving orders to the specialist shall be responsible for the reduction of orders which are received by the specialist on the first business day [of May and of November] *following the semi-annual confirmation of G.T.C. orders.*

Amend Paragraph .50 of Rule 123A to read as follows:

.50 Confirming G.T.C. orders entered on single order slips.—Members and member organizations who use single order slips when entering G.T.C. orders in the unit of trading on the Floor must confirm such orders by use of duplicate confirmation and receipt slips not later than the close of the business day following the entry of such single slip orders. Such orders not so confirmed will be cancelled without notice. Such single slip G.T.C. orders entered on the last two business days of [April and October] *the period covered by the semi-annual confirmation procedure* must, however, be confirmed on the last business day of [those months] *such period* in the same manner as other G.T.C. orders.

Amend Paragraph .55, in part, of Rule 123A to read as follows:

* * * * *

It shall be the responsibility of members and member organizations to cancel with the specialist those G.T.C. orders that expire at any time prior to the end of the [six-month] *confirmation* period.

G.T.C. orders expire at the end of the [six-month] *semi-annual confirmation* period unless confirmed or renewed with the specialists on the last business day of such period. [The six-month periods end on the last business day of the months of April and of October.] *G.T.C. orders shall be confirmed semi-annually and the dates on which the confirmation periods end shall be prescribed by the Exchange.*

* * * * *

Specialists must remain on the Floor or have a representative thereon [for one hour] *as long as necessary* after the close of the last business day of each [six-month] *semi-annual confirmation* period for the purpose of receiving confirmations and renewals of G.T.C. orders.

* * * * *

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE BY THE NEW YORK STOCK EXCHANGE ("NYSE")

The proposed rule changes will introduce needed flexibility into the process for semi-annual confirmation of "Good 'Til Cancelled" orders by providing that the dates for such confirmation shall be as prescribed by the Exchange rather than fixed by rule.

Statement of Basis and Purpose. The NYSE states the basis and purpose of the foregoing proposed rule change is as follows:

Purpose of Proposed Rule Change. Current Exchange Rule 123A.55 requires that "Good 'Til Cancelled" ("G.T.C.") orders entrusted to specialists by members and member organizations be confirmed or renewed with specialists semi-annually on the last business days of the months of April and October. G.T.C. orders remain in force until either cancelled or executed, hence, semi-annual confirmation of such orders is required in order to insure appropriate accounting for and control over them.

Confirmation of G.T.C. orders places extra time demands on members and their clerical staffs and necessarily entails the completion and transmission of a large amount of "paperwork." Current Rule 123A.55 requires semi-annual confirmation of G.T.C. orders on the last business days of April and October, and experience has shown that these days may coincide with periods of temporarily high trading volume. Thus, quite frequently, the extra burden of confirmation of G.T.C. orders has been superimposed on the already increased efforts required by a high volume of trading. In addition, the last business days of April and October occasionally fall on Friday, thus needlessly causing Exchange members and their clerical staffs to work on a night preceding a weekend.

The proposed changes to Rule 123A.55 would eliminate these unnecessary difficulties by retaining the confirmation requirements at approximately six-month intervals but providing that the dates on which the confirmation periods end shall be as prescribed by the Exchange, rather than requiring the dates to be the last business days in April and October.

The proposed changes to Rules 118.30 and 123A.50 are "housekeeping" in nature and are designed to make the text of those rules accord with the proposed changes to Rule 123A.55.

Basis Under The Act For Proposed Rule Change. The NYSE states that the proposed rule changes are administrative in nature and are based on Section 6(b)(5) of the Securities Exchange Act of 1934 (the Act) which provides for Exchange rules related to the administration of the Exchange.

Items 4(a) (i) through (viii) are not applicable.

Comments Received From Members, Participants Or Others On Proposed Rule Change. The Exchange has not formally solicited comments regarding the proposed rule changes, nor has the Exchange received any unsolicited written comments from members or others.

Burden On Competition. The NYSE states that the proposed rule changes will not impose any burden on competition.

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 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 within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 5, 1976.

[FR Doc.76-13545 Filed 5-10-76;8:45 am]

[Release No. 34-12411; File No. SR-PBWSE 76-7]

PBW STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 4, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Changes. The PBW Stock Exchange, Inc., (PBW) proposes By-Law amendments to add one public governor to its Board. The text of the proposed amendments is attached as Exhibit A. Brackets indicate deletions; italics indicates new material.

Statement of Basis and Purpose. The purpose of the amendments is to add one public governor to the authorized membership of the Board of Governors.

The amendments will effect compliance with Section 6(b)(3) of the Act to provide for one or more directors to be representative of issuers and investors and not be associated with a member of the Exchange or any broker or dealer.

No comments have been received or solicited except on an oral and informal basis from representative groups of members. No adverse views have been expressed on the form of the amendments. Members have been given notice of the amendments in accordance with amendment procedures under the By-Laws.

No burden on competition will be imposed by the proposed By-Laws.

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, N.W., 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 June 7, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 5, 1976.

EXHIBIT A FILE NO. SR-PBWSE 76-7

BY-LAW SECTION 3-2

An annual meeting of the members shall be held in each calendar year, commencing with the year 1973, on the first Monday in March. At such annual meeting there shall be elected by ballot a Chairman of the Board of Governors and two Vice Chairmen of the Board of Governors for the term of one year each, *and* eight *Broker* Governors for the term of three years. *Beginning with the annual meeting in 1977, and at every third annual meeting thereafter, there shall be elected by ballot one Public Governor for the term of three years. At each annual meeting there shall also be elected by ballot* Governors to fill vacancies in the Board of Governors which may have occurred during the preceding year. In any election of Governors, due regard shall be given to the provisions of Article IV, Section 4-1, of the By-Laws with respect to the composition of the Board of Governors of the Corporation.

BY-LAW SECTION 3-5, FIRST PARAGRAPH

On or before the third Wednesday in December of each year the Chairman of the Board, with the approval of the Board of Governors, shall appoint a Nominating Committee, whose duty it shall be to report in writing to the Secretary of the Corporation nominees for positions on the Board of Governors of the Corporation, *other than those of Chairman and Vice Chairman,* to be filled at the next ensuing annual election of the Corporation. The Chairman of the Board and the President shall not be ex officio members of the Nominating Committee.

BY-LAW SECTION 3-7, THIRD PARAGRAPH

The ballot containing the names of candidates nominated for membership on the Board of Governors shall indicate by appropriate designation whether the nominee is a member of the Corporation, or is a nonmember of the Corporation who is a general partner or officer of a member organization of the Corporation, *or is a representative of the public unaffiliated with the Corporation or any broker or dealer in securities;* and, in the event that there are more nominations of such general partners or officers of member organizations, *or of such representatives of the public* than there are vacancies on the Board of Governors which may be filled by such persons, the number of such persons who may be elected to membership on the Board of Governors shall also be indicated on the ballot.

BY-LAW 3-9, FIRST PARAGRAPH

In any election for members of the Board of Governors if [there are more nominees who are] *either the number of* general partners [of a member firm] or officers of [a] member [corporation and] *organizations* who are not themselves members of the Corporation, *or the number of representatives of the public unaffiliated with the Corporation or any broker or dealer in securities which are nominated* [than there are] *exceeds the* vacancies which may be filled by such [general partners or officers] *persons* votes cast for such [general partners or officers] *persons* who fail of election because of lack of vacancies which may be filled by [such general partners or officers] *them* shall be ignored in determining the standing of the other candidates for membership on the Board.

BY-LAW SECTION 4-1

The management of the business and affairs of the Corporation shall be vested in a Board of Directors which shall be designated as the "Board of Governors". The Board of Governors shall be composed of the Chairman of the Board of Governors; two Vice Chairmen of the Board of Governors; the President of the Corporation; twenty-four (24) [others elected to the office of Governor] *Broker Governors; one (1) Public Governor;* and the immediate past Chairman of the Board of Governors who, upon the expiration of the term to which he was elected, shall be an ex officio member of the Board of Governors with vote for a term of one year. The members of the Board of Governors, exclusive of the immediate past Chairman of the Board, who are not themselves members of the Corporation shall not, at any time, exceed ten. The twenty-four *broker* governors [elected as such] shall be members of the Corporation or general partners [of a member firm] or officers of a member [cor-

poration] *organization. The one public governor shall be a representative of the public unaffiliated with the Corporation or any broker or dealer in securities.*

BY-LAW SECTION 4–3

[Twenty-four others elected to the office of Governor] *The twenty-four Broker Governors* shall be divided into three classes of eight each. One *such* class shall be elected by the membership of the Corporation each year to serve for three years or until their successors are elected and qualify. *Upon the effective date of this amendment, the one public governor shall be appointed by the Board of Governors to serve until the third Wednesday of March 1977, in the class whose those term expires in such year, or until his successor is elected and qualifies. At the annual meeting in 1977, one public governor shall be elected by the membership of the Corporation to serve for three years or until his successor is elected and qualifies, and he shall be included in the class elected at such time for a three-year term. Thereafter, in every third year beginning in 1980, one public governor shall be similarly elected at the annual meeting to serve for three years.*

Of the twenty-four [others elected as] *Broker* Governors, two whose terms expire each year shall not be eligible for a further term for a period of one year after such expiration. If necessary and to the extent necessary, the two *Broker* Governors of a class who are ineligible are to be chosen by lot by the Nominating Committee. *No Public Governor who has served three consecutive years shall be eligible for election to a further term except after an interval of one year. The partial term served by the Public Governor appointed by the Board of Governors to serve in the class whose term expires in 1977 shall not be counted in computing his length of service.*

[FR Doc.76–13546 Filed 5–10–76;8:45 am]

[Release No. 19512; 70–5850]

ALABAMA POWER CO.

Security and Lease Agreement for the Lease of Nuclear Fuel

MAY 4, 1976.

In the Matter of Alabama Power Company, 600 North 18th Street, Birmingham, Alabama 35291.

Notice is hereby given That Alabama Power Company ("Alabama"), an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a) and 10 of the Act and Rule 23 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to enter into a lease and security agreement (the "Agreement") with Prulease, Inc. ("PruLease"), whereby Alabama would lease from PruLease nuclear fuel to be used in connection with its generation of electric power (the "Nuclear Material"). PruLease is a wholly-owned subsidiary of the Prudential Insurance Company of America, a New Jersey corporation. The Nuclear Material will be used to satisfy a portion of the fuel requirements from Alabama's Joseph M. Farley Nuclear Plant (the "Plant"), located near Dothan, Alabama.

Alabama currently has contracts for the supply of the Nuclear Material to be used at the Plant. At such time as this Commission may authorize the transaction proposed herein, Alabama will assign to PruLease certain of such contracts. PruLease will reimburse Alabama the cost of its current interest in such contracts. As of March 31, 1976, the book value of the nuclear fuel was $37,089,615. Alabama currently estimates that up to $115,000,000 in expenditures for nuclear fuel for the Plant will be required during the next two years. According to the terms of the Agreement, PruLease will make additional payments to suppliers, processors and manufacturers, necessary to carry out the terms of such contracts for Nuclear Material for the Plant. Alabama will be responsible for operating, maintaining, repairing, replacing and insuring the nuclear fuel and for paying all taxes and costs arising out of ownership, possession and use.

Under the terms of the Agreement, Alabama proposes to lease various amounts of Nuclear Material as PruLease and Alabama may agree upon from time to time up to a maximum unamortized outstanding investment of $99,500,000. Alabama and PruLease may agree to further increases in the maximum unamortized outstanding investment in the future of up to $115,000,000. Such increases would be the subject of a future post-effective amendment.

Rental payments will be payable monthly. The Agreement provides that Alabama will make rental payments consisting of (a) an amortization amount, and (b) an interest charge. The amortization amount represents the acquisition costs (as defined in the lease), except for possible salvage value over the burn-up period of the Nuclear Material. The amortization amount will be determined by multiplying the number of megawatt days of thermal energy produced by such Nuclear Material by the dollar amount designated as the megawatt day charge. The interest charge will be computed by multiplying the Stipulated Casual Value (as defined in the Agreement) times a computed annual rate obtained by adding 1⅞% to the higher of the prime interest rate of Morgan Guaranty Trust Company of New York or the current interest rate of PruLease's ninety-day commercial paper. Based upon the current price rate of 6¾%, the effective cost of the lease is 8⅝% per annum. If Alabama were to finance the nuclear fuel in proportion to its capital structure the weighted cost of capital would be 11.7%.

Upon execution of the Agreement, Alabama will pay PruLease a closing fee equal to ¼ of 1% of the maximum unamortized outstanding investment. Assuming a maximum investment of $99,500,000, such payment by Alabama would be $248,750.

Actual rental payment will vary according to whether Nuclear Material has been placed in the reactor. Nuclear Material that has not been placed in the reactor will be covered by an "Interim Leasing Record" and the rental payment for such Nuclear Material will be the interest charge. Nuclear Material that has been placed in the reactor will be covered by a "Final Leasing Record" and the rental payment would include the interest charge and the amortized acquisition cost.

The obligation of Alabama to make rental payments under the Agreement will be unconditional. Even though PruLease will hold legal title to the Nuclear Material, the Agreement is intended as security and all the rights, responsibilities and benefits of owning the Nuclear Material are those of Alabama.

The Agreement is to extend until terminated in accordance with its terms. Either party has a right of termination. Upon any termination of the Agreement, Alabama must pay to PruLease the unamortized cost of the Nuclear Material. PruLease will release its title and security interest to Alabama.

It is also provided in the Agreement that PruLease will receive alternative termination rights upon certain events of default ("Events of Default"). Upon the occurrence of an Event of Default, PruLease may terminate the lease. If PruLease should terminate the lease on the basis of an Event of Default, Alabama's interest in the Nuclear Fuel will terminate and PruLease may, among other things, elect to take possession of the Nuclear Fuel and sell it.

Alabama proposes to capitalize the lease transaction by recording the value of the leased Nuclear Material as an asset of its "Utility Plant" account and recording as "Other Long-term Debt" equal amounts for the related lease liabilities. The Nuclear Material will be treated as an owned asset for other purposes.

No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred in connection with this transaction are estimated at $14,500 including legal fees of $10,000.

Notice is further given That any interested person may, not later than June 2, 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 amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be

further amended, may be granted 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.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-13543 Filed 5-10-76;8:45 am]

[Release No. 19513; 70-5825]

PENNSYLVANIA POWER CO.

Supplemental Notice of Proposed Transactions Related to Financing Pollution Control Facilities; Request for Exception From Competitive Bidding

MAY 5, 1976.

In the Matter of Pennsylvania Power Company, 1 East Washington Street, New Castle, Pennsylvania 16103.

Notice is hereby given That Pennsylvania Power Company ("Penn Power"), an electric utility subsidiary company of Ohio Edison Company, a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b), 9, 10 and 12(d) thereof and Rules 44(b)(3) and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended, for a complete statement of the proposed transaction.

Initial notice of the proposed transaction was given to the public on March 23, 1976 (HCAR No. 19440). This supplemental notice summarizes the proposed transaction as subsequently amended.

Penn Power states that governmental regulations concerning particulate emissions make necessary the construction of certain air pollution control facilities, including additional precipitator equipment, and a tall stack (the "Project") at its New Castle generating station, located in Lawrence County, Pennsylvania. It is presently estimated that the total cost of the Project will be about $61,000,000. Penn Power proposes that the Project be financed through contractual arrangements with the Lawrence County Industrial Development Authority (the "Authority"), a public instrumentality organized under the Pensylvania Industrial and Commercial Development Law for the purpose of financing industrial development projects including pollution control facilities.

Penn Power and the Authority intend to enter into a Pollution Control Facilities Agreement (the "Agreement") whereby the Authority will issue and sell to the public its tax-exempt Pollution Control Revenue Bonds ("Bonds"), the proceeds of which will finance the cost of the Project. The Bonds will be issued under one or more trust indentures ("Indenture") between the Authority and one or more corporate trustees ("Trustee"), to be approved by Penn Power, and may be sold in several series of varying principal amounts.

Penn Power expects that initially there will be separate but contemporaneous issues of Bonds (the "Series A Bonds") whose tax exempt status depends upon Sections 103(c)(4)(E) or (F) of the Internal Revenue Code of 1954, as amended, (relating to providing sewage or solid waste disposal facilities and air or water pollution control facilities) and Bonds (the "Small Issue Bonds") whose tax exempt status depends upon Section 103(c)(6) of said Code (relating to small issues involving the acquisition, construction, reconstruction or improvement of land or property of a character subject to the allowance for depreciation). It is contemplated that the maximum principal amount of the Small Issue Bonds will be $1,000,000 and that the aggregate principal amount of the Series A Bonds will not exceed $15,000,000, although the exact amount of the Series A Bonds will depend upon market conditions at the time of sale. If the Small Issue Bonds are not issued, however, it is contemplated that up to $16,000,000 of the Series A Bonds will be issued.

It is stated that this arrangement is necessary to provide funds for the construction of the tall stack being built in connection with the Project since current Internal Revenue Service policies prevent the stack from being treated as a sewage or solid waste disposal facility or an air or water pollution control facility thus preventing any substantial part of the proceeds of the Series A Bonds from being used to pay the costs of construction of that stack. It is also contemplated that this dual issue of Bonds will require separate documentation: there will be a separate agreement substantially similar to the Agreement, two Indentures, and two pollution control obligations (see below).

The maturities and interest rates of the Series A Bonds and the Small Issue Bonds, which will be marketed through arrangements between the Authority and Goldman, Sachs & Co. and Salomon Brothers, have yet to be determined. It is stated, however, that the Series A Bonds and the Small Issue Bonds will be subject to mandatory redemption pursuant to sinking fund requirements and optional redemption by the Authority, at Penn Power's request, provided that optional redemption cannot be effected for ten years after issuance except upon the occurrence of certain extraordinay events.

The proceeds from the sale of the Bonds will be placed in one or more construction funds administered by one or more Trustees and thereafter will be disbursed to pay the costs of constructing the Project, or to reimburse Penn Power for such construction costs incurred by it prior to the execution of the Agreement and delivery of the Bonds.

Under the Agreement, Penn Power will transfer to the Authority its interest in any completed portion of the Project and the tall stack, together with its interest in the real property upon which the Project or the tall stack is to be situated, all subject to the lien of its first mortgage indenture, immediately upon the issuance and delivery of the first series of Bonds. The Agreement further provides that such interests, together with any other ownership interest of the Authority in the Project and the tall stack, will be reconveyed by the Authority to Penn Power in stages as and when Penn Power certifies that a major segment of the Project or the tall stack has been completed.

Penn Power also proposes that, concurrently, with the issuance and delivery by the Authority of the Series A Bonds and with the issuance and delivery by the Authority of the Small Issue Bonds, it will execute and deliver its pollution control obligations, in the form of notes secured by a second lien on the Project or the tall stack, as the case may be, payable directly to the Trustee appointed in connection with the trust indenture pursuant to which the Series A Bonds or the Small Issue Bonds are to be issued. The installments of principal due and payable on each of the pollution control obligations will correspond in date and amount to the stated maturities and mandatory sinking fund payments, if any, on the Bonds to which they relate. Interest on the pollution control obligations will be at the rates and will be payable at times corresponding to the rates of interest and times of payment thereof on the Bonds to which they relate. The pollution control obligations will provide, in effect, among other things, that the amounts due thereunder must be paid whether or not the Project or the tall stack are completed or perform satisfactorily and whether or not they are damaged or destroyed.

Penn Power requests that the issuance of the pollution control obligations be excepted from the competitive bidding requirements of Rule 50 on the basis of a finding by this Commission that competitive bidding would be inappropriate to the proposed transaction. In addition, Penn Power states that, although it cannot now predict the interest rate of the Bonds, it has been advised that historically such tax-exempt bonds have carried a lower interest rate than comparable taxable long-term bonds.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is also stated that the fees and expenses to be incurred by Penn Power in connection with the proposed transactions (exclusive of expenses to be incurred by the Authority in issuing the Bonds) will be about $29,000 including legal fees of $25,000.

Notice is further given That any interested person may, not later than May 25, 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, 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 applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-13544 Filed 5-10-76;8:45 am]

[Release No. 34-12396; File No. SR-NYSE-76-30]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 30, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The proposed Constitution and rule changes referred to herein are designed to comply with Section 6(e)(1) of the Securities Exchange Act of 1934 as amended by the Securities Acts Amendments of 1975. This Section provides that subsequent to May 1, 1976 no national securities exchange may impose or fix any schedule of commissions, allowances, discounts, or other fees to be charged by its members for acting as broker on the floor of the Exchange. The proposed rule changes are as follows:

1. *Text of Proposed Rule Change.* Deletions [bracketed]; Additions *italic:* Proposed Amendments to Constitution—Article IX.—Membership—Allied Membership—Member Firms—Member Corporation.

* * * * *

APPROVAL OF PARTNERSHIPS, CORPORATIONS, ALLIED MEMBERS AND APPROVED PERSONS

SEC. 7.

* * * * *

Members as limited partners or non-officers.

(n) A member who is a limited partner in a firm does not thereby confer any of the privileges of the Exchange on such firm, and a member who is not an officer of a member corporation and a holder of voting stock therein does not confer any of the privileges of the Exchange on such corporation.

* * * * *

ARTICLE X.—DUES AND FINES—CHARGE ON NET COMMISSIONS—OTHER CHARGES—PENALTY FOR NONPAYMENT

¶ 1451 DUES

Amount fixed by Board of Directors

SEC. 1. The dues payable by a member of the Exchange, exclusive of fines and of such other charges as may be imposed pursuant to the Constitution and of contributions under Article XVI, shall be fixed by the Board of Directors from time to time and shall not exceed One Thousand Five Hundred Dollars in any calendar year.

When payable

The dues shall be payable in advance on January 1, April 1, July 1, and October 1.

The amount of each installment shall be determined by the Board of Directors at least three days before the date on which the same is payable.

Exemption to members in armed forces

The Board of Directors may, on the request of a member who, in time of national emergency for this country,

(a) is on active duty in the armed forces of the United States, or

(b) is on active duty in the armed forces of any nation or State which is then allied or associated with the United States.

and who, in the determination of the Board, is not able to avail himself of the privileges provided in [either] Article IX, Section 15 [or Article XV, Sections 11 and 12] exempt such member from the payment of dues, under such terms and conditions and to such extent as the Board may prescribe.

Determination of existence of national emergency

The Board of Directors shall from time to time determine whether or not a national emergency for this country exists within the contemplation of this Section and whether or not a given activity is within its provisions.

Allocation of dues

The dues for each quarter may be divided by the Board in two parts, one of which shall constitute the member's contribution to the current expenses of the Exchange for the quarter, as estimated by the Board, and the other of which shall constitute the member's contribution for the quarter towards the capital investment of the Exchange, which shall include advances to its subsidiaries to cover capital expenditures.

ARTICLE XIII.—INSOLVENT MEMBERS—SUSPENSION—REINSTATEMENT

* * * * *

Rights of Member Suspended for Insolvency

SEC. 8. A member suspended under the provisions of this Article shall be deprived during the term of his suspension of all rights and privileges of membership, [except the right, if he has not been declared ineligible for reinstatement or has not also been suspended under the provisions of Article XIV, to have his business transacted at members' rates.] His suspension shall create a vacancy in any office or position held by him. No such suspension shall operate to bar or affect the payments provided for by Article XVI in the event of the death of the suspended member. The suspension of an allied member under the provisions of this Article shall create a vacancy in any office or position held by him. [On the application of the general partners in a member firm suspended under this Article or whose only general partner who was a member of the Exchange has been suspended under this Article, or on the application of the directors of a member corporation suspended under this Article or whose only officer and holder of voting stock who was a member of the Exchange has been suspended under this Article, the Board of Directors may permit such member firm or member corporation to have its business transacted at members' rates during all or such portion of such suspension as the Board may determine under such conditions as it may fix. The Board of Directors may in its discretion and during such period of time and under such terms and conditions as it may deem appropriate permit a former member firm or former member corporation suspended under the provisions of this Article to continue to have its business transacted at members' rates, notwithstanding the fact that the sole member general partner of such firm or the sole member voting stockholder of such corporation has disposed of his membership, provided that the transactions with respect to which such members' rates are charged are liquidating transactions or are reasonably necessary to permit such firm or corporation to wind up its business or to transfer the account of any customer.]

ARTICLE XIV.—EXPULSION AND SUSPENSION FROM MEMBERSHIP OR FROM ALLIED MEMBERSHIP—DISCIPLINARY PROCEEDINGS

* * * * *

SEC. 20. When a member is suspended under the provisions of this Article, such member shall be deprived during the term of his suspension of all rights and privileges of membership, but he may be proceeded against for any offense other than that for which he was suspended. No such suspension shall operate to bar or affect the payments provided for by Article XVI in the event of the death of the suspended member.

Termination of rights and privileges.

The expulsion of a member shall terminate all rights and privileges arising out of his membership except such rights as he may have under the provisions of Sections 3 and 8 of Article XI.

Vacancy created

The suspension or expulsion of a member under the provisions of this Article shall create a vacancy in any office or position held by him.

[*Transaction of business*

The Board of Directors may, on the application of the general partners in a mem-

ber firm whose only general partner who was a member of the Exchange has been suspended under the provisions of this Article, or on the application of the directors of a member corporation whose only officer and holder of voting stock who was a member of the Exchange has been suspended under the provisions of this Article, permit such member firm or member corporation to have its business transacted at members' rates during all or such portion of such suspension as the Board may determine under such conditions as it may fix, and so long as such suspended member remains a general partner of such member firm or an officer and holder of voting stock of such member corporation.]

* * * * *

To be Rescinded in its Entirety—

ARTICLE XV.—COMMISSIONS AND SERVICE CHARGES

¶ 1701 OBLIGATION TO CHARGE OR COLLECT COMMISSIONS

[SEC. 1. Commissions shall be charged and collected upon the execution of all orders for the purchase or sale on business for members of the Exchange, of securities admitted to dealings upon the Exchange and these commissions shall be at rates not less than the rates in this Article prescribed; and shall be net and free from any rebate, return, discount or allowance made in any shape or manner, or by any method or arrangement direct or indirect.

Commissions on other exchanges

Notwithstanding the provisions of this Article, any member of the Exchange or member firm or member corporation holding a membership or associate membership in another exchange located in the United States, or holding a membership or associate membership in a Canadian exchange, or registered with a Canadian exchange as being entitled to a return of commission from members of said exchange, may in respect of transactions made on such other exchange charge the rates of commission prescribed by such other exchange.

Amendments.

October 24, 1968, effective December 5, 1968.

Adopted March 1, 1972.

April 18, 1975; effective May 1, 1975.

¶ 1702 COMMISSIONS ON STOCKS, RIGHTS, AND WARRANTS

SEC. 2. Stocks, Rights and Warrants (hereinafter referred to as "stocks").

Intra-Member rates for floor brokerage

(a) On that portion of an order involving an amount of $300,000 or less, on business for members of the Exchange commission shall be based on the number and price of shares in the order as follows:

(1) Price per share	Number of shares: First hundred	Second through fifth hundred	Sixth through tenth hundred	Eleventh through fiftieth hundred	Fifty-first and above
Below 8/32 of $1.00; 8/32 of $1.00 and above, but under $1.00	$0.10	$0.10	$0.05	$0.05	$0.05
	.50	.50	.45	.40	.35
$1 and above, but under $2	1.20	1.20	1.00	.90	.80
$2 and above, but under $4	1.40	1.30	1.20	1.10	1.00
$4 and above, but under $6	1.65	1.55	1.45	1.20	1.00
$6 and above, but under $8	1.90	1.80	1.70	1.30	1.10
$8 and above, but under $10	2.15	2.05	1.95	1.40	1.20
$10 and above, but under $12	2.40	2.30	2.20	1.50	1.30
$12 and above, but under $14	2.65	2.55	2.40	1.60	1.40
$14 and above, but under $16	2.90	2.80	2.60	1.70	1.50
$16 and above, but under $18	3.10	3.00	2.75	1.85	1.60
$18 and above, but under $20	3.30	3.20	2.90	2.00	1.70
$20 and above, but under $25	3.50	3.40	3.10	2.30	1.90
$25 and above, but under $30	3.70	3.60	3.20	2.60	2.20
$30 and above, but under $35	3.80	3.70	3.30	2.90	2.50
$35 and above, but under $40	3.90	3.80	3.40	3.10	2.70
$40 and above, but under $50	4.20	4.00	3.60	3.30	3.10
$50 and above, but under $60	4.50	4.30	3.90	3.50	3.30
$60 and above, but under $75	4.50	4.40	4.00	3.70	3.60
$75 and above	4.50	4.50	4.50	4.10	4.00

(2) Notwithstanding the foregoing, when the amount involved in an order is less than $100, the commission shall be as mutually agreed.

Odd lots

(3) Notwithstanding the provisions of subsections (1), and (2) of this paragraph (a), the commission rate in stocks, when the amount dealt in is less than the unit of trading, shall be not less than 1¢ per share on stocks selling below $10 per share, and 2¢ per share on stocks selling at $10 per share or more.

Definition of an order

(b) For the purposes of this Section 2:

(1) A round lot order shall be deemed to include all purchases or sales for one account, of a single security, on the same day, pursuant to a single order, amounting to 100 shares or any multiple thereof, irrespective of the unit of trading in the stock.

(2) An odd lot order shall be deemed to include all purchases or sales for one account, of a single security, on the same day pursuant to a single order, amounting to less than 100 shares, irrespective of the unit of trading in the stock. Any odd lot order shall be deemed to be a separate order whether combined with a round lot order or standing alone.

Determining amount involved in an order

(c) In determining the amount involved in an order, commissions and taxes shall be disregarded.

Special rates

(d) Notwithstanding the rates prescribed elsewhere in this Section 2, the commission rates to members, upon stocks which, pursuant to call or otherwise, are to be redeemed within twelve months shall be such rates as may be mutually agreed upon, provided, however, that such rates shall apply to transactions in any specific stock only after announcement to that effect has been made by the Exchange, and provided, further, that the Board of Directors may determine special rates on any or all such securities.

¶1703 COMMISSION ON BONDS

SEC. 3. Bonds.

Intra-member rates for floor brokerage

(a) On business for members of the Exchange the commission rates shall be not less than the following:

Price per $1,000 of principal:	Rate per $1,000 of principal
Selling at less than $10	$0.25
Selling at $10 and above but under $100	.37½
Selling at $100 and above	.75

Special rates

(b) Notwithstanding the foregoing, the commission rates to members, upon obligations of the United States, Puerto Rico, Philippine Islands and States, Territories and Municipalities therein; upon obligations of any international authorities in which the United States is a participant; upon bonds or notes having five years or less to run; and upon bonds or notes which, pursuant to call or otherwise, are to be redeemed within twelve months, shall be subject to rates as may be mutually agreed upon; provided, however, that the Board of Directors may determine special rates on any or all such securities.

¶1704 SPECIAL RATES ON "WHEN ISSUED" OR "WHEN DISTRIBUTED" TRANSACTIONS

SEC. 4. *"When issued" or "when distributed" securities, and rights and warrants whether issued, "when issued" or "when distributed".*—Notwithstanding the other provisions of this Article XV, when Rights or Warrants are admitted to dealings upon the Exchange, whether on an issued or "when issued" or "when distributed" basis, and when other securities are admitted to such dealings on a "when issued" or "when distributed" basis, the Board of Directors may determine special minimum rates of commission on transactions for members in such rights, warrants or other securities, giving notice thereof to the membership. Unless special rates have been so determined, the minimum rates of commissions prescribed in this Article XV shall apply.

¶1705 PROPOSITION TO VIOLATE COMMISSION SCHEDULES

SEC. 5. No member, allied member, member firm or member corporation shall make a proposition for the transaction of business at less than the minimum rates of commission prescribed in this Article.

¶1706 COMMISSION RATES TO MEMBER FIRMS AND MEMBER CORPORATIONS

SEC. 6. A member firm and a member corporation, shall have its business transacted at not less than the rates of commission prescribed for members.

Branch house or office

The privilege provided for under this Section shall extend to a branch house or branch office only when conducted under the same name as the parent firm or corporation and when the partners and their respective interests therein are identical with the partners and their respective interests in the parent firm.

Members as limited partners or non-directors

A member who is a limited partner in a firm does not thereby confer any of the privileges of the Exchange on such firm, and a member who is not an officer of a member corporation and a holder of voting stock therein does not confer any of the privileges of the Exchange on such corporation, and on

all business done for such firm by a limited partner who is a member of the Exchange and on all business done for such corporation by a member of the Exchange who is not an officer and holder of voting stock in such corporation commissions must be charged and collected at rates not less than the rates prescribed in this Article.

¶ 1707 SPECIAL CIRCUMSTANCES—INDIVIDUAL MEMBER

SEC. 7. Notwithstanding any other provisions of this Article XV, when, in time of national emergency for this country, a member of the Exchange, who is not a general partner in a member firm or a holder of voting stock in a member corporation and whose principal business is that of executing orders on the Floor of the Exchange for other members, member firms, or member corporations,

(1) is on active duty in the armed forces of the United States, or

(2) is on active duty in the armed forces of any nation or State which is then allied or associated with the United States, or

(3) is engaged in any public service incident to the national defense,

the Board of Directors may permit another member, member firm or member corporation to pay to such member an amount not in excess of 50% of the minimum commissions applicable where a principal is given up, on transactions effected by such other member, member firm or member corporation on the Floor of the Exchange during the absence from the Floor of such member solely by reason of his engaging in any of the activities above mentioned, if the execution of such transactions would otherwise be part of the usual business of such absentee member, provided that all arrangements or agreements whereby such payments are made or are to be made have been submitted to and approved by the Board of Directors.

Determination of existence of national emergency

The Board of Directors shall from time to time determine whether or not a national emergency for this country exists within the contemplation of this Section and whether or not a given activity is within its provisions.

¶ 1708 SPECIAL CIRCUMSTANCES—MEMBER FIRMS OR MEMBER CORPORATIONS

SEC. 8. Notwithstanding any other provisions of this Article XV, when, in time of national emergency for this country, a member of the Exchange who is a general partner in a member firm or a holder of voting stock in a member corporation,

(1) is on active duty in the armed forces of the United States, or

(2) is on active duty in the armed forces of any nation or State which is then allied or associated with the United States, or

(3) is engaged in any public service incident to the national defense, the Board of Directors may permit an agreement between the member firm or member corporation in which the member engaging in any of the activities above mentioned is a general partner or a stockholder and another member, member firm or member corporation, providing in substance that, on transactions executed on the Floor of the Exchange by such other member, member firm or member corporation, for such first mentioned firm, or corporation the commissions chargeable by the executing member, member firm or member corporation shall be less than the minimum commissions otherwise prescribed as applicable to transactions effected on the Floor of the Exchange for other members where a principal is given up; provided that (1) such commissions so chargeable shall not be less than 50% of the minimum commissions so prescribed, (2) the transactions with respect to which such reduced commissions are charged where executed at a time when the absent member was absent from the Floor solely by reason of engaging in any of the activities above mentioned, (3) such transactions would otherwise in general have been effected by such absent member as a part of his usual business, and (4) such agreement has been submitted to and approved by the Board of Directors.

Determination of existence of national emergency

The Board of Directors shall from time to time determine whether or not a national emergency for this country exists within the contemplation of this Section and whether or not a given activity is within its provisions.]

PROPOSED RULE AMENDMENTS

RULE 85—CABINET SECURITIES

* * * * *

.30 Absence from crowd.—During the absence (whether temporary or otherwise) of a member regularly stationed in the crowd, he must authorize another member to act for him with respect to orders placed in cabinets by him. If, during his absence, another member offers to trade upon such orders, the authorized representative must consummate the trade without delay [and must charge a commission.]

* * * * *

RULE 115—DISCLOSURE OF SPECIALISTS' ORDERS PROHIBITED

* * * * *

* * * *Supplementary Material:*

.20 Arranging an opening or price.—Specialists and other members are not permitted to hold or represent orders of members merely for the purpose of arranging an opening or price except:

(1) In order to facilitate business and establish a fair opening price, a specialist may hold a market order of another member, provided such order is delivered to the specialist before the opening of the Exchange; or, when unusual circumstances prevail, instead of holding such an order of another member, the specialist may give up his own name with the intention of changing the name after the opening, provided such procedure is limited to one side of the market; or

(2) When a Floor Official has determined that unusual circumstances are present or apparent, and, in the interest of an orderly market, requests specialists or other members to hold market and limited orders of members in order to assist in establishing a fair price.

a. In arranging an opening or reopening, a limited price order to buy which is at a higher price than the security is to be opened or reopened is to be treated as a market order. Similarly, a limited price order to sell which is at a lower price than the security is to be opened or reopened is to be treated as a market order.

b. Market orders shall have precedence over limited orders at the opening or reopening of the market in a security. When the price on a limited price order is the same as the price at which the stock is to be opened or reopened, it may not be possible to execute a limited price order at such price.

c. In arranging an opening or reopening, a specialist is required to see that each market order he holds participates in the opening transaction. If the order is for an amount larger than one unit of trading, the size of the bid which is accepted or the offer which is taken establishing the opening or reopening price shall be the amount that a market order is entitled to participate in at the opening or reopening.

"Pair-offs."—A specialist who, as provided in (1) above, holds a market order of another member or gives up his own name instead of holding the order, may, in arranging the opening, "pair-off" such an order against any order held by the specialist or by another member.

The member who leaves such an order with the specialist should, as promptly as possible after the opening of the stock, return to the Post. The specialist may either return the order slip to such member or retain it. In either case, the specialist must advise the member as to the broker and the name given up on the opposite side of the transaction, and the member should proceed as promptly as possible to confirm the transaction with the broker on the opposite side.

In the event that the specialist has given up his own name instead of holding a member's order, and, based upon such order, the specialist has effected a "pair-off" against an order of another member, the specialist should notify the member to whom he originally gave his own name of the broker and the name given up on the opposite side of the transaction. Such member should proceed as promptly as possible to confirm the transaction with the broker on the opposite side. If the specialist has effected the "pair-off" against an order which he handled as a broker, he should send a give-up notice to the member to whom he originally gave his own name.

"Stopping."—When a specialist has been unable to "pair-off" a market order which has been left with him, as provided in (1) above), he may, after the opening of the Exchange but before the opening of the stock, "stop" at the offer price any such market order to buy, or at the bid price any such market order to sell. In such cases, the specialist should notify the broker who left the order with him that the order is "stopped" and inform him of the price at which it is "stopped." In the event that the specialist is unable to execute the order at a better price, he should send for the broker who left such order with him, and allow the broker to consummate the transaction.

Establishing a fair price.—A specialist or other member who holds orders in order to assist in establishing a fair price, as provided in (2) above, should, after the establishment of such price, send for the members whose orders were held for that purpose. Such members should proceed as promptly as possible to confirm the transactions with the brokers on the opposite side.

Responsibility for losses.—A specialist or other member who makes an error in arranging an opening or establishing a fair price shall not be responsible for any loss involved if the member whose order has been held or represented neglects to endeavor to confirm the transaction.

In the event that a member endeavors to confirm a transaction resulting from an order left with the specialist as provided in (1) above, but is unable to do so because of an error made by the specialist in arranging an opening, the specialist shall be responsible for any loss which may be involved, except when:

(1) The broker who left such order fails to return to the Post within 30 minutes after the opening sale; or

(2) the broker who left such order returns to the Post within 30 minutes after the opening sale, but neglects to endeavor to confirm the transaction with the broker on the opposite side within 30 minutes after returning to the Post.

[*Commissions.*—Notwithstanding any of the foregoing provisions, commissions must be charged *in all cases* where:

(1) a member has made a bid or an offer as a result of an order in his possession and executes the order; or

(2) a member has "stopped" stock at a limit and has executed the order at a better price.]

Precautions to avoid errors.—The possibility of confusion and errors will be substantially reduced if members who leave orders with specialists, as prescribed above, would make notations thereon of their names or badge numbers, and if specialists would make notations on orders which they return to members as to the brokers and the names given up on the opposite side.

RULE 282—MANDATORY BUY-IN

A contract in securities admitted to dealings on the Exchange (other than a contract which has been included in the Continuous Net Settlement System of Stock Clearing Corporation) which has not been fulfilled in accordance with its terms for a period of thirty calendar days after the due date for delivery shall be closed pursuant to the following procedures:

(a) A Notice of intention in triplicate shall be delivered to the member organization in default at or before 1:00 p.m. on the fourth business day prior to the thirty-first calendar day after the due date of the contract. Hereafter, such fourth business day shall be referred to as the Effective Date of Notice. A copy of the Stock Clearing Corporation Receive Balance Order or a stamped comparison must accompany the Notice when delivered. If neither of these documents is available, then, if possible, other evidence of the item should accompany the Notice.

(b) The member organization receiving the Notice of intention must indicate on the copies of the Notice its position with respect to the resolution of the item and then return, to the initiating organization, a copy signed by a member, allied member officer or authorized representative of the organization no later than 5:00 p.m. on the third business day after the Effective Date of Notice. (See ¶ 2285, "Notice of Intention to Successive Parties.")

(c) If the Notice is returned to the initiating party "DK'd," the initiating party shall itself "close-out" the contract with reasonable promptness. The party which "DK'd" the Notice may not seek to fulfill the contract at a later date. No such "close-out" by the initiating organization shall preclude it from taking action to recover any resulting damages.

(d) If the Notice has not been returned, duly signed, when due or the Notice is returned with the indication that the contract is known but that delivery cannot be made a "buy-in" Order in duplicate shall be sent to The Market Surveillance Division of the Exchange by 9:30 a.m. on the thirty-first calendar day after the due date or, if the Exchange is closed on such day, on the next day that the Exchange is open for trading.

(e) Such Order shall be filed on the mandatory "buy-in" Order form and shall be understood to be entered as an open order capable of being executed on a "cash," "next-day" or "regular-way" basis.

(f) The original Order will be given for execution to a member of or a representative designated by the member organization listed on the order as being in default. Such Order shall be executed on that day, unless (1) a Floor Governor shall defer the execution because a fair market in which to close the contract is not available or (2) the party in default has physical possession of the security and has notified the member organization which initiated the Order that it intends to make immediate delivery.

(g) The member of or a representative designated by the member organization in default shall return the original Order to the Information Desk on the Floor indicating on the Order form the details of the execution or the reason for its non-execution. When a Floor Governor has deferred execution, his signature should appear on the Order form. A Floor report covering any execution should be submitted to the Information Desk on the Floor together with the Order form.

(h) The Market Surveillance Division will deliver the Floor reports to the Floor location of the member organizations which initiated the Orders. The member organization which initiated the Order shall take into consideration the Floor brokerage, *if any*, in adjusting any money difference as set forth in Rule 287 #2287.

* * * * *

RULE 343—OFFICES—SOLE TENANCY, HOURS, DISPLAY OF MEMBERSHIP CERTIFICATES, EXPENSES

* * * * *

.12 Clearing Member—Non-Clearing Member.—Clearing member organizations may furnish office space, telephone, ticker and other facilities, or any of them, to non-clearing member organizations [provided that if the clearing member organization does the Floor brokerage it's split of commission on introduced listed business shall be at least equal to the minimum Floor brokerage plus the amount of the subsidy.]

* * * * *

RULE 359—COMMUNICATIONS WITH NON-MEMBERS

* * * * *

[.13 Wire costs.—A New York member organization may pay for the cost of transmitting to New York orders for the account of another member organization or its customers provided

(1) Agreements covering such arrangements are submitted to the Exchange for approval, and

(2) the member making the payment charges each correspondent served by such wire or wires (for execution)—the minimum rates prescribed for execution as set forth in Section 2 or 3 of Article XV [¶1702, 1703].]

* * * * *

RULE 365—COLLECTING COMMISSIONS ON "GIVE-UPS"

[When two members of the Exchange maintain a joint trading account, or where a joint specialist trading account is operated between two members and/or member organizations, the member or member organization effecting the Floor execution for such an account has performed a Floor brokerage service for such account and the executing member or member organization must charge the joint account with the Floor brokerage.]

RULE 370—TEMPORARY ABSENCE FROM THE CROWD

[Commissions as required by Article XV of the Constitution must be charged and collected on purchases and sales of securities dealt in upon the Exchange under all circumstances. This includes orders executed for other individual members during even a temporary absence from the crowd.]

RULE 377—SPECIAL COMMISSION

[Unless otherwise determined by the Exchange, the following special commission rates are fixed pursuant to Section 3 of Article XV [¶1703] of the Constitution:

U.S. Government bonds, etc.

(1) On bonds of the United States, Puerto Rico, Philippine Islands and States, territories and municipalities therein, and upon obligations of any international authorities in which the United States is a participant, the rate of commission to members, allied members, or non-members shall be such rate as may be mutually agreed upon.

Short term bonds—Maturity in less than six months

(2) On bonds which will mature in less than six months, or are to be redeemed, pursuant to call or otherwise, in less than six months, and are selling at not less than 96% and not more than 110% of their redemption price, and on bonds which may be specifically designated under this paragraph by the Board of Directors, the rate of commission to members, allied members or non-members shall be such rate as may be mutually agreed upon.

Short term bonds—Maturity in six months to five years

(3) On bonds which will mature in not less than six months and not more than five years, or are to be redeemed, pursuant to call or otherwise, in not less than six months and not more than twelve months, and are selling at not less than 96% and not more than 110% of their redemption price, and on bonds which may be specifically designated under this paragraph by the Board of Directors, the rate of commission per $1,000 of principal shall be not less than the following:

	Rate per $1,000 of principal
To members	0.375

Other bonds

(4) On bonds not included in (1), (2) or (3) above, the rate of commission shall not be less than that prescribed by Section 3 of Article XV [¶ 1703] of the Constitution.

Amendments.
March 29, 1956, effective April 2, 1956.
May 1, 1975.

* * * *Supplementary Material:*

.10 Commission on bonds selling "flat."—On bonds, referred to in paragraphs (2) and (3) above which are traded in "flat," the regular rates of commission called for in Section 3(a) of Article XV [¶ 1703] shall apply.]

RULE 378—SPECIAL COMMISSION—CALLED STOCKS

[On stocks which pursuant to call or otherwise are to be redeemed within twelve months, selling below 96% or above 110% of the redemption price, the rates of commission to members, shall be the rates prescribed in Section 2(d) of Article XV [¶ 1702] of the Constitution, unless the Board of Directors shall have determined special rates on any of such securities.]

RULE 381—COLLECTION OF COMMISSIONS ON "WHEN ISSUED" OR "WHEN DISTRIBUTED" TRANSACTIONS

[Pursuant to Section 4 of Article XV [¶ 1705] of the Constitution, although commissions are ordinarily charged and collected upon the execution of an order, nevertheless in respect of a transaction involving "when issued" or "when distributed" securities, the commission shall be charged and collected not later than when the transaction is settled for costs or proceeds and if a "when issued" or a "when distributed" contract is cancelled the commission shall be waived.]

RULE 386—COLLECTION OF COMMISSIONS ON "WHEN ISSUED" OR "WHEN DISTRIBUTED" TRANSACTIONS

[The minimum commission required to be charged under Section 2 of Article XV shall be computed on the basis of the lowest priced executions first.]

RULE 388—PROHIBITION AGAINST FIXED RATES OF COMMISSION

The Exchange does not require its members to charge fixed or minimum rates of commission in connection with transactions effected on, or effected by the use of the facilities of, the Exchange [except to the extent provided in Section 2 of Article XV of the Constitution, and, except as so provided,] nothing in the Constitution, the Rules, or practices of the Exchange shall be construed as conferring authority upon members, or persons associated with members to agree or arrange, directly or indirectly, for the charging of fixed rates of commission.

RULE 391—SPECIAL OFFERINGS, EXCHANGE, AND SECONDARY DISTRIBUTION

* * * * *

[(1) The provisions of Article XV with respect to floor brokerage commissions on transactions between members and member organizations shall apply to all such transactions effected in connection with or pursuant to a Special Offering or Special Bid.]

* * * * *

2. *Purpose of Proposed Rule Change.* To eliminate minimum floor brokerage rates charged by members acting as brokers on the Floor. The Exchange eliminated fixed public commission rates on May 1, 1975 pursuant to Securities and Exchange Commission Rule 19b–3. It chose to retain fixed intramember floor brokerage rates which must be abolished by May 1, 1976 under Rule 19b–3. The amendments to the Exchange Constitution and Rules are in accordance with this Rule.

3. *Basis Under the Act for Proposed Rule Change.* The proposed Constitution and Rule changes are based on Section 6(e)(1) of the Securities Exchange Act of 1934 as amended by the Securities Acts Amendments of 1975. Section 6(e)(1) provides that subsequent to May 1, 1976 no national securities exchange may impose or fix any schedule of commissions, allowances, discounts, or other fees to be charged by its members for acting as broker on the Floor of the Exchange.

4. *Comments Received from Members, Participants or Others on Proposed Rule Changes.* No comments were solicited or received with respect to the subject amendments.

5. *Burden on Competition.* The proposed rule changes will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(B) of the Securities Exchange Act of 1934 (the "Act"). 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 Act.

In Release 34–11203 (January 23, 1975) the Commission announced the adoption of Rule 19b–3 under the Act which prohibits as of May 1, 1975 registered national securities exchanges from prescribing fixed rates of commission on securities transactions (except for floor brokerage commissions). That rule prohibits exchanges from prescribing fixed floor brokerage commission rates as of May 1, 1976. Section 6(e) of the Act as amended by the Securities Acts Amendments of 1975 also prohibits, as of May 1, 1976, an exchange from imposing or fixing floor brokerage commission rates. This rule filing is designed to bring the NYSE rules into compliance with the requirements of Section 6(e) and Rule 19b–3. The Commission therefore finds that it is necessary for the protection of investors and the maintenance of fair and orderly markets that this rule change be put into effect summarily.

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 Pubic Reference Room, 1100 L Street, N.W., 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 June 7, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS.
Secretary.

APRIL 30, 1976.

[FR Doc.76–13513 Filed 5–10–76;8:45 am]

[Release No. 12159; File No. S7–619]

COMPOSITE CENTRAL LIMIT ORDER REPOSITORY

Request for Public Comment

MARCH 2, 1976.

The Securities and Exchange Commission (the "Commission") and the National Market Advisory Board (the "Board") today announced the solicitation of comments on certain issues relating to the development and implementation of a computerized central limit order repository (the "composite book").

I. *Background.* On December 19, 1975, the Commission adopted Rule 19c–1 under the Securities Exchange Act of 1934 (the "Act"), governing off-board trading by members of national securities exchanges. In the release adopting Rule 19c–1,[1] the Commission indicated it was initiating steps to provide "the kind of comprehensive limit order protection which all commentators apparently agree is in the public interest."[2]

The Commission believes that there is a need for further modernization and improvement of our securities markets, not only for the purpose of utilizing new data processing and communication techniques, but also to insure economically efficient execution of securities transactions and fair competition among brokers and dealers and among various securities markets which either directly compete with each other or have the potential for such competition. Existing exchange mechanisms for the storage and execution of limited price orders appear to be in need of modification to meet the requirements of member firms and investors for expeditious handling of order flow in the context of a national market system, as well as to cope with an increasing volume of securities transactions (such as that experienced in recent weeks). Further, existing limit order mechanisms are unable to provide nationwide limit order protection and thus cannot always provide the degree of protection for limit orders which hopefully could be furnished by a composite book. Finally, a composite book appears to be well suited to assuring an opportunity for public orders to meet without the participation of a dealer.

The Commision concluded in its release adopting Rule 19c–1 that the answer to the problem of providing adequate protection for public limit orders is not to maintain existing rules and practices, which provide only imperfect protection and have certain undesirable anticompetitive effects, but rather to use the advanced technology now available to provide for a computerized central limit order repository—a composite book.

A composite book would permit the effective integration of existing market makers (both exchange and third market); in addition, such a book would provide brokers and dealers with an efficient and practical means by which all limit orders, regardless of origin, can be protected on a national basis. Once a composite book is in place, the Commission expects that all brokers and dealers should be required to satisfy orders on that book prior to execution of a transaction at an inferior (and, perhaps, at an equal) price in any market.

Accordingly, the Commission intends to utilize its authority under the Act (particularly Sections 2, 3, 6, 11, 11A, 15, 15A, 17, and 23 thereof) to facilitate the development of a composite book. The Commission announced in its December 19, 1975, release on off-board trading rules that it would consider the following steps to expedite the development of composite book:

(1) The solicitation of comments from interested persons as to the appropriate characteristics for the composite book, and certain other policy and technical questions related to the composite book's development;

(2) The proposal of a rule for comment which would (i) permit self-regulatory organizations and securities information

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See footnotes at end of document.

processors (acting separately or jointly) to submit plans for the design, construction and operation of a composite book meeting specified characteristics; (ii) establish a basis and method for selecting among plans; and (iii) require brokers and dealers to satisfy orders entered in the composite book in a specified manner prior to consummating a transaction at a price that is the same or inferior to a price reflected in the composite book;

(3) The adoption of the composite book rule and the solicitation of plans from appropriate persons; and

(4) The evaluation of plans in accordance with criteria specified in the composite book rule.

By soliciting public comment on the proposed characteristics of the composite book, as well as the policy and technical questions posed below, the Commission intends to obtain as wide as possible a preliminary examination of the issues associated with the development of a composite book prior to determining an appropriate course of action.

II. *Solicitation of Comments.*—A. *Proposed Characteristics.* The Commission invites commentators to address each of the policy and technical questions relating to the following characteristics which were originally proposed in the Commission's release adopting Rule 19c–1. Except for the inclusion of one additional characteristic concerning limit orders to sell "short" the Commission has not redrafted the list of characteristics originally included in that release. For purposes of this solicitation of comments, the characteristics should be viewed by commentators as a focus for discussion and not as representing even preliminary views of the Commission or its staff. Accordingly, commentators are encouraged to elaborate on the enumerated characteristics or to indicate additional characteristics which they believe should be considered if that appears appropriate.

(1) The composite book system must be capable of storing all limited price orders entered through either an exchange specialist or qualified third market maker.

(2) Entry points for orders to be inserted in the composite book initially would be through existing specialists and qualified third market dealers (who must also have the ability to cancel orders once entered).

These characteristics assume that only specialists and qualified third market makers would have the ability to enter orders in the composite book system and the capacity to achieve executions against orders contained in that system.[3] The Commission acknowledges that the system could provide that any broker or dealer could be permitted to enter orders and achieve executions without first being required to go through an existing specialist or third market maker, but initial comment has indicated that technical problems might preclude the development of a system with other than a limited number of access points.

Commentators are invited to address the question of the identity of market professionals who should have order entry access to, and the capacity to effect executions directly against, the composite book (e.g., specialists; specialists and market makers; or specialists, market makers, and broker-dealers; or some other category of persons, such as "board brokers"). The Commission is particularly interested in the technical and cost implications, as well as the regulatory considerations, of limiting or expanding the universe of market professionals with direct access to the system (in terms of both limit order entry and order execution). In addition, commentators should address the feasibility and desirability of various methods, given technological limitations, of affording access to the system. Among the other possible methods of providing direct access to brokers and dealers are (i) establishing a central access point or series of regional access points to which limit orders can be transmitted by telephone for inclusion in the system through terminals located at those access points, and (ii) providing for execution (but, perhaps, not order entry) capability for brokers and dealers (e.g., through special purpose terminals) without requiring direct contact with a specialist or qualified third market maker (or other market professional qualified to enter limit orders in the system directly), locating such terminals on the floor of exchanges or at other locations (e.g., in offices of brokers and dealers).

(3) The composite book must be capable of storing and queuing orders in such a way that all public agency orders (i.e., agency orders for persons other than brokers or dealers) at particular prices would have priority over all orders at those prices entered for the accounts of brokers and dealers.

It is suggested that commentators analyze whether and, if so, under what circumstances, it would be desirable to accord public order priority over professional orders at the same price in the context of composite book. In addition, the Commission would find helpful the views of commentators as to the appropriate definition of a "public" order for purposes of the system.

(4) Priority on the book, at least initially, would be based first on price, and then on time of entry; no order entered in the composite book system would receive precedence based on size.

The Commission wishes to receive comments on the implications of affording precedence to orders based on price and time of entry (but not on size), and on the desirability and timing of adding additional factors as priority determinants.

(5) All limited price orders entered in the composite book (indicating price and size) must be capable of retrieval for display purposes by any broker or dealer without disclosing the identity of the broker or customer for whom the order was entered or of the specialist or market maker who entered the order.

The Commission is interested in comments directed to the desirability and consequences of the "open book" indicated in characteristic 5. The Commission recognized, however, that an "open" book is only one possible alternative to the question of disclosure of the book's contents. Among other possible methods of providing for disclosure of the composite book's contents are (assuming specialists and market makers are the only persons qualified to enter orders and achieve direct executions against limit orders in the composite book):[4]

(i) disclosure to specialists and market makers of all orders entered by them, plus the ability for them (but not for brokers and dealers) to retrieve the aggregate number of shares (but not prices) represented by all orders on the book down to a certain price;

(ii) disclosure to all specialists and market makers of all orders on the book, with no disclosure at all to other brokers and dealers;

(iii) disclosure to specialists and third market makers of all orders entered by them (or alternatively, all orders entered in the system), plus the ability for brokers and dealers to retrieve the aggregate number of shares (but not prices) represented down to a given price level;

(iv) disclose to specialists and third market makers of only orders entered by them, plus the ability to display, on a continuous basis or upon inquiry, to all brokers and dealers the best bid and lowest offer in the system, together with size; and

(v) no disclosure of limit orders entered in the book prior to execution.

Commentators addressing the identity of market professionals who should have access to the contents of the book should analyze the implications of their recommendation in light of technological and cost considerations of expanding the universe of market professionals having access to the book's contents as well as the competitive implications of restricting such access.

(6) Specialists and market-makers must have the ability to achieve executions against orders contained in the composite book (by electronic entry) in the order of priority determined in accordance with characteristics numbered (3) and (4).

(7) Immediately after an attempted execution against orders contained in the composite book, the system must have the capability of notifying (i) both the specialist or market maker who entered a particular order and the specialist or market maker who executed against that order that an execution has been achieved (identifying the particular order and the specialist or market maker); or (ii) the specialist or market maker attempting the execution that no execution was achieved.

Although the enumerated characteristics provide for a composite book with automated execution capability, the Commission is interested in receiving comment on the technological and cost considerations of developing a system

See footnotes at end of document.

with that capability as opposed to one with only informational capability. Specifically, the Commission is interested in determining: (i) whether automatic execution is possible, (ii) whether, if automatic execution is possible, such capability is practicable only for certain types of securities, and (iii) whether automatic execution capability would adversely affect the speed at which executions are achieved under current conditions in the trading markets, especially in the case of actively traded issues. If, in the view of commentators, the system should not provide for automatic execution, commentators should address the problem of providing an alternative means of achieving execution of limit orders reflected in the book (*e.g.*, whether executions would take place in the market entering the limit order or the market of origin of an order "hitting" the limit bid or offer).

In addition to comments relating to the execution process, the Commission would appreciate receiving the preliminary views of commentators on any problems, if any, which would be raised by the composite book (particularly those due to the inclusion of automatic execution capability) with respect to the clearance and settlement of transactions as well as with respect to the method of reporting such transactions in the consolidated transaction reporting system.

(8) The composite book system must have real-time update capacity for information based on entry, cancellation of or execution of an order.

Comments are directed to the technological and cost considerations of achieving this goal of real-time update capacity.

(9) All limited price orders will be permitted to be entered in the composite book and all proposed transactions will be required to clear the composition book contemporaneously with execution.

Commentators should analyze whether the entering of limit orders in the system should be optional or required of all market professionals. In addition, commentators should address the question of the prices at which limit orders, entered in the system, should be executed when "hit" by a transaction executed at a price above or below limit order offers and bids, respectively, in the composite book. In particular, if a trade is executed, should intervening limit orders participate at the price specified by the customers who entered those orders or should all such orders be "gapped" (i.e., executed at the transaction price) under certain circumstances?

(10) The composite book should have the capacity to record limited price orders as either "short" or "long" and assure execution of "short" limit orders in accordance with the applicable short sale regulations.

Commentators should address the need for limit order offers to comply with the Commission's short sale rules (Rules 3b–3, 10a–1 and 10a–2).

See footnotes at end of document.

III. *Other Policy and Technical Issues.* Several other important policy and technical issues are raised by the proposal to develop the composite book without regard to the book's particular characteristics. These include (a) the use of the plan approach; (b) the method of financing the project; (c) the basis for selecting a plan; (d) whether use of a single processor is appropriate or can be avoided; (e) the utility of a pilot project or a phased implementation of the composite book; (f) integration of public orders represented in the "crowd;" and (g) the selection of securities for inclusion in the system.

a. *The Plan Approach.* While the Commission is currently of the view that adoption of a rule pursuant to its authority under the Act (and particularly Sections 2, 3, 6, 11, 11A, 15, 15A, 17, and 23 thereof) which would require self-regulatory organizations and securities information processors to submit plans for the design, construction and operation of a composite book meeting certain minimum specified characteristics is the most practicable method of achieving the composite book, the Commission recognizes that there may be certain problems associated with such an approach. The Commission therefore would appreciate additional analysis as to any problems commentators can identify with such an approach and any suggestions they can offer as to a more appropriate method of achieving a composite book.

b. *Method of Financing the Plan.* The approach suggested in the Commission's release adopting Rule 19c–1 would provide for the project to be self-financed, with funds for development provided by the Plan's sponsor, and with such initial investment, and operating costs, recovered through charges after the composite book system is operational. Several questions, however, remain open. For example, commentators should address (i) to whom would charges be made; (ii) what levels of charges would be reasonable (and how to determine the reasonableness of such charges), and (iii) what provision should be included for periodic review of the processor's performance. Commentators may also choose to propose alternative methods of financing the composite book project.

c. *Criteria For Selecting a Plan.* In the Release adopting Rule 19c–1, the Commission announced that if the plan approach was adopted, it was the Commission's intention to evaluate the plans in concert with the National Market Advisory Board, and in light of the public comment, to select and approve a plan for the development of the composite book. In evaluating any plan for implementation of the composite book, the Commission will consider those factors which it deems relevant to the public interest, the protection of investors and the elimination of impediments to the development of a national market system.

The Commission announced that the factors it would take into consideration would include, but would not be limited to: (1) costs of development and operation; (2) allocation of costs and charges; (3) level of charges for use of the system; (4) capacity of the system; (5) provision for maximum use of existing hardware; (6) provisions for (including cost of) compatibility with potential competing systems; (7) time for completion; (8) ease of operation and maintenance; (9) response time; (10) availability and reliability of back-up systems; (11) provision for integration of the system; (12) ability to modify or enhance the system; and (13) extent to which the system is (or may be made) readily accessible to all qualified parties (including market professionals other than specialists and market makers). The Commission hopes commentators will suggest other appropriate criteria for evaluating plans and direct specific comments to the appropriateness of the use of any of the foregoing factors.

d. *Exclusive Processor.* The Commission currently believes that there are important reasons, such as ensuring proper sequencing of orders and executions, for preferring the selection of a single plan, or single processor. The Commission is also aware that such an approach would grant an exclusive franchise in the operation of a book. The desirability of such an exclusive franchise is, of course, open to question and is, in our view, an appropriate subject for comment.

e. *Pilot Project.* The Commission recognizes that any plan filed pursuant to a rule soliciting plans might include provisions for simulations, pilot projects and/or a phased implementation of the composite book. The Commission is particularly interested in receiving comments on the appropriateness of any such simulations or pilot projects prior to or concurrent with the solicitation of plans.

(f) *Integration of Public Orders Represented in the Crowd.* Commentators are directed to address the feasibility, desirability or practicability of integrating public orders represented by brokers in a "crowd" into the process of executing orders held in the composite book. Commentators should address themselves particularly to whether orders other than simple limit orders which are currently handled by brokers in the "crowd", such as "not held" orders, can and should be included in the system.

(g) *Selection of Securities.* With respect to the questions of what securities should be included, the Commission recognized that a number of possible approaches are possible, including limiting the book to (i) "eligible securities" included in the consolidated transaction reporting system under the joint industry plan declared effective under Rule 17a–15 under the Act; (ii) only eligible securities traded in multiple markets; (iii) all listed securties (but not options, preferred securities or debt securities); (iv) all listed securities; (v) all securities cleared by registered clearing agencies; or (vi) all securities. The Commission wishes to solicit the views of com-

mentators on the desirability and impact on cost and efficiency of including (or excluding) any particular type of listed security.

In addition, the Commission would appreciate receiving views regarding the extent to which the composite book system can or should differentiate among securities on the basis of whether or not they are active or inactive, especially with reference to (i) any additional costs of including less active securities and (ii) whether automatic execution can be achieved for very active issues.

(h) *Types of Limit Orders to be Included.* Finally, commenators should address the feasibility of including within the composite book system orders other than simple limited price orders, such as those denominated as "all or none" orders, "fill or kill" orders, "percentage" orders, "stop" orders, "stop limit" orders, "sell 'plus'" or "buy 'minus'" orders, "switch" orders, and "time" orders.[5]

IV. *Request for Data.* The Commission believes that data concerning the present level of limit order activity on national securities exchanges would prove useful in analyzing the feasibility and design of a composite book. Accordingly, the Commission has requested, concurrent with the issuance of this release, that national securities exchanges compile and fordward to the Commission certain statistical information relating to limit order activity on their respective floors. In addition, a similar request has been made of the National Association of Securities Dealers, Inc. with respect to the extent to which its members accept or process limit orders over-the-counter in exchange-listed securities. The information requested includes (i) the number of limit orders (in the aggregate) maintained on specialists' books during a representative trading day and during a recent day with high trading volume; (ii) the total number of securities for which limit order books are maintained; (iii) with respect to a representative sample of securities, the number of limit orders left with specialists during selected trading days, as well as the number of such orders left with specialists during the period immediately before and immediately after the opening of trading; (iv) with respect to that sample, the number of limit orders cancelled during the selected trading days; and (vi) a distribution of securities based on transactions involving limit orders entered on specialists' books (or other limit order mechanisms).

V. *Alternatives to Composite Book System.* As proposed, the composite book project represents the Commission's effort to fulfill the purposes of the Act. It is anticipated that an operational composite books system would result in a significant improvement in the capability of our securities markets to handle orders and transactions and disseminate market information, would greatly facilitate enhanced competition within the securities market and would make those markets more accessible and open to participants and investors.

Nevertheless, the Commission is not unmindful of the fact that there may be other approaches to fulfilling the purposes of the Act, and for securing these positive results. Moreover, the Commission is not insensitive to the fact that the composite book may represent a significant expense, thus far not accurately measured, and may involve an appreciable amount of time prior to its full implementation. Finally, as this release indicates, there are a number of important policy questions as yet unresolved, involving not only cost-benefit considerations but also questions regarding who will initiate the composite book and what will be the incentives to achieving its implementation.

Because of these difficulties, the Commission seeks the comments of interested parties as to what other alternatives to a composite book system should be considered. Commentators should consider whether a program can be developed which will create an environment in which the goals sought in the composite book project can be achieved with less direct Commission involvement. For example, the Commission would appreciate the views of interested persons as to whether or not further removal of anti-competitive rules, such as off-board trading restrictions regarding principal transactions coupled with remedial steps to prevent fragmentation of market centers as a result of such removal, would provide an environment in which market professionals and others interested in the modernization of our markets would take measures to insure that the necessary mechanisms for economically efficient execution of securities transactions will be in place, and thus avoid the necessity of detailed government oversight of the process. In other words, is there a program which could be devised where the Commission takes a less involved posture in the formation of the national market system by virtue of the fact that the environment itself will provide the setting for the necessary initiatives to accomplish at national market system?[6]

Other alternatives should also be considered. Mechanisms currently exist on each of the national securities exchanges for accommodating limit orders, and broker-dealers and other private entrepreneurs have developed systems for collecting and communicating bids and offers and, in some cases, effecting executions. Commentators are invited to address whether or not these existing mechanisms can be employed, integrated or expanded on some basis to provide nationwide limit order protection without creating burdens on competition and whether such an approach could be implemented in a short time frame and at a lower cost than can the development of entirely new computerized systems.

VI. *Request for Comment.* All interested persons are invited to submit written views, data and arguments with respect to all issues posed in this release. Persons wishing to make written submissions should file ten copies thereof with George A. Fitzsimmons, Secretary of the Commission, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than May 1, 1976.[7] In filing such submissions, commentators should make reference to Commission File No. S7–619. Copies of all submissions will be made available in the Commission's Public Reference Section, Room 6101, 1100 L Street, Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FOOTNOTES

[1] Securities Exchange Act Release No. 11942 (December 19, 1975)

[2] *Id.* at 49.

[3] In Securities Exchange Act Release 11942, the Commission indicated that the term "qualified third market maker," as used in these characteristics, would be defined with reference to the definition of that term in Rule 17a–16 under the Act. If entry points are limited to specialists and qualified third market makers, the Commission wishes to know whether that definition is appropriate (in light of its relatively high net capital requirement) or whether some other definitional standard, such as that employed in Rule 19c–1, is more appropriate.

[4] Should commentators determine that persons other than or in addition to, specialists and market makers are qualified to enter orders and achieve executions, the alternative methods listed below should be adjusted accordingly.

[5] *See e.g.,* NYSE Rule 13, 2 CCH NYSE Guide, paragraph 2013.

[6] *See generally* Securities Exchange Act Release No. 11942 (December 19, 1975).

[7] In Securities Exchange Act Release No. 12403 (May 3, 1976) the comment period was extended to June 1, 1976.

[FR Doc.76–13589 Filed 5–10–76;8:45 am]

[Rel. No. 9276; 811–1141]

FULTON REID & STAPLES FUND, INC.

Notice of Proposal To Terminate Registration

MAY 5, 1976.

Notice is hereby given that the Commission proposes, pursuant to Section 8 (f) of the Investment Company Act of 1940 (the "Act"), to declare, by order on its own motion, that Fulton Reid & Staples Fund, Inc. (the "Fund"), c/o Richard K. Howe, Esq., Squire, Sanders & Dempsey, 1800 Union Commerce Building, Clevland, Ohio 44115, registered under the Act as a diversified, open-end, management investment company, has ceased to be an investment company as defined in the Act.

The Fund registered under the Act on December 26, 1961. Information in the Commission's files indicates the Fund's shareholders, at a special meeting on February 8, 1973, adopted a plan of liquidation and dissolution of the Fund. Pursuant to such plan, all of the assets of the Fund were liquidated and distributed on a pro rata basis, in May and December of 1973, to Fund shareholders. On December 31, 1973, the Fund received a Certificate of Dissolution from the Secretary of the State of Ohio.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given That any interested person may, not later than June 1, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing theron. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–13620 Filed 5–10–76;8:45 am]

[File No. 500–1]

GENERAL ENER-TECH, INC.

Suspension of Trading

MAY 4, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of General Ener-Tech, Inc. being traded on a national securities exchange or otherwise 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 on a national securities exchange or otherwise is suspended, for the period from 3:20 p.m. (EDT) on May 4, 1976 through May 13, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–13621 Filed 5–10–76;8:45 am]

[Release No. 9275; 812–3902]

RESERVE MANAGEMENT CORP. AND THE RESERVE FUND, INC.

Application for an Order Granting Exemption

MAY 5, 1976.

Notice is hereby given, That Reserve Management Corporation ("Reserve Management") and The Reserve Fund, Inc. ("Fund"), 810 Seventh Avenue, New York, New York 10019, an open-end management investment company registered under the Investment Company Act of 1940 ("Act") (collectively, the "Applicants"), filed an application on January 30, 1976, pursuant to Section 6(c) of the Act for an order of the Commission exempting Reserve Management from the provisions of Section 15(a) of the Act to the extent noted below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that on February 6, 1970, the Fund and Reserve Management entered into a Management Agreement ("Prior Agreement"), thereafter amended from time to time, whereby Reserve Management agreed to provide investment management and administrative services to the Fund. It is said that, prior to July 17, 1975, legal counsel advised the Fund that it had claims arising under the Act concerning the validity of the Prior Agreement and payments made thereunder, and that, in order to resolve such claims and to provide for the continuing services of services of Reserve Management, the Fund entered into certain arrangements with Reserve Management.

Applicants state that on July 17, 1975, the Board of Directors of the Fund approved the following agreements with Reserve Management: (1) an "Interim Agreement", pursuant to which Reserve Management provided investment advisory and administrative services to the Fund at cost from June 1, 1975, until October 20, 1975; (2) a proposed "Management" and (3) a proposed "Service Agreement".

The Management Agreement provides that Reserve Management shall furnish investment advisory services to the Fund and shall receive a management fee computed at the annual rate of .50% of the first $500 million and .45% on the excess, if any, of the average daily closing value of the net assets of the Fund. The Service Agreement provides that Reserve Management shall furnish administrative services to the Fund at cost. It is said that on October 20, 1975, the Management Agreement was approved by the Fund's shareholders at their annual meeting and that that Agreement and the Service Agreement were executed and became effective immediately after such meeting.

However, the Interim Agreement provided that, subject to shareholder approval and the obtaining of an appropriate order of the Commission, application of The Management Agreement and The Service Agreement could be given retroactive effect so as to supersede the terms of the Interim Agreement.

Applicants state that on October 20, 1975, such retroactive application of the Management and Service Agreements, for the period July 17, 1975, to October 20, 1975, was also approved by the Fund's shareholders, by a vote of approximately 322,000,000 in favor and 41,099,000 against.

It appears that the maximum net adjustment in favor of Reserve Management resulting from the retroactive application of the Management Agreement and the Service Agreement for the period July 17, 1975, to October 20, 1975, would amount to no more than $523,030.21, computed as follows:

Pro forma fees per management agreement, July 17, 1975–Oct. 20, 1975	$605,965.90
Pro forma costs per service agreement, July 17, 1975–Oct. 20, 1975	397,966.24
Total	1,003,932.14
Costs per interim agreement	480,901.93
Maximum adjustment in favor of reserve management	523,030.21

Applicants state that, pursuant to both the Interim Agreement and Service Agreement, costs charged to the Fund are subject to review by the Board of Directors of the Fund following receipt of a report with respect thereto from the Fund's independent public accountants as to the correctness of the amount of such costs, which review has not been completed. It is said that, in light of the terms of such agreements, any reduction in costs would not result in any increase in the maximum adjustment in favor of Reserve Management shown above.

Section 15(a) of the Act provides, inter alia, that it shall be unlawful for any person to act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such company. Section 2(a)(20) of the Act defines the term "investment adviser" to include any person who, pursuant to contract, regularly furnishes advice to an investment company with respect to the desirability of investing in, purchasing or selling securities, but specifically excludes from this definition "a company furnishing such services at cost to one or more investment companies, insurance companies, or other financial institutions".

Applicants assert that, in the event that any additional payments were to be made to Reserve Management as described above, Reserve Management might be deemed to have acted as an investment adviser to the Fund from July 17, 1975, to October 20, 1975, without a written contract that had previously

been approved by the shareholders as required by Section 15(a) of the Act. Therefore, Applicants request an order of the Commission exempting Reserve Management from the provisions of Section 15(a) to the extent necessary to permit such retroactive payments.

In support of this request, Applicants assert that the proposed retroactive payments are appropriate (1) in view of the continuity of management which Reserve Management has provided the Fund before, during, and after the period July 17, 1975, to October 20, 1975, for which period Reserve Management now seeks relief; (2) because the advisory services rendered by Reserve Management pursuant to the Interim Agreement were of the same character and quality as those which will result in lawful payments after such period under the Management Agreement; and (3) since approval of the Management Agreement and Service Agreement by the Fund's shareholders, at the end of such period, could not have been simultaneous with approval of those Agreements by the Fund's Board of Director at the beginning of such period, due to the necessity for preparing and disseminating proxy solicitation material and for taking other proeedural steps to secure such shareholder approval.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or any rule or regulation thereunder of and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, That any interested person may, not later than May 31, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, be certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-13622 Filed 5-10-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1241]

PENNSYLVANIA

Declaration of Disaster Area

The Township of Tinicum in Delaware County, within the State of Pennsylvania constitutes a disaster area because of damage from a fire which occurred on April 16, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 28, 1976, and for economic injury until the close of business on January 28, 1977 at: Small Business Administration, District Office, Suite 400—East Lobby, One Bala Cynwyd Plaza, 231 St. Asaphs Road, Bala Cynwyd, Pennsylvania 19004, or other locally announced locations.

Dated: April 30, 1976.

DANIEL T. KINGSLEY,
Acting Administrator.

[FR Doc.76-13573 Filed 5-10-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on June 3, 1976, at 10:00 a.m., the Des Moines Regional Office Station Committee on Educational Allowances shall at Room 1021, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Hawkeye Rotor and Wing Flight School, Rural Route 2, Nevada, Iowa 50201, should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: May 3, 1976.

ROBERT L. WINTERS,
Director.

[FR Doc.76-13656 Filed 5-10-76;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on June 3, 1976, at 1:00 p.m., the Des Moines Regional Office Station Committee on Educational Allowances shall at Room 1021, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Connell Aviation, Box 755, Independence, Iowa 50644, should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: May 3, 1976.

ROBERT L. WINTERS,
Director.

[FR Doc.76-13657 Filed 5-10-76;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on June 8, 1976 at 9:00 a.m. PDT, the Seattle Veterans Administration Regional Office Station Committee on Educational Allowances shall at Hearing Room 1186, Federal Building, 915 Second Avenue, Seattle, Washington, 98174, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Olympic Helicopters, Inc., 8555 Perimeter Road So., Seattle, Washington 98108, shall be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: May 4, 1976.

RICHARD F. MURPHY,
Director, Veterans Administration, Regional Office.

[FR Doc.76-13615 Filed 5-10-76;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Meeting

On January 28, 1976, the Secretary of Labor announced in the FEDERAL REGISTER (41 FR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. Meetings of the Advisory Committee were held on February 27, and April 28, 1976.

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp.

II, 1972), notice is hereby given that the third meeting of the above committee has been scheduled for 9:30 a.m. on May 27, 1976, in Room S–5215, New U.S. Department of Labor Building, 200 Constitution Avenue, Washington, D.C. 20210.

The Agenda for the May 27 meeting calls for general discussion of the items listed below, and for the establishment of procedures for their further study:

1. Discussion of options for revision of enforcement procedures under Executive Order 11246.

2. Discussion of options regarding use of graduated sanctions under Executive Order 11246, as amended.

3. Revised Order No. 4 (41 CFR Part 60–2), on written affirmative action programs, and the Format for Development of an Affirmative Action Program by Institutions of Higher Education, published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37064).

4. Discussion of proposals for increasing the supply of minorities and women for faculty employment.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's Executive Secretary:

Mr. Leonard J. Biermann, Executive Secretary, Office of Federal Contract Compliance Programs, Federal Advisory Committee for Higher Education Equal Opportunity Programs, New U.S. Department of Labor Building, Room C–3322, Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

LEONARD J. BIERMANN,
Executive Secretary.

[FR Doc.76–13536 Filed 5–10–76;8:45 am]

Employment and Training Administration

FEDERAL COMMITTEE ON APPRENTICESHIP

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Federal Committee on Apprenticeship, May 26–27, 1976, Galway Room, Milwaukee/Marriott Inn, 376 South Moorland Road, Brookfield, Wisconsin, which was published on May 4, 1976, at 41 FR 18483.

Signed at Washington, D.C., this 7th day of May 1976.

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

[FR Doc.76–13854 Filed 5–10–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 6 (Sub-No. 32)]

BURLINGTON NORTHERN, INC.

Abandonment Between—Clear Lake and Sedro Woolley in Skagit County, Washington

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Skagit County, Wash., on or before May 21, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 29th day of April, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated April 29, 1976, it has been determined that the proposed abandonment by Burlington Northern, Inc. of its line of railroad between Clear Lake and Sedro Woolley, Skagit County, Wash., a distance of 2.74 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that there will be no significant ecological impacts resulting from the abandonment of the line, and that the highways in the area are capable of handling the small increase in truck traffic resulting from diversion of rail freight.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before June 7, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–13680 Filed 5–10–76;8:45 am]

[AB 119]

FORT WORTH AND DENVER RAILWAY CO.

Abandonment Between Stamford and Rotan in Fisher and Jones Counties, Texas

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Fisher and Jones Counties, Tex., on or before May 21, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 29th day of April, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated April 29, 1976, it has been determined that the proposed abandonment of the Fort Worth and Denver Railway Company line extending 40.18 miles between Stamford and Rotan through Fisher and Jones Counties, Texas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that 60 percent of the traffic handled on the line has been lost due to the change in distribution patterns of one of the major industries in the area. Consequently, traffic on the subject is low and the diversion to motor carriers, if the abandonment is approved, should not have a significant effect on the existing environment. Additionally, industrial activity in the area is limited and another rail line serves the only other major industry located on the applicant's line. Although cotton is a major commodity shipped by the subject line, movement should not be precluded due to the close proximity of alternate rail lines and the availability of a good highway system. The proposed action, therefore, is not expected to have a serious impact on the existing rural communities.

Approximately 95 percent of the right-of-way is held in reversionary interest and will revert to the original landowners. Depending

upon the subsequent use of the land corridor, abandonment could have a serious impact on local wildlife populations.

This determination was based upon the staff preparation and consideration of an environnental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstae Commerce Commission, Washington, D.C., 20423, on or before June 7, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13683 Filed 5-10-76;8:45 am]

[AB 43 (Sub-No. 12)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Silver City and Holly Bluff in Humphreys and Yazoo Counties, Mississippi

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmetal Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.;* and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Humphreys and Yazoo Counties, Mississippi, on or before May 21, 1976, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 29th day of April, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated April 29, 1976, it has been determined that the proposed abandonment by the Illinois Central Gulf Railroad Company between Silver City and Holly Bluff, for a distance of 24.73 miles in Humphreys and Yazoo Counties, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed abandonment are considered insignificant because the traffic on the line was diverted to motor carrier transport prior to 1975, and local roadways have been capable of accommodating the additional trucking. Appreciable adverse effects upon local ecological systems and public safety would not be expected to result from the proposed abandonment. There are no historic or archeological sites in the subject area, and no land use plans and projects which are dependent upon continued operation of the line. The projected use of a portion of the right-of-way property by the Mississippi Highway Commission would be publicly beneficial in terms of needed highway improvements which would not require the taking of farmland adjacent to the right-of-way in the event that the abandonment is authorized.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before June 7, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13681 Filed 5-10-76;8:45 am]

[AB 43 (Sub-No. 14)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Stewartsville and New Harmony, in Posey County, Indiana

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.;* and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Posey County, Ind., on or before May 21, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 29th day of April, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated April 29, 1976, it has been determined that the proposed abandonment by the Illinois Central Gulf Railroad Company of its branch line between Stewartsville and New Harmony, all in Posey County, Ind., a distance of 6.34 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered to be insignificant because no traffic has been handled over the line since floods washed out several sections of the line in June 1975; therefore, there will be no diversion and related environmental impacts, inasmuch as shippers have already opted for other modes of transportation. The environmental effects resulting from salvage operations should be insignificant and of short duration.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before June 7, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13682 Filed 5-10-76;8:45 am]

[No. 36271]

OKLAHOMA

Intrastate Freight Rates and Charges—1975

In the matter of the assignment for hearing and directing special procedure.

It appearing, That by order dated January 30, 1976, the Commission, instituted the above-entitled investigation:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to an Administrative Law Judge for hearing and for an initial decision.

It is further ordered, That on or before June 11, 1976, the respondents and any persons in support thereof shall file with the Commission, three copies of

the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing, with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in Appendix A attached hereto and any additional persons who make known their desire to actively participate in the proceeding on or before June 4, 1976.

It is further ordered, That on or before July 12, 1976, protestants shall file with the Commission, three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all persons listed in Appendix A hereto and any additional persons who make known their desire to actively participate on or before June 4, 1976. Attached hereto as Appendix A is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before June 4, 1976, as well as all persons listed in Appendix A attached hereto. Otherwise, any interested persons desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before July 20, 1976, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as offered in evidence and received unless challenged for good cause. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on August 2, 1976 (1 week), at 9:30 a.m. local time, at Oklahoma City, Oklahoma, in a hearing room to be later designated, for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the Judge deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of Oklahoma be notified of this proceeding by sending a copy of this order by certified mail to the Governor of Oklahoma, Oklahoma City, Oklahoma, and a copy to the Corporation Commission of the State of Oklahoma, Oklahoma City, Oklahoma; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 3rd day of May 1976.

By the Commission, Commissioner Hardin.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

Donal L. Turkal, St. Louis-San Francisco Railway Company, 906 Olive Street, St. Louis, MO 631011.

Geo. L. Verity, Verity, Brown & Verity, 2220 First National Center, Oklahoma City, OK 73102, (Representing The Dolese Company and Dolese Brothers Co.)

Frank Tranchilla, Oklahoma Cement Division of OKC Corp., 1908 First National Bldg., Tulsa, OK 74103.

Stephen A. Collinson, Assistant General Counsel, Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, OK 73105.

[FR Doc.76-13687 Filed 5-10-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 6, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43159—*Cement to Central Territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (E.R. No. 3051), for interested rail carriers. Rates on cement and related articles, in carloads, as described in the application, from East Stroudsburg, Pennsylvania, to Central Territory points.

Grounds for relief—Market competition.

Tariff—Supplements 138 and 142 to Traffic Executive Association-Eastern Railroads, Agent, tariff T/C 687, I.C.C. No. 4788 (Hinsch Series). Rates are published to become effective on June 24, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13686 Filed 5-10-76;8:45 am]

[Notice No. 43]

ASSIGNMENT OF HEARINGS

MAY 6, 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 Offical 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 14105 (Sub 1), Park City Coach Service, Inc., now being assigned July 26, 1976 (1 week), at Hartford, Connecticut, in a hearing room to be later designated.

MC 130140 (Sub 1), Connecticut Tours, Inc., now being assigned July 22, 1976 (2 days), at New Haven, Connecticut, in a hearing room to be later designated.

MC 141033 Sub 4, Continental Contract Carrier Corp., now being assigned for continued hearing on May 18, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61592 Sub 372, Jenkins Truck Line, Inc., application dismissed and Hearing canceled.

MC 19227 Sub 221, Leonard Bros. Trucking Co., Inc., application dismissed.

MC 105813 (Sub-No. 207), Belford Trucking Co., Inc., MC 113651 Sub 187, Indiana Refrigerator Lines, Inc., MC 118142 Sub 93, M. Bruenger & Co., Inc., MC 119669 Sub 55, Tempco Transportation, Inc., MC 119792 (Sub-No. 50), Chicago Southern Transportation, Inc., MC 124170 Sub 53, Frostways, Inc., MC 128073 Sub 5, MC 133119 Sub 72, Heyl Truck Lines, Inc., and MC 134105 Sub 14, Celeryvale Transport, Inc., now being assigned for continued hearing on September 14, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134401 (Sub 11), Sherwood W. Hume, dba Hume Equipment Company, now being assigned July 20, 1976 (2 days), at Buffalo, New York, in a hearing room to be later designated.

MC 134323 (Sub 79), Jay Lines, Inc., now being assigned July 22, 1976 (2 days), at Buffalo, New York, in a hearing room to be later designated.

Ex Parte No. 317, In The Matter of Thomas A. Weir, now being assigned July 19, 1976 (1 day), in Buffalo, New York, in a hearing room to be later designated.

MC 141188, Maurice Blocker, dba Blocker Milling Service, now assigned June 2, 1976, at Des Moines, Iowa, will be held in Room 707, Federal Bldg., 210 Walnut Street.

MC 135732 Sub 13, Aubrey Freight Lines, Inc., now assigned June 2, 1976, at Talahassee, Fla., will be held in the Fla. Public Service Commission Hearing, Room 700, S. Adams Street.

No. 36271, Oklahoma Intrastate Freight-Rates and Charges—1975, now being assigned August 2, 1976 (1 week), at Oklahoma City, Okla., in a hearing room to be later designated.

No. 36276, Investigation into Abandonment of Tofc Services by Louisville & Nashville Railroad at Point s in Tennessee and No.

36086, Tennessee Public Service Commission V. Louisville and Nashville Railroad Co., et al., now assigned May 17, 1976, at Nashville, Tennessee, is postponed to June 28, 1976 (1 week), in Rooms A-734 and A-761, 801 Broadway, Nashville, Tennessee.

ExParte 308 Sub 1, Investigation of Common Carrier Pipelines now assigned prehearing conference on July 8, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S 9084, Palm Oil, Pacific Coast Ports to Midwestern States, now being assigned June 16, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113908 Sub 241, Erickson Transport Corp., now assigned June 7, 1976, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 13179 Sub 4, R.C. Williams, Inc., now assigned June 2, 1976 at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 52917 (Sub 64), Chesapeake Motor Lines, Inc., now being assigned July 20, 1976 for pre-hearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 138237 Sub 4, Metro Hauling, Inc., now assigned June 8, 1976, at Olympia, Wash., is canceled and application dismissed.

MC 115730 Sub 9, The Mickow Corp., application dismissed.

MC-C-8880, Andrew T. Jones, dba Jones Bus Co., et al—V—Burwell Ray Gallop, dba Gallop Bus Lines, MC 141112 Burwell Ray Gallop, dba Gallop Bus Lines, and MC 141112 Sub 4, Burwell Ray Gallop as Gallop Bus Lines, now being assigned for continued hearing on July 12, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13688 Filed 5-10-76;8:45 am]

[I.C.C. order No. 168 under Revised Service Order No. 994]

REROUTING TRAFFIC

To all railroads. In the opinion of Lewis R. Teeple, Agent, The Ann Arbor Railroad Company, Consolidated Rail Corporation, designated operator, is unable to transport traffic over its car ferry between Frankfort, Michigan, and Kewaunee, Wisconsin, because of engine repairs to its car ferry.

It is ordered, That (a) The Ann Arbor Railroad Company, Consolidated Rail Corporation, designated operator, being unable to transport traffic over its car ferry between Frankfort, Michigan, and Kewaunee, Wisconsin, because of engine repairs to its car ferry, that line is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:45 p.m., April 30, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 7, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car servica and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 30, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-13685 Filed 5-10-76;8:45 am]

[I.C.C. Order No. 166—A Under Revised Service Order No. 994]

REROUTING TRAFFIC

To all railroads. Upon further consideration of I.C.C. Order No. 166 (the Norfolk and Portsmouth Belt Line Railroad Company) (NPB), and good cause appearing therefor:

It is ordered. That I.C.C. Order No. 166 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 3, 1976.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.76-13684 Filed 5-10-76;8:45 am]

federal register

TUESDAY, MAY 11, 1976

PART II:

DEPARTMENT OF LABOR

Employment and Training Administration

■

SPECIAL FEDERAL PROGRAMS

Summer Program for Economically Disadvantaged Youth

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Updating and Editorial Amendments

Notice is hereby given that the Department of Labor, Employment and Training Administration, is making updating and editorial amendments to 29 CFR Part 97, Subpart A—Summer Program for Economically Disadvantaged Youth under Title III of the Comprehensive Employment and Training Act. The regulations, currently in effect for the summer program, were published on June 5, 1975 at 40 FR 24346. This document makes updating and editorial amendments to the regulations in preparation for the beginning of the 1976 summer program.

Since only updating and editorial changes are being made to the regulations, and since the 1976 program is scheduled to begin very shortly, the regulation changes made by this document shall become effective immediately upon the publication of this document in the FEDERAL REGISTER.

Accordingly, 29 CFR Part 97 is amended to read as follows:

Subpart A—Summer Program for Economically Disadvantaged Youth Under the Comprehensive Employment and Training Act

Sec.

AUTHORITY: Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), secs. 702(a) and 304(a)(3), unless otherwise noted.

Subpart A—Summer Program for Economically Disadvantaged Youth Under the Comprehensive Employment and Training Act

§ 97.1 Scope and purpose.

(a) This Subpart A contains the policies, rules, and regulations of the Department in implementing and administering a Summer Program for Economically Disadvantaged Youth (hereinafter referred to as the Summer Program) authorized by Title III, section 304(a)(3), of the Comprehensive Employment and Training Act (hereinafter referred to as the Act).

(b) Programs funded under this Subpart A shall be designed by summer sponsors, defined in § 97.4, to provide summer employment and other activities and services described under Title I of the Act.

(c) Subpart A should be read in conjunction with Parts 94, 95, 96, and 98 of this Title. The provisions of Parts 95 and 96, however, apply to this Subpart A only as indicated in specific sections of these regulations. The definitions of Part 94 and the provisions of Part 98 shall apply to this Subpart A, unless otherwise indicated in specific sections of these regulations.

(d) The Division of Indian and Native American Programs in the Office of National Programs shall have field responsibility for all matters pertaining to funds allocated to Indian summer sponsors for programs funded under this Subpart A. All references to RA in this Subpart A shall be read as Director, Division of Indian and Native American Programs, when pertaining to programs for Indian summer sponsors.

§ 97.2 Allocation of funds.

(a) The funds available under this Subpart A shall be allocated by the Secretary to summer sponsors, defined in § 97.4, based upon the criteria set forth in paragraphs (b), (c), and (d) of this section.

(b) Allocation of funds for summer sponsors who are prime sponsors under Title I of the Act shall be based on the following formula:

(1) Fifty percent of such funds shall be allocated on the basis of each sponsor area's proportion of the funds allocated for the 1975 Summer Program exclusive of recreation and transportation support program funds;

(2) Thirty-seven and one-half percent of the funds shall be allocated based on the ratio of the annual average number of unemployed persons in the sponsor's area in 1975 to the total annual average number of unemployed persons in the United States in that year;

(3) Twelve and one-half percent of the funds shall be allocated based on the ratio of the number of adults in low income families in the sponsor's area to the total number of adults in low income families in the United States; and

(4) To the extent that funds are available, allocations shall be adjusted by the Secretary to insure that no prime sponsor area receives less enrollment opportunities than were provided under the 1975 Summer Program.

(c) The total funds for Indian summer sponsors shall be allocated based on the ratio of the number of Indian youth 14 through 21 years of age in the eligible Indian summer sponsor's area to the total number of Indian youth 14 through 21 years of age in all Indian summer sponsor areas, except that adjustments in the allocations shall be made to insure that to the extent funds are available, no area receives less enrollment opportunities than were provided under the 1975 Summer Program.

(d) The total allocation to Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be equal to the same percentage of the funds allocated to Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands under the 1975 Summer Program.

§ 97.3 Use of FY 1975 Summer Program funds.

Unexpended 1975 Summer Program funds, regardless of whether they are currently found in Title I grants or grants funded under this Subpart A, must be utilized for appropriate summer activities and expended in accordance with these regulations in the same area in which these funds were originally allocated.

§ 97.4 Eligibility for funds.

Funds under this Subpart A shall be allocated by the Secretary to summer sponsors. Summer sponsors are:

(a) Prime sponsors designated to operate FY 1976 programs under Title I of the Act; and

(b) Indian reservations and organizations determined eligible for prime sponsorship under Title VI of CETA.

§ 97.5 Preapplication for Federal assistance.

An eligible summer sponsor who is a prime sponsor under Title I of the Act and is interested in receiving financial assistance shall submit a Preapplication for Federal Assistance form Part I, prescribed in Federal Management Circular (FMC) 74-7 to the Regional Administrator, Employment and Training Administration (RA) and the appropriate State and substate A-95 clearinghouse(s) (See OMB Circular A-95). To facilitate the earliest implementation of the Summer Program, an eligible summer sponsor should file a Preapplication for Federal Assistance as soon as possible.

§ 97.6 Program planning; planning council.

(a) Eligible summer sponsors who are prime sponsors under Title I of the Act shall, to the degree feasible and within the time constraints imposed by these regulations, utilize appropriate prime sponsor planning councils established pursuant to § 95.13 of this title in the planning and review of the Summer Program.

(b) Eligible Indian summer sponsors shall to the degree feasible and within the time constraints imposed by these regulations utilize appropriate prime sponsor planning councils established pursuant to § 97.113 of this title in the

planning and review of the Summer Program.

§ 97.7 Application for grants; standards for reviewing grant applications.

(a) A program shall be undertaken under this Subpart A, upon execution of an agreement between a summer sponsor and the RA. The RA shall send a grant application package to each eligible summer sponsor as defined in § 97.4(a) of subpart. The grant application shall be submitted to the RA not later than a date set by the RA, unless the RA, for good cause, permits an extension of time.

(b) An eligible summer sponsor which is a prime sponsor under Title I of the Act shall provide a copy of its grant application for the purpose of commenting thereon to the apropriate State and substate A–95 clearinghouse(s), at the same time as it submits its application to the RA. The copy sent to the clearinghouse(s) shall be accompanied by the following statement: "Due to the time constraints on implementation of the Summer Program funded under the Comprehensive Employment and Training Act, the grant application is being submitted to the clearinghouse(s) and the Department of Labor simultaneously. Clearinghouses are requested to forward any comments directly to the Regional Administrator, Employment and Training Administration."

(c) Each grant application shall be reviewed by the appropriate RA using all the standards described in §§ 95.17(a) and (b) (1), (7), (8), and (9) of this title.

§ 97.8 Assistance by the Director, Division of Indian and Native American Programs.

Indian applicants eligible under this Subpart A may request technical assistance from the Director of Indian and Native American Programs in the preparation and submission of a grant application for or the implementation of a program funded under this Subpart A. Requests for assistance should be addressed to: Director, Division of Indian and Native American Programs, 601 D Street, NW., Washington, D.C. 20213.

§ 97.9 Application approval and disapproval.

Each grant application shall be approved or disapproved under the provisions and conditions described in §§ 95.18 and 95.19 of this title.

§ 97.10 Use of alternative sponsor and services by the Secretary.

If a grant application is not filed, or is denied, or terminated, the Secretary may make provisions for the use of an alternative sponsor, or provide services himself, as described in § 95.20 of this title.

§ 97.11 Content and description of grant application.

The grant application consists of the following items:

(a) Part I of the Application for Federal Assistance (Non-construction programs), contained in FMC 74–4.

(b) Narrative Description of the Summer Program consisting of:

(1) A policy statement on the purpose and goals of the program;

(2) A description of the number and characteristics of the participants to be served, at a minimum to include (a) sex and (b) age group: 14–15, 16–17, 18–21;

(3) A description of the methods to be used to recruit, select and determine the eligibility of participants;

(4) A description of the management and administrative plan; and

(5) A discussion of the cost plan, including an explanation of how administrative costs were determined.

(c) CETA Summer Plan which provides data on the estimated number of participants and accrued expenditures.

(d) A single Public Service Employment Occupational Summary form shall be submitted for all work experience, public service employment, and on-the-job training positions. The comparison of wages shall not be included.

§ 97.12 Exemption from comment and publication procedures relating to submission of grant application.

In order to facilitate the earliest possible implementation of the Summer Program and due to the limited time frame of the program, a summer sponsor need not publish a summary of its grant application for comment and publication in the area newspaper(s).

§ 97.13 Modification of the grant agreement; modification of the CETA Summer Plan.

(a) When a prime sponsor desires to modify the duration or allotment of a grant, the sponsor shall submit to the RA a revised Application for Federal Assistance Form, Part 1, and a revised CETA Summer Plan to account for the change in funds. A denial by the RA of a sponsor's request for a modification shall be subject to the appeal procedures set out in Part 98 of this title.

(b)(1) A modification to the CETA Summer Plan is necessary if the cumulative number of individuals to be served is proposed to be increased or decreased by 15 percent or more.

(2) A summer sponsor desiring a modification as defined in paragraph (b)(1) of this section, shall submit a revised CETA Summer Plan and an explanation of the proposed changes to the RA. The RA shall notify the sponsor of approval or disapproval within 10 days of receipt of the proposed modification. An appeal of such determination may be obtained through the procedures set out in Part 98 of this title.

(c) An RA may initiate a modification as described in § 95.22(e)(1). If the sponsor disagrees with the RA's decision to initiate a modification, it may request a hearing pursuant to § 98.47 of this title.

§ 97.14 Basic responsibilities of sponsors.

A sponsor of a program funded under this Subpart A shall be responsible for:

(a) Following the provisions described in § 95.31 (a), (b), (e), and (f) of this title;

(b) Establishing priorities for receipt of assistance authorized under the Summer Program by taking into account the significant segments represented among economically disadvantaged youth residing within its jurisdiction;

(c) Designing programs which are, to the maximum extent feasible, consistent with every participant's fullest capabilities; and

(d) Maintaining accounting records in accordance with §§ 98.12 and 98.13 of this title.

§ 97.15 Eligibility for participation.

(a) Each participant in a program funded under this Subpart A shall be at the time of enrollment:

(1) Economically disadvantaged, as defined in § 94.4(t) of this title; and

(2) A youth, 14 years of age through 21 years of age.

(b) Citizenship shall not be used as a criterion to prevent permanent residents, including permanent resident aliens, from participating in a program. However, no services shall be provided to illegal aliens (those who do not have a bona fide Alien Registration Receipt form, or cannot present other documentation from the Immigration Service allowing them to seek employment).

(c) Special consideration shall be given to the needs of veterans as described in § 95.32(e)(1) of this title.

(d) Title I participants, who are 14–21 years of age, who were enrolled in in-school programs during the school year preceding the Summer Program and who at the time of their enrollment into the Title I program met the criteria of paragraph (a)(1) of this section are eligible for participation in the Summer Program.

§ 97.16 Types of manpower services available in the Summer Program.

(a) A program funded under this Subpart A may include any activity or service specified in § 95.33 of this title.

(b) Operating conditions and allowable expenditures applicable when Summer Program funds are used for public service employment are the same as those used for this activity when Title II funds are used, as set out in Subpart C of Part 96 of this title, except that the following sections shall not apply: §§ 96.20, 96.21 (e), 96.22, 96.23(b)(13), 96.26(a)(1), (b), and (c), 96.27, 96.28, 96.35(a), 96.36(c), and 96.37.

§ 97.17 Participant benefits.

(a) Participants in classroom training in programs funded under this Subpart A shall receive allowances as described in § 95.34 of this title and workers' compensation protection as provided in § 98.24 of this title.

(b) Participants in on-the-job training in programs funded under this Subpart A shall receive wages as specified in § 95.35(a)(3) or (a)(5), of this title as applicable, and shall be assured of appropriate workers' compensation protection as provided in § 98.24 of this title. Unemployment insurance, if required by State law, shall be an allowable cost.

(c) Participants in public service employment shall be paid wages as required by § 96.34 of this title, and shall be assured of workers' compensation protection as provided in § 98.24 of this title. Unemployment insurance, if required by State law, shall be an allowable cost.

(d) Participants in work experience shall receive wages at a rate of pay based on such factors as the type of work performed, the geographical region of the program, and the skill proficiency of the participant, provided that a participant's hourly rate of pay shall be at least the higher of the minimum wage prescribed for smiliar employment by State or local law or an hourly wage of $2.30 an hour. However, wages in the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be consistent with the Federal, State, or local law otherwise applicable. Participants in work experience activities shall be assured of workers' compensation protection as provided in § 98.24 of this title. Unemployment insurance, if required by State law, shall be an allowable cost.

(e) Participants enrolled in services to participants, other manpower activities, or combined activities shall be compensated as specified in § 95.33(d)(5)(iv), (6)(ii), and (7)(ii) of this title.

§ 97.18 Worksite standards.

(a) No participant under 18 years of age shall be employed in any occupation which the Secretary has found, pursuant to his authority under the Fair Labor Standards Act, to be particularly hazardous for persons between 16 and 18 years of age (See Subpart E of Part 570, of this title).

(b) Participants who are 14 and 15 years of age will participate only in accordance with the limitations imposed by §§ 570.31 to 570.35 of Subpart C of Part 570 of this title.

(c) No participant shall be compensated for more than 40 hours of work per week.

§ 97.19 Training for lower wage industries and relocation of industries.

No participant may be enrolled in any activity or service in any lower wage industry job as set forth in § 95.36 of this title.

§ 97.20 Cooperative relationships between sponsors and other manpower services.

Each summer sponsor shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies as described in § 95.37 of this title.

§ 97.21 Nepotism.

(a) The provisions of § 98.22 of this title regarding nepotism apply to summer sponsors who are prime sponsors under Title I of the Act.

(b) The provisions of § 98.22 (a) and (b) of this title regarding nepotism apply to Indian summer sponsors except as modified by paragraphs (c), (d), and (e) of this section.

(c) No Indian summer sponsor or subgrantee under this Subpart A shall hire, or permit the hiring of any person in or permit funded under this Subpart A if a member of that person's immediate family is employed in an administrative capacity by the Indian summer sponsor. For the purposes of paragraphs (c), (d), and (e) of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister and the term "administrative capacity" means persons who have selection, hiring, or supervisory responsibilities for participants in a program under this Subpart A, or operational responsibility for the program.

(d) If a subgrantee under this Subpart A cannot hire program participants without an immediate family member being included, the Director, Division of Indian and Native American Programs may waive the requirement of paragraph (c) of this section if adequate justification is received from such subgrantee that no other persons within the subgrantee's jurisdiction are eligible and available for participation.

(e) Where a tribal policy regarding nepotism exists which is more restrictive than this policy, the eligible applicant shall follow the tribal rule in lieu of this policy.

§ 97.22 Nondiscrimination in Indian Programs under this Subpart.

Section 98.21 of this title shall be applicable to Indian programs funded pursuant to this Subpart A, except to the extent that such provisions conflict with 42 U.S.C. 2000e(b).

§ 97.23 Subgrants in Indian Programs under this Subpart.

In addition to the requirements as set forth in § 98.27 concerning subgrants, Indian summer sponsors may require that subgrantees agree, to the maximum extent feasible, to hire qualified Indians to provide services called for pursuant to the subgrant in accordance with 42 U.S.C. 2000e-2(i).

§ 97.24 Reporting requirements.

Each summer sponsor shall submit the following reports to the RA:

(a) An end-of-summer report based on the accounting records required under §§ 98.12 and 98.13 of this title; and

(b) (1) A Quarterly Summary of Participant Characteristics for the Summer Program. This report is the Quarterly Summary of Participant Characteristics regularly submitted by sponsors of comprehensive manpower programs, but is to be labelled by the summer sponsors as the Quarterly Summary of Participant Characteristics for the Summer Program. The Summary is to be submitted to the RA with the end-of-summer report. The information for age characteristics on line 4 of the Summary, which refers only to those participants 18 and under, shall be broken out on the back of the report by the following age groups:

(i) 14–15 years;

(ii) 16–17 years; and

(iii) 18.

(2) The information required on the Summary shall also be submitted for informational purposes, for participants in summer programs funded with monies in the sponsor's title I grants.

§ 97.25 Termination date for the Summer Program.

No program under this Subpart A shall continue beyond September 30, 1976.

Signed in Washington, D.C. this 4th day of May 1976.

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

[FR Doc.76-13538 Filed 5-10-76;8:45 am]

federal register

TUESDAY, MAY 11, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

MOBILE HOMES

Constuction and Safety Standards

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 280]

[Docket No. R-76-340]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS MISCELLANEOUS AMENDMENTS

Manufacturer's Certification

On December 18, 1975, the Department of Housing and Urban Development republished the final rule for Federal mobile home construction and safety standards in the FEDERAL REGISTER at 40 FR 58752.

Proposed amendments to the standards are published herein to add a manufacturer's certification of compliance with the standard to revise the data plate; and to clarify or modify slightly, specific subsections of the final rule.

Under the proposed amendments, the Data Plate required in § 280.5 would be revised: (1) To add a listing for the Design Approval Agency, in order to assure the accountability required by the enforcement program, and, (2) to make clear that the manufacturer's address called for is the address at which the mobile home was manufactured and not the manufacturer's corporate headquarters, if these addresses are different.

A new section (§ 280.7) would be added to provide the manufacturer's certification of compliance with the standards. This certification would be in the form of a label to be affixed to each transportable section of each mobile home.

§ 280.203(b) of the standard would be revised to make clear that the fire protection requirements of the section are also applicable to doors providing exterior access to furnace and water heater enclosures.

The table in § 280.304(b) would be revised by replacing the I-SANTA-19-73 Standard reference for pneumatic and mechanically driven fasteners with the HUD-FHA Use of Materials Bulletins No. UM-25d. This would eliminate reference to specific commercial products.

The alternate roof truss test procedure in § 280.402(b)(1) would be revised to permit the fastening of plywood strips to the top chord of each truss. The plywood strips, under the proposed amendment, could be secured to the top chord of each truss with 4d nails or equivalent stapples not closer than 8 inches on center. This change is being proposed to ensure that the alternate test procedure can be effectively carried out.

§ 280.607(a)(1) would be revised to permit the plumbing manufacturer's trademark to be permanently marked on each fixture in lieu of the manufacturer's name.

§§ 280.611(c)(1) and 280.611(c)(1)(iii) would be revised to clarify that the vent protection required is for the toilet drain, not the main drain.

§ 280.612(d) would be revised to clarify the testing procedure for determining leaks in shower compartments.

§§ 280.804(j) and 280.813(b) would be revised to clarify the type of tags which may be used and to indicate the minimum dimensions of the tags. These tags are used to identify the location of exterior electrical connections.

The significant proposed amendments to the standard have been described above. Other amendments proposed to §§ 280.2(a)(3), 280.4(b), 280.304(b), 280.403(c)(4), 280.611(c)(1)(ii), 280.611(c)(2), 280.612(d), are essentially editorial in nature and content.

The Department is also presently preparing interpretative bulletins to be issued in the near future that will clarify and amplify other sections of the standard.

The Secretary after review of comments received on these proposed amendments, intends to issue final amendments covering the subject matter of these proposed amendments that will be effective on June 15, 1976, or upon publication if publication is later than June 15, 1976.

In order to do so, the Secretary in accordance with section 604(e) of the Act, must find good cause for making the final amendments effective in less than 180 days from the date of issuance of the final amendments. Based upon the need for early clarifications and interpretations provided by the final amendments and the need to serve the public interest by expeditious implementation of the standards, the Secretary is expected to make such a finding with respect to the final amendments.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the address below.

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

HUD invites comment or other communication at any time from any member of the public or any organization regarding the Federal mobile home standards, these amendments, and possible future amendments to the standards.

Interested persons may participate in this rulemaking by submitting written data, views, or arguments to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Comments received by June 10, 1976, will be considered before final action is taken on these proposed amendments.

All written comments except those determined to be exempt by the Department under the Privacy Act and the National Mobile Home Construction and Safety Standards Act of 1974 (U.S.C.) shall be available for examination by the public at the above address.

These standards are proposed for adoption as an amendment to Chapter II because, at the time of adoption, the Title VI Mobile Home Program was the responsibility of the Assistant Secretary for Housing Production and Mortgage Credit whose regulations appear in that Chapter. Since that time the Department has established a new Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions, and a new Chapter XX is being adopted by a separate document published concurrently with this change. However, there is an urgent need to make both the amendments and the related interpretative bulletins effective in sufficient time for manufacturers to adopt their production to the proposed changes approximately six weeks prior to the statutory date these standards become effective on June 15, 1976. This scheduling requires publication in early May and, since recodification of these standards is not administratively feasible in such a limited time, these amendments and bulletins are being issued under Chapter II. For this reason they bear the signature both of the Assistant Secretary for Consumer Affairs and Regulatory Functions as issuing officer and also the signature of the Assistant Secretary for Housing Production and Mortgage Credit who is responsible for all amendment to Chapter II. It is intended to recodify these standards under Chapter XX as Part 3280 in the near future.

Accordingly, it is proposed to amend 24 CFR Part 280, as published on December 18, 1975, (40 FR 58752) as follows:

1. By revising Paragraph (a)(3) of § 280.2 to read as follows:

§ 280.2 Definitions.

(a) * * *

(3) "Certification label" means the approved form of certification by the manufacturer that, under § 280.7, is permanently affixed to each transportable section of each mobile home manufactured for sale in the United States.

2. By revising Paragraph (b) of § 280.4 between the reference to DOT and the reference to FHDA to read as follows:

§ 280.4 Incorporation of reference.

(b) * * *

FHA—Federal Housing Administration, Washington, D.C. 20410.

* * * * *

3. By revising Paragraph (b) of § 280.4 between the reference to CAL and the reference to HPMA to read as follows:

§ 280.4 Incorporation as reference.

(b) * * *

HUD—U.S. Department of Housing and Urban Development, Washington, D.C. 20410.

* * * * *

4. By revising § 280.5 to read as follows:

§ 280.5 Data Plate.

(a) Each mobile home shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Data plates shall contain not less than the following information:

(1) The name and address of the manufacturing plant in which the mobile home was manufactured.

(2) The serial number and model designation of the unit and the date the unit was manufactured.

(3) The statement, "This mobile home is designed to comply with the Federal mobile home construction and safety standard in force at the time of manufacture."

(4) A list of major factory-installed equipment including the manufacturer's name and the model designation of each appliance.

(5) Reference to the structural zone and wind zone for which the home is designed and duplicates of the maps as set forth in § 280.305(c)(4). This information may be combined with the heating/cooling certificate and insulation zone maps required by §§ 280.510 and 280.511.

(6) The statement: "Design Approval by" followed by the name of the agency which approved the design.

5. By adding a new § 280.7 as follows:

§ 280.7 Certification Label.

(a) A permanent label shall be affixed to each transportable section of each mobile home for sale or lease in the United States. This label shall be separate and distinct from the data plate which the manufacturer is required to provide under section 280.5 of the standards.

(b) The label shall be approximately 2 in. by 4 in. in size and shall be permanently attached to the mobile home by means of 4 blind rivets, drive screws, or other means that render it difficult to remove without defacing it. It shall be etched on 0.32 in. thick aluminum plate. The label number shall be etched or stamped with a 3 letter designation which identifies the production inspection agency and which the Secretary shall assign. Each label shall be marked with a 6 digit number which the label supplier shall furnish. The labels shall be stamped with numbers sequentially.

(c) The label shall read as follows: As evidenced by this label No. ABC 000 001, the manufacturer certifies that this mobile home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and to the best of the manufacturer's knowledge and belief, is constructed in conformance with the Federal Mobile Home Construction and Safety Standards in effect on the date of manufacture. See data plate.

(d) The label shall be located at the tail-light end of each transportable section of the mobile home approximately one foot up from the floor and one foot in from the road side, or as near that location on a permanent part of the exterior of the mobile home unit as practicable. The road side is the right side of the mobile home when one views the mobile home from the tow bar end of the mobile home.

6. By revising Paragraph (b) of § 280.203 to read as follows:

§ 280.203 [Amended]

(b) *Combustability.* The interior surfaces of walls and ceilings encasing furnace and water heater enclosures (including doors for either interior or exterior access to the enclosures) and the exposed wall adjacent to the cooking range, as references in § 280.203(a)(5), shall be surfaced with 5/16 inch gypsum board or material having equivalent fire protective properties. At furnace and water heater spaces all openings for pipes and vents shall be tight fitted or firestopped.

7. By revising the reference to wood flush doors in the table referred to in Paragraph (b)(1) § 280.304 to read as follows:

§ 280.304 Materials.

(b) * * *

Wood flush doors NWAA I.S.1–74.

* * * * *

8. By revising the table referred to in Paragraph (b)(1) of § 280.304 to delete the language "Pneumatic and mechanically driven building fasteners.—I Santa—19–73" and insert the following:

§ 280.304 Materials.

(b) * * *

Application and fastening schedule. Power driven, mechanically driven and manually driven fasteners—HUD–FHA Use of Materials Bulletin No. UM–25d.

* * * * *

9. By revising sentence 4 of paragraph (b)(1) or § 280.402 to read as follows:

§ 280.402 Test procedure for roof trusses.

* * * * *

(b) * * *

(1) * * *

The plywood strip shall be nailed with 4d nails or equivalent staples not closer than 8 inches on center along the top chord.

* * * * *

10. By revising the first sentence of paragraph (c)(4) or § 280.403 to read as follows:

§ 280.403 Standard for windows and sliding glass doors used in mobile homes.

(c) * * *

(4) No leakage shall pass the interior face of the test specimen at a test pressure of 2.86 psf (0.55" Water pressure) when tested in accordance with ASTM E–547 with a test cycle consisting of 5 minutes with pressure applied and 1 minute with pressure released, during which the water spray shall be continuously applied. * * *

11. By revising paragraph (c)(4)(ii) or § 280.403 to read as follows:

§ 280.403 Standard for windows and sliding glass doors used in mobile homes.

* * * * *

(c) * * *

(4) * * * (ii) For the purpose of compliance with paragraph (c)(4) penetration, as referenced in ASTM E–547 paragraph 4.3 shall not include drops passing the interior face by energy developed in the bursting of sill drain system bubbles created by a pressure differential applied to the exterior face of the specimen.

12. By revising the last sentence of paragraph (a)(1) of § 280.607 to read as follows:

§ 280.607 Plumbing Fixtures.

(a) * * *

(1) * * * Fixtures shall be permanently marked with the manufacturer's name or trademark.

* * * * *

13. By revising the last clause of the first sentence of paragraph (c)(1) of § 280.611 before paragraph (i) to read as follows:

§ 280.611 Vents and Venting.

* * * * *

(c) * * *

(1) * * *, connected to the toilet drain by one of the following methods:

* * * * *

14. By revising paragraph (c)(1)(ii) of § 280.611 to read as follows:

§ 280.611 Vents and Venting.

* * * * *

(c) * * *

(ii) A 1½ inch diameter (min.) continuous vent or equivalent, indirectly connected to the toilet drain piping within the distance allowed in § 280.611 (c)(5) for 3 inch trap arms through a 2-inch wet vented drain that carries the waste of not more than one fixture, or,

15. By revising paragraph (c)(1)(iii) of § 280.611 to read as follows:

§ 280.611 Vents and venting.

* * * * *

(c) * * *

(iii) Two or more vented drains when at least one is wet-vented, or 2-inch diameter (minimum), and each drain is separately connected to the toilet drain. At least one of the drains shall connect within the distance allowed in § 280.611 (c)(5) for 3-inch trap arms.

* * * * *

16. By revising the title of paragraph (c)(2) of § 280.611 to read as follows:

§ 280.611 Vents and venting.

* * * * *

(c) * * *

(2) Vent Pipe Areas.

* * * * *

17. By revising the second sentence or paragraph (d) of § 280.612 to read as follows:

§ 280.612 Test and inspection.

* * * * *

(d) * * * Each pan shall be filled with water to the top of the dam for not less than 15 minutes without evidence of leakage. * * *

* * * * *

18. By revising paragraph (j) of § 280.804 to read as follows:

§ 280.804 Disconnecting means and branch-circuit protective equipment.

* * * * *

(j) A 3 inch by 1¾ inch minimum size tag made of etched, metal-stamped or embossed brass, stainless steel, anodized or alclad aluminum not less than 0.020 inch thick, or other approved material (e.g., 0.005 inch plastic laminates) shall be permanently affixed on the outside adjacent to the feeder assembly entrance and shall read: This Connection for 120/240 Volt, 3-Pole, 4-Wire, 60 Hertz Ampere Supply. The correct ampere rating shall be marked in the blank space.

* * * * *

18. By revising the next to the last sentence of paragraph (b) or § 280.813 to read as follows:

§ 280.813 Outdoor outlets, Fixtures, Air-conditioning equipment, etc.

* * * * *

(b) * * * The tag shall not be less than 0.020 inch, etched Brass, stainless steel, anodized or alclad aluminum or equivalent or other approved material.

(e.g., .005 inch plastic laminates).

* * * * *

(§§ 604 and 605 of Title VI of P.L. 93-383, 42 U.S.C. 5403 and 542 and § 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Issued at Washington, D.C., May 4, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

DAVID S. COOK,
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. R-76-340]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Interpretative Bulletins

● The purpose of this document is to propose for public comment interpretative bulletins concerning various aspects of mobile home construction as required by Subparts B–I of the Federal Mobile Home Construction and Safety Standards published by the Department of Housing and Urban Development on December 18, 1975, at 40 F.R. 58752. The interpretative bulletins are proposed to clarify the meaning of the standard. ●

The proposed interpretative bulletins published herein provide clarification of various portions of the standard of follows:

Interpretative Bulletin B–1–76 (§ 280.-105) clarifies the dimensional requirements for swinging exterior passage doors.

Interpretative Bulletin B–2–76, (§ 280.-108) indicates that materials used in the construction of an interior door are not covered by the standard except for the flame spread limitations and combustibility required by § 280.203.

Interpretative Bulletin B–3–76 (§ 280.-113) clarifies the standard when an interior door is placed in a hallway.

Interpretative Bulletin C–1–76 (§ 280.-203(a)) provides a list of materials which do not require testing in accordance with ASTM D–84 or ASTM E–162 to determine their flame spread rating. The list provides three categories of material application:

(a) '200' flame spread.
(b) 50 flame spread.
(c) 25 flame spread.

Interpretative Bulletin C–2–76 (§§ 280.-203(a)(3) and 280.203(b)) clarifies the fire protective surfacing requirements for alcove furnace installations and direct vent appliances (i.e., water heater).

Interpretative Bulletin C–3–76 (§ 280.-204) indicates alternative fire protection requirements for combustible overhead kitchen cabinets adjacent to the cooking range.

Interpretative Bulletin C–4–76 (§ 280.-207) limits the applicability of the '75' flame spread rating to the foam plastic contained in ⅜'' exterior siding backing board.

Interpretative Bulletin D–1–76 (§§ 280.303(f) and 280.304) provides a method for determining the allowable design stress values to be used in structural engineering analysis for graded and non-graded 1'' nominal board lumber.

Interpretative Bulletin D–2–76 (§ 280.-305(a)) indicates that carpeting may be placed under non-load bearing interior partitions which are not shear walls.

Interpretive Bulletins D–3–76 thru D–7–76 provide additional guidance for performing structural engineering analysis on wind load resistance, uplift loading including deflection criteria for eaves, interior partition design and application of the increased wind load provision when determining tie-down system resistance.

Interpretative Bulletin D–8–76 (§ 280.-305(g)(2)) provides special conditions and material requirements for the application of a non-absorbent floor covering over a wood flooring or subfloor without a continuous water resistant adhesive application in areas subject to excessive moisture.

Interpretative Bulletin E–1–76 (§ 280.-401(b)) provides an alternate test procedure in lieu of loading the tested member to failure. Qualification for any material is acceptable when the tested member is capable of sustaining a loading of 2.50 × design live load plus the dead load.

Interpretative Bulletin E–2–76 (§ 280.-402(b)(2)) describes truss designs to be evaluated for uplift loading and clarifies the uplift loading application for any eave projection.

Interpretative Bulletin E–3–76 (§ 280.-404) clarifies that rolled-in screens are not permitted in egress windows.

Interpretative Bulletin F–1–76 (§ 280.-504(b)(2)) permits an exterior covering rated less than 5.0 perms provided a vapor barrier is installed on the warm side of the wall.

Interpretative Bulletin G–1–76 (§ 280.-606(b)(4)(iii)) clarifies that the heat type receptacle installed for plumbing protection against freezing, may not be used as the outdoor receptacle required by § 280.806(d)(8).

Interpretative Bulletin G–2–76 (§ 280.-609(b)(1)) defines the acceptable types of master cold water shut-off valves acceptable for installation on the main feeder line of the mobile home or in the water supply line adjacent to the mobile home.

Interpretative Bulletin G–3–76 (§ 280.-611(d)(5)) clarifies acceptable material for the cap, housing, and operating mechanisms of the device.

Interpretative Bulletin H–1–76 (§ 280.-709(a)(1)) and H–2–76 (§ 280.709(e)(6)) clarify the manufacturer's requirements when designing a mobile home for an external heating/cooling system.

Interpretative Bulletin H–3–76 (§ 280.-709(f)) clarifies that the overhead cabinet clearance to the cook top of 24 inches is measured to the bottom of the cabinet and not the bottom of the range hood.

Interpretative Bulletin I–1–76 (§ 280.-808(n)) permits installation of "snap-in" type boxes without the use of a structural brace whenever the listing of the device permits installation directly to the wall paneling.

Interpretative Bulletin I–2–76 (§ 280.-813(a)) requires that a wall switched exterior lighting outlet be provided adjacent to each exterior door.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the address below.

It is hereby certified that the economic and inflationary impacts of the proposed rule have been carefully evaluated in accordance with OMB circular A–107.

Interested persons may participate in the rulemaking by submitting written data, views, or arguments to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Comments received by June 10, 1976, will be considered before final action is taken on these proposed interpretations.

All written comments except those determined to be exempt by the Department under the Privacy Act and the National Mobile Home Construction and Safety Standards Act of 1974 (U.S.C.) shall be available for examination by the public at the above address.

These standards are proposed for adoption as an amendment to Chapter II because, at the time of adoption, the Title VI Mobile Home Program was the responsibility of the Assistant Secretary for Housing Production and Mortgage Credit whose regulations appear in that Chapter. Since that time the Department has established a new Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions, and a new Chapter XX is being adopted by a separate document published concurrently with this change. However, there is an urgent need to make both the amendments and the related interpretative bulletins effective in sufficient time for manufacturers to adapt their production to the proposed changes approximately six weeks prior to the statutory date these standards become effective on June 15, 1976. This scheduling requires publication in early May and, since recodification of these standards is not administratively feasible in such a limited time, these amendments and bulletins are being issued under Chapter II. for this reason they bear the signature both of the Assistant Secretary for Consumer Affairs and Regulatory Functions as issuing officer and also the signature of the Assistant Secretary for Housing Production and Mortgage Credit who is responsible for all amendment to Chapter II. It is intended to recodify these standards under Chapter XX as Part 3280 in the near future.

Accordingly, it is proposed to interpret 24 CFR part 280, as published on December 18, 1975, as follows:

INDEX

INTERPRETATIVE BULLETIN B-1-76

Swinging Exterior Passage Door Dimensions—§ 280.105.

For swinging exterior passage doors, the dimensions required by this section may be determined by measuring the door itself. However, the door stops may not reduce the clear opening to less than 27" x 73" in dimension.

INTERPRETATIVE BULLETIN B-2-76

Interior Door Construction—§§ 280.108 and 280.304.

The standard does not have specific requirements for materials used in the construction of interior doors, other than the flame spread and combustibility limitations of § 280.203 and the requirements for a privacy lock for bathroom and toilet compartment doors in § 280.107 and for passage hardware when installed on interior doors in accordance with § 280.108.

INTERPRETATIVE BULLETIN B-3-76

Interior Door in a Hallway—§ 280.113.

An interior door placed in a hallway or extension of a hallway providing egress from the mobile home, shall provide a minimum 90 degree door swing and a minimum clear width opening for egress of 27".

INTERPRETATIVE BULLETIN C-1-76

List of Materials not Requiring Flame Spread Certification—§ 280.203(a).

The surface flame spread rating of the following classification of building materials need not be tested in accordance with ASTM E-84 or ASTM E-162 (sections (4) and (6) only), unless a lower flame spread rating for the material application below is desired:

Material application—200' flame spread rating:

(1) Painted metal
(2) 1/4" or thicker plywood
(3) 1/4" or thicker asbestos millboard
(4) Dimension lumber (1" nominal boards or thicker)
(5) 5/16" gypsum wall board or thicker (both latex and alkyd painted)
(6) 1/4" or thicker hardboard (60 pcf, incl. vinyl faced)
(7) Wall papered 5/16" gypsum wallboard or thicker
(8) Ceramic tile
(9) 1/16" or thicker vinyl counter top
(10) 3/8" or thicker unfinished particleboard

INTERPRETATIVE BULLETIN C-1-76

List of Materials not Requiring Flame Spread Certification—§ 280.203(a).

Material application—50 flame spread rating:

(1) Painted metal
(2) 1/4" or thicker asbestos millboard
(3) Acoustic tile mineral base
(4) 5/16" or thicker gypsum wallboard (both latex and alkyd painted)
(5) Ceramic tile
(6) 1/16" or thicker vinyl counter top

Material application—25' flame spread rating:

(1) Painted metal
(2) 1/4" or thicker asbestos millboard
(3) Acoustic tile mineral base
(4) 5/16" or thicker gypsum wallboard (both latex and alkyd painted)
(5) Ceramic tile

The above listed material applications do not waive the combustibility requirements of section 280.203(b) or section 280.204 as required by this standard.

INTERPRETATIVE BULLETIN C-2-76

Fire Protection for Furnace and Water Heater Spaces—§§ 280.203(a)(3) and 280.203(b).

A furnace listed for an alcove installation may be installed without a door to the enclosure, but if a door is provided, it shall be surfaced with 5/16" gypsum or a material having equivalent fire protective properties.

The 5/16" gypsum board surface may be interrupted on a door to the enclosure containing louvers necessary for ventilation of the enclosure.

All furnace and water heater spaces, regardless of the type of appliances (including the direct vent or sealed combustion type), shall be surfaced with 5/16" gypsum board or equivalent material.

INTERPRETATIVE BULLETIN C-3-76

Combustible Kitchen Cabinet Protection—§ 280.204.

The exposed bottom, end panel, and sides of overhead combustible kitchen cabinets within a space of 6 horizontal inches from the side of the cooking range, may in lieu of 1/4" thick asbestos millboard covered with 26 gage sheet metal, be protected with an exterior finish material having a flame spread rating not to exceed 50 and a combustibility of 5/16" gypsum board or material having equivalent fire protective properties.

Combustible kitchen cabinets over the cooking range shall be protected as required by this section. The 26 gage sheet metal covering for the 1/4" thick asbestos millboard may be the metal hood or any extensions thereof required over the cooking range itself.

INTERPRETATIVE BULLETIN C-4-76

3/8" Maximum Foam Plastic Siding Backer Board—§ 280.207(b).

The maximum allowed flame spread rating of 75 or less as determined by ASTM E-84 is only applicable to the foam plastic contained in the 3/8" siding backer board or sheathing. The 75 or less flame spread rating is not applicable to the outer covering of the sheathing containing the foam plastic (i.e. liner material, etc.).

INTERPRETATIVE BULLETIN D-1-76

Allowable Design Stresses for 1" Nominal Lumber—§§ 280.303(f) and 280.304.

Allowable design stresses for 1" nominal board lumber may be assigned from the recommended design values shown for size classification 2" to 4" thick and 2" to 4" wide in the national design specification for stress graded lumber and its fastening when one of the following applies:

(1) Each structural light framing member is graded (identified) as conforming to stress rated board criteria by a nationally recognized grading agency, or

(2) A quality control program is established to visually determine that non-graded (non-identified) members or grade stamped lumber which have been ripped after grading demonstrates characteristics equivalent to stress rated boards of the species and grade being evaluated. The IPIA shall assure that the quality of non-graded stamped members used is adequate.

INTERPRETATIVE BULLETIN D-2-76

Carpet Application—§ 280.305(a).

Carpeting may be placed under non-load bearing interior partitions which are not shear walls.

INTERPRETATIVE BULLETIN D-3-76

Structural Design Criteria—Wind Load—§ 280.305(b)

The design horizontal wind load required by §§ 280.305(c)(1) and (2) may be determined without including the vertical roof projection of the mobile home.

INTERPRETATIVE BULLETIN D-4-76

Structural Design Criteria—"Net" Uplift—§§ 280.305(c)(1) and 280.305(c)(2)

"Net" uplift roof loading means the design wind uplift load (9 PSF, 15 PSF) which may not be reduced by the dead load of the roof structure for purposes of engineering design or structural load testing.

INTERPRETATIVE BULLETIN D-5-76

Structural Design Criteria—§ 280.305(d).

The allowable eave or cornice deflection for uplift is to be measured at the design uplift load (9 PSF, 15 PSF). The allowable deflection shall be $(2 \times 1_e/180$ where 1_e is the horizontal eave projection from the exterior wall.

INTERPRETATIVE BULLETIN D-6-76

Structural Design Criteria—Interior Partitions—§ 280.305(f)(2).

An allowable stress increase of 1.33 times the permitted normal design stress may be used in the design of wood framed partitions to resist the 5 PSF horizontal loading requirement of § 280.305(f)(2).

INTERPRETATIVE BULLETIN D–7–76

Structural Design Criteria—Tie-down Systems—§ 280.306(d).

The 50% increase in the wind load is only applicable to the design of the tie-down system and is not to be applied to the design of the mobile home structure. Wind loading effects for purpose of this section shall be 1.5 X horizontal wind load (15 PSF, 25 PSF) and roof uplift load (9 PSF, 15 PSF). When determining the effects of wind overturning and sliding to evaluate the tie-down system, the 50% wind load factor is to be applied simultaneously to both the vertical building projection as horizontal wind load and across the surface of the full roof structure as uplift loading. No additional shape or location factors need be applied in the design of the tie-down system. The dead load of the structure may be used to resist the above wind loading effects.

INTERPRETATIVE BULLETIN D–8–76

Floor Covering Application in areas subject to excessive moisture—§ 280.305(g)(2).

In kitchens, bathrooms (including toilet compartments), laundry rooms, water heater compartments, and other areas subject to excessive moisture, wood, wood fibre, or plywood floors or subfloors may be protected with a non-absorbent floor covering without a continuous application of water resistant adhesive when the covering is:

(i) A continuous membrane with any seams or patches seam bonded or welded to preserve the continuity of the floor covering.

(ii) Protected at all penetrations in these areas by sealing with a compatible water resistant adhesive to prevent moisture from migrating under the non-absorbent floor covering.

(iii) Fastened around the perimeter to the subfloor in accordance with the floor covering manufacturer's instructions.

INTERPRETATIVE BULLETIN E–1–76

Alternative Test Procedure in Lieu of Testing to Failure; Allowable Design Live Load Determination for Tested Assemblies—§ 280.401(b)

In lieu of testing to failure under the ultimate test procedure, the qualification of any material, component, assembly or subassembly may be determined by the capability of each tested member to sustain a minimum test loading of 2.50 × the design live load plus the dead load in addition to meeting the deflection criteria at design live load.

To qualify under this section, no material, component, assembly or sub-assembly shall indicate failure prior to a test load of 2.50 × design live load plus the dead load.

The allowable design live load for any material, component, assembly or subassembly tested in accordance with the provisions of this section may be determined by:

(1) Determining the average ultimate loading which may be no less than 2.50 × design live load plus the dead load.

(2) Deduct the dead load from the average ultimate loading.

(3) Divide by 2.50.

$$\text{Allowable design live load} = (\text{average ultimate load} - \text{dead load})/2.50$$

INTERPRETATIVE BULLETIN E–2–76

Uplift Testing—§ 280.402(b)(2).

Trussed rafter designs require uplift testing when web or chord members are composed of metal straps or other materials or shapes which are designed to take only tensile or pending stresses in vertical loading conditions.

The total uplift load required for testing truss designs with eaves for compliance with § 280.305(c)(3)(iii) is 4.375 × design uplift load, specified in § 280.305(c)(1) and (2). (2.5 × 1.75 × design uplift load 9 PSF or 15 PSF). The section of the truss supported between the eave(s) is to be tested to 1.75 × design uplift (9 PSF or 15 PSF). Eaves or cornices may also be tested utilizing the above described procedures.

INTERPRETATIVE BULLETIN E–3–76

Egress Windows—§ 280.404

Integral rolled-in screens are not permitted in egress windows.

INTERPRETATIVE BULLETIN F–1–76

Condensation Control—Exterior Sheathing—§ 280.504(b)(2).

An exterior covering and/or sheathing may have an combined permeance of less than 5.0 perms, provided that there is a vapor barrier of one perm or less on the warm side of the wall.

INTERPRETATIVE BULLETIN G–1–76

Heat Tape Receptacle—§§ 280.603(b)(4)(iii) and 280.806(d)(8).

The "heat tape receptacle required by § 280.603(b)(4)(iii) may not be used for satisfying the requirement for an outdoor receptacle as stipulated in § 280.806(d)(8)."

INTERPRETATIVE BULLETIN G–2–76

Master Cold Water Shut-off Valve—§ 280.609(b)(1).

The master cold water shut-off full flow valve required to be provided in an accessible location on the main feeder line of the mobile home, or installed in the water supply line adjacent to the mobile home, shall be either a full port gate valve or a full port ball valve, and have threated or solder joints.

INTERPRETATIVE BULLETIN G–3–76

Anti-siphon Trap Vent Device—Materials—§ 280.611(d)(5).

Material for the anti-siphon trap vent device may be any of those materials listed by this section. However, when a spring is used to operate the closing member of the device, it shall be of stainless steel wire type 302.

INTERPRETATIVE BULLETIN H–1–76

Provision of exterior furnace/air conditioning appliance—§ 280.709(a)(1).

When an exterior furnace and/or air-conditioning appliance is to be field installed, the mobile home manufacturer is not required to provide said appliance(s).

INTERPRETATIVE BULLETIN H–2–76

Preparation of Mobile Home for External Heating/Cooling System—§ 280.709(e)(6).

The preparation by the manufacturer for connection to the mobile home supply and return air system, shall include all fittings and connection ducts to the main duct and return air system such that the installer is only required to provide: (i) the appliance, (ii) any appliance connections to the mobile home, (iii) the connecting duct between the external appliance and the fitting installed on the mobile home by the manufacturer.

INTERPRETATIVE BULLETIN H–3–76

Vertical Clearance over Cooking Top—§ 280.709(f).

The 24" minimum clearance above the cooking top is measured to the bottom of the combustible cabinet, not the range hood.

INTERPRETATIVE BULLETIN I–1–76

Installation of "Snap-in": Type Boxes—§ 280.808(n).

Snap-in type boxes whose listing permits installation directly to wall paneling, may be installed without structural bracing.

INTERPRETATIVE BULLETIN I–2–76

Exterior Lighting Outlet Requirements—§ 280.813(a).

A well switched controlled exterior lighting outlet is required at each exterior entrance door to the mobile home in accordance with paragraph 210–26 of the National Electrical Code (NFPA No. 70–1975).

(§§ 604 and 605 of Title VI of P.O. 42 U.S.C. 5403 and 5424 and § 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., May 4, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit.

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[Docket No. R–76–340]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Proposed Interpretative Bulletin J–1–76

• The purpose of this document is to propose for public comment an interpretative bulletin concerning the transportation aspects of mobile home construction which are covered by Subpart J of the Federal Mobile Home Construction and Safety Standards published by the Department of Housing and Urban Development on December 18, 1975 at 40 F.R. 58752. The interpretative bulletin is proposed to clarify the meaning of the standard. •

This proposed interpretative bulletin J–1–76 on transportation provides guides for:

(1) Engineering analysis of in-transit loading conditions;

(2) Documented evidence of transportation experience; and

(3) Axle, tire and brake assembly requirements.

The Department of Transportation (DOT) has published final regulations related to the selection of tires for mobile homes (41 F.R. 3478, Jan. 23, 1976). Those DOT regulations, Federal Motor Vehicle Safety Standard No. 120 will become effective on September 1, 1976. The Department of Housing and Urban Development's final mobile home construction and safety standard, 40 F.R. 48751, subpart J, also regulates certain aspects of mobile home transportation, including tires, wheels and rims.

In the period until September 1, 1976, the effective date of the DOT standard, HUD proposes in this interpretative bulletin to permit tire load ratings for mobile homes subject to the HUD standard to be determined by adding a service load factor of 50% to the mobile home tire rating indicated in the 1975 edition of the Tire and Rim Association Handbook.

HUD's Disaster Mobile Home Program provides emergency mobile homes in the event of a national disaster. In that program, HUD has had substantial

experience with the transportation of mobile homes. Based on this experience, and the absence of other data indicating that a substantial departure from current industry practice for tire selection is warranted during the interim period until September 1, 1976. HUD has proposed tire selection provisions in this interpretative bulletin that essentially would permit current industry practice to be utilized until September 1, 1976.

A separate HUD interpretative bulletin establishing guidelines for the period after September 1, 1976, for the selection of tires for mobile homes will be proposed for public comment after continued consultation between HUD and DOT prior to September 1, 1976. The bulletin will be published for comment as soon as possible and every effort will be made in it to assure that adequate lead time will be extended to comply with new requirements, if any, that may be established therein.

Other portions of the proposed interpretative bulletin offer guidelines related to mobile home axles, lights and associated wiring, design methods, assumptions and considerations, and general requirements for designing homes to withstand shock and vibration.

HUD will conduct a transportation research program to develop;

(1) more exacting techniques and analytical methods for predicting the response of the mobile home to primary and secondary movements; and

(2) possible revisions to Subpart J.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the address below.

It is hereby certified that the economic and inflationary impacts of the proposed rule have been carefully evaluated in accordance with OMB circular A–107.

Interested persons may participate in this rulemaking by submitting written data, views, or arguments to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Comments received by June 10, 1976, will be considered before final action is taken on these proposed interpretations.

All written comments except those determined to be exempt by the Department under the Privacy Act and the National Mobile Home Construction and Safety Standards Act of 1974 (U.S.C.) shall be available for examination by the public at the above address.

These standards are proposed for adoption as an amendment to Chapter II because, at the time of adoption, the Title VI Mobile Home Program was the responsibility of the Assistant Secretary for Housing Production and Mortgage Credit whose regulations appear in that Chapter. Since that time the Department has established a new Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions, and a new Chapter XX is being adopted by a separate document published concurrently with this change. However, there is an urgent need to make both the amendments and the related interpretative bulletins effective in sufficient time for manufacturers to adapt their production to the proposed changes approximately six weeks prior to the statutory date these standards become effective on June 15, 1976. This scheduling requires publication in early May and, since recodification of these standards is not administratively feasible in such a limited time, these amendments and bulletins are being issued under Chapter II. For this reason they bear the signature both of the Assistant Secretary for Consumer Affairs and Regulatory Functions as issuing officer and also the signature of the Assistant Secretary for Housing Production and Mortgage Credit who is responsible for all amendments to Chapter II. It is intended to recodify these standards under Chapter XX as Part 3280 in the near future.

Accordingly, it is proposed to interpret 24 CFR part 280, as published on December 18, 1975, as follows:

Submission of False or Misleading Data. The submission of false or misleading data in response to the requirements of sections 280.903(c)(2), 280.904(b)(6) and 280.904(b)(9)(i) may result in the imposition of civil or criminal penalties under the provisions of 611 of the Act or other appropriate provisions of law.

§ 280.903(c)(2) General requirements for designing the structure to withstand transportation, shocks, and vibration.

Documented evidence such as service records or other documents certified to by duly authorized personnel of the manufacturer, is acceptable for compliance with this section when failures related to chassis damage (i.e., frame or drawbar damage, running gear failure, etc.) and/or body failure due to transportation loading, do not exceed 1% of the total number of units ("Floors") transported upon that chassis. Latent damage failures resulting from primary or secondary movement (i.e., racked windows and doors, damage not related to improper siting or leveling of the mobile home, etc.) shall also be included in determining the 1% maximum failure level. If the manufacturer does not have or cannot provide actual records of latent damage history, the manufacturer shall provide a statement that, to his knowledge, no latent damage has occurred as a result of transportation.

§ 280.903(c)–280.904(b)(3) Structural Calculation Guidelines for In-Transit Conditions in Mobile Homes.

General. The following engineering guidelines are a description of methods and design assumptions which may be used for evaluation of in-transit loading conditions. These guidelines are directed at the design of the longitudinal, structural components of the mobile home (i.e., main chassis girder beam, the sidewall, rim joist, etc.), since transportation loadings are ordinarily critical in the longitudinal dirdection. HUD recognizes the complexity and variety of design assumptions and techniques which may be used in evaluating in-transit loading conditions. These interim guidelines are offered only as an initial means for determining compliance with this section.

DESIGN METHODS AND ASSUMPTIONS

Design Loading. The summation of the following loadings may be used to determine the adequacy of the chassis in conjunction with the mobile home structure to resist in-transit loading:

(a) Dead load—the vertical load due to the weight of all structural and nonstructural components of the mobile home at the time of shipment.

(b) Floor load—a minimum of 3 pounds per sq. ft.

(c) Dynamic loading effect—(0.25)[(a)+(b)].

However, the in-transit design loading need not exceed twice the dead load of the mobile home.

Design Considerations. To determine the adequacy of individual longitudinal structural components to resist the in-transit design loading, a load distribution on the basis of relative flexural and shear stiffness to each component may be utilized.

For the purpose of loading distribution, the sidewall may be considered acting as a "deep beam" in conjunction with other load carrying elements in determining the relative stiffness of the integrated structure. Further, by proper precambering of the chassis assembly, additional loading may be distributed to each of the load carrying components by the relative stiffness principle.

In addition, the analysis should include consideration for:

(1) Window and door opening location in the sidewall and when appropriate, provisions for reinforcement of the structure and/or chassis at the opening.

(2) Sidewall component member sizing and joint-splice analysis (i.e., top plate, etc.) connections between load carrying elements.

§ *280.904(b)(6) Axles.* Unless substantiated in the design to the satisfaction of the approval agency (DAPIA) by either engineering analysis, load tests, or documented evidence of action transportation experience, there shall be no less than the following minimum number of 6000# rated axles with not less than the mobile home rated tires indicated in Table 1 and Table 2, on each mobile home or floor section of a multiple unit mobile home:

TABLE 1

Length of mobile home (12 ft. wide): [1]	Axles [2]
To 60 ft. maximum	2
Greater than 60 ft. to 80 ft. maximum	3
Length of mobile home (14 ft. wide):	
To 52 ft. maximum	2
To 76 ft. maximum	3
To 80 ft. maximum	4

TABLE 2

Length of mobile home (12 ft. wide): [1]	Axles [2]
To 65 ft. maximum	2
Greater than 65 ft. to 80 ft. maximum	3
Length of mobile home (14 ft. wide): [1]	
To 56 ft. maximum	2
Greater than 56 ft. to 80 ft. maximum	3

[1] Length of a mobile home is the "length" as defined in § 280.902(b).

[2] Number of 6,000 lb. rated axles equipped with 7 x 14.5 mobile home 8-ply tires.

[3] Number of 6,000 lb. rated axles equipped with 8 x 14.5 mobile home 8-ply or 10-ply rated tires.

Determination of the number of axles required by use of the above tables does not eliminate the requirement for each axle to be capable of withstanding the actual imposed dead load without exceeding the maximum allowable stresses for design axle life as recommended by the axle manufacturer, or the maximum tire load rating in § 280.904(b)(8). In the event a manufacturer has submitted documented evidence of transportation experience to meet the requirements of § 280.903(c)(2), the minimum number of axles required by the experience record may not be reduced by use of the above tables. (The number of axles must be consistent and no less than the number and rating of the axles indicated in the experience record.)

§ 280.904(b)(8) Tires, Wheels, and Rims. Until September 1, 1976: (1) Tires shall be sized and fitted to axles in accordance with the gross axle weight rating determined by the mobile home manufacturer;

(2) The permissible tire load rating may be determined utilizing a service load factor not to exceed 50% of the mobile home tire load limits specified in MH–1 of the Tire and Rim Association Handbook (1975 edition). For example, for a 7x14.5 mobile home 8 ply tire @ 70 PSI, the tire load rating would be 1870# x 1.5=2805#; and

(3) Used tires may also be sized and utilized in accordance with the above criteria. However, the final determination as to whether the particular used tires mounted on a mobile home are acceptable for transport shall be the decision of the motor carrier (hauler).

Wheels and rims shall be sized in accordance with the tire manufacturer's recommendations.

§ 280.904(b)(9) Brake Assemblies. Unless substantiated in the design to the satisfaction of the approval agency by either engineering analysis, or those alternatives listed in § 280.903(c)(1) and (2), there shall be a minimum of two axles equipped with brake assemblies on each mobile home floor or unit.

Whenever tests are used to verify the maximum stopping distance requirements, the maximum stopping distance of 40 feet from an initial velocity of 20 MPH may not be exceeded. The tests shall be made utilizing the actual combinations of running gear equipment to be used by the manufacturer in production.

Regardless of the method of substantiation, any substitution of equipment by the manufacturer shall be approved by the DAPIA, and have a rating no less than the equipment being replaced.

§ 280.904(b)(10) Lights and Associated Wiring. Federal Motor Vehicle Safety Standard No. 108 shall be deemed the applicable Federal standard to be used for location and performance of highway safety electrical lights and associated wiring for determining compliance with this section.

(§§ 604 and 605 of Title VI of P.O. 42 U.S.C. 5403 and 5424 and § 7(d), Department of highway safety electrical lights and associated wiring for determining compliance with this section.

Issued at Washington, D.C. on May 4, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.76–13506 Filed 5–5–76;3:32 pm]

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