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federal register

TUESDAY, OCTOBER 12, 1976

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Monday	Tuesday	Wednesday	Thursday	Friday
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	HEW/FDA			HEW/FDA

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

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

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

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

Title 9—Animals and Animal Products

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

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

Requirements for Expiration Date, and Disposal of Unsatisfactory Products and Byproducts

• *Purpose:* To restate the importance of the expiration date assigned to each serial or subserial. •

Statement of Considerations: "Expiration date" as defined in § 101.4(f) means a date designating the end of the period during which a biological product, when properly stored and handled, can be expected with reasonable certainty, to be efficacious. The criteria by which this date is determined is prescribed in § 114.13 or § 114.14.

Use of a biological product subsequent to the expiration date would be subjecting the animal to a product of unknown value because the conditions under which such a product has been maintained during the dating period are also unknown. Testing at this point would have to be on a 100 percent basis and would be impractical since the product would no longer be available for use after testing.

In a new § 114.12, the importance of the expiration date is emphasized. After the expiration date, the product shall be considered worthless and should be destroyed as provided in the revised § 114.15.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158) Part 114, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by making the following administrative changes:

Part 114 is amended by revising § 114.12 and § 114.15 to read:

§ 114.12 Expiration date required.

Each serial or subserial of biological product prepared in a licensed establishment shall be given an expiration date determined in accordance with the requirements provided in § 114.13 or § 114.14. A licensed biological product shall be considered worthless under the Virus-Serum-Toxin Act subsequent to the expiration date appearing on the label.

§ 114.15 Disposal of unsatisfactory products and byproducts.

All biological products found to be unsatisfactory for marketing, all biological products which have become worthless subsequent to the expiration date, all refuse, other materials deemed unsatisfactory for production purposes, all carcasses (part or whole) of production or test animals, and any undesirable byproducts of manufacture shall be disposed of as may be required by the Deputy Administrator.

(21 U.S.C. 151 and 154; 37 FR 38477; 38 FR 19141.)

These amendments clarify the administrative procedures used in the veterinary biologics control program administered in accordance with the Virus-Serum-Toxin Act. In order to be of maximum benefit, they must be made effective immediately.

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

The foregoing amendments shall become effective October 12, 1976.

Done at Washington, D.C., this 7th day of October 1976.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76-29935 Filed 10-8-76;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

Filing of Annual Financial and Statistical Reports

On page 14792 of the April 7, 1976, edition of the FEDERAL REGISTER (41 FR 14792), a proposal to revise Part 701.13 (12 CFR 701.13) was published. The purpose of the proposal is to require the filing of the annual Financial and Statistical report on Form NCUA 5300 to the Central Office of the National Credit Union Administration, rather than to the Regional Offices. The proposed revision also combined redundant paragraphs (b) and (c). Interested persons were given until May 7, 1976, to submit written comments, suggestions, and objections regarding the proposed revision. As a result of the comments, the following change has been made:

§ 701.13 Financial and statistical and other reports.

The due date for filing the annual Financial and Statistical report on Form NCUA 5300 to the National Credit Union Administration has been changed from January 15 to January 31.

Accordingly, with the above change, the proposed § 701.13 is adopted as set forth below, effective immediately.

C. AUSTIN MONTGOMERY,
Administrator.

OCTOBER 4, 1976.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).)

§ 701.13 Financial and statistical and other reports.

(a) Each operating Federal credit union shall file with the National Credit Union Administration on or before January 31 of each year an annual Financial and Statistical report on Form NCUA 5300 as of the previous December 31. Form NCUA 5300 is furnished to all Federal credit unions by the Administration, and copies may be obtained from any Regional Office.

(b) When it is deemed necessary or desirable and upon written notice from the Administrator or Regional Director, Federal credit unions shall file, in accordance with instructions contained in such notice as to time and place, such financial or other reports as of such date or dates as shall be prescribed in such notice.

[FR Doc.76-29846 Filed 10-8-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 76-WE-27]

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

Alteration of Control Zone

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the San Bernardino, California, (Norton AFB) control zone. •

The control zone is described in part by reference to the ILS outer marker. The United States Air Force has advised that the outer marker has been decommissioned. This will require an editorial change in the description of the control zone by substituting a reference to the Pettis NDB in lieu of the outer marker. Additionally, an editorial change is necessary to correct the reference to Redland, California to read, Redlands, California.

Since the amendment is editorial in nature, involves no change in airspace boundaries, and imposes no additional

burden on any person, notice and public procedure thereon is unnecessary and the amendment may be effective in less than 30 days.

In consideration of the foregoing in § 71.171 (41 FR 355) the description of the San Bernardino, California (Norton AFB) control zone is amended in part as follows: Delete the reference "* * * of the OM, * * *" and substitute "* * * of Pettis NDB, * * *" and correct "Redland" to read "Redlands" in the text.

Effective date. This amendment shall be effective November 4, 1976.

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

Issued in Los Angeles, Calif., on September 30, 1976.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.76-29765 Filed 10-8-76;8:45 am]

[Airspace Docket No. 76-GL-21]

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

Alteration and Extension of VOR Airway; Correction

In FR Doc. 76-25671 appearing at page 37099 in the FEDERAL REGISTER of September 2, 1976, paragraph 2 of § 71.123 is corrected in the fourth line of that paragraph by correcting "108°" to "117°" immediately following the word "Manitoba," and immediately before the word "radials".

Issued in Washington, D.C., on September 30, 1976.

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

[FR Doc.76-29851 Filed 10-8-76;8:45 am]

[Airspace Docket No. 76-RM-14]

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

Alteration and Extension of VOR Airway; Correction

In FR Doc. 76-23926 appearing at page 35059 in the FEDERAL REGISTER of August 19, 1976, the penultimate paragraph is corrected by deleting "Cherokee, Wyo.; Meeker, Colo.; Grand Junction, Colo.;" and substituting "From Grand Junction, Colo.; via Meeker, Colo.; Cherokee, Wyo.;" therefor.

Issued in Washington, D.C., on September 30, 1976.

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

[FR Doc.76-29852 Filed 10-8-76;8:45 am]

[Airspace Docket No. 76-SW-42]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a transition area at Anahuac, Tex.

On August 12, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 34077) stating the Federal Aviation Administration proposed to designate a transition area at Anahuac, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

§ 71.181 (41 FR 440), the following transition area is added:

ANAHUAC, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chambers County Airport (latitude 29°46'12" N., longitude 94°39'51" W.) and within 3 miles each side of the 137° bearing from the Chambers County RBN (latitude 29°46'23" N., longitude 94°39'47" W.) extending from the 5-mile-radius area to 8.5 miles southeast of the RBN.

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

Issued in Fort Worth, Tex., on September 27, 1976.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.76-29854 Filed 10-8-76;8:45 am]

[Airspace Docket No. 76-WA-6]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Extension and Designation of Jet Routes

On June 1, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 22095) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would establish nine jet routes and extend five existing jet routes.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

§ 75.100 (41 FR 704) is amended as follows:

In J-39 the title is deleted and in the "Dickinson, N. Dak., via" is deleted and "Mullan Pass, Idaho, via Great Falls, Mont.; Dickinson, N. Dak.;" is substituted therefor.

In J-136 the title is deleted and in the text "to Spokane, Wash." is deleted and "Spokane, Wash.; Mullan Pass, Idaho; INT Mullan Pass 101° and Billings, Mont., 301° radials; to Billings." is substituted therefor.

In J-151 the title is deleted and in the text "to Billings, Mont." is deleted and "Billings, Mont.; INT Billings 266° and Whitehall, Mont., 103° radials; to Whitehall." is substituted therefor.

In J-154 the title is deleted and in the text "Battle Mountain, Nev., via" is deleted and "Sacramento, Calif., via INT Sacramento 048° and Battle Mountain, Nev., 253° radials; Battle Mountain;" is substituted therefor.

In J-158 the title is deleted and in the text "to Malad City, Idaho." is deleted and "Malad City, Idaho; INT Malad City 087° and Casper, Wyo., 241° radials; Casper; Rapid City, S. Dak.; to Aberdeen, S. Dak." is substituted therefor.

Add:

J-196 From Bryce Canyon, Utah, via INT Bryce Canyon 048° T and Meeker, Colo., 247° T radials; to Meeker.

J-197 From Gunnison, Colo., via INT Gunnison 083° T and Goodland, Kans., 251° T radials; Goodland; Wolbach, Nebr.; to Sioux Falls, S. Dak.

J-198 From Linden, Calif., via INT Linden 063° T and Mina, Nev., 298° T radials; Mina; Wilson Creek, Nev.; INT Wilson Creek 075° T and Meeker, Colo., 247° T radials; to Meeker.

J-199 From Wilson Creek, Nev., via Delta, Utah; INT Delta 068° T and Meeker, Colo., 262° T radials; to Meeker.

J-200 From Linden, Calif., via INT Linden 021° T and Sacramento, Calif., 048° T radials; INT Sacramento 048° T and Battle Mountain, Nev., 253° T radials; to Battle Mountain.

J-201 From Myton, Utah, via INT Myton 056° T and Rock Springs, Wyo., 084° T radials; to Scottsbluff, Nebr.

J-202 From Fairfield, Utah, via INT Fairfield 026° T and Rock Springs, Wyo., 249° T radials; Rock Springs; to Casper, Wyo.

J-203 From Billings, Mont., via INT Billings 347° T and Great Falls, Mont., 092° T radials; to Great Falls.

J-204 From Dupree, S. Dak., via Miles City, Mont.; INT Miles City 295° T and Great Falls, Mont., 092° T radials; to Great Falls.

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

Issued in Washington, D.C., on September 30, 1976.

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

[FR Doc.76-29853 Filed 10-8-76;8:45 am]

[Docket No. 16195; Amdt. No. 1041]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPSs) that were recently adopted by the

Administrator to promote safety at the airports concerned.

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, effective November 18, 1976.

Tallahassee, FL—Tallahassee Muni. Arpt., VOR Rwy 18, Amdt. 4
Douglas, GA—Douglas Muni. Arpt., VOR–A, Amdt. 1
Dublin, GA—Dublin Muni. Arpt., VOR Rwy 26, Amdt. 2
Eastman, GA—Eastman-Dodge County Arpt., VOR/DME–A, Amdt. 2
Spencer, IA—Spencer Muni. Arpt., VOR Rwy 11, Amdt. 1
Spencer, IA—Spencer Muni. Arpt., VOR Rwy 29, Amdt. 1
Paducah, KY—Barkley Arpt., VOR Rwy 4, Amdt. 11
New Orleans, LA—New Orleans Int'l (Moisant Field), VOR–A(TAC), Amdt. 10
Westminister, MD—Westminster Arpt., VOR Rwy 36, Amdt. 3
Elko, NV—Elko Municipal Arpt., VOR–A, Amdt. 2
Bridgeport, NJ—Bridgeport Arpt., VOR Rwy 34, Amdt. 5
Rochester, NY—Rochester-Monroe County Arpt., VOR Rwy 1, Amdt. 14, cancelled
State College, PA—State College Air Depot, VOR–A, Amdt. 5
Wellsboro, PA—Grand Canyon State Arpt., VOR–A, Amdt. 3
Stephenville, TX—Clark Field Muni. Arpt., VOR/DME–A, Amdt. 1
Lake Geneva, WI—Playboy Arpt., VOR Rwy 23, Amdt. 3
Lone Rock, WI—Tri-County Arpt., VOR–A, Amdt. 1

* * * *effective November 11, 1976.*

Albany, NY—Albany County Arpt., VOR Rwy 1, Amdt. 13
Albany, NY—Albany County Arpt., VOR Rwy 19, Amdt. 13
Albany, NY—Albany County Arpt., VOR Rwy 28, Amdt. 1
Albany, NY—Albany County Arpt., VOR/DME Rwy 1, Amdt. 5

* * * *effective October 28, 1976.*

New York, NY—John F. Kennedy Int'l Arpt., VOR Rwy 13L/R, Amdt. 12

* * * *effective September 27, 1976.*

Panama City, FL—Panama City-Bay County Arpt., VOR Rwy 14, Amdt. 8

* * * *effective September 23, 1976.*

Walnut Ridge, AR—Walnut Ridge Regional Arpt., VOR/DME Rwy 22, Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, effective November 18, 1976.

Tallahassee, FL—Tallahassee Muni, Arpt., LOC(BC) Rwy 18, Amdt. 9
Ashland, KY—Ashland-Boyd County Arpt., SDF Rwy 10, Original
New Orleans, LA—New Orleans Int'l (Moisant Field), LOC(BC) Rwy 19, Amdt. 3
New Orleans, LA—New Orleans Int'l (Moisant Field), LOC(BC) Rwy 28, Amdt. 7
Portland, OR—Portland Int'l Arpt., LOC Rwy 20, Original, cancelled
Portland, OR—Portland Int'l Arpt., LOC/DME Rwy 20, Amdt. 2
Middletown, PA—Harrisburg Int'l Arpt. Olmsted State, LOC(BC) Rwy 31, Amdt. 3
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Int'l Arpt., LOC(BC) Rwy 22, Amdt. 4

* * * *effective September 23, 1976.*

Brunswick, GA—Brunswick-Golden Isles Muni. Arpt., LOC Rwy 7, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective November 18, 1976.

Tallahassee, FL—Tallahassee Muni. Arpt., NDB Rwy 36, Amdt. 13
Carroll, IA—Arthur N. Neu Arpt., NDB Rwy 31, Amdt. 4
Ida Grove, IA—Ida Grove Muni. Arpt., NDB Rwy 29, Amdt. 1
Shenandoah, IA—Shenandoah Muni. Arpt., NDB Rwy 30, Amdt. 6
Spencer, IA—Spencer Muni. Arpt., NDB Rwy 29, Amdt. 1
Belleville, KS—Belleville Muni. Arpt., NDB Rwy 35, Original
Paducah, KY—Barkley Arpt., NDB Rwy 4, Amdt. 7
New Orleans, LA—New Orleans Int'l (Moisant Field), NDB Rwy 10, Amdt. 20
Wiscasset, ME—Wiscasset Arpt., NDB Rwy 25, Amdt. 1
Valentine, NE—Miller Field, NDB Rwy 31, Amdt. 2
Pittsburgh, PA—Allegheny County Arpt., NDB Rwy 27, Amdt. 17
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Int'l Arpt., NDB–A, Amdt. 12

* * * *effective November 11, 1976.*

Albany, NY—Albany County Arpt., NDB Rwy 19, Amdt. 9, cancelled

* * * *effective November 4, 1976.*

Litchfield, IL—Litchfield Muni. Arpt., NDB Rwy 27, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective November 18, 1976.

Arcata-Eureka, CA—Arcata Arpt., ILS Rwy 31, Amdt. 21
Tallahassee, FL—Tallahassee Muni, Arpt., ILS Rwy 36, Amdt. 16
Paducah, KY—Barkley Arpt., ILS Rwy 4, Amdt. 3
New Orleans, LA—New Orleans Int'l (Moisant Field), ILS Rwy 1, Admt. 4
New Orleans, LA—New Orleans Int'l (Moisant Field), ILS Rwy 10, Amdt. 28
Middletown, PA—Harrisburg Int'l Olmsted State, ILS Rwy 13, Amdt. 4
Pittsburgh, PA—Allegheny County Arpt., ILS Rwy 27, Amdt. 22
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Int'l Arpt., ILS Rwy 4, Amdt. 27

* * * *effective November 11, 1976.*

Albany, NY—Albany County Arpt., ILS Rwy 1, Amdt. 2
Albany, NY—Albany County Arpt., ILS Rwy 19, Amdt. 12

* * * *effective October 14, 1976.*

Chicago, IL—Chicago O'Hare Int'l Arpt., ILS Rwy 4R, Amdt. 1

* * * *effective September 27, 1976.*

Panama City, FL—Panama City-Bay County Arpt., ILS Rwy 14, Amdt. 8

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective November 18, 1976.

Tallahassee, FL—Tallahassee Muni. Arpt., RADAR–1, Amdt. 1
Atlanta, GA—Charlie Brown County Arpt., RADAR–1, Amdt. 13
Wichita, KS—Rawdon Field, RADAR–4, Amdt. 1, cancelled
New Orleans, LA—New Orleans Int'l (Moisant Field), RADAR–1, Amdt. 9

* * * *effective November 11, 1976*

Albany, NY—Albany County Arpt., RADAR–1, Amdt. 8

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective November 18, 1976.

Atlanta, GA—Charlie Brown County Arpt., RNAV Rwy 26L, Original
New Orleans, LA—New Orleans Int'l (Moisant Field), RNAV Rwy 1, Amdt. 3
Juneau, WI—Dodge County Arpt., RNAV Rwy 20, Original
Lone Rock, WI—Tri-County Arpt., RNAV Rwy 27, Amdt. 1

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

Issued in Washington, D.C., on September 30, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

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

[FR Doc.76–29855 Filed 10–8–76;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. 76N-0070]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ACRYLONITRILE COPOLYMERS INTENDED FOR USE IN CONTACT WITH FOOD; CORRECTION

In FR Doc. 76-17121 appearing at page 23940 in the issue of June 14, 1976 the following corrections are made on page 23946:

1. In the first column, in § 121.2526(e), in the next to last line of the paragraph, "table (2)" is corrected to read "table (1)."

2. In the second column, insert the following inadvertently omitted amendment after paragraph 12:

12a. In Subpart F, in § 121.2599, by adding new paragraph (e) to read as follows:

§ 121.2599 Vinylidene chloride copolymer coatings for nylon film.

* * * * *

(e) Acrylonitrile copolymers identified in this section shall comply with the provisions of § 121.4010.

* * * * *

Dated: October 6, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-29917 Filed 10-8-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7436]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 1, 1953

Commencement of Benefits Under Qualified Trusts; Correction

On Tuesday, September 28, 1976, Treasury Decision 7436 was published in the FEDERAL REGISTER (41 FR 42651). The following corrections are made to this Treasury decision:

1. In line 22 of the paragraph headed "Adoption of Amendments to the Regulations" (page 42651) "§ 11.401(a)-14 (14)" should be § 11.401(a)-14."

2. In line 6 of § 1.401(a)-14(c)(2) (page 42651), "rdeuced" should be "reduced".

ROBERT A. BLEY,
Acting Director, Legislation and Regulations Division.

[FR Doc.76-29881 Filed 10-8-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-896]

PART 87—AVIATION SERVICES

Revised Detailed Operational Plan for Security Control of Non-Federal Air Navigation Aids

Adopted: September 28, 1976.

Released: October 8, 1976.

In the matter of adoption of a revised detailed operational plan for the security control of non-Federal air navigation aids and amendment of part 87, subpart Q of the Commission's rules.

Order.

1. The Commission has under consideration amendment of Part 87, Subpart Q of the rules and a revised Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids, heretofore adopted by the Commission on March 1, 1972 (FCC 72-193 37 FR 5032, March 9, 1972).

2. The revised Detailed Operational Plan is now titled, "FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids". The FCC Support Plan prescribes the operation of FCC licensed air navigation aids under the Plan for the Security Control of Air Traffic and Air Navigation Aids (Short Title: SCATANA). SCATANA is implemented under declaration of an Air Defense Emergency and/or Defense Emergency or imminence thereof. Revision to the FCC Support Plan and Part 87, Subpart Q of the rules is mandatory due to revision of the SCATANA plan jointly adopted by the Department of Defense, Department of Transportation, and the Federal Communications Commission (see FR Vol. 41, No. 44, March 4, 1976, FR Doc. 76-6204).

3. The revised FCC Support Plan for the Security Control of non-Federal Air Navigation Aids received concurrence from the Department of Defense and the Federal Aviation Administration on August 12, 1976.

4. Authority for these rules amendments and adoption of the FCC Support Plan is set out in Executive Order 11490 and sections 1, 4(i), 4(o), and 303(r) of the Communications Act of 1934, as amended. We find that the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) are inapplicable since this rulemaking involves a military function of the United States.

5. In view of the foregoing: *It is ordered*, That, effective November 1, 1976, Part 87, Subpart Q of the Commission's rules and regulations is amended as set forth below and the FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids is adopted as set forth in Appendix I below.

(Secs. 1, 4, 303, 48 Stat., as amended, 1064, 1066, 1082 (47 U.S.C. 151, 154, 303).)

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

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 87.601, the last sentence of paragraph (b) is revised to read as follows:

§ 87.601 Scope and objective.

* * * * *

(b) * * * It also provides for actions to be taken under the Plan for the Security Control of Air Traffic and Air Navigation Aids (Short Title: SCATANA) and the FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids to effect control of selected non-Federal VOR, VORTAC and TACAN Stations by appropriate military authorities during emergency situations resulting in the declaration of an Air Defense Emergency and/or Defense Emergency or imminence thereof.

* * * * *

2. In § 87.602, the first sentence of paragraph (f) and the last phrase of the last sentence of paragraph (i) are revised and new paragraph (t) is added to read as follows:

§ 87.602 Definitions of Terms.

* * * * *

(f) FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids. * * *

* * * * *

(i) * * *, including the annexes and supplements to that plan and the FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids.

* * * * *

(t) Appropriate Military Authorities. Within the NORAD area of responsibility—Commander in Chief North American Air Defense (CINCNORAD) and NORAD region commanders. CINCNORAD has delegated all actions associated with the appropriate military authority to NORAD region commanders. Outside the NORAD area of responsibility—the Commander in Chief, or his designated representative, of unified or specified commands from U.S. areas located within their area of responsibility.

3. In § 87.603, the last phrase of the last sentence is revised to read as follows:

§ 87.603 Aeronautical Emergency Communications System Authorization (AECSA).

* * * * *

* * *, the AECS Plan and the FCC Sup-

[1] Commissioners Fogarty and White not participating.

port Plan for the Security Control of Non-Federal Air Navigation Aids.

4. In § 87.606, the heading and text are revised to read as follows:

§ 87.606 Plan for the Security Control of Air Traffic and Air Navigation Aids (Short Title: SCATANA).

(a) The Plan for the Security Control of Air Traffic and Air Navigation Aids (SCATANA) has been promulgated in furtherance of the Federal Aviation Act of 1958, as amended, the Communications Act of 1934, as amended, and Executive Order 11490, as amended. SCA TANA defines the responsibilities of the FCC for the security control of accurate non-Federal air navigation aids.

(b) Under the responsibilities defined in SCATANA, an FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids has been developed by the Commission. The FCC Support Plan defines responsibilities, procedures, and instructions in consonance with SCA TANA which will effect control of accurate non-Federal air navigation aids when SCATANA is implemented. This control shall provide for effective utilization of such navigation aids by aircraft of military and civil agencies under the various emergency conditions for which SCATANA is implemented. The FCC Support Plan highlights those parts of SCATANA which deal specifically with accurate non-Federal air navigation aids and includes a list of all, FCC licensed, accurate air navigation aids. SCATANA and the FCC Support Plan applies to radio navigation stations authorized by the Commission in the following manner:

(1) Appropriate military authorities may impose, on non-Federal air navigation aids, any or all restrictions contained in SCATANA and the FCC Support Plan when an Air Defense Emergency and/or Defense Emergency exists or is imminent. The restrictions shall be imposed through appropriate Federal Aviation Administration (FAA) Air Route Traffic Control Centers (ARTCCs).

(2) As directed by the appropriate military authority, FAA ARTCCs will disseminate SCATANA implementation instructions, to be complied with by all licensees of accurate air navigation (VOR, VORTAC, or TACAN) stations, as follows:

(i) Shut down the above navigation aids in accordance with the appropriate military authority instructions. These instructions shall permit time to land/disperse airborne aircraft, and shall provide for the extension of such times when the air traffic situation dictates.

(ii) Aids which require more than five minutes control time shall be shut down as soon as possible, except when directed otherwise by the appropriate military authority, or unless such aids are essential for the regulation and control of existing air traffic.

(iii) Direct the control of air navigation aids to ensure that required aids, as indicated in flight plans, will be available for authorized aircraft flights.

(iv) When notice of the termination of the Defense Emergency or Air Defense Emergency declaration is issued by an appropriate military authority, ARTCCs shall notify licensees of the reduction or removal of SCATANA restrictions as specified by the appropriate military authority.

(3) Licensees of aeronautical radio navigation stations may voluntarily participate in SCATANA tests as requested by an ARTCC. SCATANA testing shall not interrupt the normal service of non-Federal air navigation aids.

5. In § 87.607, paragraph (b) is revised to read as follows:

§ 87.607 Emergency Operations.

* * * * *

(b) Upon receipt of the Defense Emergency or Air Defense Emergency declaration, or as directed by the appropriate NORAD Region Commander when his Region is under attack, the licensees of selected non-Federal air navigation aids shall comply with the provisions of the Plan for the Security Control of Air Traffic and Air Navigation Aids and the FCC Support Plan for the Security Control of Non-Federal Air Navigation Aids.

* * * * *

APPENDIX I

FCC SUPPORT PLAN FOR THE SECURITY CONTROL OF NON-FEDERAL AIR NAVIGATION AIDS

NOVEMBER 1, 1976.

This FCC Support Plan is referenced to the Plan for the Security Control of Air Traffic and Air Navigation Aids (Short Title: SCATANA). This FCC Support Plan supersedes the Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids dated January 31, 1972.

AUTHORITY

This FCC Support Plan is promulgated in furtherance of the Federal Aviation Act of 1958, as amended, the Communications Act of 1934, as amended, and Executive Order 11490, as amended.

PURPOSE

This FCC Support Plan is referenced from the Plan for the Security Control of Air Traffic and Air Navigation Aids (Short Title: SCATANA). SCATANA defines the responsibilities of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and the appropriate military authorities for the security control of civil and military air traffic, and the control of Federal and non-Federal air navigation aids. This FCC Support Plan, under SCATANA, concerns the control of accurate non-Federal air navigation aids which include VHF Omnirange (VOR), VHF Omnirange/Tactical Air Navigation (VORTAC) and Tactical Air Navigation (TACAN) Stations. This FCC Support Plan supersedes: Detailed Operational Plan for the Security Control of Non-Federal Air Navigation Aids dated January 31, 1972.

SCOPE

This FCC Support Plan involves responsibilities, procedures and instructions in consonance with SCATANA which will effect control of non-Federal air navigation aids when SCATANA is implemented. This control shall provide for effective utilization of such navigation aids by aircraft of military and civil agencies under various emergency conditions for which SCATANA is implemented. This FCC Support Plan highlights those parts of SCATANA which deal with non-Federal air navigation aids and includes a list of all non-Federal air navigation aids. This plan is not applicable when Section III of the SCATANA Plan, Emergency Security Control of Air Traffic (ESCAT), is implemented. Activities involved in the control of non-Federal air navigation aids, under SCATANA implementation, include appropriate military authorities, Federal Aviation Administration (FAA) Air Route Traffic Control Centers (ARTCCs), and operators of non-Federal navigation aids including VOR, VORTAC, and TACAN stations.

NOTE: See SCATANA for explanation of terms used in this FCC Support Plan.

THE FCC SUPPORT PLAN

A. *Situation.* This FCC Support Plan is effected whenever SCATANA is implemented. Three types of situations may require the implementation of SCATANA.

1. In the first of these, an emergency has arisen which has resulted in the declaration of an Air Defense Emergency within the NORAD area. Under this condition SCATANA will be automatically implemented.

2. In the second situation, which applies only to NORAD, a NORAD region commander may direct implementation of SCATANA for his region when his region or an adjacent region is under attack and an Air Defense Emergency has not yet been declared.

3. In the third situation, an emergency has arisen which has resulted in the declaration of a Defense Emergency outside the NORAD area. Under this condition, SCATANA may be considered for implementation.

B. *Intention.* FAA ARTCCs shall exercise specific control over non-Federal VOR, VORTAC, and TACAN stations as described in this FCC Support Plan.

C. *Implementation.* 1. The appropriate military authority will direct the appropriate ARTCCs to implement SCATANA restrictions based on the emergency situation specified in paragraph A. above. Restrictions shall be specified in regard to special instructions concerning the control of navigation aids which permit their use for friendly aircraft operations. This includes continued operation, as long as the actual air defense situation permits, of those air navigation aids essential to support other major command contingency operations. The appropriate military authority shall revise or remove SCATANA restrictions to the control of air navigation aids as the tactical situation permits.

2. As directed by the appropriate military authority, ARTCCs shall disseminate SCATANA implementation instructions to operators of non-Federal VOR, VORTAC, and TACAN stations as follows:

a. Shut down the above navigation aids in accordance with the military authority instructions. These instructions shall permit time to land/disperse airborne aircraft, and shall provide for the extension of such times when the air traffic situation dictates.

b. Aids which require more than five minutes control time shall be shut down as soon as possible, except when directed otherwise by the appropriate military authority, or unless such aids are essential for the regulation and control of existing air traffic.

c. Direct the control of air navigational aids to ensure that required aids, as indicated in flight plans, will be available for authorized aircraft flights.

d. When directed to reduce or remove SCATANA restrictions, ARTCCs shall authorize resumption of air navigation aids as specified by the appropriate military authority.

NOTE: Appropriate military authority may take two meanings.

(1) For the NORAD area of responsibility, NORAD region commanders have been designated as appropriate military authority by

the Commander in Chief North American Air Defense.

(2) Outside the NORAD area, the Commander in Chief, or his designated representative, of the unified or specified commands for U.S. areas located within their area of responsibility, is the appropriate military authority.

D. *Non-Federal VOR, VORTAC, and TACAN Lists.* Appendix A, lists all non-Federal VOR navigation aids. The FCC does not license VORTAC or TACAN stations as such, however, Appendix B lists comparative stations having both VOR and Distance Measuring Equipment (DME) at the same location.

E. *SCATANA Tests.* Licenses of non-Federal air navigation aids may voluntarily participate in SCATANA tests.

APPENDIX A.—*Nongovernment VOR stations*

Frequency (megahertz)	Call sign	Power (watts)	Transmitter coordinates	Station location	Licensee name and mailing address
Arizona: 108.2	WOX5	100	Lat. 31°24'54" N., long. 110°50'54" W	Nogalaes	Santa Cruz County Board of Supervisors, County Courthouse, Nogales, Ariz. 85621.
California: 110.8	KSR2	50	Lat. 41°47'05" N., long. 122°27'37" W	Montague	County of Siskiyou, Calif., 800 South Main St., Yreka, Calif. 96097.
Florida:					
108.8	KJU7	13	Lat. 26°14'52" N., long. 80°06'32" W	Pompano Beach	City of Pompano Beach, Fla., P.O. Drawer 1300, Pompano Beach, Fla. 33061.
109.4	WHM4	13	Lat. 29°57'27" N., long. 81°20'18" W	St. Augustine	St. Augustine Airport Authority, P.O. Box 825, St. Augustine, Fla. 32084.
110.2	KEB6	100	Lat. 26°54'59" N., long. 81°59'29" W	Punta Gorda	Charlotte County Development Authority, 4830 Airport Rd., Punta Gorda, Fla. 33950.
Georgia:					
110.0	KVI4	13	Lat. 32°36'24" N., long. 62°22'10" W	Swainsboro	Emanuel County Airport Commission, Swainsboro, Ga. 30401.
112.5	KXR4	13	Lat. 31°25'44" N., long. 83°29'28" W	Tifton	Tifton Airport Authority, P.O. Box 870, Tifton, Ga. 31794.
114.8	WAE2	50	Lat. 30°58'14" N., long. 84°37'07" W	Bainbridge	County of Decatur, Ga., P.O. Box 2435, Bainbridge, Ga. 31717.
Kansas: 113.0	KNV7	13	Lat. 38°50'40" N., long. 94°44'11" W	Olathe	Johnson County Airport Commission, Route 2, Olathe, Kans. 66061.
Kentucky: 109.4	KZI6	50	Lat. 38°10'55" N., long. 84°54'30" W	Frankfort	Commonwealth of Kentucky, Department of Transportation, Hanger No. 1, Capital City Airport, Frankfort, Ky. 40601.
Louisiana: 112.8	WRX2	50	Lat. 32°27'54" N., long. 92°36'30" W	Ruston	City of Ruston, La., approximately 3.3 mi SSE Ruston Municipal Airport, Ruston, La. 71270.
Maryland: 116.6	WMA7	13	Lat. 39°19'40" N., long. 76°24'53" W	Middle River	State of Maryland, Department of Transportation, P.O. Box 5036 Baltimore, Md. 21220.
Michigan:					
108.2	WLJ5	13	Lat. 46°18'46" N., long. 85°27'51" W	Newberry	State of Michigan Aeronautics Commission, Newberry Luce County Airport, Newberry, Mich. 49868.
108.2	KUW3	13	Lat. 43°46'58" N., long. 82°50'02" W	Bad Axe	State of Michigan Aeronautics Commission, Bad Axe Huron County Memorial Airport, Bad Axe, Mich. 48413.
109.2	KRZ3	13	Lat. 45°00'48" N., long. 84°41'30" W	Gaylord	State of Michigan Aeronautics Commission, Otsego County Airport, Gaylord, Mich. 49735.
Idaho: 108.8	WSM9	13	Lat. 47°44 57" N., long. 116°56'49" W	Coeur D'Alene	State of Idaho, Department of Aeronautics, 3103 Airport Way, Boise, Idaho 83705.
Illinois:					
108.4	WGU2	100	Lat. 39°01'05" N., long. 87°38'55" W	Palestine	Robinson Community Airport Authority, P.O. Box 299, Robinson, Ill. 62454.
111.6	KHQ4	13	Lat. 41°04'27.5" N., long. 87°51'00" W	Kankakee	Kankakee Valley Airport Authority, Rural Route I, Box 168, Kankakee, Ill. 60901.
112.4	KQL8	100	Lat. 38°45'52" N., long. 87°36'19" W	Lawrenceville	Bi-State Authority, P.O. Box 363, Lawrenceville, Ill. 62439.
Iowa:					
110.0	KZA4	13	Lat. 43°09'45" N., long. 95°11'33" W	Spencer	City of Spencer, Iowa, 401 1st Ave. W., Spencer, Iowa 51301.
110.4	WtV5	50	Lat. 43°24'37" N., long. 94°44'20" W	Estherville	Estherville Airport Commission, Estherville Municipal Airport, Estherville, Iowa 51334.
111.0	WAQ6	100	Lat. 42°06'34" N., long. 92°54'31" W	Marshalltown	City of Marshalltown, Iowa, City Hall, Marshalltown, Iowa 50158.
Kansas:					
108.8	WRC9	50	Lat. 38°32'19" N., long. 95°13'12" W	Ottawa	Dodson Aviation, Inc., Municiapl Airport, Ottawa, Kans. 66067.
109.6	KAW2	13	Lat. 37°10'15" N., long. 97°02'22" W	Winfield	Strother Field Commission, P.O. Box 747, Winfield, Kans. 67156.
Michigan:					
110.0	KGY5	13	Lat. 43°54'01" N., long. 85°31'16" W	Reed City	State of Michigan Aeronautics Commission, Lansing, Mich. 48906.
110.4	WWZ6	13	Lat. 45°58'36" N., long. 86°10'26" W	Manistique	State of Michigan Department of Aeronautics, Capitol City Airport, Lansing, Mich. 48906.
110.6	WPO3	13	Lat. 43°37'23.9" N., long. 84°44'42.1" W	Mount Pleasant	State of Michigan Aeronautics Commission, Lansing, Mich. 48906.
111.6	WSQ5	13	Lat. 44°21'24" N., long. 84°40'24" W	Houghton Lake	State of Michigan Aeronautics Commission, Capitol City Airport, Lansing, Mich. 48906.
Minnesota:					
108.2	KBN9	50	Lat. 47°25'55" N., long. 92°30'03" W	Eveleth	State of Minnesota Department of Aeronautics, Administration Building, St. Paul Downtown Airport, St. Paul, Minn. 55107.
108.4	WAS2	200	Lat. 45°06'50" N., long. 95°05'12" W	Willmar	Do.
108.8	KBH7	50	Lat. 43°40'00" N., long. 92°55'57" W	Austin	Do.
108.8	WLD4	200	Lat. 48°51'17" N., long. 95°41'41" W	Roseau	Do.
109.6	KQO2	200	Lat. 47°49'19" N., long. 91°49'48" W	Ely	Do.
109.6	WLW2	13	Lat. 45°34'00" N., long. 95°58'17" W	Morris	Do.
109.8	WLP4	13	Lat. 43°41'00" N., long. 93°22'08" W	Albert Lea	Do.
110.4	KBK9	200	Lat. 46°17'23" N., long. 96°09'23" W	Fergus Falls	Do.
111.0	WLP5	13	Lat. 44°26'55" N., long. 95°49'26" W	Marshall	Do.
111.2	WLP2	13	Lat. 46°49'12" N., long. 95°52'48" W	Detroit Lakes	Do.
111.2	KWM8	200	Lat. 44°12'16" N., long. 93°22'13" W	Morristown	Do.
111.4	WAS4	200	Lat. 47°00'53" N., long. 93°29'23" W	Grand Rapids	Do.
111.4	KBN7	50	Lat. 44°04'36" N., long. 91°42'21" W	Winona	Do.
111.6	WAT4	200	Lat. 48°43'15" N., long. 94°36'00" W	Baudette	Do.
111.6	WLO6	13	Lat. 44°58'22" N., long. 95°42'42" W	Montevideo	Do.
112.1	KBN4	200	Lat. 45°32'28" N., long. 94°03'26" W	St. Cloud	Do.
Missouri: 110.6	KYA7	100	Lat. 39°04'27" N., long. 93°40'43" W	Higginsville	City of Higginsville, Mo., 1920 Main, Higginsville, Mo. 64037.
Nebraska:					
108.6	KSI6	200	Lat. 41°58'54" N., long. 100°43'07" W	Thedford	State of Nebraska Department of Aeronautics, P.O. Box 82088, Lincoln, Nebr. 68501.
110.6	KBQ9	50	Lat. 40°18'00" N., long. 96°45'15" W	Beatrice	Do.
111.2	KBR3	50	Lat. 40°43'32" N., long. 99°00'17" W	Kearney	Do.
New Hampshire: 110.4.	WHR3	200	Lat. 44°38'05" N., long. 71°11'12" W	Dummer	State of New Hampshire Aeronautics Commission, Municipal Airport, Concord, N.H. 03301.
New York:					
110.8	KAL4	13	Lat. 41°30'28" N., long. 74°05'53" W	Newburgh	State of New York Metropolitan Transportation Authority, Bldg. 140, Stewart Airport, Newburgh, N.Y. 12550.
112.05	WWM6	50	Lat. 40°50'46.7" N., long. 72°37'49.2" W	West Hampton Beach.	EDO Commercial Corporation, 65 Marcus Dr., Melville, N.Y. 11746.
North Carolina: 110.0.	WSN9	13	Lat. 34°36'38" N., long. 79°03'18" W	Lumberton	Lumberton Airport Commission, P.O. Box 746, Lumberton, N.C. 28358.
Ohio:					
109.8	KFL7	13	Lat. 40°36'59" N., long. 83°03'49" W	Marion	City of Marion, Ohio, 1530 Pole Cane Rd., Marion, Ohio 43302.
110	KRT8	50	Lat. 39°35'40" N., long. 84°13'24" W	Miamisburg	City of Dayton, Ohio, 10600 Springboro Pike, Miamisburg, Ohio 45342.
110.2	KQV8	13	Lat. 41°41'02" N., long. 81°23'45" W	Willoughby	General Aviation, Inc., 1969 Lost Nation Road, Willoughby, Ohio 44094.
113.2	KAJ2	13	Lat. 39°50'11" N., long. 83°50'34" W	Springfield	City of Springfield, Ohio, City Bldg. 117, Fountain Avenue, Springfield, Ohio 45502.
114.9	WRC7	13	Lat. 41°00'54" N., long. 83°39'53" W	Findlay	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.
Oklahoma: 108.6	KTM4	50	Lat. 35°39'42" N., long. 95°21'58" W	Muskogee	Muskogee Airport Authority, Route 4, Box 541-B2, Muskogee, Okla. 74401.

APPENDIX A.—*Nongovernment VOR stations*—Continued

Frequency (megahertz)	Call sign	Power (watts)	Transmitter coordinates	Station location	Licensee name and mailing address
Pennsylvania: 113.2.	WMG5	13	Lat. 41°01'32" N., long. 80°24'58" W.	New Castle	New Castle Airport Authority, P.O. Box 1255, New Castle, Pa. 16102.
South Carolina: 111.4.	KEB7	50	Lat. 33°27'25" N., long. 80°51'34" W.	Orangeburg	City of Orangeburg, S.C., P.O. Drawer 387, Orangeburg, S.C. 29115.
South Dakota: 111.4.	KBW9	13	Lat. 45°55'11.155" N., long. 106°06'11.34" W.	Lemmon	State of South Dakota Aeronautics Commission, State Office Bldg. 1, Pierre, S. Dak. 57501.
Texas:					
108.2	WKF3	50	Lat. 29°02'25.24" N., long. 95°27'29.1" W.	Lake Jackson	Dow Chemical Telecommunications Corp., 2040 Dow Center, Midland, Mich. 48640.
108.8	KWF5	100	Lat. 30°00'20" N., long. 99°08'15" W.	Kerrville	City of Kerrville, Tex., 600 Main, Kerrville, Tex. 78028.
Utah: 109.8	KVL7	13	Lat. 41°50'40" N., long. 111°51'52" W.	Logan	State of Utah Division of Aeronautics, 135 North 23d West, Salt Lake City, Utah 84116.
Virginia:					
109.0	WLR9	13	Lat. 36°37'37" N., long. 80°00'43" W.	Martinsville	Virginia Division of Aeronautics, P.O. Box 7716, Richmond, Va. 23231.
109.6	WFG2	13	Lat. 36°59'03" N., long. 82°32'17" W.	Wise	Virginia Division of Aeronautics, P.O. Box 7716, Richmond, Va. 23231.
Wisconsin:					
109.2	KJA5	13	Lat. 42°35'36" N., long. 87°55'29" W.	Kenosha	City of Kenosha, Wis., Kenosha Municipal Airport, Kenosha, Wis. 53140.
109.4	KRM4	50	Lat. 43°46'08" N., long. 87°50'56" W.	Sheboygan	County of Sheboygan, Wis., P.O. Box 128, Sheboygan, Wis. 53081.
109.8	WON3	13	Lat. 43°25'19" N., long. 88°07'31" W.	West Bend	City of West Bend, Wis., 4802 Sheboygan Ave., Madison, Wis. 53702.
110.2	WNQ5	100	Lat. 46°32'58" N., long. 90°55'01" W.	Ashland	City of Ashland, Wis., City Hall, Ashland, Wis. 54806.
113.4	WBR9	100	Lat. 46°01'07" N., long. 91°26'46" W.	Hayward	County of Sawyer, Wis., Sawyer County Courthouse, Hayward, Wis. 54843.
114.5	WEZ5	13	Lat. 42°41'32" N., long. 88°18'19" W.	Burlington	City of Burlington, Wis., 300 North Pine St., Burlington, Wis. 53105.
117.7	WHU9	13	Lat. 42°45'29" N., long. 87°48'21" W.	Racine	Racine Commercial Airport Corp., 3040 Rapids Dr., Racine Wis. 53404.
Wyoming:					
108.2	KFO3	13	Lat. 43°52'54" N., long. 104°71'26" W.	Newcastle	Weston County and City of Newcastle, Wyo. Box 520, Newcastle, Wyo. 82701.
111.4	WMK5	100	Lat. 41°21'38" N., long. 106°49'50" W.	Saratoga	City of Saratoga, Wyo., Box 486, Saratoga, Wyo. 82331.
112.5	WDD7	13	Lat. 44°20'52.046" N., long. 105°32'33.993" W.	Gillette	Gillette-Campbell County Airport Board, P.O. Box 808, Gillette, Wyo. 82716.

APPENDIX B.—*Nongovernment comparative stations (VOR plus DME)*

Arizona: 980	WOK5	1,000	Lat. 31°24'54" N., long. 110°50'54" W.	Nogales	Santa Cruz County Board of Supervisors, Nogales International Airport, Nogal, Ariz. 85621.
Illinois: 982	KSE3	100	Lat. 39°01'05" N., long. 87°38'55" W.	Palestine	Robinson Community Airport Authority, Robinson Community Airport, Palestine, Ill. 60067.
New York: 1006	KUN5	100	Lat. 41°30'28" N., long. 74°05'53" W.	Newburgh	State of New York Metropolitan Transportation Authority, Stewart Airport, Newburgh, N.Y. 12550.
Ohio: 1000	KMW5	100	Lat. 41°41'02" N., long. 81°23'45" W.	Willoughby	General Aviation, Inc., Lost Nation Airport, Willoughby, Ohio 44094.
South Carolina: 1012.	KEE4	100	Lat. 33°27'25" N., long. 80°51'34" W.	Orangeburg	City of Orangeburg, S.C., Orangeburg Airport, Orangeburg, S.C. 29115.
Wisconsin: 1168	WBD5	1,000	Lat. 46°01'07" N., long. 91°26'46" W.	Hayward	County of Sawyer, Wis., Hayward Municipal Airport, Hayward, Wis., 54843.

[FR Doc.76-29458 Filed 10-8-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period October 13, 1976 through January 31, 1977.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of rails and gallinules, mourning doves, woodcock, crows and common snipe on Bombay Hook National Wildlife Refuge, Delaware, is permitted during the regular State seasons on the South Upland Hunting Area. This open area, comprising 169 acres, is delineated on a map available at the refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rails and gallinules, mourning doves, woodcock, and common snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

HOWARD N. LARSEN,
Regional Director, United States Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76-29754 Filed 10-8-76;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period November 1, 1976 through January 31, 1977.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Bombay Hook National Wildlife Refuge, Delaware, is permitted on areas designated by signs as open to hunting including the South Waterfowl Hunting Area, the West Waterfowl Hunting Area, the Young Waterfowlers Area, and the South Upland Hunting Area. These open areas are delineated on maps available at the refuge headquarters, Smyrna, Delaware, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Hunting is permitted on the West Waterfowl Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays during the goose season.

(2) Hunting in the South and West Waterfowl Areas and Young Waterfowlers Area shall be from existing numbered blinds. The possession of a loaded gun or shooting while outside of a blind is prohibited on these areas.

(3) Hunting is permitted in the South Waterfowl Hunting Area only on Monday, Wednesday, Friday, and Saturday, during the State duck season.

(4) The necessary permit to enter the South Waterfowl Hunting Area will be issued each hunting day by a ticket-lottery system at 1½ hours before legal shooting time at the checking station at Port Mahon. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis. Permits will be surrendered at the checking station within one-half hour after sunset. The necessary permit to enter the West

Waterfowl Hunting Area may be obtained by applying to the Refuge Manager for advance reservation. The permits for advance reservations will be canceled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lottery on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(5) Each hunting permittee using the West Waterfowl Hunting Area will pay a recreation fee of $10.00 on the day of the hunt. A recreation fee of $2.00 per hunter will be charged on the South Waterfowl Hunting Area.

(6) Not more than four persons may occupy a blind at any one time on the West Waterfowl Hunting Area nor more than three on the South Waterfowl Hunting Area nor more than three on the South Waterfowl Hunting Area.

(7) The Young Waterfowlers Area will be open from one-half hour before sunrise to 12:00 noon local standard time on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths, accompanied by an instructor who may not possess ammunition or possess or discharge a firearm, may use one blind.

(8) Hunters on all four areas are required to use steel shotshells in shotguns 12 gauge or larger. Hunters using shotguns 12 gauge or larger may not have in their possession lead shotshells. Lead shotshells may be used in shotguns smaller than 12 gauge. No Hunter may have in their possession or use in one day more than 10 shells on the West Waterfowl Hunting Area or 15 shells on the Young Waterfowlers Hunting Area.

(9) On Wednesdays. Fridays and Saturdays on the South Waterfowl Hunting Area and Tuesdays and Saturdays on the West Waterfowl Hunting Area, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot. Ammunition will be provided by the refuge at a charge of not less than $0.20 per round. No person shall have in his possession lead shotshells during steel shot hunt days.

(10) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

HOWARD N. LARSEN,
Regional Director, United States Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76-29749 Filed 10-8-76;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period November 1, 1976 through January 31, 1977.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Prime Hook National Wild- Waterfowl Hunting Area. This 1,180- life Refuge, Delaware, is permitted on the acre open area is delineated on maps available at the refuge headquarters, Milton, Delaware, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Permits will be issued by a ticket-lottery system at 2 hours before legal shooting time. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis until 3:00 p.m. Permits will be surrendered at the checking station within one hour after sunset.

(2) Hunting sh ll be only from blinds at locations designated by refuge personnel. The possession of a loaded gun or shooting outside of a blind while hunting waterfowl and coots is prohibited. Three hunters per blind permitted.

(3) The Area is open each Monday, Wednesday, Friday, and Saturday, throughout the duck hunting season.

(4) Access to the waterfowl hunting area will be at designated boat access points.

(5) Steel shotshells are required for all shotguns 12 gauge or larger. Persons using shotguns 12 gauge or larger may not have in their possession lead shotshells. Lead shotshells may be used in shotguns smaller than 12 gauge.

(6) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 31, 1977.

HOWARD N. LARSEN,
Regional Director, United States Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76-29752 Filed 10-8-76;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period October 13, 1976 through March 31, 1977.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Delaware, is permitted during the regular State seasons on the South Upland Hunting Area. This open area, comprising 169 acres, is delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 31, 1977.

HOWARD N. LARSEN,
Regional Director, U.S. Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76-29753 Filed 10-8-76;8:45 am]

PART 32—HUNTING

Erie National Wildlife Refuge, Pennsylvania

The following special regulation is issued and is effective during the period October 16, 1976 through March 15, 1977.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of hares, rabbits, woodchucks, raccoons, squirrels, grouse, quail, pheasants, skunks, opossums, and foxes is permitted on portions of the Erie National Wildlife Refuge, Pennsylvania. Copies of a map delineating the open hunting areas are available at refuge headquarters, Guys Mills, Pennsylvania, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations governing hunting of small game, furbearers, and foxes, subject to the following special condition:

(1) That portion of the refuge situated between Pennsylvania Routes 27 and 173 is closed to hunting with firearms from September 30, 1976 through November 25, 1976.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32,

and are effective through March 15, 1977.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76-29750 Filed 10-8-76;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period October 13, 1976 through February 28, 1977.

§ 32.22 **Special regulations; upland game; for individual wildlife refuge areas.**

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Prime Hook National Wildlife Refuge, Delaware, is permitted only on the North Hunting Area. This open upland game hunting area, comprising approximately 2,320 acres, is delineated on maps available at refuge headquarters, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game subject to the following special condition:

(1) Hunting hours will be from one-half hour before sunrise to one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1977.

HOWARD N. LARSEN,
Regional Director, United States Fish and Wildlife Service.

OCTOBER 4, 1976.

[FR Doc.76-29751 Filed 10-8-76;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 700—GOVERNMENT SERVICE INDUSTRY

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 644 (41 FR 15085), the Secretary of Labor appointed and convened Industry Committee No. 134-A for Government Service, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it. Accordingly, in exercise of his ministerial duty as required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee 134-A dated June 22, 1976 are hereby published revising paragraphs 700.2 (b), (c) and (d) of Part 700, Title 29, Code of Federal Regulations. It should be noted that Industry Committee 134-A met and made its recommendations regarding the wage rates prior to the Supreme Court's decision in *"National League of Cities et al* v. *Usery,"* decided June 24, 1976. This wage order is published in accordance with statutory requirements and should not be construed as an opinion by the Secretary or the Department of Labor as to the applicability of the National League case to employees of the Commonwealth of Puerto Rico or of its political subdivisions.

Paragraph (a) of § 700.2 is also amended to reflect the statutory wage increases prescribed by Sections 6(b) and 6(c)(5) of the Act which are effective after December 31, 1976.

As amended, § 700.2 reads as follows:

§ 702.2 **Wage rates.**

(a) *Commonwealth government employees.* (1) The minimum rate for this classification is $2.20 an hour through December 31, 1976, and $2.30 an hour thereafter.

* * * * *

(b) *Municipal government employees.* (1) The minimum wage for this classification is $1.50 an hour through October 31, 1976; $1.90 an hour, effective November 1, 1976; and $2.00 an hour, effective July 1, 1977.

* * * * *

(c) *Right to Employment Administration employees.* (1) The minimum wage for this classification is $1.75 an hour through October 31, 1976; $1.85 an hour, effective November 1, 1976; and $1.95 an hour, effective July 1, 1977.

* * * * *

(d) *Puerto Rico Land Authority and Sugar Corporation of Puerto Rico employees.* * * *

(1) *Agricultural phase.* * * *

(i) *Sugarcane farms.* * * *

(A) *Craftsman classification.* (1) The minimum wage for this classification is $1.75 an hour through October 31, 1976; $2.00 an hour, effective November 1, 1976; and $2.20 an hour, effective July 1, 1977.

* * * * *

(B) *Other employees classification.* (1) The minimum wage for this classification is $1.65 an hour through October 31, 1976, $1.83 an hour, effective November 1, 1976; and $1.93 an hour, effective July 1, 1977.

* * * * *

(ii) *Pineapple farms.* (A) The minimum wage for this classification is $1.65 an hour through October 31, 1976; $1.80 an hour, effective November 1, 1976; and $1.95 an hour, effective July 1, 1977.

* * * * *

(iii) *Cattle farms.* (A) The minimum wage for this classification is $1.55 an hour through October 31, 1976; $1.75 an hour, effective November 1, 1976; and $1.90 an hour, effective July 1, 1977.

* * * * *

(iv) *Other farms.* (A) The minimum wage for this classification is $1.45 an hour through October 31, 1976; $1.60 an hour, effective November 1, 1976; and $1.75 an hour, effective July 1, 1977.

* * * * *

(2) *Industrial phase.* * * *

(i) *Sugar manufacturing.* (A) The minimum wage for this classification is $1.93 an hour through October 31, 1976; $2.10 an hour, effective November 1, 1976; and $2.20 an hour effective July 1, 1977.

* * * * *

(ii) *Other activities classification.* (A) The minimum wage for this classification is $2.00 an hour through October 31, 1976; $2.10 an hour, effective November 1, 1976; and $2.20 an hour, effective July 1, 1977.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064 as amended; 29 U.S.C. 205, 206, 208.)

Effective date: The effective date for the commencement of these wage rates is October 28, 1976.

Signed at Washington, D.C., this 7th day of October 1976.

RONALD J. JAMES,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.76-30011 Filed 10-8-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5746, 34-12848, 35-19700, IC-9467, IA-539]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

PART 202—INFORMAL AND OTHER PROCEDURES

Miscellaneous Amendments

The Securities and Exchange Commission is amending its regulations to provide a revised and updated listing of its regional and branch offices and also to update information regarding the processing of filings received by the Commission.

Materials listed in Appendix A of Subpart D of 17 CFR Part 200 may be examined in the Commission's Public Ref-

erence room at 1100 L Street, NW., Washington, D.C. Written requests for specific items should be addressed to the Public Reference Section, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Subpart H of 17 CFR Part 200 is revised to indicate a change in reproduction fees in the Public Reference rooms in the Commission's Washington, D.C., New York, Los Angeles and Chicago offices.

The revision in 17 CFR Part 202 reflects certain organizational changes and responsibilities involving the submission and processing of filings with the Commission.

Since these changes relate only to corrections and information concerning internal procedures and do not affect substantial rights or liabilities, notice and public comment are unnecessary. As such, the amendments are effective on the date of issuance.

(80 Stat. 383, as amended, 31 Stat. 54, secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855, U.S.C. 552, 15 U.S.C. 77s, 78w, 79t, 77sss, 80a-37, 80b-11, Pub. L. 93-519, sec. (f), 5 U.S.C. 552a(f), Pub. L. 94-29.)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 30, 1976.

Part 200 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

1. Section 200.11 of Subpart A is amended by revising paragraph (b) as follows:

§ 200.11 Headquarters Office—Regional Office relationship.

* * * * *

(b) Regional Administrators of the Commission.

Region 1. New York, New Jersey—Regional Administrator, 26 Federal Plaza, New York, N.Y. 10007.

Region 2. Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine—Regional Administrator, 150 Causeway Street, Boston, Massachusetts 02114.

Region 3. Tennessee, Virgin Islands, Puerto Rico, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, and the part of Louisiana lying east of the Atchafalaya River—Regional Administrator, Suite 788, 1375 Peachtree Street, NE., Atlanta, Ga. 30309.

Region 4. Illinois, Indiana, Iowa, Kansas City (Kans.), Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin—Regional Administrator, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Room 1204, Chicago, Illinois 60604.

Region 5. Oklahoma, Arkansas, Texas, that part of Louisiana lying west of the Atchafalaya River, and Kansas (except Kansas City)—Regional Administrator, 503 U.S. Court House, 10th and Lamar Streets, Fort Worth, Texas 76102.

Region 6. Wyoming, Colorado, New Mexico, Nebraska, North Dakota, South Dakota, Utah—Regional Administrator, Two Park Central, Room 640, 1515 Arapahoe Street, Denver, Colorado 80202.

Region 7. California, Nevada, Arizona, Hawaii, Guam—Regional Administrator, 10960 Wilshire Boulevard, Suite 1710, Los Angeles, California 90024.

Region 8. Washington, Oregon, Idaho, Montana, Alaska—Regional Administrator, 3040 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

Region 9. Pennsylvania, Maryland, Virginia, West Virginia, Delaware, District of Columbia—Regional Administrator, Ballston Centre Tower 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

2. Section 200.80a is amended by revising Appendix A as follows:

§ 200.80a Appendix A—Documentary materials available to the public.

SECURITIES ACT OF 1933

Description	*Pursuant to section—*
Registration statement providing financial and other information concerning securities offered for public sale, filed under Regulation C (17 CFR 230.400 et seq.)	6
Prospectuses (selling circulars) in connection with registration statement	10
Periodic reports (annual, quarterly, and current) to keep reasonably current the information in registration statement	(1)
Requests for extension of time to file information, document, or report	(2)
Reports of sales of registered securities and use of proceeds thereunder by first time registrants	19(a), 20(a)
Report by issuers of securities quoted on NASDAQ Inter-Dealer Quotation System	(1)
Preliminary data (prospectus, circular letters, etc.) to oil offering (Regulation B) (17 CFR 230.300 et seq.)	3(b)
Offering sheets for oil or gas rights and royalties under Regulation B for exemption from registration provisions (17 CFR 230.300 et seq.)	3(b)
Notifications of exemption from registration filed under Regulation A, E, and F (17 CFR 230.251, 230.601, 230.651 et seq.)	3(b)
Offering circulars and written advertisements or other communications under Regulations A, E, and F (17 CFR 230.251, 230.601, 230.651 et seq.)	3(b)
Report of sales and use of proceeds (Regulations A and E (17 CFR 230.251, 230.601 et seq.)	3(b)
Consent by non-resident to service of process (Regulation A) (17 CFR 230.251 et seq.)	3(b)
Application for relief from disability under Regulations A and F (17 CFR 230.651 et seq.)	3(b)

[1] Section 15(d)—Securities Exchange Act of 1934.

[2] Section 12(b)—Securities Exchange Act of 1934.

Description	*Pursuant to section—*
Notice of proposed resale of restricted securities and resale of securities by control persons (17 CFR 230.144)	4(1), 4(4)
Notice of proposed sale by non-controlling person of restricted securities of issuers which do not satisfy all of the conditions of Rule 144 (17 CFR 230.237)	3(b)
Notice of sale of securities by closely held issuers (issuers with 100 or less beneficial owners) other than investment companies, registered or required to be registered under the Investment Company Act of 1940 (17 CFR 230.240)	3(b)

SECURITIES EXCHANGE ACT OF 1934

Registration statement (securities listed on a national securities exchange)	12(b)
Registration statement (securities traded over-the-counter)	12(g)
Exemption from section 12(g), 13, 14, 15, or 16	12(h)
Information by a foreign issuer temporarily exempt from section 12(g)	12(g)(3)
Certification of exchange approving securities for listing and registration	12(d)
Periodic reports (annual, quarterly and current) to keep current the information in the above registration statements	13(a)
Request for extension of time to file information, document, or report	12(b)
Correspondence between the Commission and registrants that are delinquent in filing certain required reports	13(a), 15(d)
Report by issuers of securities quoted on NASDAQ Inter-Dealer Quotation System	15(d), 13(a)
Certificate of termination of Registration for a class of security	(3)
Notices of suspension of trading	12(d)
Application to withdraw or strike a security from listing and registration on a national securities exchange	12(d)
Notification by an exchange of the admission to trading of a substituted or additional class of security	12(a)
Definitive proxy soliciting materials filed under Regulation 14A (17 CFR 240.14a-1 et seq.)	14(a)
Distribution of information to security holders from whom proxies are not solicited filed under Regulation C (17 CFR 230.400 et seq.)	14(c)
Acquisitions, tender offers and solicitations. (17 CFR 240.14d-1 et seq.)	13(d), 14(d)

[3] Section 12(g)—Securities Exchange Act of 1934.

Description	Pursuant to section—
Initial statement of beneficial ownership of equity securities by officers, directors and principal stockholders of issuers having listed equity securities; and changes in such ownership	16(a)
Application for permission to extend unlisted trading privileges, notification of changes, and notification of termination or suspension	12(f)
Application for registration as a broker and dealer, and amendments or supplements to such application	15(b)
Reports of financial condition of registered brokers and dealers	17
Application for registration as a transfer agent and amendments to such application	17A(c)
Application for registration as a municipal securities dealer	15B(a)
Application for registration or exemption as a securities information processor	11A(b)
Application for registration or exemption as a clearing agency	17A(b)
Irrevocable appointment of agent for service of process, pleadings and other papers	23(a)
Notice by non-resident broker or dealer specifying address of place in United States where copies of books and records are located and undertaking to furnish to Commission, upon demand, copies of books and records he is required to maintain	17
Subordination agreements	15
Initial assessment and information form for registered brokers and dealers not members of a registered national securities association	15(b)(8)
Annual assessment and information form for registered brokers and dealers not members of a registered national securities association	15(b)(8)
Reports of market makers and other registered broker-dealers in securities traded on national securities exchanges	17(a)
Reports by registered brokers and dealers who are OTC Market in Makers in any OTC Margin Securities	17(a)
Proposed rule changes by all self-regulatory organizations	19(b)
Notice as to stated policies, practices and interpretations of self-regulatory organizations	19(b)
Application by an exchange for registration or exemption from registration as a national securities exchange	6(a)
Annual amendments and supplemental material filed to keep reasonably current the information contained in application for registration or exemption	6(e)
Record disposal plan of national securities exchanges	17
Application for listing securities on an exempted exchange	12(b)
Periodic reports to keep reasonably current the information contained in application for listing securities on exempted exchange	13
Certification of exempted exchange approving securities for listing	12(d)
Application for registration as a national securities association or affiliated securities association	15A
Annual supplement consolidated to keep reasonably current the information in the above application	15A
Report of changes in membership status of any of its members required of national securities exchanges and registered national securities associations	17, 19
Application by a national securities association or a broker or dealer for admission or continuance of a broker or dealer as member of a national securities association, notwithstanding a disqualification under section 15A(b)(4)	15A(b)(4)
Application for review of disciplinary action or denial of membership by registered securities association	15A(g)
Reports on stabilizing activities pertaining to a fixed price offering of securities registered or to be registered under the Securities Act of 1933, or offered or to be offered pursuant to an exemption under Regulation A (17 CFR 230.251 et seq.), or being or to be otherwise offered if aggregate offering price exceeds $500,000	17
Plans by exchanges authorizing payment of special commission in connection with a distribution of securities on exchanges	10
Suspensions of trading of securities otherwise than on a national securities exchange	15(c)(5)
Annual and supplemental reports of the Municipal Securities Rulemaking Board	17
PUBLIC UTILITY HOLDING COMPANY ACT OF 1935	
Notification of registration and registration statement by public utility holding companies providing financial and other information concerning the issue and sale of securities	5(a), 5(b)
Annual reports by registered holding companies to keep reasonably current information in the registration statement	5(d)
Application for an order of the Commission declaring registrant has ceased to be a holding company	5(d)
Statement by a person employed or retained by a registered holding company or subsidiary thereof, of subject matter in respect of which retained or employed; and annual statement thereafter	12(i)
Application for exemption from provisions of the Act and applications for declaratory orders regarding status of company under Act by holding companies, subsidiaries, and other companies	2(a)(3), 2(a)(4), 2(a)(7)(B), 2(a)(8)(B), 3(a), (b)
Twelve-month statement by bank claiming exemption under the Act	3(a), (d)
Application for approval of mutual service company or declaration with respect to organization and conduct of business of subsidiary service company	13(b)
Statement executed by financial institution authorizing representative to serve as officer or director of holding company or subsidiary, filed by representative	17(c)
Initial statement of beneficial ownership of securities filed by officers and directors of registered public utility holding companies, and changes in such ownership	17(a)
Annual reports by mutual and subsidiary service companies	13
Application by interested persons for approval of reorganization plans required in court proceedings for reorganization of registered holding companies and subsidiaries	11(f)
Application by or on behalf of persons requesting approval of payment of fees, expenses or remuneration for services rendered in connection with a proceeding in reorganization in a U.S. Court involving registered holding companies or subsidiaries	11(f)
Notices of intention regarding proposed sale of securities and other assets not requiring filing of application or declaration	11, 12(d), 12(f)
Statements in justification of fees and expenses proposed to be paid	6(b), 7, 9, 10, 12(d)
Reports to stockholders by registered holding company or subsidiary thereof and annual reports submitted by registered holding company or subsidiary thereof to a State commission covering operations not reported to Federal Power Commission	14, 15

TRUST INDENTURE ACT OF 1939

Description	Pursuant to section—
Statement of eligibility and qualification of corporations or individuals as trustees under qualified indenture under which debt security has been or is to be issued	305, 307
Application for qualification of indenture under which security (bonds, debentures, notes and similar debt securities) has been or is to be issued	307
Application for exemption from provisions of the Act in certain cases	304(c), (d)
Application re conflict of interest of trustees	310(b)(1)
Reports by indenture trustee to indenture security holders with respect to eligibility and qualification under section 310	313
Application relative to affiliations between trustees and underwriters	310(b)(3), 310(b)(6)

INVESTMENT ADVISERS ACT OF 1940

Description	Pursuant to section—
Application for registration as investment adviser or to amend or supplement such an application	203(c), 204
Application for exemption and other relief	206A
Irrevocable appointment of agent for service of process, pleadings and other papers	211(a)
Notice by non-resident investment adviser specifying address of place in United States where copies of books and records are located, or	204
Undertaking by non-resident investment adviser to furnish to Commission, upon demand, copies of any books or records he is required to maintain	204

INVESTMENT COMPANY ACT OF 1940

Description	Pursuant to section—
Notification of registration of investment company, and registration statement covering an offering of securities of investment company evidencing an interest in a portfolio of securities in which the investment company invests	8(a), 8(b)
Periodic reports (annual and quarterly) to keep reasonably current the information in above registration statement	30(a), 30(b)(1)
Periodic or interim reports to security holders of registered investment companies	30(b)(2)
Application for order of the Commission determining registrant has ceased to be an investment company	8(f)
Fidelity bond, resolution of board of directors, notice of cancellation or termination of bond for officers and employees of investment companies who have access to its securities or funds	17(g)
Waiver of indemnification of officers and directors of investment companies	17(h), 17(l)
Report of independent auditors examining records of investment companies	17(f)
Application by other than registrant for order of Commission declaring corporate name of registrant is misleading or deceptive	35(d)
Request by company for certificate to be issued to Secretary of Treasury	[4]
Proxy soliciting material	[5]20(a)
Initial statement of beneficial ownership of securities by officers, directors and other specified insiders of registered closed-end investment companies, and changes in such ownership	30(f)
Application for exemption from provisions of the Act and other relief	2(a)(9), 3(b)(2), 6(b), (c), (d), 7(d), 10(e), (f), 11(a), (c), 12(d)(1), (d)(2), 14(a), 15(a), 16(a), 17(a), (b), (d), (e), 18(i), 22(d), 23(b)(5), (c)(3), 24(d), 26(a)(2)(C), 28(c), 35(d), and others.
Statement of transactions—exemption from provisions of section 10(f)	10(f)
Application for an ineligible person to serve as officer, director, etc. of a registered investment company	9(b)
Request for advisory report of the Commission relating to the reorganization of registered investment company	25(b)
Report of repurchase of its own securities by a closed-end company	23(c)
Sales literature regarding securities of certain investment companies	24(b)
Statement of the Federal Savings and Loan Corporation relating to the exemption of certain issuers	6(a)(4)
Report submitted pursuant to an order of the Commission	----------
Documents and records resulting from derivative or representative law suits	33

MISCELLANEOUS

Requests or petitions that a change in the Commission's rules, regulations or forms be made; comments on proposed rules, regulations or forms; issuance, amendment or repeal of rules, regulations or forms promulgated under the various Acts administered by the Commission.

Requests for no-action and interpretative letters and responses thereto.

Transcripts of proceedings in public hearings including testimony, exhibits received in evidence, intermediate decisions, oral arguments, motions, briefs, exceptions.

Commission findings, opinions, orders, rulings and notices issued for public release.

Final opinions of the Commission, including concurring and dissenting opinions, as well as orders made by the Commission in the adjudication of cases.

A record of the final votes of each member of the Commission in every Commission proceedings concluded after July 1, 1967.

Hearings and comments on proposed rules or statements of policy, etc., except where the writer requests that his comments not be made public.

Periodic reports filed by the International Bank for Reconstruction and Development under Regulation BW—Rules 1 to 4, section 15(a) of the Bretton Woods Agreement Act (17 CFR Part 285).

Periodic reports filed by the Inter-American Development Bank, pursuant to Regulation IA (17 CFR Part 286) adopted pursuant to section 11(a) of the Inter-American Bank Act.

Periodic reports filed by the Asian Development Bank, pursuant to Regulation AD (17 CFR Part 287) adopted pursuant to section 11(a) of the Asian Development Bank Act.

Copies of papers filed in court, and papers and documents received from courts, are primarily for the use of the Commission attorneys and other members of the staff. These may not always be complete and accurate and may contain nonpublic staff notations. However, in appropriate situations, with the approval of the Office of the General Counsel, examination of such material may be made or copies obtained as a matter of courtesy.

Statements of policy and interpretations which have been adopted by the Commission and are not published in the FEDERAL REGISTER.

Administrative staff manuals and instructions to the staff that affect a member of the public.

Reports by the Commission to the Congress as a whole.

3. Section 200.303 of Subpart H is amended by revising paragraph (a)(2) as follows:

§ 200.303 Times, places, and requirements for requests pertaining to individual records in .. record system and for the identification of individuals making requests for access to the records pertaining to them.

(a) * * *

(2) * * * The addresses and business hours of those offices are listed below:

Atlanta Regional Office, 1375 Peachtree Street, N.E., Suite 788, Atlanta, Georgia. Office hours—8:30 a.m.–5 p.m. e.s.t.

Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114. Office hours—9 a.m.–5:30 p.m. e.s.t.

Chicago Regional Office, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1204, Chicago, Illinois 60604. Office hours—8:45 a.m.–5:15 p.m. c.s.t.

Cleveland Branch Office, Federal Office Building, 1240 East Ninth Street, Room 899, Cleveland, Ohio 44199. Office hours—8:30 a.m.–5 p.m. e.s.t.

[4] Section 851(e)(1) of the Internal Revenue Code of 1954 is applicable.

[5] Regulation 14 under the Securities Exchange Act of 1934 is applicable (17 CFR 240.14a–1 et seq.).

Denver Regional Office, Two Park Central, Room 640, 1515 Arapahoe Street, Denver, Colorado 80202. Office hours—8 a.m.–4:30 p.m. m.s.t.

Detroit Branch Office, 1044 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226. Office hours—8:30 a.m.–5 p.m. e.s.t.

Fort Worth Regional Office, 503 U.S. Court House, 10th and Lamar Streets, Fort Worth, Texas 76102. Office hours—8:30 a.m.–5 p.m. c.s.t.

Houston Branch Office, Federal Office & Courts Building, 515 Rusk Avenue, Room 5615, Houston, Texas. Office hours—8:30 a.m.–5 p.m. c s.t.

Los Angeles Regional Office, 10960 Wilshire Boulevard, Suite 1710, Los Angeles, California 90024. Office hours—8 a.m.–4:30 p.m. p.s.t.

Miami Branch Office, DuPont Plaza Center, 300 Biscayne Boulevard Way, Suite 701, Miami, Florida 33131. Office hours—8:30 a.m.–5 p.m. e.s.t.

New York Regional Office, 26 Federal Plaza, New York, New York 10007. Office hours—9 a.m.–5:30 p.m. e.s.t.

Philadelphia Branch Office, William J. Green, Jr. Federal Building, 600 Arch Street, Room 2204, Philadelphia, Pennsylvania 19106. Office hours—9 a.m.–5:30 p.m. e.s.t.

Saint Louis Branch Office, 210 North 12th Street, Room 1452, Saint Louis, Missouri 63101. Office hours—8:30 a.m.–5 p.m. c.s.t.

Salt Lake City Branch Office, Federal Reserve Building, 120 South State Street, Salt Lake City, Utah 89111. Office hours—8 a.m.–4:30 p.m. m.s.t.

San Francisco Branch Office, 450 Golden Gate Avenue, Box 36042, San Francisco, California 94102. Office hours—8 a.m.–4:30 p.m. p.s.t.

Seattle Regional Office, 3040 Federal Building, 915 Second Avenue, Seattle, Washington 98174. Office hours—8:30 a.m.–5 p.m. p.s.t.

Washington Regional Office, Ballston Centre Tower 3, 4015 Wilson Boulevard, Suite 300, Arlington, Virginia 22203. Office hours—9 a.m.–5:30 p.m. e.s.t.

* * * * *

4. Section 200.310, the fourth sentence is revised to read as follows:

§ 200.310 Fees.

* * * Records will be copied onto pages, from 8" x 10½" up to 8½" x 14", at the cost of 10 cents per page. Copying machines are provided in the public reference rooms in the Commission's Washington, D.C., New York, Los Angeles and Chicago offices, where the individual may make copies at the cost of 10 cents per page.

Part 202 of Chapter II of Title 17 of the Code of Federal Regulations is amended by revising §§ 202.3 and 202.7 to read as follows:

§ 202.3 Processing of filings.

(a) Registration statements, proxy statements, letters of notification, periodic reports, applications for qualification of indentures, and similar documents filed with the Commission under the Securities Act of 1933 and the Trust Indenture Act of 1939, and certain filings under the Securities Exchange Act of 1934 and the Public Utility Holding Company Act of 1935 are routed to the Division of Corporation Finance, which passes initially on the adequacy of disclosure and recommends the initial action to be taken. If the filing appears to afford inadequate disclosure, as for example through omission of material information or through violation of accepted accounting principles and practices, the usual practice is to bring the deficiency to the attention of the person who filed the document by letter from the Assistant Director assigned supervision over the particular filing, and to afford a reasonable opportunity to discuss the matter and make the necessary corrections. This informal procedure is not generally employed when the deficiencies appear to stem from careless disregard of the statutes and rules or a deliberate attempt to conceal or mislead or where the Commission deems formal proceedings necessary in the public interest. Where it appears that the filing affords adequate disclosure, acceleration of its effectiveness when appropriate normally will be granted. A similar procedure is followed with respect to filings under the Investment Company Act of 1940 and certain filings relating to investment companies under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Trust Indenture Act of 1939, which are routed to the Division of Investment Management, and filings under the Public Utility Holding Company Act of 1935 which are routed to the Division of Corporate Regulation.

(b) Applications for registration as brokers, dealers, investment advisers, municipal securities dealers and transfer agents are submitted to the Office of Reports and Information Services where they are examined to determine whether all necessary information has been supplied and whether all required financial statements and other documents have been furnished in proper form. Defective applications may be returned with a request for correction or held until corrected before being accepted as a filing. The files of the Commission and other sources of information are considered to determine whether any person connected with the applicant appears to have engaged in activities which would warrant commencement of proceedings on the question of denial of registration. The staff confers with applicants and makes suggestions in appropriate cases for amendments and supplemental information. Where it appears appropriate in the public interest and where a basis therefor exists, denial proceedings may be instituted. Within 45 days of the date of the filing of a broker-dealer, investment adviser or municipal securities dealer application (or within such longer period as to which the applicant consents), the Commission shall (1) by order grant registration, or (2) institute proceedings to determine whether registration should be denied. An application for registration as a transfer agent shall become effective within 30 days after receipt of the application (or within such shorter period as the Commission may determine). The Office of Reports and Information Services is also responsible for the processing and substantive examination of statements of beneficial ownership of securities and changes in such ownership filed under the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, and the Investment Company Act of 1940, and for the examination of reports filed pursuant to § 230.144 of this chapter.

§ 202.7 Submittals.

All required statements, reports, applications, etc. must be filed with the principal office of the Commission except letters of notification filed pursuant to §§ 230.251 et seq. of this chapter, notices of proposed sale of securities pursuant to § 230.237 of this chapter, and reports by issuer of sales pursuant to § 230.240 of this chapter, under the Securities Act of 1933. Reports by exchange members, brokers and dealers required by § 240.17a–5 of this chapter under the Securities Exchange Act of 1934 must be filed with the appropriate regional office as provided in § 230.255(a) of this chapter under the Securities Act of 1933, and with the principal office of the Commission and the appropriate regional office as provided under § 240.17a–5(a) et seq. of this chapter under the Securities Exchange Act of 1934.

[FR Doc.76-29784 Filed 10-8-76;8:45 am]

[Release No. 34–12843]

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

Brokers and Dealers Effecting Transactions in Municipal Securities

The Securities and Exchange Commission today announced the extension until January 1, 1977 of certain aspects of its financial responsibility and reporting program pertaining to transactions in municipal securities. The affected components of the program consist of the Commission's temporary amendments to Rule 15c3–1 under the Securities Exchange Act of 1934 (17 CFR 240.15c3–1) ("§ 240.15c3–1"), the uniform net capital rule, regarding certain receivables arising from municipal securities underwritings and undue concentrations of municipal securities.

NET CAPITAL TREATMENT OF CERTAIN UNDERWRITING RECEIVABLES

In its original form, § 240.15c3–1(c)(2)(iv)(C) required the deduction from net worth of all good faith deposits arising in connection with an underwriting and outstanding longer than eleven business days. Furthermore, profits derived from participation in an underwriting syndicate were treated as "unsecured receivables" which, pursuant to § 240.15c3–1(c)(2)(iv)(E), were deducted from net worth. These provisions were premised upon industry practices followed in the underwriting of corporate securities. However, as the Commission pointed out in Securities Exchange Act Release No. 11854 (Nov. 20, 1975) (40 FR 57786 (Dec. 12, 1975)) ("Release No. 11854"), municipal securities underwriting syndicates and joint accounts generally "operate on a much more protracted timetable than their corporate securities counterparts."[1] The Commission noted

that the duration and conduct of public offerings of municipal securities might be an appropriate matter for consideration by the Municipal Securities Rulemaking Board (the "Board"), and, as an interim measure, temporarily amended § 240.15c 3–1(c)(2)(iv)(C) to permit inclusion in net worth of receivables and good faith deposits arising from participation in municipal securities underwritings and outstanding not longer than ninety days from settlement of the underwriting with the issuer.[2]

In Securities Exchange Act Release No. 12482 (May 26, 1976) (41 FR 24114 (June 15, 1976)) ("Release No. 12482"), the Commission postponed the expiration of the temporary amendment to § 240.15c3–1(c)(2)(iv)(C) until October 1, 1976. On this occasion, the Commission noted that it had been apprised that the Board was developing regulations which would, inter alia, establish time limits within which managing underwriters must remit good faith deposits and distribute syndicate or joint account profits.[3] This referred to an exposure draft of a proposed Board Rule G–12 prescribing uniform rules of practice for municipal securities brokers and municipal securities dealers, which the Board circulated on April 22, 1976. In its draft form, proposed Rule G–12(i) requires the manager of a syndicate or similar account formed for the purchase of municipal securities from their issuer to return good faith deposits within two business days after settlement with the issuer. The draft of proposed Rule G–12(j) provides that final settlement of such a syndicate or account (presumably including distribution of profits arising therefrom) must occur no later than sixty days after delivery of all municipal securities by the syndicate or account manager to participants therein. The Board invited comment on its exposure draft during a period expiring on May 24, 1976; we understand that the Board is presently considering proposed Rule G–12 in light of comments received.

The Commission has determined that it is appropriate in the public interest to extend the temporary amendment to § 240.15c3–1(c)(2)(iv)(C) to afford the Board sufficient time to complete development of proposed Rule G–12, and to provide the Commission with an opportunity to consider whether it is appropriate to coordinate the net capital treatment of municipal securities underwriting receivables wtih such remittance standards as proposed Rule G–12 may finally embody. Accordingly, the Commission amends § 240.15c3–1(c)(2)(iv)(C) to delay the expiration of the temporary amendment thereto until January 1, 1977. The amended text of § 240.15c3–1(c)(2)(iv)(C) appears later in this release.

Undue Concentration of Municipal Securities

Section 240.15c3–1(c)(2)(vi)(M) essentially provides that a deduction from net worth equal to half the appropriate haircut shall be taken against long or short positions in the securities of an issuer of a single class or series, the market value of which positions exceeds ten percent of tentative net capital. A similar provision, § 240.15c3–1(f)(3)(iii), applies to computations under the alternative net capital requirement.

In Release No. 11854, the Commission exempted positions in municipal securities from the undue concentration provisions until June 1, 1976.[4] On this occasion, the Commission related the suggestions of certain commentators that these provisions might unduly penalize certain historically safe positioning practices of the municipal securities industry.[5] The Commission concluded that while it might not be appropriate to apply the existing undue concentration criteria to municipal securities, undue concentration requirements appropriate for these securities should be developed.[6] To that end, the Commission solicited public comment and impact studies concerning this matter.[7]

By May 1976, as the Commission noted in Release No. 12482,[8] interested members of the public had suggested several different solutions to the undue concentration question, but had not yet developed impact data indicating the contours of undue concentrations of municipal securities. Accordingly, the Commission continued the undue concentration exemption for municipal securities until October 1, 1976, and renewed its request for impact studies and other appropriate statistical compilations enabling the Commission to identify a point at which inventoried municipal securities become unduly concentrated.[9]

Since the issuance of Release No. 12482, certain interested members of the public have embarked upon extensive surveys and impact studies responsive to this and several other requests for data propounded in Release No. 12482. The Commission has been informed that these studies are expected to be completed not later than November 1, 1976. The Commission believes it is appropriate to continue the exemption of municipal securities from the undue concentration provisions of § 240.15c3–1 to permit mature consideration of this issue in the light of those statistical studies forthcoming from the public.[10] Accordingly, the Commission has determined to amend § 240.15c3–1(c)(2)(iv)(M) and (f)(3)(iii) to extend the temporary amendments thereto until January 1, 1977.

The text of the amendments to these provisions appears below.

Public Procedure

In Release No. 12482, the Commission invited public comment concerning several questions relating to the appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities. The amendments to § 240.15c3–1 adopted herein are necessary to afford interested members of the public sufficient time to develop and transmit to the Commission information responsive to the Commission's solicitation of comment. The Commission finds, pursuant to 5 U.S.C. 553(b)(3)(B) (1970), that further notice and public procedure respecting these amendments is impracticable and unnecessary in the public interest. The Commission finds further that these amendments relieve regulatory restrictions within the meaning of 5 U.S.C. 553(d)(1) (1970), and may therefore become effective less than thirty days from their publication.

Statutory Basis and Competitive Considerations

Pursuant to the Securities Exchange Act of 1934, and particularly sections 15(c)(3) and 23(a) thereof, 15 U.S.C. 78o(c)(3), 78w, the Commission amends § 240.15c3–1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below, effective immediately. The Commission finds that any burden imposed upon competition by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and particu-

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[2] Securities Exchange Act Release No. 11854, at 9 (Nov. 20, 1975), 40 FR 57786, 57789 (Dec. 12, 1975) (hereinafter cited as Release No. 11854).

[3] Id. at 9–10, 40 FR at 57789.

[4] Securities Exchange Act Release No. 12482, at 13 (May 26, 1976), 41 FR 24114, 24116 (June 15, 1976) (hereinafter cited as Release No. 12482).

[4] Release No. 11854 at 12, 40 FR at 57790.

[5] Id.

[6] Id.

[7] Id. at 27, 40 FR at 57795.

[8] Release No. 12482 at 14–15, 41 FR at 24116–17.

[9] Id.

[10] The same considerations apply to the two other principal issues upon which comment was requested in Release No. 12482: the contours of a "ready market" for municipal securities, and the possible need to modify the treatment of certain debit items for purposes of § 240.15c3–1(f), the alternative net capital requirement. The temporary provisions dealing with these issues—an indefinite suspension of § 240.15c3–1(c)(2)(vii) as applied to municipal securities and two temporary amendments to § 240.15c-3–1(f) expiring January 1, 1977—supply the Commission with sufficient time to analyze and act upon data germane to these issues. However, these considerations do not apply to a temporary amendment to § 240.15c3-1(c)(1)(i) respecting overnight bank loans incurred by brokers and dealers effecting transactions solely in municipal securities, which has been extended twice before and which is currently scheduled to expire on October 1, 1976. In Release No. 12482, the Commission indicated that the most recent extension of this temporary amendment was intended solely to afford these brokers and dealers a transitional period during which they might familiarize themselves with the alternative net capital requirement. Release No. 12482 at 11, 41 FR at 24116. It appears to the Commission that this temporary amendment has served its purpose, and should now be permitted to lapse. The Commission notes that on and after October 1, 1976, brokers and dealers of this class not operating under the alternative net capital requirement may either include their overnight loans in aggregate indebtedness, or deduct, pursuant to § 240.15c3–1(c)(2)(xiii), 4 percent of such indebtedness from their net worth, if the indebtedness is collateralized by municipal (or exempted) securities (i) not carried long, or (ii) failed to deliver.

larly to implement the Commission's mandate under section 15(c)(3) thereof, 15 U.S.C. 78o(c)(3), to establish minimum financial responsibility standards for all brokers and dealers.

TEXT OF AMENDMENTS TO § 240.15c3-1

The text of the revised § 240.15c3-1(c)(2)(iv)(C) is as follows:

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

* * * * *

(c) * * *

(2) * * *

(iv) * * *

(C) Interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers (other than syndicate profits which shall be treated as required in paragraph (c)(2)(iv)(E) of this section), mutual fund concessions receivable and management fees receivable from registered investment companies, all of which receivables are outstanding longer than thirty (30) days from the date they arise; dividends receivable outstanding longer than thirty (30) days from the payable date; good faith deposits arising in connection with an underwriting, outstanding longer than eleven (11) business days from the settlement of the underwriting with the issuer; and, until January 1, 1977, receivables due from participation in municipal securities underwriting syndicates and municipal securities joint underwriting accounts which are outstanding longer than ninety (90) days from settlement of the underwriting with the issuer, and good faith deposits arising in connection with an underwriting of municipal securities, outstanding longer than ninety (90) days from settlement of the underwriting with the issuer;

* * * * *

In § 240.15c3-1, the last sentence of paragraphs (c)(2)(vi)(M) and (f)(3)(iii) is amended to read as follows:

* * * *Provided further*, That until January 1, 1977, this paragraph shall not apply to municipal securities.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 29, 1976.

[FR Doc.76-29783 Filed 10-8-76;8:45 am]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1976 Crop Corn Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Corn Loan and Purchase Program

On July 3, 1975, notice of proposed rulemaking regarding loan and purchase rates for 1976 crop corn and operating provisions to carry out the 1976 crop corn loan and purchase program was published in the FEDERAL REGISTER (40 FR 28094).

Several responses were received from interested individuals. These responses ranged from requests suggesting an increase in the price support level to extending the maturity date for three years.

After consideration of all responses, and other factors, it has been determined that loan and purchase rates for 1976 crop corn on a national average will be increased to $1.25 per bushel. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and district. Loans as in 1975 will not have identical maturity dates but will mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued. Other operating provisions for the 1976 crop remain the same as those for the 1975 crop.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, published at 41 FR 22334, and any amendments thereto, and the 1970 and Subsequent Crops Corn Loan and Purchase Program Regulations, published at 35 FR 13969, and any amendments to such regulations are further supplemented for the 1976 crop of corn. 7 CFR § 1421.111 through § 1421.113 and the title of the subpart are revised to read as provided below, effective as to the 1976 crop of corn. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1976 Crop Corn Loan and Purchase Program

Sec.

1421.111 Availability.
1421.112 Maturity of loans.
1421.113 Loan and purchase rates, premiums and discounts.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105, 401, 63 Stat. 1051, as amended, (7 U.S.C. 1441 note, 1421)

Subpart—1976 Crop Corn Loan and Purchase Program

§ 1421.111 Availability.

(a) *Loans.* A producer desiring to participate in the program through loans must request a loan on his 1976 crop of eligible corn on or before May 31, 1977.

(b) *Purchases.* A producer desiring to offer eligible 1976 crop corn not under loan for purchase must execute and deliver to the county ASCS office on or before April 30, 1978, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1976 crop corn he will sell to CCC. Delivery of the commodity to CCC will not be accepted before April 30, 1978.

§ 1421.112 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued.

§ 1421.113 Loan and purchase rates, premiums and discounts.

County basic loan and purchase rates for corn and the schedule of premiums and discounts are contained in this section. Farm stored loans will be made at the basic rate for the county where the corn is stored, adjusted only for the weed control discount where applicable. The loan and purchase rate for warehouse-stored corn loans shall be the basic rate for the county where the corn is stored, adjusted by the premiums and discounts prescribed in paragraphs (b) and (c) of this section. Notwithstanding § 1421.22(c), settlement for corn delivered from other than approved warehouse storage shall be based on the basic rate for the county in which the producer's customary delivery point is located, and on the quality and quantity of the corn delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(a) *Basic county rates.* Basic county rates for corn grading No. 2 and containing from 15.1 through 15.5 percent moisture are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.40

ARIZONA

County	Rate per bushel
All counties	$1.46

ARKANSAS

County	Rate per bushel
All counties	$1.37

CALIFORNIA

County	Rate per bushel
All counties	$1.46

COLORADO

County	Rate per bushel	County	Rate per bushel
Baca	$1.29	Prowers	$1.28
Cheyenne	1.28	Sedgwick	1.28
Kit Carson	1.28	Washington	1.30
Kiowa	1.28	Yuma	1.27
Lincoln	1.31	All other counties	1.32
Logan	1.30		
Phillips	1.28		

CONNECTICUT

County	Rate per bushel
All counties	$1.49

DELAWARE

County	Rate per bushel
All counties	$1.43

FLORIDA

County	Rate per bushel
All counties	$1.41

GEORGIA

County	Rate per bushel
All counties	$1.41

HAWAII

County	Rate per bushel
All counties	$1.77

IDAHO

County	Rate per bushel
All counties	$1.43

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.30	Lee	$1.30
Alexander	1.34	Livingston	1.30
Bond	1.32	Logan	1.30
Boone	1.30	McDonough	1.31
Brown	1.31	McHenry	1.32
Bureau	1.30	McLean	1.29
Calhoun	1.32	Macon	1.30
Carroll	1.28	Macoupin	1.32
Cass	1.31	Madison	1.34
Champaign	1.29	Marion	1.31
Christian	1.31	Marshall	1.30
Clark	1.29	Mason	1.31
Clay	1.30	Massac	1.34
Clinton	1.33	Menard	1.30
Coles	1.29	Mercer	1.29
Cook	1.34	Monroe	1.35
Crawford	1.29	Montgomery	1.31
Cumberland	1.29	Morgan	1.31
De Kalb	1.30	Moultrie	1.29
De Witt	1.29	Ogle	1.29
Douglas	1.29	Peoria	1.31
Du Page	1.33	Perry	1.34
Edgar	1.29	Piatt	1.29
Edwards	1.31	Pike	1.31
Effingham	1.30	Pope	1.33
Fayette	1.31	Pulaski	1.34
Ford	1.30	Putnam	1.30
Franklin	1.32	Randolph	1.34
Fulton	1.31	Richland	1.30
Gallatin	1.32	Rock Island	1.29
Greene	1.32	St. Clair	1.35
Grundy	1.31	Saline	1.32
Hamilton	1.31	Sangamon	1.30
Hancock	1.30	Schuyler	1.31
Hardin	1.33	Scott	1.31
Henderson	1.30	Shelby	1.30
Henry	1.30	Stark	1.31
Iroquois	1.30	Stephenson	1.27
Jackson	1.33	Tazewell	1.30
Jasper	1.29	Union	1.33
Jefferson	1.33	Vermilion	1.29
Jersey	1.32	Wabash	1.31
Jo Daviess	1.27	Warren	1.31
Johnson	1.33	Washington	1.35
Kane	1.32	Wayne	1.31
Kankakee	1.31	White	1.31
Kendall	1.31	Whiteside	1.29
Knox	1.31	Will	1.33
Lake	1.33	Williamson	1.32
La Salle	1.30	Winnebago	1.28
Lawrence	1.30	Woodford	1.30

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.28	Hancock	$1.26
Allen	1.28	Perry	1.32
Bartholomew	1.29	Hendricks	1.26
Benton	1.30	Henry	1.26
Blackford	1.27	Howard	1.28
Boone	1.25	Huntington	1.27
Brown	1.29	Jackson	1.31
Carroll	1.28	Jasper	1.31
Cass	1.30	Jay	1.28
Clark	1.32	Jefferson	1.32
Clay	1.27	Jennings	1.31
Clinton	1.26	Johnson	1.27
Crawford	1.32	Knox	1.31
Daviess	1.31	Kosciusko	1.30
Dearborn	1.32	Lagrange	1.28
Decatur	1.29	Lake	1.33
De Kalb	1.28	La Porte	1.33
Delaware	1.26	Lawrence	1.31
Dubois	1.31	Madison	1.25
Elkhart	1.30	Marion	1.26
Fayette	1.28	Marshall	1.31
Floyd	1.32	Martin	1.31
Fountain	1.27	Miami	1.28
Franklin	1.31	Monroe	1.29
Fulton	1.30	Montgomery	1.27
Gibson	1.32	Morgan	1.27
Grant	1.27	Newton	1.31
Greene	1.29	Noble	1.28
Hamilton	1.25	Ohio	1.32
Harrison	1.32	Orange	1.31

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Owen	1.27	Sullivan	1.29
Parke	1.27	Switzerland	1.32
Pike	1.31	Tippecanoe	1.28
Porter	1.33	Tipton	1.26
Posey	1.32	Union	1.29
Pulaski	1.31	Vanderburgh	1.32
Putnam	1.26	Vermillion	1.28
Randolph	1.27	Vigo	1.28
Ripley	1.31	Wabash	1.28
Rush	1.27	Warren	1.28
St. Joseph	1.31	Warrick	1.32
Scott	1.32	Washington	1.32
Shelby	1.27	Wayne	1.27
Spencer	1.32	Wells	1.27
Starke	1.31	White	1.30
Steuben	1.28	Whitley	1.28

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.23	Jefferson	$1.26
Adams	1.26	Johnson	1.26
Allamakee	1.21	Jones	1.25
Appanoose	1.26	Keokuk	1.26
Audubon	1.23	Kossuth	1.17
Benton	1.24	Lee	1.27
Black Hawk	1.25	Linn	1.24
Boone	1.22	Louisa	1.27
Bremer	1.23	Lucas	1.25
Buchanan	1.24	Lyon	1.16
Buena Vista	1.19	Madison	1.23
Butler	1.22	Mahaska	1.25
Calhoun	1.20	Marion	1.24
Carroll	1.23	Marshall	1.24
Cass	1.24	Mills	1.26
Cedar	1.27	Mitchell	1.20
Cerro Gordo	1.21	Monona	1.24
Cherokee	1.19	Monroe	1.25
Chickasaw	1.22	Montgomery	1.26
Clark	1.25	Muscatine	1.27
Clay	1.17	O'Brien	1.18
Clayton	1.23	Osceola	1.16
Clinton	1.27	Page	1.28
Crawford	1.24	Palo Alto	1.16
Dallas	1.22	Plymouth	1.20
Davis	1.27	Pocahontas	1.19
Decatur	1.27	Polk	1.23
Delaware	1.24	Pottawattamie	1.26
Des Moines	1.27	Poweshiek	1.24
Dickinson	1.15	Ringgold	1.28
Dubuque	1.25	Sac	1.21
Emmet	1.15	Scott	1.27
Fayette	1.23	Shelby	1.25
Floyd	1.22	Sioux	1.18
Franklin	1.21	Story	1.24
Fremont	1.27	Tama	1.24
Greene	1.21	Taylor	1.28
Grundy	1.23	Union	1.26
Guthrie	1.22	Van Buren	1.27
Hamilton	1.21	Wapello	1.26
Hancock	1.20	Warren	1.24
Hardin	1.23	Washington	1.26
Harrison	1.25	Wayne	1.26
Henry	1.27	Webster	1.20
Howard	1.20	Winnebago	1.19
Humboldt	1.18	Winneshiek	1.21
Ida	1.21	Woodbury	1.22
Iowa	1.25	Worth	1.20
Jackson	1.26	Wright	1.20
Jasper	1.24		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.31	Clay	$1.25
Anderson	1.32	Cloud	1.25
Atchison	1.33	Coffey	1.30
Barber	1.25	Comanche	1.25
Barton	1.23	Cowley	1.26
Bourbon	1.33	Crawford	1.33
Brown	1.31	Decatur	1.23
Butler	1.27	Dickinson	1.25
Chase	1.27	Doniphan	1.31
Chautauqua	1.27	Douglas	1.33
Cherokee	1.33	Edwards	1.24
Cheyenne	1.21	Elk	1.27
Clark	1.25	Ellis	1.23

KANSAS—Continued

County	Rate per bushel	County	Rate per Bushel
Ellsworth	$1.24	Neosho	$1.31
Finney	1.24	Ness	1.23
Ford	1.25	Norton	1.24
Franklin	1.32	Osage	1.30
Geary	1.27	Osborne	1.23
Gove	1.22	Ottawa	1.25
Graham	1.22	Pawnee	1.24
Grant	1.25	Phillips	1.24
Gray	1.25	Pottawatomie	1.30
Greeley	1.23	Pratt	1.24
Greenwood	1.28	Rawlins	1.22
Hamilton	1.24	Reno	1.24
Harper	1.25	Republic	1.26
Harvey	1.25	Rice	1.24
Haskell	1.25	Riley	1.29
Hodgeman	1.24	Rooks	1.23
Jackson	1.31	Rush	1.23
Jefferson	1.33	Russell	1.23
Jewell	1.24	Saline	1.25
Johnson	1.34	Scott	1.23
Kearny	1.24	Sedgewick	1.26
Kingman	1.25	Seward	1.26
Kiowa	1.24	Shawnee	1.31
Labette	1.29	Sheridan	1.22
Lane	1.23	Sherman	1.22
Leavenworth	1.34	Smith	1.24
Lincoln	1.24	Stafford	1.24
Linn	1.33	Stanton	1.25
Logan	1.22	Stevens	1.26
Lyon	1.29	Sumner	1.26
McPherson	1.25	Thomas	1.22
Marion	1.25	Trego	1.22
Marshall	1.29	Wabaunsee	1.29
Meade	1.26	Wallace	1.22
Miami	1.33	Washington	1.28
Mitchell	1.24	Wichita	1.23
Montgomery	1.28	Wilson	1.29
Morris	1.27	Woodson	1.31
Morton	1.26	Wyandotte	1.34
Nemaha	1.30		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Ballard	$1.34	Jefferson	$1.34
Boone	1.33	Kenton	1.33
Bracken	1.35	Lewis	1.35
Breckinridge	1.34	Livingston	1.34
Bullitt	1.35	McCracken	1.34
Campbell	1.33	Mason	1.35
Carroll	1.34	Meade	1.34
Crittenden	1.34	Oldham	1.34
Daviess	1.34	Trimble	1.34
Gallatin	1.34	Union	1.34
Hancock	1.34	All Other Counties	1.36
Henderson	1.34		

LOUISIANA

All counties $1.39

MAINE

All counties $1.49

MARYLAND

All counties $1.43

MASSACHUSETTS

All counties $1.49

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.26	Chippewa	1.24
Alger	1.24	Clare	1.24
Allegan	1.26	Clinton	1.25
Alpena	1.26	Crawford	1.26
Antrim	1.26	Delta	1.24
Arenac	1.25	Dickinson	1.24
Baraga	1.24	Eaton	1.26
Barry	1.25	Emmet	1.26
Bay	1.24	Genesee	1.26
Benzie	1.26	Gladwin	1.24
Berrien	1.31	Gogebic	1.24
Branch	1.28	Grand Traverse	1.26
Calhoun	1.26	Gratiot	1.29
Cass	1.29	Hillsdale	1.29
Charlevoix	1.26	Houghton	1.24
Cheboygan	1.26		

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Huron	$1.24	Montcalm	$1.23
Ingham	1.26	Montmorency	1.26
Ionia	1.25	Muskegon	1.25
Iosco	1.25	Newaygo	1.24
Iron	1.24	Oakland	1.27
Isabella	1.23	Oceana	1.25
Jackson	1.27	Ogenaw	1.25
Kalamazoo	1.27	Ontonagon	1.24
Kalkaska	1.26	Osceola	1.24
Kent	1.24	Oscoda	1.26
Keweenaw	1.24	Otsego	1.26
Lake	1.25	Ottawa	1.25
Lapeer	1.26	Presque Isle	1.26
Leelanau	1.26	Roscommon	1.25
Lenawee	1.30	Saginaw	1.23
Livingston	1.27	St. Clair	1.26
Luce	1.24	St. Joseph	1.28
Mackinac	1.24	Sanilac	1.24
Macomb	1.27	Schoolcraft	1.24
Manistee	1.25	Shiawassee	1.25
Marquette	1.24	Tuscola	1.23
Mason	1.25	Van Buren	1.27
Mecosta	1.23	Washtenaw	1.28
Menominee	1.24	Wayne	1.29
Midland	1.23	Wexford	1.25
Missaukee	1.25		
Monroe	1.31		

MINNESOTA

Aitkin	$1.17	Marshall	$1.15
Anoka	1.17	Martin	1.14
Becker	1.15	Meeker	1.17
Beltrami	1.15	Mille Lacs	1.17
Benton	1.17	Morrison	1.16
Big Stone	1.12	Mower	1.18
Blue Earth	1.16	Murray	1.13
Brown	1.15	Nicollet	1.16
Carlton	1.17	Nobles	1.14
Carver	1.17	Norman	1.15
Cass	1.15	Olmsted	1.18
Chippewa	1.15	Otter Tail	1.15
Chisago	1.17	Pennington	1.15
Clay	1.15	Pine	1.17
Clearwater	1.15	Pipestone	1.13
Cook	1.17	Polk	1.15
Cottonwood	1.13	Pope	1.15
Crow Wing	1.16	Ramsey	1.17
Dakota	1.17	Red Lake	1.15
Dodge	1.17	Redwood	1.14
Douglas	1.16	Renville	1.16
Faribault	1.15	Rice	1.17
Fillmore	1.19	Rock	1.14
Freeborn	1.16	Roseau	1.15
Goodhue	1.17	St. Louis	1.17
Grant	1.15	Scott	1.17
Hennepin	1.17	Sherburne	1.17
Houston	1.19	Sibley	1.17
Hubbard	1.15	Stearns	1.16
Isanti	1.17	Steele	1.16
Itasca	1.17	Stevens	1.14
Jackson	1.14	Swift	1.14
Kanabec	1.17	Todd	1.16
Kandiyohi	1.16	Traverse	1.12
Kittson	1.15	Wabasha	1.17
Koochiching	1.17	Wadena	1.16
Lac Qui Parle	1.12	Waseca	1.16
Lake	1.17	Washington	1.17
Lake of the Woods	1.15	Watonwan	1.14
Le Sueur	1.17	Wilkin	1.14
Lincoln	1.11	Winona	1.18
Lyon	1.12	Wright	1.17
McLeod	1.17	Yellow Medicine	1.13
Mahnomen	1.15		

MISSISSIPPI

All counties... $1.39

MISSOURI

County	Rate per Bushel	County	Rate per Bushel
Adair	$1.29	Linn	$1.31
Andrew	1.33	Livingston	1.33
Atchison	1.30	McDonald	1.35
Audrain	1.31	Macon	1.30
Barry	1.36	Madison	1.33
Barton	1.32	Maries	1.32
Bates	1.33	Marion	1.29
Benton	1.31	Mercer	1.29
Bollinger	1.33	Miller	1.32
Boone	1.30	Mississippi	1.34
Buchanan	1.34	Moniteau	1.31
Butler	1.34	Monroe	1.30
Caldwell	1.34	Montgomery	1.31
Callaway	1.31	Morgan	1.31
Camden	1.32	New Madrid	1.34
Cape Girardeau	1.33	Newton	1.34
Carroll	1.33	Nodaway	1.31
Carter	1.34	Oregon	1.36
Cass	1.34	Osage	1.31
Cedar	1.33	Ozark	1.38
Chariton	1.32	Pemiscot	1.34
Christian	1.36	Perry	1.33
Clark	1.28	Pettis	1.30
Clay	1.34	Phelps	1.34
Clinton	1.34	Pike	1.31
Cole	1.31	Platte	1.34
Cooper	1.29	Polk	1.34
Crawford	1.33	Pulaski	1.34
Dade	1.33	Putnam	1.28
Dallas	1.34	Ralls	1.30
Daviess	1.32	Randolph	1.30
De Kalb	1.32	Ray	1.34
Dent	1.34	Reynolds	1.34
Douglas	1.38	Ripley	1.34
Dunklin	1.34	St. Charles	1.32
Franklin	1.33	St. Clair	1.32
Gasconade	1.31	St. Francois	1.33
Gentry	1.30	Ste. Genevieve	1.33
Greene	1.34	St. Louis	1.34
Grundy	1.31	Saline	1.32
Harrison	1.30	Schuyler	1.29
Henry	1.32	Scotland	1.28
Hickory	1.32	Scott	1.34
Holt	1.31	Shannon	1.36
Howard	1.30	Shelby	1.29
Howell	1.38	Stoddard	1.34
Iron	1.33	Stone	1.36
Jackson	1.34	Sullivan	1.30
Jasper	1.33	Taney	1.38
Jefferson	1.34	Texas	1.36
Johnson	1.34	Vernon	1.32
Knox	1.29	Warren	1.32
Laclede	1.34	Washington	1.33
Lafayette	1.34	Wayne	1.34
Lawrence	1.34	Webster	1.36
Lewis	1.29	Worth	1.30
Lincoln	1.32	Wright	1.36

MONTANA

All counties... $1.34

NEBRASKA

Adams	$1.22	Butler	$1.25
Antelope	1.22	Cass	1.26
Arthur	1.22	Cedar	1.20
Banner	1.27	Chase	1.21
Blaine	1.18	Cherry	1.20
Boone	1.22	Cheyenne	1.25
Box Butte	1.25	Clay	1.24
Boyd	1.19	Colfax	1.25
Brown	1.18	Cuming	1.24
Buffalo	1.19	Custer	1.18
Burt	1.26	Dakota	1.20

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Dawes	$1.25	McPherson	$1.20
Dawson	1.18	Madison	1.22
Deuel	1.25	Merrick	1.21
Dixon	1.20	Morrill	1.27
Dodge	1.25	Nance	1.22
Douglas	1.27	Nemaha	1.28
Dundy	1.20	Nuckolls	1.25
Fillmore	1.25	Otoe	1.27
Franklin	1.22	Pawnee	1.29
Frontier	1.20	Perkins	1.22
Furnas	1.21	Phelps	1.21
Gage	1.28	Pierce	1.22
Garden	1.23	Platte	1.23
Garfield	1.19	Polk	1.23
Gosper	1.20	Red Willow	1.20
Grant	1.22	Richardson	1.30
Greeley	1.21	Rock	1.18
Hall	1.21	Saline	1.26
Hamilton	1.21	Sarpy	1.25
Harlan	1.22	Saunders	1.25
Hayes	1.20	Scotts Bluff	1.27
Hitchcock	1.20	Seward	1.25
Holt	1.19	Sheridan	1.23
Hooker	1.20	Sherman	1.19
Howard	1.21	Sioux	1.27
Jefferson	1.27	Stanton	1.24
Johnson	1.28	Thayer	1.25
Kearney	1.21	Thomas	1.19
Keith	1.23	Thurston	1.24
Keyapaha	1.18	Valley	1.19
Kimball	1.27	Washington	1.27
Knox	1.20	Wayne	1.22
Lancaster	1.26	Webster	1.22
Lincoln	1.20	Wheeler	1.21
Logan	1.19	York	1.23
Loup	1.18		

NEVADA

All counties... $1.47

NEW HAMPSHIRE

All counties... $1.49

NEW JERSEY

All counties... $1.45

NEW MEXICO

Curry	$1.36	Roosevelt	$1.36
Harding	1.36	Union	1.36
Lea	1.36	All other counties	1.43
Quay	1.36		

NEW YORK

All counties... $1.44

NORTH CAROLINA

All counties... $1.42

NORTH DAKOTA

All counties... $1.18

OHIO

Adams	$1.33	Clinton	$1.31
Allen	1.30	Columbiana	1.40
Ashland	1.33	Coshocton	1.34
Ashtabula	1.40	Crawford	1.31
Athens	1.36	Cuyahoga	1.36
Auglaize	1.29	Darke	1.28
Belmont	1.38	Defiance	1.29
Brown	1.33	Delaware	1.30
Butler	1.30	Erie	1.32
Carroll	1.37	Fairfield	1.32
Champaign	1.29	Fayette	1.30
Clark	1.29	Franklin	1.29
Clermont	1.32	Fulton	1.31

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Gallia	$1.34	Morgan	$1.36
Geauga	1.38	Morrow	1.31
Greene	1.29	Muskingum	1.34
Guernsey	1.36	Noble	1.37
Hamilton	1.31	Ottawa	1.33
Hancock	1.31	Paulding	1.29
Hardin	1.30	Perry	1.34
Harrison	1.38	Pickaway	1.30
Henry	1.31	Pike	1.32
Highland	1.31	Portage	1.38
Hocking	1.33	Preble	1.29
Holmes	1.34	Putnam	1.30
Huron	1.32	Richland	1.31
Jackson	1.33	Ross	1.31
Jefferson	1.39	Sandusky	1.31
Knox	1.31	Scioto	1.33
Lake	1.38	Seneca	1.31
Lawrence	1.34	Shelby	1.29
Licking	1.31	Stark	1.37
Logan	1.30	Summit	1.36
Lorain	1.33	Trumbull	1.40
Lucas	1.33	Tuscarawas	1.36
Madison	1.29	Union	1.30
Mahoning	1.40	Van Wert	1.29
Marion	1.31	Vinton	1.33
Medina	1.35	Warren	1.31
Meigs	1.35	Washington	1.38
Mercer	1.28	Wayne	1.35
Miami	1.29	Williams	1.30
Monroe	1.39	Wood	1.31
Montgomery	1.29	Wyandot	1.31

OKLAHOMA

Beaver	$1.31	Harper	$1.31
Beckham	1.35	Roger Mills	1.35
Cimarron	1.30	Texas	1.30
Ellis	1.33	All Other Counties	1.37
Harmon	1.35		

OREGON

All counties $1.43

PENNSYLVANIA

All counties $1.44

RHODE ISLAND

All counties $1.49

SOUTH CAROLINA

All counties $1.42

SOUTH DAKOTA

Aurora	$1.11	Jackson	$1.16
Beadle	1.11	Jerauld	1.11
Bennett	1.18	Jones	1.15
Bon Homme	1.15	Kingsbury	1.11
Brookings	1.11	Lake	1.13
Brown	1.11	Lawrence	1.17
Brule	1.11	Lincoln	1.16
Buffalo	1.11	Lyman	1.13
Butte	1.17	McCook	1.13
Campbell	1.13	McPherson	1.12
Charles Mix	1.13	Marshall	1.11
Clark	1.11	Meade	1.16
Clay	1.18	Mellette	1.15
Codington	1.11	Miner	1.12
Corson	1.15	Minnehaha	1.14
Custer	1.21	Moody	1.13
Davison	1.12	Pennington	1.18
Day	1.11	Perkins	1.15
Deuel	1.11	Potter	1.14
Dewel	1.15	Roberts	1.11
Douglas	1.12	Sanborn	1.12
Edmunds	1.12	Shannon	1.21
Fall River	1.24	Spink	1.11
Faulk	1.12	Stanley	1.15
Grant	1.11	Sully	1.13
Gregory	1.13	Todd	1.16
Haakon	1.15	Tripp	1.14
Hamlin	1.11	Turner	1.15
Hand	1.11	Union	1.18
Hanson	1.12	Walworth	1.14
Harding	1.17	Washabaugh	1.16
Hughes	1.13	Yankton	1.16
Hutchinson	1.14	Ziebach	1.16
Hyde	1.12		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
All Counties	$1.38		

TEXAS

Armstrong	$1.32	Hemphill	$1.32
Bailey	1.32	Hockley	1.34
Briscoe	1.32	Hutchinson	1.32
Carson	1.32	King	1.34
Castro	1.32	Lamb	1.32
Childress	1.33	Lipscomb	1.32
Cochran	1.34	Lubbock	1.34
Collingsworth	1.33	Moore	1.32
Cottle	1.34	Motley	1.34
Crosby	1.34	Ochiltree	1.32
Dallam	1.32	Oldham	1.32
Deaf Smith	1.32	Parmer	1.32
Dickens	1.34	Potter	1.32
Donely	1.33	Randall	1.32
Floyd	1.32	Roberts	1.32
Gray	1.32	Sherman	1.32
Hale	1.32	Swisher	1.32
Hall	1.33	Wheeler	1.33
Hansford	1.32	All Other Counties	1.39
Hartley	$1.32		

UTAH

All counties $1.46

VERMONT

All counties $1.49

VIRGINIA

All counties $1.43

WEST VIRGINIA

All counties $1.41

WASHINGTON

All counties $1.42

WISCONSIN

Adams	$1.22	Marathon	$1.23
Ashland	1.22	Marinette	1.24
Barron	1.20	Marquette	1.24
Bayfield	1.19	Menominee	1.24
Brown	1.24	Milwaukee	1.29
Buffalo	1.19	Monroe	1.20
Burnett	1.18	Oconto	1.24
Calumet	1.24	Oneida	1.24
Chippewa	1.20	Outagamie	1.23
Clark	1.22	Ozaukee	1.27
Columbia	1.26	Pepin	1.19
Crawford	1.22	Pierce	1.19
Dane	1.28	Polk	1.18
Dodge	1.28	Portage	1.23
Door	1.25	Price	1.22
Douglas	1.17	Racine	1.31
Dunn	1.20	Richland	1.25
Eau Claire	1.20	Rock	1.29
Florence	1.24	Rusk	1.21
Fond du Lac	1.26	St. Croix	1.19
Forest	1.24	Sauk	1.25
Grant	1.24	Sawyer	1.21
Green	1.28	Shawano	1.24
Green Lake	1.26	Sheboygan	1.25
Iowa	1.28	Taylor	1.22
Iron	1.23	Trempealeau	1.19
Jackson	1.20	Vernon	1.20
Jefferson	1.29	Vilas	1.24
Juneau	1.22	Walworth	1.30
Kenosha	1.31	Washburn	1.20
Kewaunee	1.25	Washington	1.28
La Crosse	1.19	Waukesha	1.29
Lafayette	1.27	Waupaca	1.24
Langlade	1.24	Waushara	1.24
Lincoln	1.23	Winnebago	1.24
Manitowoc	$1.25	Wood	1.22

WYOMING

All Counties $1.34

The basic loan and purchase rates shall be adjusted as applicable by premiums and discounts as follows:

(b) *Premiums.* (1) Moisture.

	Cents per bushel
14.0 or less	+1½
14.1 through 14.5	+1
14.6 through 15.0	+ ½

(2) Broken corn and foreign material:

Percent: 2.0 or less	+1

The premiums in this subsection (b) shall not apply to sample grade corn.

(c) *Discounts.* (1) Class.

	Cents per bushel
Mixed	−2

(2) Test weight per bushel.

Pounds:	
53.0 through 53.9	−1
52.0 through 52.9	−2
51.0 through 51.9	−3
50.0 through 50.9	−4
49.0 through 49.9	−5

(3) Total damage.

Percent:	
5.1 through 6.0	−½
6.1 through 7.0	−1

(4) Heat damage.

Percent: 0.21 through 0.50	−½

(5) Broken corn and foreign material.

Percent: 3. 1through 4.0	−10

(6) Weed control laws:

Where required by § 1421.25	−10

(7) *Other:* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the corn such as (but not limited to) moisture, weevily, musty, sour, and rodent excreta. Such discounts will be established not later than the time delivery of corn to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

Effective date: October 12, 1976.

Signed at Washington, D.C., on October 1, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-29609 Filed 10-8-76;8:45 am]

[CCC Grain Price Support Regulations, 1976 Crop Sorghum Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Sorghum Loan and Purchase Program

On July 3, 1975, notice of proposed rulemaking regarding loan and purchase rates for 1976 crop sorghum and operating provisions to carry out the 1976 crop sorghum loan and purchase program was published in the FEDERAL REGISTER (40 FR 28094).

Several responses were received from interested individuals. These responses ranged from requests suggesting an increase in the price support level to extending the maturity date for three years.

After consideration of all responses, and other factors, it has been determined that loan and purchase rates for 1976 crop sorghum on a national average will be increased to $2.13 per cwt. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and district. Loans as in 1975 will not have identical maturity dates but will mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued. Other operating provisions for the 1976 crop remain the same as those for the 1975 crop.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, published at 41 FR 22334, and any amendments thereto, and the 1970 and Subsequent Crops Sorghum Loan and Purchase Program Regulations, published at 35 FR 10745, and any amendments to such regulations are further supplemented for the 1976 crop of sorghum. 7 CFR § 1421.235 through § 1421.237 and the title of the subpart are revised to read as provided below, effective as to the 1976 crop of sorghum. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1976 Crop Sorghum Loan and Purchase Program

Sec.

1421.235 Availability.
1421.236 Maturity of loans.
1421.237 Loan and purchase rates and discounts.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421)

Subpart—1976 Crop Sorghum Loan and Purchase Program

§ 1421.235 Availability.

(a) *Loans.* A producer desiring to participate in the program through loans must request a loan on his 1976 crop of eligible sorghum on or before May 31, 1977.

(b) *Purchases.* A producer desiring to offer eligible 1976 crop sorghum not under loan for purchase must execute and deliver to the county ASCS office on or before April 30, 1978, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1976 crop sorghum he will sell to CCC. Delivery of the commodity will not be accepted before April 30, 1978.

§ 1421.236 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipts was issued.

§ 1421.237 Loans and purchase rates and discounts.

(a) *Basic rates (counties).* Basic county rates for loan and settlement purposes for sorghum grading U.S. No. 2 or better are established as follows:

ALABAMA

County	Rate per hundredweight
All counties	$2.10

ARIZONA

County	Rate per hundredweight	County	Rate per hundredweight
Apache	$2.09	Mohave	$2.57
Cochise	2.31	Navajo	2.09
Coconino	2.09	Pima	2.37
Gila	2.09	Pinal	2.45
Graham	2.13	Santa Cruz	2.34
Greenlee	2.09	Yavapai	2.09
Maricopa	2.45	Yuma	2.50

ARKANSAS

County	Rate per hundredweight	County	Rate per hundredweight
Arkansas	$2.20	Lawrence	$2.20
Ashley	2.16	Lee	2.23
Baxter	2.08	Lincoln	2.17
Benton	2.01	Little River	2.09
Boone	2.04	Logan	2.06
Bradley	2.14	Lonoke	2.18
Calhoun	2.13	Madison	2.02
Carroll	2.01	Marion	2.05
Chicot	2.16	Miller	2.11
Clark	2.09	Mississippi	2.24
Clay	2.22	Monroe	2.22
Cleburne	2.15	Montgomery	2.06
Cleveland	2.16	Nevada	2.10
Columbia	2.12	Newton	2.05
Conway	2.11	Ouachita	2.11
Craighead	2.23	Perry	2.09
Crawford	2.06	Phillips	2.23
Crittenden	2.24	Pike	2.08
Cross	2.23	Poinsett	2.23
Dallas	2.12	Polk	2.06
Desha	2.18	Pope	2.08
Drew	2.16	Prairie	2.20
Faulkner	2.14	Pulaski	2.16
Franklin	2.06	Randolph	2.19
Fulton	2.13	St. Francis	2.23
Garland	2.08	Saline	2.10
Grant	2.11	Scott	2.06
Greene	2.22	Searcy	2.07
Hempstead	2.10	Sebastian	2.06
Hot Spring	2.09	Sevier	2.07
Howard	2.07	Sharp	2.15
Independence	2.15	Stone	2.11
Izard	2.11	Union	2.12
Jackson	2.20	Van Buren	2.12
Jefferson	2.16	Washington	2.02
Johnson	2.06	White	2.18
Lafayette	2.12	Woodruff	2.21
		Yell	2.08

CALIFORNIA

County	Rate per hundredweight	County	Rate per hundredweight
Alameda	$2.59	Madera	$2.54
Amador	2.58	Marin	2.55
Butte	2.48	Mariposa	2.54
Calaveras	2.58	Mendocino	2.34
Colusa	2.52	Merced	2.55
Contra Costa	2.59	Modoc	2.26
El Dorado	2.57	Monterey	2.46
Fresno	2.51	Napa	2.53
Glenn	2.49	Orange	2.59
Humboldt	2.23	Placer	2.52
Imperial	2.54	Plumas	2.34
Inyo	2.30	Riverside	2.54
Kern	2.55	Sacramento	2.59
Kings	2.50	San Benito	2.52
Lake	2.42	San Bernardino	2.57
Lassen	2.27	San Diego	2.59
Los Angeles	2.59	San Francisco	2.59
San Joaquin	2.59	San Luis Obispo	2.43
San Mateo	2.58	Santa Barbara	2.46
Santa Clara	2.59	Santa Cruz	2.51
Shasta	2.29	Sierra	2.36
Siskiyou	2.25	Solano	2.58
Sonoma	2.54	Stanislaus	2.59
Sutter	2.52	Tehama	2.47
Tulare	2.49	Tuolumne	2.54
Ventura	2.56	Yolo	2.52
Yuba	2.51		

COLORADO

County	Rate per hundredweight
All other counties	$2.02
Baca	$2.06

DELAWARE

County	Rate per hundredweight
All counties	$2.15

FLORIDA

County	Rate per hundredweight
All counties	$2.10

GEORGIA

County	Rate per hundredweight
All counties	$2.15

IDAHO

County	Rate per hundredweight
All counties	$1.88

ILLINOIS

County	Rate per hundredweight	County	Rate per hundredweight
Alexander	$2.15	Massac	$2.14
Bond	2.07	Monroe	2.09
Calhoun	2.03	Perry	2.10
Clay	2.07	Pope	2.13
Clinton	2.09	Pulaski	2.15
Edwards	2.09	Randolph	2.10
Franklin	2.10	Richland	2.16
Gallatin	2.09	Saint Clair	2.09
Hamilton	2.11	Saline	2.11
Hardin	2.12	Union	2.14
Jackson	2.12	Wabash	2.16
Jefferson	2.09	Washington	2.09
Jersey	2.03	Wayne	2.09
Johnson	2.13	White	2.09
Lawrence	2.13	Williamson	2.12
Lawrence	2.05	All other counties	1.97
Madison	2.09		
Marion	2.08		

INDIANA

County	Rate per hundredweight
All counties	$2.02

IOWA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$2.00	Mills	$2.01
Adams	1.99	Monona	1.99
Appanoose	1.96	Monroe	1.94
Audubon	1.98	Montgomery	2.01
Calhoun	1.93	Page	2.01
Carroll	1.97	Pottawattamie	2.01
Cass	2.01	Ringgold	2.00
Clarke	1.97	Sac	1.95
Crawford	1.98	Shelby	1.99
Decatur	1.98	Taylor	2.00
Fremont	2.01	Union	1.98
Greene	1.94	Warren	1.96
Guthrie	1.97	Wayne	1.97
Harrison	2.00	Woodbury	1.97
Ida	1.95	All other counties	1.89
Lucas	1.96		
Madison	1.98		
Marion	1.93		

KANSAS

County	Rate per hundredweight	County	Rate per hundredweight
Allen	$2.09	Chautauqua	$2.04
Anderson	2.10	Cherokee	2.08
Atchison	2.13	Cheyenne	1.93
Barber	2.00	Clark	2.00
Barton	1.96	Clay	2.01
Bourbon	2.10	Cloud	2.01
Brown	2.10	Coffey	2.07
Butler	2.00	Comanche	2.00
Chase	2.05	Cowley	2.00

KANSAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Crawford	$2.09	Montgomery	$2.08
Decatur	1.95	Morris	2.04
Dickinson	2.00	Morton	1.99
Doniphan	2.09	Nemaha	2.07
Douglas	2.11	Neosho	2.09
Edwards	1.96	Ness	1.95
Elk	2.04	Norton	1.96
Ellis	1.96	Osage	2.08
Ellsworth	1.98	Osborne	1.98
Finney	1.97	Ottawa	2.00
Ford	2.00	Pawnee	1.96
Franklin	2.12	Phillips	1.97
Geary	2.04	Pottawatomie	2.07
Gove	1.96	Pratt	1.98
Graham	1.96	Rawlins	1.94
Grant	1.97	Reno	1.98
Gray	1.99	Republic	2.01
Greeley	1.93	Rice	1.98
Grenwood	2.05	Riley	2.05
Hamilton	1.95	Rooks	1.98
Harper	2.00	Rush	1.96
Harvey	2.00	Russell	1.96
Haskell	1.98	Saline	2.00
Hodgeman	1.98	Scott	1.94
Jackson	2.11	Sedgwick	2.00
Jefferson	2.12	Seward	1.99
Jewell	1.99	Shawnee	2.10
Johnson	2.12	Sheridan	1.96
Kearny	1.95	Sherman	1.93
Kingman	1.99	Smith	1.98
Kiowa	1.98	Stafford	1.96
Labette	2.08	Stanton	1.97
Lane	1.94	Stevens	1.99
Leavenworth	2.13	Sumner	2.00
Lincoln	1.99	Thomas	1.94
Linn	2.12	Trego	1.96
Logan	1.94	Wabaunsee	2.07
Lyon	2.06	Wallace	1.93
McPherson	2.00	Washington	2.01
Marion	2.00	Wichita	1.94
Marshall	2.05	Wilson	2.08
Meade	1.99	Woodson	2.07
Miami	2.12	Wyandotte	2.13
Mitchell	1.99		

KENTUCKY

All counties—$2.10

LOUISIANA

All counties—$2.12

MICHIGAN

All counties—$1.97

MINNESOTA

All counties—$1.92

MISSISSIPPI

All counties—$2.10

MISSOURI

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.96	Cape Girardeau	$2.13
Andrew	2.09	Carroll	2.10
Atchison	2.01	Carter	2.12
Audrain	2.01	Cass	2.11
Barry	1.99	Cedar	2.02
Barton	2.03	Chariton	2.06
Bates	2.09	Christian	2.00
Benton	2.03	Clark	1.91
Bollinger	2.12	Clay	2.13
Boone	2.00	Clinton	2.12
Buchanan	2.11	Cole	1.99
Butler	2.18	Cooper	2.03
Caldwell	2.11	Crawford	2.02
Callaway	1.99	Dade	1.99
Camden	2.02		

MISSOURI—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Dallas	$2.02	Nodaway	$2.04
Daviess	2.06	Oregon	2.11
De Kalb	2.06	Osage	2.00
Dent	2.05	Ozark	2.03
Douglas	2.05	Pemiscot	2.22
Dunklin	2.21	Perry	2.11
Franklin	2.05	Pettis	2.03
Gasconade	2.00	Phelps	2.00
Gentry	2.02	Pike	2.00
Greene	1.99	Platte	2.13
Grundy	2.05	Polk	2.00
Harrison	2.01	Pulaski	2.00
Henry	2.07	Putnam	1.99
Hickory	2.03	Ralls	1.96
Holt	2.04	Randolph	2.01
Howard	2.03	Ray	2.13
Howell	2.08	Reynolds	2.07
Iron	2.11	Ripley	2.17
Jackson	2.13	Saint Charles	2.05
Jasper	2.02	Saint Clair	2.05
Jefferson	2.09	Sainte Genevieve	2.10
Johnson	2.09	Saint Francois	2.09
Knox	1.95	Saint Louis	2.09
Laclede	2.02	Saline	2.07
Lafayette	2.11	Schuyler	1.93
Lawrence	1.99	Scotland	1.91
Lewis	1.93	Scott	2.13
Lincoln	2.03	Shannon	2.07
Linn	2.03	Shelby	1.97
Livingston	2.09	Stoddard	2.15
McDonald	1.99	Stone	2.00
Macon	2.00	Sullivan	1.99
Madison	2.12	Taney	2.02
Maries	2.00	Texas	2.02
Marion	1.95	Vernon	2.06
Mercer	2.01	Warren	2.04
Miller	2.01	Washington	2.08
Mississippi	2.14	Wayne	2.15
Moniteau	1.99	Webster	1.99
Monroe	2.00	Worth	2.02
Montgomery	2.02	Wright	2.01
Morgan	2.03		
New Madrid	2.17		
Newton	1.99		

NEBRASKA

Antelope	$1.97	Otoe	$2.00
Burt	2.00	Pawnee	2.02
Butler	2.00	Pierce	1.98
Cass	2.01	Platte	1.98
Colfax	1.99	Polk	1.98
Cuming	1.99	Richardson	2.04
Dodge	2.00	Saline	2.00
Douglas	2.01	Sarpy	2.01
Gage	2.01	Saunders	2.00
Hall	1.96	Seward	2.00
Hamilton	1.97	Stanton	1.99
Jefferson	1.98	Thayer	1.96
Johnson	2.01	Thurston	1.99
Lancaster	2.00	Washington	2.01
Madison	1.98	York	1.99
Merrick	1.96	All other counties	1.95
Nemaha	2.02		

NEVADA

All counties—$2.04

NEW MEXICO

Chaves	$2.08	Lea	$2.10
Curry	2.10	Luna	2.14
De Baca	2.07	Quay	2.10
Guadalupe	2.07	Roosevelt	2.10
Harding	2.09	All other counties	2.06
Hidalgo	2.14		

NORTH CAROLINA

All counties—$2.15

NORTH DAKOTA

All counties—$1.87

OHIO

All counties—$2.02

OKLAHOMA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$2.13	Le Flore	$2.19
Alfalfa	2.11	Lincoln	2.20
Atoka	2.21	Logan	2.17
Beaver	2.07	Love	2.21
Beckham	2.16	McClain	2.21
Blaine	2.17	McCurtain	2.19
Bryan	2.21	McIntosh	2.19
Caddo	2.21	Major	2.12
Canadian	2.20	Marshall	2.22
Carter	2.21	Mayes	2.13
Cherokee	2.18	Murray	2.21
Choctaw	2.21	Muskogee	2.19
Cimarron	2.07	Noble	2.14
Cleveland	2.21	Nowata	2.11
Coal	2.21	Okfuskee	2.19
Comanche	2.21	Oklahoma	2.20
Cotton	2.21	Okmulgee	2.19
Craig	2.11	Osage	2.12
Creek	2.19	Ottawa	2.11
Custer	2.17	Pawnee	2.15
Delaware	2.13	Payne	2.17
Dewey	2.12	Pittsburg	2.20
Ellis	2.11	Pontotoc	2.21
Garfield	2.14	Pottawatomie	2.20
Garvin	2.21	Pushmataha	2.21
Grady	2.21	Roger Mills	2.12
Grant	2.10	Rogers	2.13
Greer	2.17	Seminole	2.20
Harmon	2.16	Sequoyah	2.18
Harper	2.07	Stephens	2.21
Haskell	2.19	Texas	2.07
Hughes	2.20	Tillman	2.17
Jackson	2.17	Tulsa	2.18
Jefferson	2.21	Wagoner	2.17
Johnston	2.21	Washington	2.10
Kay	2.10	Washita	2.19
Kingfisher	2.17	Woods	2.11
Kiowa	2.20	Woodward	2.09
Latimer	2.20		

OREGON

All counties—$2.03

PENNSYLVANIA

All counties—$2.15

SOUTH CAROLINA

All counties—$2.15

SOUTH DAKOTA

Bon Homme	$1.96	Turner	$1.95
Clay	1.98	Union	1.98
Hutchinson	1.95	Yankton	1.98
Lincoln	1.97	All other counties	1.94

TENNESSEE

Shelby	$2.22	All other counties	$2.10

TEXAS

Anderson	$2.28	Brewster	$2.00
Andrews	2.08	Briscoe	2.12
Angelina	2.33	Brooks	2.39
Aransas	2.41	Brown	2.19
Archer	2.18	Burleson	2.30
Armstrong	2.11	Burnet	2.28
Atascosa	2.33	Caldwell	2.29
Austin	2.38	Calhoun	2.37
Bailey	2.10	Callahan	2.18
Bandera	2.20	Cameron	2.45
Bastrop	2.28	Camp	2.19
Baylor	2.18	Carson	2.11
Bee	2.40	Cass	2.18
Bell	2.25	Castro	2.10
Bexar	2.28	Chambers	2.45
Blanco	2.29	Cherokee	2.25
Borden	2.10	Childress	2.16
Bosque	2.21	Clay	2.20
Bowie	2.18	Cochran	2.10
Brazoria	2.41	Coke	2.15
Brazoa	2.32	Coleman	2.18

TEXAS—Continued

County	Rate per hundred-weight	County	Rate per hundred-weight
Collin	$2.21	Irion	$2.11
Collingsworth	2.15	Jack	2.21
Colorado	2.35	Jackson	2.33
Comal	2.28	Jasper	2.35
Comanche	2.21	Jeff Davis	2.01
Concho	2.19	Jefferson	2.45
Cooke	2.21	Jim Hogg	2.36
Coryell	2.22	Jim Wells	2.42
Cottle	2.16	Johnson	2.21
Crane	2.07	Jones	2.18
Crockett	2.05	Karnes	2.38
Crosby	2.13	Kaufman	2.21
Culberson	2.00	Kendall	2.29
Dallam	2.06	Kenedy	2.39
Dallas	2.21	Kent	2.16
Dawson	2.10	Kerr	2.28
Deaf Smith	2.10	Kimble	2.23
Delta	2.20	King	2.16
Denton	2.21	Kinney	2.21
DeWitt	2.34	Kleberg	2.42
Dickens	2.16	Knox	2.18
Dimmit	2.22	Lamar	2.20
Donley	2.11	Lamb	2.10
Duval	2.36	Lampasas	2.23
Eastland	2.21	La Salle	2.25
Ector	2.06	Lavaca	2.31
Edwards	2.19	Lee	2.30
Ellis	2.21	Leon	2.28
El Paso	2.00	Liberty	2.41
Erath	2.21	Limestone	2.26
Falls	2.27	Lipscomb	2.06
Fannin	2.21	Live Oak	2.38
Fayette	2.30	Llano	2.25
Fisher	2.16	Loving	2.06
Floyd	2.12	Lubbock	2.10
Foard	2.16	Lynn	2.10
Fort Bend	2.41	McCulloch	2.19
Franklin	2.19	McLennan	2.25
Freestone	2.26	McMullen	2.29
Frio	2.24	Madison	2.32
Gaines	2.10	Marion	2.19
Galveston	2.45	Martin	2.10
Garza	2.12	Mason	2.23
Gillespie	2.27	Matagorda	2.39
Glasscock	2.09	Maverick	2.15
Goliad	2.40	Medina	2.27
Gonzales	2.30	Menard	2.19
Gray	2.11	Midland	2.08
Grayson	2.22	Milam	2.29
Gregg	2.18	Mills	2.21
Grimes	2.37	Mitchell	2.13
Guadalupe	2.28	Montague	2.21
Hale	2.10	Montgomery	2.42
Hall	2.14	Moore	2.06
Hamilton	2.21	Morris	2.19
Hansford	2.06	Motley	2.14
Hardeman	2.16	Nacogdoches	2.26
Hardin	2.45	Navarro	2.25
Harris	2.45	Newton	2.35
Harrison	2.19	Nolan	2.16
Hartley	2.06	Nueces	2.45
Haskell	2.18	Ochiltree	2.06
Hays	2.28	Oldham	2.10
Hemphill	2.09	Orange	2.41
Henderson	2.24	Palo Pinto	2.21
Hidalgo	2.42	Pamola	2.25
Hill	2.22	Parker	2.21
Hockley	2.10	Parmer	2.10
Hood	2.21	Pecos	2.05
Hopkins	2.20	Polk	2.38
Houston	2.33	Potter	2.10
Howard	2.10	Presidio	2.00
Hudspeth	2.01	Rains	2.20
Hunt	2.21	Randall	2.10
Hutchinson	2.06	Reagan	2.08

TEXAS—Continued

County	Rate per hundred weight	County	Rate per hundred-weight
Real	$2.26	Throckmorton	$2.19
Red River	2.19	Titus	2.19
Reeves	2.07	Tom Green	2.15
Refugio	2.42	Travis	2.28
Roberts	2.07	Trinity	2.34
Robertson	2.28	Tyler	2.35
Rockwall	2.21	Upshur	2.19
Runnels	2.16	Upton	2.06
Rusk	2.22	Uvalde	2.26
Sabine	2.30	Val Verde	2.16
San Augustine	2.30	Van Zandt	2.20
San Jacinto	2.36	Victoria	2.37
San Patricio	2.45	Walker	2.37
San Saba	2.20	Waller	2.39
Schliecher	2.12	Ward	2.07
Scurry	2.13	Washington	2.38
Shackelford	2.19	Webb	2.23
Shelby	2.26	Wharton	2.37
Sherman	2.05	Wheeler	2.12
Smith	2.22	Wichita	2.17
Somervell	2.21	Wilbarger	2.17
Starr	2.38	Willacy	2.44
Stephens	2.21	Williamson	2.28
Sterling	2.11	Wilson	2.33
Stonewall	2.18	Winkler	2.06
Sutton	2.17	Wise	2.21
Swisher	2.10	Wood	2.20
Tarrant	2.21	Yoakum	2.10
Taylor	2.18	Young	2.21
Terrell	2.05	Zapata	2.35
Terry	2.10	Zavala	2.20

UTAH

All counties—$2.01

VIRGINIA

All counties—$2.15

WASHINGTON

All counties—$2.03

WISCONSIN

All counties—$1.92

WYOMING

All counties—$1.93

(b) *Discounts.* The basic loan and purchase rates shall be adjusted as applicable by discounts as follows:

	Cents per bushel
(1) Class: Mixed sorghum	3
(2) Grade:	
U.S. No. 3 (not over 14 percent moisture)	3
U.S. No. 4 (not over 14 percent moisture)	5
Smutty	5
(3) Weed control law (where required by § 1421.25)	15

(4) *Other factors:* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the sorghum, such as (but not limited to) moisture, heat damage, test weight, weevily, musty, sour, stones, weathered, discolored. Such discounts will be established not later than the time delivery of sorghum to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to maturity date.

NOTE.—Discounts are cumulative except only one grade discount shall be applied.

Effective date: October 12, 1976.

Signed at Washington, D.C., on: October 1, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-29610 Filed 10-8-76;8:45 am]

[CCC Grain Price Support Regulations, 1976 Crop Soybean Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Soybean Loan and Purchase Program

On July 3, 1975, notice of proposed rulemaking regarding loan and purchase rates for 1976 crop soybeans and operating provisions to carry out the 1976 crop soybean loan and purchase program was published in the FEDERAL REGISTER (40 FR 28094).

Several responses were received from interested individuals. These responses ranged from requests suggesting an increase in the price support level to extending the maturity date for three years.

After consideration of all responses, and other factors, it has been determined that the loan and purchase rates for 1976 crop soybeans on a national average will be $2.50 per bushel. Support rates at the county level reflect adjustments necessary to reflect changes in rail freight rate structure and historical prices received by farmers by State and district. Loans as in 1975 will not have identical maturity dates but will mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued.

The General Regulations Governing Price Support for the 1976 and Subsequent Crops, published at 41 FR 22334, and any amendments thereto, and the 1970 and Subsequent Crops Soybean Loan and Purchase Program Regulations, published at 35 FR 13971 and any amendments to such regulations are further supplemented for the 1976 crop of soybeans. 7 CFR 1421.390 through § 1421.392 and the title of the subpart are revised

to read as provided below, effective as to the 1976 crop of soybeans.

Subpart—1976 Crop Soybean Loan and Purchase Program

Sec.
1421.390 Availability.
1421.391 Maturity of loans.
1421.392 Loans and purchase rates, premiums and discounts.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 301, 303, 401, 63 Stat. 1051, as amended (7 U.S.C. 1447, 1449, 1421).

§ 1421.390 Availability.

(a) *Loans.* A producer desiring to participate in the program through loans must request a loan on his 1976 crop of eligible soybeans on or before May 31, 1977.

(b) *Purchases.* Producers desiring to offer eligible 1976 crop soybeans not under loan for purchase must execute and deliver to the county ASCS office on or before April 30, 1978, a purchase agreement (Form CCC–614) indicating the approximate quantity of 1976 crop soybeans they will sell to CCC.

§ 1421.391 Maturity of loans.

Loans mature in the case of farm stored loans on demand but not later than the last day of the eleventh calendar month following the month the loan is disbursed, and in the case of warehouse stored loans, on demand but not later than the last day of the eleventh calendar month following the month the warehouse receipt was issued.

§ 1421.392 Loan and purchase rates, premiums and discounts.

County rates for soybeans and the schedule of premiums and discounts are contained in this section. Farm stored loans will be made at the basic rate for the county where the soybeans are stored, adjusted only for the weed control discount where applicable. The loan and purchase rate for warehouse stored soybean loans shall be the basic rate stored, adjusted by the premiums and discounts prescribed in paragraphs (b) and (c) of this section. Notwithstanding § 1421.22 (c), settlement for soybeans delivered from other than approved warehouse storage shall be based: (1) On the basic rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity of the soybeans delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(a) *Basic county loan and purchase rates.* Basic county rates for the classes Green or Yellow Soybeans containing 12.8 to 13 percent moisture and grading not lower than U.S. No. 2 on the factors of test weight, splits, and heat damage and U.S. No. 1 on all other factors are as follows:

ALABAMA

County	Rate per Bushel	County	Rate per Bushel
All counties	$2.47		

ARIZONA

All counties	$2.36

ARKANSAS

Arkansas	$2.54	Lee	$2.54
Ashley	2.53	Lincoln	2.53
Baxter	2.49	Little River	2.46
Benton	2.43	Logan	2.47
Boone	2.46	Lonoke	2.53
Bradley	2.53	Madison	2.45
Calhoun	2.51	Marion	2.48
Carroll	2.45	Miller	2.46
Chicot	2.53	Mississippi	2.54
Clark	2.49	Monroe	2.54
Clay	2.53	Montgomery	2.46
Cleburne	2.50	Nevada	2.48
Cleveland	2.53	Newton	2.46
Columbia	2.49	Quachita	2.50
Conway	2.50	Perry	2.50
Craighead	2.52	Phillips	2.54
Crawford	2.46	Pike	2.46
Crittenden	2.54	Poinsett	2.52
Cross	2.54	Polk	2.46
Dallas	2.51	Pope	2.49
Desha	2.53	Prairie	2.54
Drew	2.53	Pulaski	2.51
Faulkner	2.51	Randolph	2.52
Franklin	2.47	St. Francis	2.54
Fulton	2.50	Saline	2.50
Garland	2.49	Scott	2.46
Grant	2.51	Searcy	2.48
Greene	2.53	Sebastian	2.46
Hempstead	2.46	Sevier	2.45
Hot Spring	2.50	Sharp	2.52
Howard	2.45	Stone	2.50
Independence	2.50	Union	2.51
Izard	2.50	Van Buren	2.49
Jackson	2.52	Washington	2.44
Jefferson	2.52	White	2.51
Johnson	2.48	Woodruff	2.54
Lafayette	2.46	Yell	2.48
Lawrence	2.52		

CALIFORNIA

All counties	$2.36

DELAWARE

All counties	$2.47

FLORIDA

All counties	$2.47

GEORGIA

All counties	$2.47

ILLINOIS

Adams	$2.55	Crawford	$2.56
Alexander	2.55	Cumberland	2.57
Bond	2.57	De Kalb	2.56
Boone	2.54	De Witt	2.58
Brown	2.56	Douglas	2.57
Bureau	2.54	Du Page	2.58
Calhoun	2.55	Edgar	2.57
Carroll	2.52	Edwards	2.51
Cass	2.57	Effingham	2.57
Champaign	2.58	Fayette	2.57
Christian	2.58	Ford	2.58
Clark	2.57	Franklin	2.51
Clay	2.56	Fulton	2.56
Clinton	2.55	Gallatin	2.50
Coles	2.57	Greene	2.56
Cook	2.58	Grundy	2.58

ILLINOIS—Continued

County	Rate per Bushel	County	Rate per Bushel
Hamilton	$2.51	Montgomery	$2.57
Hancock	2.55	Morgan	2.57
Hardin	2.50	Moultrie	2.57
Henderson	2.54	Ogle	2.54
Henry	2.54	Peoria	2.57
Iroquois	2.58	Perry	2.54
Jackson	2.55	Piatt	2.58
Jasper	2.57	Pike	2.55
Jefferson	2.52	Pope	2.50
Jersey	2.55	Pulaski	2.53
Jo Daviess	2.52	Putnam	2.54
Johnson	2.53	Randolph	2.55
Kane	2.57	Richland	2.55
Kankakee	2.58	Rock Island	2.52
Kendall	2.57	St. Clair	2.55
Knox	2.56	Saline	2.55
Lake	2.57	Sangamon	2.58
LaSalle	2.56	Schuyler	2.56
Lawrance	2.54	Scott	2.57
Lee	2.54	Shelby	2.57
Livingston	2.58	Stark	2.57
Logan	2.58	Stephenson	2.52
McDonough	2.56	Tazewell	2.58
McHenry	2.55	Union	2.55
McLean	2.58	Vermilion	2.58
Macon	2.58	Wabash	2.51
Macoupin	2.57	Warren	2.56
Madison	2.56	Washington	2.55
Marion	2.56	Wayne	2.52
Marshall	2.53	White	2.50
Mason	2.57	Whiteside	2.52
Massac	2.49	Will	2.58
Menard	2.57	Williamson	2.53
Mercer	2.53	Winnebago	2.53
Monroe	2.55	Woodford	2.53

INDIANA

Adams	$2.53	Lawrence	$2.52
Allen	2.52	Madison	2.52
Bartholomew	2.52	Marion	2.53
Benton	2.57	Marshall	2.53
Blackford	2.52	Martin	2.52
Boone	2.53	Miami	2.53
Brown	2.52	Monroe	2.52
Carroll	2.53	Montgomery	2.54
Cass	2.53	Morgan	2.52
Clark	2.52	Newton	2.57
Clay	2.54	Noble	2.52
Clinton	2.53	Ohio	2.52
Crawford	2.53	Orange	2.52
Daviess	2.52	Owen	2.53
Dearborn	2.52	Parke	2.55
Decatur	2.52	Perry	2.53
De Kalb	2.52	Pike	2.52
Delaware	2.52	Porter	2.57
Dubois	2.52	Posey	2.53
Elkhart	2.52	Pulaski	2.55
Fayette	2.52	Putnam	2.54
Floyd	2.52	Randolph	2.52
Fountain	2.57	Ripley	2.52
Franklin	2.52	Rush	2.52
Fulton	2.53	St. Joseph	2.52
Gibson	2.52	Scott	2.52
Grant	2.52	Shelby	2.52
Greene	2.53	Spencer	2.53
Hamilton	2.53	Starke	2.55
Hancock	2.52	Steuben	2.52
Harrison	2.53	Sullivan	2.54
Hendricks	2.52	Switzerland	2.52
Henry	2.52	Tippecanoe	2.55
Howard	2.53	Tipton	2.53
Huntington	2.52	Union	2.52
Jackson	2.52	Vanderburgh	2.53
Jasper	2.56	Vermillion	2.57
Jay	2.52	Vigo	2.56
Jefferson	2.52	Wabash	2.52
Jennings	2.52	Warren	2.57
Johnson	2.52	Warrick	2.53
Knox	2.52	Washington	2.52
Kosciusko	2.52	Wayne	2.52
Lagrange	2.52	Wells	2.52
Lake	2.58	White	2.55
La Porte	2.55	Whitley	2.52

IOWA

County	Rate per Bushel	County	Rate per bushel
Adair	$2.46	Jefferson	$2.52
Adams	2.46	Johnson	2.50
Allamakee	2.47	Jones	2.51
Appanoose	2.49	Keokuk	2.52
Audubon	2.45	Kossuth	2.46
Benton	2.50	Lee	2.54
Black Hawk	2.47	Linn	2.50
Boone	2.47	Louisa	2.53
Bremer	2.46	Lucas	2.49
Buchanan	2.48	Lyon	2.44
Buena Vista	2.45	Madison	2.47
Butler	2.46	Mahaska	2.51
Calhoun	2.45	Marion	2.49
Carroll	2.45	Marshall	2.49
Cass	2.46	Mills	2.45
Cedar	2.51	Mitchell	2.45
Cerro Gordo	2.46	Monona	2.44
Cherokee	2.45	Monroe	2.49
Chickasaw	2.46	Montgomery	2.45
Clark	2.48	Muscatine	2.52
Clay	2.45	O'Brien	2.45
Clayton	2.48	Osceola	2.45
Clinton	2.52	Page	2.45
Crawford	2.45	Palo Alto	2.45
Dallas	2.47	Plymouth	2.44
Davis	2.51	Pocahontas	2.45
Decatur	2.48	Polk	2.48
Delaware	2.48	Pottawattamie	2.45
Des Moines	2.54	Poweshiek	2.50
Dickinson	2.45	Ringgold	2.47
Dubuque	2.49	Sac	2.45
Emmet	2.45	Scott	2.52
Fayette	2.47	Shelby	2.45
Floyd	2.45	Sioux	2.44
Franklin	2.47	Story	2.48
Fremont	2.45	Tama	2.50
Greene	2.45	Taylor	2.46
Grundy	2.48	Union	2.47
Guthrie	2.45	Van Buren	2.53
Hamilton	2.47	Wapello	2.51
Hancock	2.46	Warren	2.48
Hardin	2.48	Washington	2.53
Harrison	2.44	Wayne	2.49
Henry	2.53	Webster	2.47
Howard	2.46	Winnebago	2.46
Humboldt	2.46	Winneshiek	2.47
Ida	2.45	Woodbury	2.44
Iowa	2.50	Worth	2.46
Jackson	2.52	Wright	2.46
Jasper	2.49		

KANSAS

All counties	$2.43

KENTUCKY

All counties	$2.51

LOUISIANA

All counties	$2.51

MARYLAND

All counties	$2.47

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$2.44	Lapeer	$2.44
Arenac	2.44	Lenawee	2.49
Barry	2.44	Livingston	2.45
Bay	2.44	Macomb	2.45
Berrien	2.49	Midland	2.44
Branch	2.48	Monroe	2.50
Calhoun	2.46	Montcalm	2.44
Cass	2.49	Oakland	2.45
Clinton	2.44	Saginaw	2.44
Eaton	2.45	Saint Clair	2.44
Genesee	2.44	St. Joseph	2.48
Gladwin	2.44	Sanilac	2.44
Gratiot	2.44	Shiawassee	2.44
Hillsdale	2.49	Tuscola	2.44
Huron	2.44	Van Buren	2.46
Ingham	2.45	Washtenaw	2.47
Ionia	2.44	Wayne	2.47
Isabella	2.44	All Other Counties	2.43
Jackson	2.47		
Kalamazoo	2.46		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$2.38	Marshall	$2.36
Anoka	2.45	Martin	2.45
Becker	2.39	Meeker	2.44
Beltrami	2.38	Mille Lacs	2.40
Benton	2.42	Morrison	2.40
Big Stone	2.42	Mower	2.45
Blue Earth	2.47	Murray	2.42
Brown	2.46	Nicollet	2.47
Carlton	2.39	Nobles	2.43
Carver	2.47	Norman	2.38
Cass	2.38	Olmstead	2.45
Chippewa	2.44	Otter Tail	2.39
Chisago	2.42	Pennington	2.37
Clay	2.39	Pine	2.40
Clearwater	2.38	Pipestone	2.41
Cottonwood	2.43	Polk	2.37
Crow Wing	2.38	Pope	2.42
Dakota	2.47	Ramsey	2.47
Dodge	2.45	Red Lake	2.37
Douglas	2.41	Redwood	2.43
Faribault	2.46	Renville	2.44
Fillmore	2.45	Rice	2.46
Freeborn	2.46	Rock	2.42
Goodhue	2.45	Roseau	2.36
Grant	2.41	Scott	2.47
Hennepin	2.47	Sherburne	2.45
Houston	2.45	Sibley	2.47
Hubbard	2.39	Stearns	2.42
Isanti	2.42	Steele	2.46
Itasca	2.38	Stevens	2.42
Jackson	2.43	Swift	2.42
Kanabec	2.40	Todd	2.40
Kandiyohi	2.43	Traverse	2.41
Kittson	2.36	Wabasha	2.45
Koochiching	2.38	Wadena	2.39
Lac qui Parle	2.44	Waseca	2.46
Lake of the Woods	2.37	Washington	2.45
Le Sueur	2.47	Watonwan	2.46
Lincoln	2.41	Wilkin	2.39
Lyon	2.42	Winona	2.45
McLeod	2.46	Wright	2.45
Mahnomen	2.38	Yellow Medicine	2.45

MISSISSIPPI

All counties	$2.53

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.50	Gasconade	2.50
Andrew	2.46	Gentry	2.46
Atchison	2.46	Greene	2.46
Audrain	2.52	Grundy	2.48
Barry	2.45	Harrison	2.46
Barton	2.45	Henry	2.45
Bates	2.45	Hickory	2.46
Benton	2.46	Holt	2.46
Bollinger	2.54	Howard	2.48
Boone	2.49	Howell	2.48
Buchanan	2.46	Iron	2.52
Butler	2.52	Jackson	2.45
Caldwell	2.46	Jasper	2.45
Callaway	2.49	Jefferson	2.54
Camden	2.47	Johnson	2.45
Cape Girardeau	2.54	Knox	2.52
Carroll	2.48	Laclede	2.46
Carter	2.50	Lafayette	2.45
Cass	2.45	Lawrence	2.45
Cedar	2.44	Lewis	2.54
Chariton	2.49	Lincoln	2.53
Christian	2.46	Linn	2.49
Clark	2.54	Livingston	2.48
Clay	2.46	McDonald	2.45
Clinton	2.46	Macon	2.50
Cole	2.48	Madison	2.52
Cooper	2.48	Maries	2.48
Crawford	2.50	Marion	2.54
Dade	2.45	Mercer	2.48
Dallas	2.46	Miller	2.47
Daviess	2.46	Mississippi	2.54
De Kalb	2.46	Moniteau	2.48
Dent	2.50	Monroe	2.52
Douglas	2.46	Montgomery	2.50
Dunklin	2.54	Morgan	2.47
Franklin	2.52	New Madrid	2.54
		Newton	2.45

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Nodaway	$2.46	Saint Francois	$2.52
Oregon	2.50	Saint Genevieve	2.54
Osage	2.48	Saint Louis	2.54
Ozark	2.47	Saline	2.47
Pemiscot	2.54	Schuyler	2.50
Perry	2.54	Scotland	2.52
Pettis	2.47	Scott	2.54
Phelps	2.48	Shannon	2.50
Pike	2.54	Shelby	2.52
Platte	2.46	Stoddard	2.54
Polk	2.46	Stone	2.46
Pulaski	2.47	Sullivan	2.49
Putnam	2.49	Taney	2.46
Ralls	2.54	Texas	2.48
Randolph	2.50	Vernon	2.44
Ray	2.46	Warren	2.51
Reynolds	2.50	Washington	2.52
Ripley	2.50	Wayne	2.52
Saint Charles	2.53	Webster	2.46
County	*Bushel*	Worth	2.46
Saint Clair	2.45	Wright	2.46

NEBRASKA

All counties	$2.41

NEW JERSEY

All counties	$2.45

NEW MEXICO

All counties	$2.36

NEW YORK

All counties	$2.37

NORTH CAROLINA

All counties	$2.47

NORTH DAKOTA

All counties	$2.36

OHIO

Adams	$2.52	Licking	$2.50
Allen	2.53	Logan	2.53
Ashland	2.52	Lorain	2.52
Ashtabula	2.50	Lucas	2.55
Athens	2.52	Madison	2.51
Auglaize	2.53	Mahoning	2.50
Belmont	2.52	Marion	2.53
Brown	2.52	Medina	2.52
Butler	2.52	Meigs	2.52
Carroll	2.50	Mercer	2.52
Champaign	2.52	Miami	2.51
Clark	2.51	Monroe	2.52
Clermont	2.52	Montgomery	2.51
Clinton	2.52	Morgan	2.52
Columbiana	2.50	Morrow	2.52
Coshocton	2.50	Muskingum	2.52
Crawford	2.52	Noble	2.52
Cuyahoga	2.50	Ottawa	2.53
Darke	2.51	Paulding	2.52
Defiance	2.52	Perry	2.52
Delaware	2.51	Pickaway	2.52
Erie	2.52	Pike	2.52
Fairfield	2.52	Portage	2.50
Fayette	2.52	Preble	2.51
Franklin	2.51	Putnam	2.53
Fulton	2.54	Richland	2.52
Gallia	2.52	Ross	2.52
Geauga	2.50	Sandusky	2.53
Greene	2.51	Scioto	2.52
Guernsey	2.52	Seneca	2.53
Hamilton	2.52	Shelby	2.52
Hancock	2.53	Stark	2.50
Hardon	2.54	Summit	2.50
Harrison	2.50	Trumbull	2.50
Henry	2.54	Tuscarawas	2.50
Highland	2.52	Union	2.51
Hocking	2.52	Van Wert	2.52
Holmes	2.50	Vinton	2.52
Huron	2.52	Warden	2.52
Jackson	2.52	Washington	2.52
Jefferson	2.50	Wayne	2.50
Knox	2.50	Williams	2.52
Lake	2.50	Wood	2.54
Lawrence	2.52	Wyandote	2.53

County	Rate per bushel
OKLAHOMA	
All counties	$2.39
PENNSYLVANIA	
All counties	$2.43
SOUTH CAROLINA	
All counties	$2.47
SOUTH DAKOTA	
All counties	$2.39
TENNESSEE	
All counties	$2.47
TEXAS	
All counties	$2.39
VERMONT	
All counties	$2.36
VIRGINIA	
All counties	$2.47
WEST VIRGINIA	
All counties	$2.45
WISCONSIN	
All counties	$2.43

The basic loan and purchase rates shall be adjusted as applicable by premiums and discounts as follows:

(b) *Premium—Low Moisture.*[1]

Percent:	Cents per bushel
12.2 or less	+2
12.3 through 12.7	+1
12.8 through 13.0	0

(c) *Discounts*—(1) *Class.*

Class:	Cents per bushel
Black	−25
Brown	−25
Mixed	−25

(2) *Moisture.*

Percent:	Cents per bushel
13.1 through 13.5	−1
13.6 through 14.0	−2

[1] Not applicable to soybeans that grade "sample".

(3) *Test weight per bushel.*

Pounds:	Cents per bushel
53.0 through 53.9	−½
52.0 through 52.9	−1
51.0 through 51.9	−1½
50.0 through 50.9	−2
49.0 through 49.9	−2½

(4) *Splits.*

Percent:	Cents per bushel
20.1 through 25.0	−¼
25.1 through 30.0	−½
30.1 through 35.0	−¾
35.1 through 40.0	−1

(5) *Damaged kernels.*[2]

Heat (percent):	Cents per bushel
0.6 through 1.0	−1
1.1 through 1.5	−2
1.6 through 2.0	−3
2.1 through 2.5	−4
2.6 through 3.0	−5

Total (percent):	Cents per bushel
2.1 through 3.0	−½
3.1 through 4.0	−1
4.1 through 5.0	−1½
5.1 through 6.0	−2
6.1 through 7.0	−2½
7.1 through 8.0	−3

	Cents per bushel
(6) Materially weathered	−5
(7) Stained	−2
(8) Purple mottled	−2
(9) Weed control laws. (where required by § 1421.25)	−10

Other factors. Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the soybeans, such as (but not limited to) moisture, musty, sour, and heating. Such discounts will be established not later than the time delivery of soybeans to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

[2] Use the higher applicable discount.

Effective date: October 12, 1976.

Signed at Washington, D.C., on: October 1, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-29611 Filed 10-8-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-121]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Further Amendments

The purpose of this amendment is to revoke the delegations to the Deputy Under Secretary for Budget and Program Review. This matter was inadvertently omitted from the document published in the FEDERAL REGISTER on Wednesday, October 6, 1976. That document, as here supplemented, reflects a reorganization of the Office of the Secretary of Transportation which transfers all functions of the Deputy Under Secretary for Budget and Program Review to the Deputy Under Secretary.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations is amended by revoking § 1.65, Delegations to the Deputy Under Secretary for Budget and Program Review.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e).)

Effective date: This amendment is effective October 12, 1976.

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

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-29996 Filed 10-8-76;12:05 am]

proposed rules

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 31]

[CGD 75-041]

TANK VESSELS

Loading Information

The Coast Guard is considering amending the regulations for tank vessels to require all tank vessels over 300 feet in length to have the loading information required for vessels subject to the load line regulations in Parts 42 and 45 of Title 46.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify this notice (CGD 75-041), and give reasons in support of his comment. Comments received before November 29, 1976 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination in room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. This proposal may be changed in light of comments received. No hearing is planned but one may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

The load line regulations in § 42.15-1 (a) and § 45.105(a) of Title 46 require that the master of every new vessel be supplied with sufficient information to enable him to arrange for the loading and ballasting of his vessel in a way that avoids the creation of unacceptable stresses in the vessel's structure. However, these regulations do not cover tank vessels operating solely on inland waters or on special service coastwise voyages. (The load line regulations in Part 44 of Title 46 are applicable to vessels engaged in special services on coastwise and interisland voyages.)

The Coast Guard has determined on the basis of a recent study that all tank vessels over 300 feet in length should have loading information available for use. This study consisted of a review of several recent barge designs. The study showed that several new barges have proportions similar to a T-2 tanker and that tank vessels with these proportions that are over 300 feet in length can be subject to unsafe stress levels if not properly loaded. Accordingly, this notice proposes to require the loading information on all tank vessels over 300 feet in length.

Casualties involving barges have occurred in recent years in which improper loading subsequently led to structural damage. Vessels in the casualties include the following:

(a) The 580 foot barge I.O.S. 3301 which broke almost completely in half at its berth at the Consolidated Oil Company Terminal, Port Jefferson, New York. (The casualty occurred in January, 1972. The Marine Board of Investigation concluded that distributing ballast only in tanks at the forward and aft ends of the barge, which left all of the tanks in the midlength empty, created an excessive longitudinal bending moment. The Board recommended that all rigidly connected tugbarge combinations be furnished with loading information.)

b. The 312 foot barge *Perth Amboy* which buckled while loading at Chevron Docks, Perth Amboy, New Jersey. (The casualty occurred in September, 1972. The barge was certificated for operation in lakes, bays, and sounds. The investigation report concluded that a contributing cause of the casualty was extremely high stress imposed on the barge by the loading pattern used at the time of casualty. The report recommended that all tank barges, both manned and unmanned, should have simplified instructions and restrictions concerning the distribution of cargo posted in accessible locations on board.)

In accordance with the foregoing, the Coast Guard proposes to amend Part 31 of Title 46, Code of Federal Regulations, by adding a new § 31.10-32 to read as follows:

§ 31.10-32 Loading information—TB/ALL.

Each tank vessel over 300 feet in length must have the loading information prescribed in either § 42.15-1(a) or § 45.105(a) of this chapter. For tank vessels subject to the Load Line Acts the information must be approved by the Commandant or by a recognized classification society that is approved by the Commandant. For tank vessels not subject to the Load Line Acts loading information must be approved by the Commandant. If the vessel is a tankship, the approved information must be provided to the master of the vessel. If the vessel is a tank barge, the information must be provided to the person in charge of handling the cargo during loading or offloading of the barge.

(46 U.S.C. 391(a); 49 U.S.C. 1655(b); 49 CFR 1.46.)

Dated: October 4, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc.76-29857 Filed 10-8-76;8:45 am]

Office of Hazardous Materials Operations

[49 CFR Part 171]

[Docket No. HM-22; Notice No. 76-8]

MATTER INCORPORATED BY REFERENCE

Proposed Rule Making

The Materials Transportation Bureau of the Department of Transportation is considering amending § 171.7(d)(1) of the Hazardous Materials Regulations to update the reference to the addenda to sections VIII (Division I) and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

The Compressed Gas Association, Inc., has petitioned this Office to effect this change.

In consideration of the foregoing, it is proposed to amend paragraph (d)(1) of § 171.7 by changing the date December 31, 1975 to read "June 30, 1976."

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

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted (five copies) to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Communications received on or before November 10, 1976 will be considered before final action is taken on this proposal. All comments received will be available for examination by interested persons at the Office of Hazardous Materials Operations, Room 6500 Trans Point Building, 2100 Second Street, S.W., Washington, D.C. both before and after the closing date for comments.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.)

Issued in Washington, D.C. on October 6, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-29858 Filed 10-8-76;8:45 am]

[49 CFR Parts 171, 177]

[Docket No. HM-110; Notice No. 76-9]

VEHICLES CONTAINING HAZARDOUS MATERIALS

Repair and Maintenance

The Materials Transportation Bureau (MTB) is proposing to amend Title 49 of the Code of Federal Regulations by revising paragraph (d) (6) in § 171.7 and amending paragraphs (g) and (h) of § 117.854 that prescribe the conditions under which repair and maintenance may be performed on motor vehicles containing hazardous material. A previously published (39 FR 41741), but not effective, amendment to those provisions was revoked on June 30, 1976, by a July 8, 1976, FEDERAL REGISTER document (41 FR 27968). It was stated in the July 8 document that, "Reconsideration by the Materials Transportation Bureau confirms that the requirements of § 177.854 (g), as amended on December 2, 1976 (39 FR 41741), do not clearly articulate the safety precautions intended in every situation and are capable of being misconstrued in a manner which comprises, rather than promotes, the safe transportation of hazardous materials." Additionally, the July 8 document notified the public that this new proposal with respect to § 177.854(g) would be published.

In consideration of the foregoing, it is proposed to amend Parts 171 and 177 of Title 49 as follows:

1. In § 171.7 paragraph (d) (6) (i) would be added to read as follows:

§ 171.7 Matter incorporated by reference.

(d) * * *

(6) * * *

(i) NFPA Pamphlet No. 70 is titled, "National Electrical Code," 1975 edition.

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2. In § 177.854 paragraph (h) would be deleted; paragraph (g) would be revised to read as follows:

§ 177.854 Disabled vehicles and broken or leaking packages; repairs.

* * * * *

(g) *Repair and maintenance to vehicles containing certain hazardous materials.* (1) Except as authorized in paragraphs (g) (2) and (g) (3) of this section, no person may repair or perform maintenance on a motor vehicle containing a flammable liquid, combustible liquid, flammable gas, poisonous liquid, oxidizer, or explosive.

(2) Repair or maintenance on a vehicle containing any quantity of the hazardous material prescribed in paragraph (g) (1) of this section may be performed outside of a building if no heat, flame, or spark is used within 100 feet of the vehicle containing the hazardous materials.

(3) Repair or maintenance on a motor vehicle containing one or more of the hazardous materials prescribed in paragraph (g) (1) of this section may be performed inside of a building if no heat, flame, or spark is used in the same enclosed area of the building and the following conditions are met:

(i) The vehicle's product containment system and fuel system must be closed, and there must be no leakage;

(ii) No repair or maintenance may be performed on the product containment system, the product handling system, or the vehicle's fuel containment system;

(iii) All electrical equipment and tools used in the vehicle repair and maintenance area must be in compliance with the requirements of the National Electrical Code, NFPA No. 70, Article 511, 1975 edition;

(iv) A means is provided and a person, who is qualified to operate the vehicle, is available to remove the vehicle at the first indication of any product leakage or any other emergency situation;

(v) If there is flame type (e.g., furnace, boiler, or gas-fired heater) heating system equipment in the building, it must be turned off (including its pilot light) before the vehicle may be placed in the building, unless: (A) The heating system is located in a separate room which is sealed off from the area in which the vehicle is repaired or maintained; and

(B) The heating system draws air for combustion from a source which assures it has not been exposed to vapors from hazardous materials.

(vi) The vehicle must be removed immediately from the building upon completion of repairs or maintenance.

(h) [Deleted].

The proposals contained herein are not expected to impose any significant additional costs on the public sector, and may result in some cost reduction. An inflation impact statement is not required.

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and be submitted (five copies) to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C., 20590. Communications received on or before January 10, 1977 will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons in the Section of Dockets, Office of Hazardous Materials Operations, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. both before and after the closing date for comments.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a) (4) of App. A to Part 102.)

Issued in Washington, D.C. on October 5, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-29859 Filed 10-8-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20787 RM-2607]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS; WEST MEMPHIS, ARKANSAS

Memorandum Opinion and Order Denying Petition for Rule Making

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (West Memphis, Arkansas.

Adopted: September 28, 1976.

Released: October 1, 1976.

1. The Commission here considers its Notice of Proposed Rule Making[1] which proposed the assignment of Channel 296A to West Memphis, Arkansas. The Notice was issued following receipt of a "Petition for Rule Making" filed on behalf of Christian Studies of Man and Society (hereinafter "Christian"). Other than the appearance by Christian, there have been no other expressions of interest in this proceeding.

2. Because our disposition of this matter is based on procedural grounds, we believe it important to recount the various filing dates and pleadings. To begin with, Christian has from the outset been represented in this matter by Washington counsel. On September 12, 1975, Christian, through its attorneys, filed a petition for rule making with the Commission proposing the West Memphis assignment. In the petition Christian indicated that immediately upon assignment of Channel 296A at West Memphis, it would apply for a construction permit in order to institute the new broadcast service. On October 21, 1975, Christian filed a "Supplemental Petition for Rule Making" enclosing a preclusion study requested by the Commission and a collection of letters from residents of West Memphis indicating support for the channel assignment. A "further Supplemental Petition for Rule Making" containing community data and additional supportive letters from individuals and businesses in West Memphis was filed on October 31, 1975. On November 10, 1975, the Commission, after reviewing the petition for its technical acceptability, issued a Public Notice[2] indicating that the petition had been filed. On January 21, 1976, Christian filed a "Motion for Issuance of a Report and Order" noting that no comments had been filed in response to what it described as the Notice of Proposed Rule Making. It therefore asked the Commission "to finalize the Notice of Proposed Rule Making and assign Channel 296A to West Memphis."

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[1] 41 FR 17788, April 28, 1976.

[2] The Public Notice (Rept. No. 955) was issued pursuant to § 1.403 of the Commission's Rules. Under § 1.405, interested parties may file statements in support of or in opposition to the petition for a period of 30 days after issuance of the Public Notice.

3. In point of fact the Commission at that stage had issued a Public Notice of the filing of the petition: it had not issued a Notice of Proposed Rule Making. Such a document was released, however, on April 26, 1976, pursuant to § 1.412 of the Commission's Rules. In that Notice the Commission set forth Christian's proposal, described the community of West Memphis, outlined the petitioner's preclusion study, and formally proposed the assignment of Channel 296A to the community. More importantly for our purposes, there was included within the Notice an Appendix, paragraph 2 of which stated:

> The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

Christian failed to file comments or replies to comments within the time period specified in the Notice: indeed, there has been no further expression of interest by Christian since its January 21, 1976, pleading was filed, well in advance of the Notice.

4. The Commission will refrain from assigning FM channels to communities where there is no expression of continuing interest in the use of that channel and where the channel in question would lie fallow and unused if assigned. To assign a channel without an assurance of use would be contrary to the statutory mandate to assure the "efficient" use of the available radio spectrum.[3] Thus, in our Notices of Proposed Rule Making we require the petitioner and other interested parties to express in their comments a continuing interest in the operation of a station on the proposed channel. The Commission has not received such an expression in this proceeding.

5. The issue of petitioner's failure to respond to a Notice of Proposed Rule Making was before the Commission in the Memorandum Opinion and Order and Further Notice of Proposed Rule Making in Anamosa, Ia., Docket No. 19161, 46 F.C.C. 2d 520 (1974). There the petitioner who failed to respond to our Notice was filing *pro se*, i.e., he represented himself in the matter. Here, the petitioner who failed to respond was represented by counsel. In the Anamosa decision, supra, we declined to make the assignment indicating that although the public interest standard was paramount, procedural standards must also be observed in order for the Commission to exercise its regulatory responsibilities in a proper manner. 46 F.C.C. 2d at p. 521. We indicated that on occasion, deviations from those requirements could be warranted but that such requests for special relief must clearly explain the failure to comply with the applicable procedural requirements and also demonstrate compelling, indeed, overriding public interest reasons why the requested exception should be made.

[3] 47 U.S.C. 307(b).

6. Here, we have no continuing expression of interest in the assignment as requested by our Notice. Further, we have no attempt on the part of the petitioner to explain why our procedural requirements were not, and could not have been complied with. The Commission's procedural rules and regulations were adopted for the purpose of maintaining order and conformity in the interest of administrative efficiency. Without such rules, the public and other interested parties would find it difficult, if not impossible, to participate in these rulemaking proceedings. We conclude that the public interest in maintaining the credibility and integrity of those rules requires denial of the instant petition.

7. Accordingly, *it is ordered*, That the "Petition for Rule Making" filed on behalf of Christian Studies of Man and Society requesting the assignment of Channel 296A to West Memphis, Arkansas, is denied.

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

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief,
Broadcast Bureau.

[FR Doc.76-29805 Filed 10-8-76;8:45 am]

[Docket No. 20401; RM-2363]

CLW BROADCASTERS, INC.

Petition for Special Relief

Adopted: September 28, 1976.
Released: October 1, 1976.

In the matter of amendment of § 73.-202(b), Table of Assignments, FM Broadcast Stations (Jefferson City, Missouri).

1. The Commission has before it the "Petition of CLW Broadcasters, Inc. for Special Relief" in which it seeks reversal of the Commission's action refusing to assign Channel 269A to Jefferson City, Missouri. Included with its pleading was a copy of a petition for reconsideration said to have been sent to the Commission. There is no record that its petition was ever received.

2. The factual situation presented by this case is rather complicated, and it is necessary to take a moment to describe the sequence of events which led to the present state of affairs. A Notice of Proposed Rule Making, 40 FR 14946 (1975), was issued by the Commission in response to a petition from George Bryant seeking the assignment of FM Channel 269A to Jefferson City, Missouri, as its third FM assignment. The Notice observed that assigning a third channel to Jefferson City, as had been proposed, would exceed the population criteria applied to the making of FM channel assignments. The criteria specify assigning either one or two channels to communities which have a population under 50,000. Jefferson City's 1970 population[1] was 32,407. The petitioner properly stated that assignments have been made which represent exceptions to the population criteria. However, the Commission noted that the main reason given for making most such assignments was that the channel could not be used elsewhere. The Commission observed that this was not the case here, as the channel could instead be used to provide a third assignment to Columbia, Missouri (population 58,804), or a second assignment at Mexico, Missouri (population 11,807), or a first FM assignment at either California, Missouri (population 3,105), or Centralia, Missouri (population 3,618). Although another channel was shown to be available for use at California, availability of another channel to use to provide an assignment for Centralia remained at issue. The Notice also called upon the petitioner to affirm his intention to apply for a station if the channel were assigned and to build it promptly if authority to do so were granted.

3. CLW Broadcasters entered the picture at that point as successor-in-interest to Bryant, and, through counsel,[2] requested an extension of time to file comments in response to the Notice. This extension was granted. A second request for extension was filed but was denied because the request had not been made within the time limits specified in the Commission's rules. Thereafter, comments were filed accompanied by a request that the lateness of the filing be excused. In the Report and Order, 40 FR 43525 (1976), which was issued, the Commission refused to make the assignment. Several reasons were cited for this decision. CLW Broadcasters was said to have been untimely in filing its comments, missing even the extended deadline it had suggested in its second extension request. Moreover, its reasons for filing late were found unpersuasive. Beyond this, the comments themselves were found to be inadequate to support the assignment as they did not evidence the necessary unequivocal intention to pursue use of the channel if it were assigned. The pertinent statement on this point was "CLW Broadcasters, *with offices in Chattanooga, Tennessee, is interested in forming* a group to apply * * *" (emphasis supplied). So far as was then known, no petition for reconsideration was filed.

4. Now, the Commission has received a petition for special relief which urges a reversal of this denial and the grant of a petition for reconsideration which had been prepared and in normal course of action was believed to have been sent.[3]

[1] The population figures cited and the changes in population noted are derived from the U.S. Census Bureau data from 1970.

[2] Counsel then representing CLW Broadcasters earlier had represented Bryant. According to counsel, Bryant no longer had any interest in the proceeding.

[3] The affidavits offered to show that the petition (in letter form) was sent fall short of doing so as neither the writer nor the typist avers to having mailed the letter. Rather, indication is made that such would have been the expected practice. For our purpose, however, we are considering the matter without regard to any possible procedural deficiencies in the filing of the petition.

We need not deal with the question of the procedural circumstances of the filing as, after examination of the merits of the petition for reconsideration, we continue to believe that the Commission's action denying the proposed assignment was proper. Even with the material provided in the petition for reconsideration (or for that matter in the petition for special relief) there was neither an explanation of the failure to provide the information in a timely fashion or even, at these late dates, a filing of all the data which were needed. In effect, the petition for reconsideration did no more than state the necessary intention to put the channel to use. CLW Broadcasters urged us to place reliance on this statement so that the channel could be assigned without the need to begin again the rule making process at the Notice stage.

5. The decision not to assign the channel rested on several points. Putting aside the finding (one resting on more than semantics), that CLW Broadcasters had not stated its intent to proceed, there remain other, substantive, problems. These problems relate to the need to justify a third assignment to a community whose population is well below the 50,000 level ordinarily adhered to, a matter especially important in view of the possible uses of the channel elsewhere, which use of this assignment at Jefferson City would foreclose. Four communities that might otherwise make use of the channel are involved. Two of them, where no channel is now assigned, are small but have been shown to have another channel available, so they do not constitute an impediment to the proposal here. The same holds true for the third community, Mexico, which because of its relatively small size (11,807) does not necessarily warrant a second FM assignment. The fourth is Columbia, a city more than 50% larger than Jefferson City, and like Jefferson City, a community with two existing assignments.[4] The question, then, is whether under these circumstances the assignment as proposed is warranted. To answer that we need to consider various relevant matters.

6. In deciding whether to make an assignment in excess of the population criteria we look at several factors. First, in cases where the population has or soon will pass the cut-off level, it is not only unfair, it is pointless to use an out-of-date lower census figure as a basis for denial. Likewise, where the channel is not needed elsewhere and in fact cannot be used elsewhere, it is not nearly as important to insist on a compelling showing before exceeding the criteria. However, the petitioner in this case is not able to take advantage of either of these factors since, as mentioned in the Notice, the population of Jefferson City does not approach the cut-off and the channel could be used elsewhere. In fact, there appears to be ample reason to protect its possible future use at Columbia. Columbia is much larger, faster growing and has less service. Even though we do not have a Columbia proposal currently before us, we must conclude that there are not sufficient reasons to support use of the channel in Jefferson City. Rather than supporting the proposal, the facts regarding Jefferson City militate against the proposal. Statistics regarding increases in telephone and electric meters in this, the capital of Missouri, were mentioned. Population, too, was said to have increased, but the fact is that were it not for a sizeable annexation of territory during the period between the 1960 and the 1970 Census, the city would have shown a significant loss in population. Even with annexation this increase is only a modest one.[5] This case does not present the picture of a city soon to reach a population dividing line or one showing such vigorous growth as to warrant an exception to the criteria. No special circumstances are alleged, nor would the proposal lead to providing a first or second FM or aural service to any group of people. Lacking the requisite showing to support the proposal, we cannot agree that the assignment should be made, or the proceeding reopened.

7. Therefore, *it is Ordered*, That the Petitions of CLW Broadcasters, Inc. for Special Relief, and for Reconsideration ARE *Denied*, and the denial of the proposed assignment IS *Affirmed*.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-29803 Filed 10-8-76;8:45 am]

[4] Jefferson City, it should be noted, has one Class C and one Class A channel, but Columbia has only two Class A channels. Jefferson City has two full-time AM stations, Columbia only one plus a daytime-only station.

[5] Annexation aside, Columbia showed a substantial gain in population between 1960 and 1970.

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 DEFENSE

Corps of Engineers

GULF OF CATALINA, CALIFORNIA

Intent To Establish Guidelines for Permits for Exploratory Drilling Operations

Tracts leased December 11, 1975 by the U.S. Bureau of Land Management for offshore (Outer Continental Shelf) oil development in the Gulf of Santa Catalina generally fall within, or very near, the vessel traffic separation scheme established by the U.S. Coast Guard. Future leases in the same area may or may not result in additional tracts conflicting with the vessel traffic lanes which are part of this scheme. Exploratory drilling by the lessees on the Continental Shelf requires a permit from the Department of the Army under 43 USC 1333(f).

The Los Angeles District Engineer, charged with exercising the authority and responsibility of the Secretary of the Army for such permits, is responsible for considering navigational and national defense matters in processing applications for such permits. All other matters including environmental considerations are under the responsibility of the Department of the Interior.

In reviewing the navigational aspects of proposed offshore operations, the Los Angeles District has always relied on the U.S. Coast Guard Marine Safety Standards and has required permittees to comply with all Coast Guard regulations as well as to keep the responsible Coast Guard Commanders informed of all activities. The vessel traffic separation scheme in the Gulf of Santa Catalina has posed some unique problems due to a number of factors involving not only the probable location of the oil, depth of water and depth of the suspected formations but also the ship traffic conditions to and from the Ports of Los Angeles and Long Beach. It would be preferable to keep the traffic lanes free of all obstructions. However, exploration is not feasible in certain of the tracts without temporary intrusion by exploratory vessels. Accordingly, guidelines have been developed jointly by the Los Angeles District and the 11th Coast Guard District in consultation with the Bureau of Land Management and the U.S. Geological Survey. These guidelines were developed in consideration of the following specific conditions:

1. Relocation of the Gulf of Santa Catalina Traffic Separation Scheme or establishment of any Safety Fairway will not be considered until substantial exploratory work in the area has been accomplished.

2. The U.S. Coast Guard has a commitment to provide maximum notification to the worldwide maritime industry of any structures or vessels engaged in exploratory activity in or near the designated vessel traffic separation scheme. While such notification will be made and updated by electronic communications systems, it is important that it be included in the printed matter disseminated on a regular basis. 120 days is considered the minimum time required to assure that such printed notification is effectively provided to those navigating the waters affected.

3. While the U.S. Coast Guard recognizes that some exploratory work within the traffic lanes will be required, such activity must be minimized to preserve the integrity of the traffic separation scheme, and the safety it offers shipping.

4. The number of obstructions in the vessel traffic separation scheme will have a significant impact on the level of safety provided maritime traffic. Therefore, the number of obstacles within the traffic lanes and the ¼ mile buffer zones must be minimized.

5. All drilling within a single tract will be covered by a single permit.

Guidelines are as follows—1. For tracts where drilling is expected to be accomplished within the traffic separation scheme or within 2 miles of a traffic lane, permit applications shall be submitted at least 120 days in advance of such drilling, where practicable, in order to provide maximum opportunity for worldwide notice to maritime interests. Such applications shall include the location of any known sites and the estimated start and completion dates for each. Updated information on the plan shall be furnished as soon as available. One individual (and alternate) shall be designated by the applicant as responsible for maintaining close liaison with all involved agencies.

2. Where it is not feasible to perform exploration work from outside, permits will include the following conditions for drilling within the traffic lanes or ¼ mile buffer zones:

a. The exploratory vessel will, to the degree practicable, be sited near traffic lane boundaries.

b. Exploratory vessels within one traffic lane shall be separated by at least 8 nautical miles in the direction of the lane axis.

c. Exploratory vessels located within the traffic lanes shall not be within 3,000 yards in any direction from any other drilling vessel.

3. Exploratory rigs and vessels engaged in offshore development anchored outside vessel traffic lanes may have no cables, anchors, buoys or other associated equipment within the ¼ mile buffer zones at a depth of less than 100 feet.

Consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN–CWO–N on or before 10 November 1976. The contents of this notice are being published concurrently in a public notice by the Los Angeles District Engineer with a goal of establishing rules and regulations which will be published as proposed in accordance with established rulemaking procedures.

Dated: October 4, 1976.

MARVIN W. REES,
Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc.76–29770 Filed 10–8–76;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON THEATER NUCLEAR FORCES R. & D. REQUIREMENTS

Meeting

The Defense Science Board Task Force on Theater Nuclear Forces R. & D. Requirements will meet in closed session on 9, 10, and 11 November 1976 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to theater nuclear forces and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director Correspondence and Directives OASD (Comptroller).

OCTOBER 6, 1976.

[FR Doc.76–29772 Filed 10–8–76;8:45 am]

PRIVACY ACT OF 1974

Systems of Records

The purpose of this document is to give notice that the Department of De-

fense has submitted a magnetic tape to the Office of the FEDERAL REGISTER consisting of a recompilation of systems of records maintained by the Department of Defense.

The full printed text of the material contained on the tape will appear in the Annual Compilation of Privacy Issuances that is being published by the Office of the Federal Register under Section 3 of the Privacy Act of 1974 (5 U.S.C. 552a).

The revised magnetic tape represents an edited, up-to-date republication of all current systems maintained by the Department of Defense as of August 13, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

SEPTEMBER 29, 1976.

[FR Doc.76-29744 Filed 10-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A-9697]

ARIZONA

Proposed Withdrawal and Reservation of Mineral Estate

The Department of the Army, United States Army Engineer District, Los Angeles, Post Office Box 2711, Los Angeles, California 90053, has filed an application, Serial Number A-9697, for withdrawal of the mineral estate in the following described lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 N., R. 2 E.,
Sec. 15, lots 1 to 24, inclusive;
Sec. 17, E½NE¼, NE¼NW¼NE¼, N½SE¼, SE¼SE¼.

The areas described aggregate 270 acres in Maricopa County.

The surface of the subject lands has been transferred out of Federal ownership with minerals reserved to the United States; it is proposed to withdraw the mineral estate from location and entry under the mining laws, including the mineral leasing laws.

The lands have been designated as the site of the Adobe Dam and will be used for the construction, operation, and maintenance of this Congressionally authorized flood control project and proposed recreational development. Withdrawal of the mineral estate is necessary for protection of the location of the dam site and appurtenances and the reservoir areas. Recreational development is proposed as a concurrent use. The intended using agency is the Flood Control District of Maricopa County, a political subdivision of the State of Arizona, 3325 West Durango Street, Phoenix, Arizona 85009.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing wil be held at a convenient time and place, which will be announced.

Dated: September 30, 1976.

E. F. SPANG,
Acting State Director.

[FR Doc.76-29747 Filed 10-8-76;8:45 am]

OUTER CONTINENTAL SHELF OFFSHORE THE NORTH ATLANTIC STATES

Availability of Draft Environmental Impact Statement and Holding of Public Hearing Regarding Proposed Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a proposed oil and gas lease sale of 206 tracts of submerged lands on the Outer Continental Shelf offshore the North Atlantic States (OCS Sale No. 42).

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, Six World Trade Center, Suite 600-D, New York, New York 10048 and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the following public libraries: New York Public Library, 5th Avenue and 42nd Street, New York City; Nassau Library System, Lower Concourse, Roosevelt Field, Garden City, New York; Suffolk Cooperative Library System, 627 North Sunrise Service Road, Bellport, New York; Trenton Free Public Library, 120 Academy Street, Trenton, New Jersey; Atlantic City Free Public Library, Illinois and Pacific Avenues, Atlantic City, New Jersey; Free Public Library of Elizabeth, 11 South Broad Street, Elizabeth, New Jersey; Hartford Public Library, 500 Main Street, Hartford, Connecticut; Bridgeport Public Library, 925 Broad Street, Bridgeport, Connecticut; New Haven Free Library, 133 Elm Street, New Haven, Connecticut; Providence Public Library, 150 Empire Street, Providence, Rhode Island; Newport Public Library, Aquidneck Park, Newport, Rhode Island; Boston Public Library, Copley Square, Boston, Massachusetts; Provincetown Public Library, 330 Commercial Street, Provincetown, Massachusetts; Falmouth Public Library, Main Street, Falmouth, Massachusetts; Fall River Public Library, 104 North Main Street, Fall River, Massachusetts; Concord Public Library, 45 Green Street, Concord, New Hampshire; Manchester City Library, Carpenter Memorial Building, 405 Pine Street, Manchester, New Hampshire; Lithgow Library, 1 Winthrop Street, Augusta, Maine; Portland Public Library, 619 Congress Street, Portland, Maine.

A public hearing will be held on December 7-10, 1976, at the Holiday Inn, 21 Atwells Avenue, Providence, Rhode Island, for the purpose of receiving comments regarding the North Atlantic OCS leasing proposal. The hearing will convene each day at 9 a.m. e.s.t., and is scheduled to adjourn at 9 p.m. (4:30 p.m. on December 10).

The hearing will provide the Secretary with additional information from both public and private sectors to help evaluate fully the potential effects of leasing oil and gas tracts offshore southeastern New England. In addition, the proceedings will give the Secretary the opportunity to receive further comments and views of concerned State and local agencies.

Interested individuals, representatives of organizations, and public officials who wish to testify at the hearing are requested to contact the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, at the above address by 5 p.m., November 24, 1976. Written comments from those unable to attend the hearing also should be addressed to the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, at the above address. The Department will accept written testimony and comments on the draft environmental statement until December 24, 1976. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those who presented oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered as part of the hearing record. To the extent that time is available after presen-

tation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After testimony and comments have baen received and analyzed, a final environmental statement will be prepared.

CURT BERKLUND,
Director, Land Management Bureau.

Approved:

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-29798 Filed 10-8-76;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 October 1, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance 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 October 22, 1976.

WILLIAM J. MURTAGH,
Acting Director, Office of Archeology and Historic Preservation.

ALASKA

Juneau Division

Juneau, *Wickersham House*, 213 7th St.

Nome Division

Nome vicinity, *Cape Nome Roadhouse*, E of Nome at Mile 14 Nome-Council Highway.
St. Michael, *Fort St. Michael*, at St. Michael Bay.

Outer Ketchikan Division

Ketchikan vicinity, *Storehouse No. 3*, S of Ketchikan off Portland Canal at Halibut Bay Estuary.

Valdez-Chitina-Whittier Division

Gakona, *Gakona Roadhouse*, Mile 205 Glenn Highway.

ARIZONA

Yavapai County

Humboldt vicinity, *Woolsey Ranchhouse Ruins*, N. of Humboldt off AZ 69.

COLORADO

Boulder County

Lyons, *First Congregational Church*, High and 4th Sts.

Eagle County

McCoy vicinity, *Waterwheel*, SE of McCoy at Colorado River.

El Paso County

Manitou Springs, *Manitou Bathhouse*, 934 Manitou Ave.

Manitou Springs, *Miramont (Francolon's Castle)*, 9 Capitol Hill.

IOWA

Des Moines County

Sperry vicinity, *Baptist Church*, W of Sperry off U.S. 61.

Linn County

Cedar Rapids, *Sinclair, T. M., Mansion*, 2160 Linden Dr., SE.

Louisa County

Oakville vicinity, *Florence/Council Site*, W of Oakville on S bank of Iowa River.

MASSACHUSETTS

Hampshire County

Florence, *Hill, Samuel, Historic District*, roughly bounded by Mann Terr., Main, Meadow, and Park Sts., (both sides).

MISSISSIPPI

Carroll County

Greenwood vicinity, *Rowland Site*, S of Greenwood.

Warren County

Vicksburg, *St. Francis Xavier Convent*, 1021 Crawford St.

NEBRASKA

Morrill County

Bayard vicinity, *Chimney Rock*, S of Bayard off U.S. 26.

NEW HAMPSHIRE

Grafton County

Franconia vicinity, *Frost Place*, S of Franconia off NH 116 on Ridge Rd.

NEW MEXICO

Dona Ana County

Las Cruces, *Armijo, Nestor, House*, Lohman Ave. and Church St.

San Juan County

Fruitland vicinity, *Site OCA-CGP-54-1*, SW of Fruitland.
Fruitland vicinity, *Site OCA-CGP-56*, SW of Fruitland.
Fruitland vicinity, *Site OCA-CGP-605*, SE of Fruitland.

NORTH CAROLINA

Beaufort County

Latham vicinity, *Belfont Plantation House*, N of Latham on SR 1411.

Dare County

Rodanthe, *Chicamacomico Life Saving Station*, NC 12 and SR 1247.

Edgecombe County

Tarboro, *Redmond-Shackelford House*, 300 Main St.

Hoke County

Rockfish vicinity, *Puppy Creek Plantation*, NW of Rockfish on SR 1409.

Mecklenburg County

Charlotte, *Liddell-McNinch House*, 511 N. Church St.

Northampton County

Jackson, *Northampton County Courthouse Square*, Jefferson St. between Atherton and Brown Sts.

Washington County

Plymouth, *Latham House*, 311 E. Main St.

TENNESSEE

Davidson County

Antioch vicinity, *Cane Ridge Cumberland Presbyterian Church*, SE of Antioch on Old Hickory Blvd.

Nashville, *St. Cecilia Academy*, 8th Ave. and Clay St.

TEXAS

Bell County

Belton, *Bell County Courthouse*, Public Sq.

Caldwell County

Lockhart, *Caldwell County Courthouse*, Public Sq.

Concho County

Paint Rock, *Concho County Courthouse*, Public Sq.

Galveston County

Galveston, *St. Joseph's Church*, 2202 Avenue K.

Harris County

Houston, *Antioch Missionary Baptist Church*, 313 Robin St.

Rains County

Emory vicinity, *Gilbert Site*, N of Emory off TX 19.
Emory vicinity, *Koons Site*, N of Emory.
Emory vicinity, *Yandell site*, N of Emory.

Wood County

Alba vicinity, *Sadler Site*, N of Alba off TX 17.
Quitman vicinity, *Howle Site*, W of Quitman on TX 182.
Quitman vicinity, *Osborn Site*, W of Quitman.

WYOMING

Johnson County

Buffalo vicinity, *Crazy Woman Crossing and Battlefield*, S of Buffalo off I-25.
Mayoworth vicinity, *Dull Knife Battlefield*, SW of Mayoworth off WY 191.
Sussex vicinity, *Cantonment Reno*, 5 mi. N of Sussex at Powder River.

[FR Doc.76-29850 Filed 10-8-76;8:45 am]

SOUTHEAST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a combined meeting and field trip of the Southeast Regional Advisory Committee will be held on October 28-29, 1976, in Daytona Beach, and Canaveral National Seashore, Florida.

The purpose of the Southeast Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Southeast Region of the National Park Service.

The members of the Advisory Committee are as follows:

Dr. Michael V. Gannon (Chairman), Gainesville, Florida
Dr. John M. King (Secretary), Jackson, Mississippi
Mrs. Ann Smith Bedsole, Mobile, Alabama
Mr. Tutt S. Bradford, Maryville, Tennessee
Dr. Arthur W. Cooper, Raleigh, North Carolina
Mr. Robert Gable, Frankfort, Kentucky
Mr. Charles Edward Lee, Columbia, South Carolina
Mrs. Jane Hurt Yarn, Atlanta, Georgia

The meeting will begin in a joint session with the Southeast Regional Super-

intendents' Conference at 1:30 p.m. on October 28 at The Plaza Hotel, 600 North Atlantic Avenue, Daytona Beach, Florida. At 8:30 a.m. on October 29, the committee, with the Superintendents, will depart from The Plaza Hotel for a bus tour of Canaveral National Seashore.

The matters to be discussed at this meeting include a status report on new areas of the National Park System within the Southeast Region and the planning and operations of Canaveral National Seashore.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend. Space will not be available for members of the public on the bus tour. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Paul C. Swartz, Chief, Cooperative Services Division, Southeast Regional Office, at 404–996–2520, extension 253. Minutes of the meeting will be available for public inspection approximately four weeks after the meeting at the Southeast Regional Office, 1895 Phoenix Boulevard, Atlanta, Georgia 30349.

Dated: September 28, 1976.

DAVID D. THOMPSON, Jr.,
Regional Director,
Southeast Region.

[FR Doc.76-29979 Filed 10-8-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-336]

ABC 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), ABC Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Logan 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 § 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 construtced 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 heigths 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. The average height of the No. 1 Mine is 40 inches. The seam has irregular top and bottom.

2. The canopies pose hazards to the equipment operators and, because of poor operators' vision, to other employees in the mine.

3. The life of this mine is approximately 6 months.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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: October 4, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-29837 Filed 10-8-76;8:45 am]

[Docket No. M 76-400]

B AND J 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), B and J Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine located in Letcher 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 § 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 feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one 12 BU Joy loading machine, one Paul's roof bolting machine, and one Kersey battery scoop.

3. The No. 4 Mine is in the Whitesburg seam which ranges from 30 to 34 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the equipment limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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: October 4, 1976.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

[FR Doc.76-29838 Filed 10-8-76;8:45 am]

[Docket No. M 76-341]

BRUSHY FORK 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), Brushy Fork Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 3, 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. This petition is in reference to canopies on haulage equipment (mine tractors), loading machines, a roof bolting machine and a cutting machine.

2. This mine is in the Peach Orchard seam the thickness of which is not consistent due to rolls in the bottom and small hills inside the mine. The seam thickness is from 45 to 50 inches.

3. It would be impossible to remove this equipment to the outside without removing the canopies or placing the canopies at the lowest height in the mine. The mine tractor operators would be placed in danger due to the different heights of the coal. The canopies would hang up on roof bolts and headers due to any number of reasons, especially spilled coal lost in haulage.

4. Installing a canopy on a piece of equipment in low coal will reduce the vision of the operator of that particular piece of equipment to the point where he would be in danger and other workmen in the mine would be subject to injury from the moving equipment.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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: October 4, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-29839 Filed 10-8-76;8:45 am]

[Docket No. M 76-329]

JOEBONER ELKHORN 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), Joeboner Elkhorn Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 11, 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 § 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 operates the No. 11 Mine in the Clintwood seam of coal which averages 38 inches in height.

2. This seam has rolls in it which make it impossible for Petitioner to use canopies. With the height of Petitioner's equipment, it would not be feasible to use the canopy.

3. Petitioner's employees feel that the use of canopies would be dangerous because of reduced vision and because of the awkward position in which they must work if canopies are installed.

4. Petitioner cannot continue to operate this mine if canopies must 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 November 11, 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: October 4, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-29840 Filed 10-8-76;8:45 am]

[Docket No. M 76-344]

RATLIFF BROTHERS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Ratliff Brothers Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 5 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 § 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's equipment consists of two small mine tractors, two small roof bolters and one face drill.

2. Petitioner feels that installing canopies on this equipment creates a hazard to the equipment operators.

3. The equipment was not built for installation of the required type of canopy. Petitioner has installed canopies on its haulage equipment and has had the canopies hit the roof bolts in areas where it has installed runways over mud and water. Petitioner has had to replace roof bolts where header blocks were broken. Petitioner has tried to lower the canopies, but this results in a reduction in vision of the equipment operators.

4. Petitioner feels that because the canopies loosen roof bolts and reduce the vision of the equipment operators, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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: October 4, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-29841 Filed 10-8-76;8:45 am]

[Docket No. M 76-397]

RHONDA 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), Rhonda Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 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 requirments 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 mines coal in the Widow Kennedy coal seam which averages 28 to 50 inches in height.

2. The expected life of this mine is 5 to 6 years.

3. Petitioner feels that canopies cannot be installed on the equipment in this mine under present mining conditions. The equipment used in this mine already comes in contact with the roof at numerous locations due to irregularities in the mine floor. Installation of canopies on Petitioner's equipment would be contrary to good mining practices and also contrary to mandatory standards.

Petitioner complies with a very rigid roof control plan and has had no roof falls.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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: October 4, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-29842 Filed 10-8-76;8:45 am]

[Docket No. M 76-332]

SLATE BRANCH COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Slate Branch Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Mingo 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 § 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. The equipment in this mine operates in the height range of 30 to 40 inches. The coal height ranges from 42 to 48 inches.

2. Petitioner feels that if canopies or cabs were installed on its equipment a new hazard would be created because of the restricted vision and working area of the equipment operators. The equipment operators would be confined to working areas from which they could not escape quickly in case of fire, smoke or any unforeseen danger because they would be confined inside a canopy or cab without sufficient space to remove themselves or to be removed in case of danger.

3. Petitioner feels that since the equipment in use of this mine was approved by the United States Bureau of Mines without cabs or canopies, it should continue to be approved without revisions.

4. Petitioners feels that the construction of this equipment would not be substantial enough to support a canopy or cab due to the fact that the frame is too weak to support additional weight.

5. Petitioner feels that the canopies or cabs create a hazard to the miners because the coal seam rises and dips. The canopies or cabs could come in contact with the top or bottom of the coal seam damaging roof bolts, headers or ventilation devices. This damage could create additional hazards.

6. Installation of canopies or cabs, in the opinion of Petitioner and its miners, would create more hazards and accidents than the failure to install canopies or cabs would create.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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: October 4, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76-29843 Filed 10-8-76;8:45 am]

[Docket No. M. 76-342]

V-B 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), V-B Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its V-B Mine located in Letcher 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 § 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 working 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 feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of several Torkars. The model numbers of these Torkars are: 48-48, 48-43, 48-51-40, and 48-51-43. The cars range in height from 43 to 50 inches. These cars were manufactured in the early 1960's and were not designed for the installation of canopies.

3. The V-B Mine is in the Whitesburg seam which ranges from 48 to 84 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the Torkars limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 11, 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: October 4, 1976.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.76-29844 Filed 10-8-76;8:45 am]

Office of the Assistant Secretary Land and Water Resources

TETON DAM FAILURE REVIEW GROUP

Public Hearing

Notice is hereby given that the Teton Dam Failure Review Group will hold work sessions beginning at 8:00 a.m. on October 13, 14 and 15, 1976, for the purpose of writing an interim report to the Secretary of the Interior.

The Review Group is a six-member interagency committee appointed by the Secretary of the Interior to investigate the causes of the Teton Dam failure, to review policies and procedures for dam construction, and to recommend, if appropriate, measures to prevent failure of existing dams, those under construction, and those to be built in the future.

The sessions will be held in Conference Room 1410 at the Bureau of Reclamation's Engineering and Research Center, Federal Center, Denver, Colorado. They are open to the public.

DENNIS N. SACHS,
Deputy Assistant Secretary.

OCTOBER 7, 1976.

[FR Doc.76-29903 Filed 10-8-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 117]

CITRUS—ARIZONA AND CALIFORNIA

Closing Date Extension for Filing of Applications for the 1976 Crop Year

Pursuant to the authority contained in § 409.32 of Title 7 of the Code of Federal Regulations, the time for filing applications for citrus crop insurance in Arizona and California, in those counties where such insurance is otherwise authorized to be offered, is hereby extended until the close of business on October 29, 1976. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

Dated: September 23, 1976.

LUTHER OVERGAARD,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.76-29869 Filed 10-8-76;8:45 am]

[Notice No. 118]

ORANGES—CALIFORNIA

Closing Date Extension for Filing of Applications for the 1976 Crop Year

Pursuant to the authority contained in § 406.3 of Title 7 of the Code of Federal Regulations, the time for filing applications for orange crop insurance in those counties in California, where such insurance is otherwise authorized to be offered, is hereby extended until the close of business on October 29, 1976. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

Dated: September 23, 1976.

LUTHER OVERGAARD,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.76-29870 Filed 10-8-76;8:45 am]

Forest Service

WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Two-Year Renewal

The Assistant Secretary for Conservation, Research, and Education has renewed the White Mountain National Forest Advisory Committee for an addi-

tional 2-year period ending October 15, 1978.

This is a local Forest Service advisory committee established by the Chief of the Forest Service on October 15, 1970, to advise the Forest Supervisor of the White Mountain National Forest in Laconia, New Hampshire, about policies, programs, and plans affecting management of the National Forest.

The Assistant Secretary has determined that continuation of this committee is necessary and in the public interest in connection with the duties imposed on the Department by law.

ROBERT W. LONG,
Acting Secretary.

OCTOBER 6, 1976.

[FR Doc.76-29867 Filed 10-8-76;8:45 am]

Office of the Secretary

FORT BERTHOLD INDIAN LANDS

Feed Grain Donations

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Fort Berthold Indian Lands in North Dakota has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on October 5, 1976.

JOHN A. KNEBEL,
Acting Secretary.

[FR Doc.76-29793 Filed 10-8-76;8:15 am]

Packers and Stockyards Administration

LAFAYETTE COUNTY LIVESTOCK AUCTION LEWISVILLE, ARKANSAS, ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AR-155—Lafayette County Livestock Auction, Lewisville, Arkansas.
CA-172—Hastie Livestock Auction, El Cajon, California.
IA-253—Woodbury County Livestock Auction Co., Inc., Lawton, Iowa.
MT-119—Billings Livestock Comm. Co., Inc., Billings, Montana.
NM-117—Artesia Livestock Auction, Inc., Artesia, New Mexico.
TN-174—Kingsport Livestock Auction Corporation, Kingsport, Tennessee.
TX-314—Floresville Livestock Commission Company, Floresville, Texas.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in Section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, on or before October 27, 1976.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 4th day of October, 1976.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch Livestock Marketing Division.

[FR Doc.76-29796 Filed 10-8-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

Local and State Governments

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the Current Population Reports"—Series P-28, prepared by the Bureau of the Census. For each area which has a special census

population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1975, for which tabulations were completed between September 1, 1976, and September 30, 1976.

Dated: October 5, 1976.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

State/place or special area	County	Date of census	Population
Alabama: Hamilton City	Marion	July 13, 1976	4,196
Arkansas:			
Bauxite City	Saline	July 20, 1976	437
Gillett City	Arkansas	June 29, 1976	963
Sherwood City	Pulaski	June 28, 1976	6,744
Idaho:			
Grace City	Caribou	July 12, 1976	1,170
Lava Hot Springs City	Bannock	July 13, 1976	610
Illinois:			
Jerseyville City	Jersey	do	7,432
Lake County, unincorporated area only		June 2, 1976	77,177
Lindenhurst Village	Lake	June 22, 1976	4,789
Indiana: Westfield Town	Hamilton	July 27, 1976	2,497
Iowa:			
Bridgewater City, annexed areas only	Adair	July 13, 1976	242
Elk Horn Town	Shelby	July 27, 1976	738
Harlan City	do	July 16, 1976	5,251
Hinton City	Plymouth	Aug. 6, 1976	599
Long Grove City	Scott	July 8, 1976	399
Manchester City	Delaware	July 12, 1976	4,914
Meriden City	Cherokee	June 30, 1976	213
Sergeant Bluff City	Woodbury	Aug. 2, 1976	2,135
Shenandoah City	Freemont and Page	June 25, 1976	6,242
Whiting City	Monona	Aug. 3, 1976	717
Michigan:			
Ada Township	Kent	July 13, 1976	5,607
Baroda Township	Berrien	July 26, 1976	2,059
Bruce Townshup	Macomb	July 8, 1976	3,341
Clyde Township	St. Clair	June 28, 1976	4,327
Howell Township	Livingston	July 12, 1976	3,426
Richfield Township	Roscommon	July 6, 1976	2,626
Minnesota: Aurora City	St. Louis	July 12, 1976	2,793
Missouri: Creve Coeur City	do	July 14, 1976	10,660
Nebraska: Terrytown Village	Scotts Bluff	July 12, 1976	817
Pennsylvania:			
Bethlehem Township	Northampton	June 22, 1976	10,472
Falls Township	Bucks	May 11, 1976	36,427
Hanover Township	Lehigh	July 13, 1976	2,249
Red Hill Borough	Montgomery	June 24, 1976	1,574
South Park Township	Allegheny	June 22, 1976	10,923
White Township	Indiana	do	11,736
Texas: Berryville City	Henderson	July 13, 1976	363
Virginia: Goochland County		June 9, 1976	11,221
Wisconsin:			
Commonwealth Town	Florence	July 12, 1976	347
Grand Chute Town	Outagamie	June 14, 1976	7,549

[FR Doc.76-29661 Filed 10-8-76;8:45 am]

BUREAU OF THE CENSUS ADVISORY COMMITTEE

Termination

Pursuant to section 14 of the Federal Advisory Committee Act (5 U.S.C. Appendix I, (Supp. V, 1975)), notice is hereby given that the Census Advisory Committee on Privacy and Confidentiality is terminated upon the publication of this notice in the FEDERAL REGISTER.

This Committee was established in 1971 to advise the Director, Bureau of the Census, on policy and procedure concerning the purpose and scope of census inquiries and on all aspects of privacy and confidentiality as they relate to the statistical work of the Bureau.

The decision to terminate this Committee has been made for three principal reasons: First, all agencies of the Federal Government must now give systematic attention to privacy issues because of the Privacy Act, which established the Privacy Protection Study Commission to provide a focal point for the development of information policies and fair information practices. Second, the other advisory committees to the Bureau of the Census address themselves to issues concerning the confidentiality of information, the integrity and objectivity of data collection, and the propriety of census and survey inquiries with respect to the right of privacy. Third, in accordance with the Federal Advisory Committee Act, the Census Bureau must use its resources for committee activities as efficiently as possible. The termination of the Census Advisory Committee on Privacy and Confidentiality is a clear instance where the Bureau can conserve its resources and still be assured of receiving valuable and independent advice on privacy and confidentiality.

Dated: October 6, 1976.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

[FR Doc.76-29834 Filed 10-8-76;8:45 am]

Maritime Administration

[Docket No. S-516]

FREDERICKSBURG SHIPPING CO.

Application

Notice is hereby given that application has been filed under the Merchant Marine Act, 1936, as amended (the Act) for operating-differential subsidy on the S.S. *Fredericksburg* to engage in bulk carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1976, or upon completion of a voyage in progress on that date.

Inasmuch as the applicant, and/or related persons or firms, employ or may employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required if its application for operating-differential subsidy is to be granted.

The written permission requested by Fredericksburg is identical to the written permission granted under section 805(a) to Margate Shipping Company, Chestnut Shipping Company, Charles Kurz & Co., Inc., Keystone Shipping Co. and Keystone Tankship Corporation, affiliates of Fredericksburg, on May 24, 1976, and is as follows:

For affiliated or associated companies to operate up to a total of 31 U.S. flag vessels in the transport of liquid bulk cargoes within and between the following U.S. coastal areas, with free interchange of vessels among these areas, and with the maximum number of vessels to be employed in the areas at any one time specified:

	Number of vessels
U.S. Gulf-Atlantic coastwise	17
U.S. Gulf-Atlantic-Puerto Rico	2
U.S. Atlantic-Gulf intercoastal (including Alaska and Hawaii)	10
Pacific coast-Alaska-Hawaii	15

Such written permission is now required under section 805(a) notwithstanding the fact that a voyage in the proposed service on which the vessel engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on October 18, 1976 file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to

warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties withstanding to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: October 6, 1976.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-29888 Filed 10-8-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 1:00 p.m. on Thursday, November 18, 1976, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The meeting will be open to the public. Members of the public may file written statements, and, to the extent time permits, present oral statements at the meeting. Additional information may be obtained from Robert E. Rountree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234 (phone 301-921-3157).

Dated: October 5, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-29761 Filed 10-8-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Public Meeting

Pursuant to Public Law No. 92-463, notice is hereby given of a meeting of the Commission on Executive, Legislative, and Judicial Salaries to be held in Room 2008, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on October 26, 1976 at 10:00 a.m.

The meeting will be open to public observation and participation. The purpose of the meeting is to hear reports on the status of the special assignments discussed at the October 12, 1976 meeting. These assignments were in the areas of executive, legislative and judicial pay comparability, benefits attributed thereto, and the effect of compensation on the hiring, retention and departure of federal executives, legislators and judges.

Anyone wishing to participate or attend this meeting should contact the Commission on Executive, Legislative, and Judicial Salaries; Suite 801, 1750 K Street NW., Washington, D.C. 20036, telephone number (202) 634-1650.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-30069 Filed 10-8-76;11:44 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0292; DESI 6811]

CERTAIN SINGLE-ENTITY AND COMBINATION PRODUCTS CONTAINING ISONIAZID

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 6811), published in the FEDERAL REGISTER of September 26, 1969 (34 FR 14856), the Food and Drug Administration announced its conclusions that the single-entity and combination drug products containing isoniazid described below are effective for the treatment of tuberculosis. The single-entity drug products containing isoniazid were also classified as possibly effective for certain other indications. Pursuant to the notice, no person submitted data in support of these possibly effective indications, and they were reclassified to lacking substantial evidence of effectiveness in a notice published in the FEDERAL REGISTER of October 7, 1971 (36 FR 19520). This notice offers an opportunity for hearing concerning the indications that were reclassified in the October 7, 1971 notice to lacking substantial evidence of effectiveness, and states the conditions for marketing both the single-entity and combination drugs for the indications regarded as effective. The effective indications have been modified since the publication of the September 26, 1969 notice. Persons who wish to request a hearing may do so on or before November 11, 1976.

1. NDA 8-486; Niconyl (isoniazid) Tablets; Parke, Davis & Co., Joseph Campau at the River, Detroit, MI 48232.

2. NDA 8-499; Isoniazid Tablets; Eli Lilly & Co., Box 618, Indianapolis, IN 46206.

3. NDA 8-424; Tyvid (isoniazid) Tablets; Merrell-National Laboratories, Division, Richardson-Merrell, Cincinnati, OH 45215.

4. NDA 8-391; Cotinazin (isoniazid) Tablets; Pfizer Laboratories, Division Pfizer, Inc., 235 E. 42d St., New York, NY 10017.

5. NDA 8-532; Nicodrin (isoniazid) Tablets; Gold Leaf Pharmacal Co., Inc., Division of Ormont Drug and Chemical Co., Inc., Englewood, NJ 07631.

6. NDA 8-535; Zonazide (isoniazid) Tablets; Richlyn Laboratories, Inc., 3725 Castor Ave., Philadelphia, PA 19124.

7. NDA 8-678; Supercidin (isoniazid) Tablets; The Vitarine Co., Inc., 227-15 N. Conduit Ave., Springfield Gardens, NY 11413.

8. NDA 9-678; Isoniazid Tablets; Vitamix Pharmaceuticals, Inc., 5051 Lancaster Ave., Philadelphia, PA 19131.

9. NDA 8-807; Isoniazid Tablets; Barnes-Hind Laboratories, Inc., Subsidiary Barnes-Hind Pharmaceuticals, Inc., 895 Kifer Rd., Sunnyvale, CA 94086.

10. NDA 9-153; Isoniazid Tablets; Stanley Drug Products, Inc., 232 Southeast Oak St., P.O. Box 3108, Portland, OR 97208.

11. NDA 8-662; Nydrazid (isoniazid) Injection; Squibb Pharmaceutical Co., E. R. Squibb & Sons, Inc., Box 4000, Princeton, NJ 08540.

12. NDA 8-392; Nydrazid (isoniazid) Tablets and Syrup; Squibb Pharmaceutical Co.

13. NDA 8-500; Isoniazid Tablets; American Pharmaceutical Co., P.O. Box 448, Passaic, NJ 07055.

14. NDA 8-428; Isoniazid Tablets; Panray Division, Ormont Drug and Chemical Co., Inc., P.O. Box 150, Englewood, NJ 07631.

15. NDA 8-685; Puran (isoniazid); Pure Laboratories, Inc., 50 Intervale Rd., Parsippany, NJ 07054.

16. NDA 9-466; Sodium Para Aminosalicylate with Isoniazid; Richlyn Laboratories, Inc.

17. NDA 8-891; Buffered Parasal-INH Tablets (aminosalicylic acid and isoniazid); Panray.

The following drug products were neither submitted for review by the National Academy of Sciences-National Research Council nor included in the September 26, 1969 notice, but the conclusions described in this notice apply to them:

1. NDA 8-390; Rimifon (isoniazid) Tablets; Roche Laboratories, Division of Hoffmann-LaRoche, Inc., Nutley, NJ 07110.

2. That part of NDA 8-420 pertaining to Rimifon (isoniazid) Syrup; Roche Laboratories.

3. That part of NDA 8-420 pertaining to Rimifon (isoniazid) Injection; Roche Laboratories.

4. NDA 8-558; Niadrin (isoniazid) Tablets; Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, NY 11530.

5. NDA 8-567; Teebaconin (isoniazid) Tablets; CMC Research Division, Consolidated Midland Corp., 195 E. Main St., Box 74, Brewster, NY 10509.

6. NDA 8-608; Isoniazid Tablets; Strong Cobb Arner, Inc., 11700 Shaker Blvd., Cleveland, OH 44120.

7. NDA 9-220; Isopacin Tablets (isoniazid and sodium aminosalicylate); CMC Research Division, Consolidated Midland Corp.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug

product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs lack substantial evidence of effectiveness for the possibly effective indications which were reclassified in the October 7, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* As a single active entity, the drug is in injectable form suitable for parenteral administration, or in syrup or tablet form suitable for oral administration. The combination of isoniazid with aminosalicylic acid or its sodium salt is in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement,

Caution: Federal law prohibits dispensing without prescription.

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

ISONIAZID

For all forms of tuberculosis in which organisms are susceptible.

For preventive therapy for the following groups, in order of priority:

1. Household members and other close associates of persons with recently diagnosed tuberculous disease.

2. Positive tuberculin skin test reactors with findings on the chest roentgenogram consistent with nonprogressive tuberculous disease, in whom there are neither positive bacteriologic findings nor a history of adequate chemotherapy.

3. Newly infected persons.

4. Positive tuberculin skin test reactors in the following special clinical situations: Prolonged therapy with adrenocorticosteroids; Immunosuppressive therapy; Some hematologic and reticuloendothelial diseases, such as leukemia or Hodgkin's disease; Diabetes mellitus; Silicosis; After gastrectomy.

5. Other positive tuberculin reactors under 35 years of age.

The risk of hepatitis must be weighed against the risk of tuberculosis in positive tuberculin reactors over the age of 35. However, the use of isoniazid is recommended for those with the additional risk factors listed above (1–4) and on an individual basis in situations where there is likelihood of serious consequences to contacts who may become infected.

ISONIAZID IN COMBINATION WITH AMINOSALICYLIC ACID OR SODIUM AMINOSALICYLATE

For the treatment of tuberculosis in which organisms are susceptible, and when the patient has been titrated on the individual components and it has therefore been established that this fixed dosage meets the foregoing needs.

This fixed-dosage combination drug is *not* recommended for initial therapy of tuberculosis or for preventive therapy.

3. *Marketing status of approved products.* Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that the holder of the application submits the following if he has not previously done so:

a. On or before December 13, 1976, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. In addition, for combination products containing isoniazid with aminosalicylic acid or sodium aminosalicylate, on or before April 12, 1977, data to show that the aminosalicylic acid or sodium aminosalicylate is biologically available in the formulation marketed.

4. *Marketing status of all other products.* a. Approval of an abbreviated new drug application must be obtained prior to marketing such product. The application shall contain the information specified in 21 CFR 314.1(f) and in addition, for combination products containing isoniazid with aminosalicylic acid or sodium aminosalicylate, shall include data of the kind required for this drug at the time of submission of the application to show that the aminosalicylic acid or sodium aminosalicylate is biologically available in the formulation proposed for marketing.

b. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), and for the combination products 21 CFR 300.50, demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

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

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

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before November 11, 1976, a written notice of appearance and request for hearing, and (2) on or before December 13, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for

hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

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

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

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 6811, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Anti-Infective Drug Products, (HFD-140), Rm. 12B-45, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences—National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: October 1, 1976.

CARL M. LEVENTHAL,
Acting Director, Bureau of Drugs.

[FR Doc.76-29918 Filed 10-8-76;8:45 am]

National Institute of Education

PANEL ON BASIC SKILLS

Amended Meeting

The meeting of the Panel on Basic Skills of the National Institute of Education (NIE) scheduled for October 18-20, 1976, which was announced on Page 43756 of October 4, 1976, FEDERAL REGISTER will be held in Room 823 of the NIE headquarters, 1200 19th Street, NW., Washington, D.C.

Inquiries should be directed to Marshall S. Smith (202-254-5680).

Dated: October 5, 1976.

RICHARD S. WERKSMAN,
Committee Management Officer, National Institute of Education.

[FR Doc.76-29759 Filed 10-8-76;8:45 am]

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research, National Institutes of Health, Bethesda, Md., on December 13, 1976, in Building 30, Conference Room 117.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to discuss the research direction and activities of the laboratories of the National Institute of Dental Research. Attendance by the public will be limited to space available.

Dr. Marie U. Nylen, Acting Director of Intramural Research, National Institute of Dental Research, National Institutes of Health, Building 30, Room 132, Bethesda, Md. 20014, (telephone 301-496-1483) will provide summaries of meetings, rosters of committee members, and substantive program information.

Dated: October 4, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-29801 Filed 10-8-76;8:45 am]

Office of Child Support Enforcement

AUDIT AND PENALTY WORKSHOPS

Meetings

Notice is hereby given by the Director, Office of Child Support Enforcement (OCSE) that a series of 4 workshops will be conducted to discuss the requirement for an annual audit of each State's child support enforcement program and the possible penalty of 5 percent of a State's title IV-A reimbursement.

A Notice of Proposed Rulemaking, published in the FEDERAL REGISTER on October 1, 1976, 41 FR 43414, proposed a new 45 CFR Part 305 that describes the audit OCSE will conduct and sets the date for the first audit. The proposed regulations also define "effective program" for purposes of the audit and establish the criteria that the audit will use to determine program effectiveness. Finally, the proposed regulation provides that if a State is found by the Secretary to have failed to have an effective program, the penalty will be imposed.

The workshops are being held to explain and discuss the statutory basis, the audit procedure and criteria and to receive comments and recommendations from representatives of States, counties, cities and other interested groups or individuals.

Those who wish to participate are requested to register with the appropriate OCSE Regional Office at least 3 days prior to the meeting date by either writing or telephoning the contact person listed below. It is possible that participation may have to be limited to the first 100 individuals registering with the Regional Offices due to limited meeting facilities.

The workshops are scheduled as follows:

Date and time	Location	Contact person
Oct. 18, 1976, 9 a.m. to 4 p.m.	Federal Bldg., Room 13450, 450 Golden Gate Ave., San Francisco, Calif. 94102.	Mr. Benjamin Barsky, telephone: 415-556-6384 or Mr. Richard Lewis, telephone: 415-556-5176, 50 Fulton St., Federal Office Bldg., San Francisco, Calif. 94102.
Oct. 20, 1976, 9 a.m. to 4 p.m.	Southern Hotel, South High and East Main, Columbus, Ohio.	Mr. William Kelsay or Ms. Kathryn Beck, Office of Child Support Enforcement, 300 South Wacker Dr., 30th Floor, Chicago, Ill. 60606, telephone: 312-353-1591.
Oct. 21, 1976, 9 a.m. to 4 p.m.	Sheraton-Biltmore Hotel, 817 West Peachtree St., NE., Atlanta, Ga. 30383.	Mr. Charles Post or Ms. Marjorie Bates, Office of Child Support Enforcement, 567th St., NE., Atlanta, Ga. 30323, telephone: 404-526-3064.
Nov. 1, 1976, 10 a.m. to 5 p.m.	William J. Green, Jr., Federal Bldg., Room 3306/3310, 600 Arch St., Philadelphia, Pa. 19106.	Mr. Daniel Fascione or Mrs. Donna Fischer, Office of Child Support Enforcement, P.O. Box 7760, 3535 Market St., Philadelphia, Pa. 19101, telephone: 215-596-1308.

Individuals who do not attend the workshop have the opportunity to comment on the proposed regulations by forwarding comments to the Director, Office of Child Support Enforcement, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013. Consideration will be given to all comments received by November 1, 1976.

Dated: October 5, 1976.

LOIS B. HAYS,
Deputy Director, Office of Child Support Enforcement.

[FR Doc.76-29773 Filed 10-8-76;8:45 am]

Office of Education

ILLINOIS

Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of Illinois and it has met the jurisdictional requirements of Section 5 of the Notice establishing the Board.

The appeal involves the allowability of specified expenditures of funds for programs under Title I of the ESEA during Fiscal Years 1969 through 1972 which are alleged to have supplanted rather than supplemented State and local funds. The Audit Control Number is 50006-05. The local education agency involved is the Chicago Board of Education and the sum of money involved is $51,100.

The prehearing conference will be held at 10:30 a.m. on November 4, 1976, in Room 4173, 400 Maryland Avenue, SW., Washington, D.C.

Section 7(c) of the Notice setting up the board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before October 29, 1976.

(20 U.S.C. 241a, 1232c.)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: October 4, 1976.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

[FR Doc.76-29836 Filed 10-8-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. Appendix 1), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held October 27, 28, 29, 1976, FOB 6, Room 4173, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act, Title IV of Pub. L. 92-318, (20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) Submit to the Commissioner a list of nominees for the position of Deputy Commissioner of Indian Education;

(2) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92-318), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 and section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92-318), and make recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by Title IV, Part A, of Pub. L. 92-318; and

(7) Submit to the Congress not later than March 31 of each year a report on its activities, which shall include recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meeting on October 27, 28, 29, 1976, will be open to the public beginning at 9 a.m. and ending 5 p.m. each day. This meeting will be held at FOB, 6, Room 4173.

The proposed agenda includes:

(1) Executive director's report.
(2) Action on previous meeting minutes.
(3) New council members' orientation.
(4) Election of council officers.
(5) Selection of council committees.
(6) Approval of NACIE FY '77 budget.
(7) Special reports.
(8) Plans for future NACIE activities.
(9) Regular council business.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Room 326, Washington, D.C. 20004.

Signed at Washington, D.C., on October 6, 1976.

LINCOLN C. WHITE,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.76-29768 Filed 10-8-76;8:45 am]

Social Security Administration

ATTORNEY ADVISOR TO THE COMMISSIONER OF SOCIAL SECURITY

Authority Delegation

Section 1878 of the Social Security Act, as amended (the Act), codified at 42 U.S.C. 1395oo, provides for the establishment of a Provider Reimbursement Review Board (the Board), to hear appeals by providers of services under the Medicare program who are dissatisfied with final cost reimbursement determinations by their fiscal intermediaries, or are not provided with such determinations on a timely basis. Subsection (f)(1) of section 1878 provides that a decision of the Board shall be final unless the Secretary of Health, Education, and Welfare (the Secretary)—on his own motion and within 60 days after the provider of services is notified of the Board's decision—reverses, affirms or modifies the Board's decision. The Secretary has delegated to the Commissioner of Social Security (the Commissioner) authority to administer the Medicare program established by title XVIII of the Act, with authority to redelegate (33 FR 5836-37, dated April 16, 1968). That authority includes review of decisions by the Board. A position as Attorney Advisor to the Commissioner was recently established for the purpose of recommending initiation of the "own motion review" process; evaluating cases under "own motion review," and recommending appropriate action for the disposition of such cases by the Commissioner. This position was organizationally located in

the Social Security Administration's Office of Management and Administration, for purposes of general administrative support (41 FR 18900, dated May 7, 1976).

On November 7, 1969 (34 FR 18049–50), the Assistant Secretary for Administration and Management of the Department of Health, Education, and Welfare (HEW) redelegated to the Commissioner, with authority to further redelegate, authority to certify true copies of any books, records, papers or other documents on file within the Social Security Administration; to certify extracts from such material; to certify that true copies are true copies of the entire file; to certify the complete original record; to certify the nonexistence of records on file; and authority to cause the HEW Seal to be affixed to such certifications.

Notice is hereby given that the Commissioner has further redelegated the following authorities to the position of Attorney Advisor to the Commissioner:

1. Authority to certify true copies of any records, papers or other documents, as required for judicial review of cases under section 1878 of the Act (provider reimbursement review cases);
2. Authority to certify extracts from such material;
3. Authority to certify that true copies of such material are true copies of the entire file;
4. Authority to certify the nonexistence of such material;
5. Authority to certify the complete original record; and
6. Authority to cause the HEW Seal to be affixed to such certifications.

These further redelegations in no way impinge upon any present or future certification and/or HEW Seal affixation authorities vested with the Provider Reimbursement Review Board. The further redelegations to the Attorney Advisor specified above are effective as of October 12, 1976. The Attorney Advisor may not redelegate such authority.

Dated: October 1, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.76-29762 Filed 10-8-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76 190]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from July 29, 1976 to August 26, 1976 (List No. 19–76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United Streets Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to those approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

The Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, Approval Nos. 160.050/42/0, 160.050/43/0 and 160.050/44/0 expired and were terminated effectiye August 26, 1976.

The Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, Approval No. 160.050/62/0 expired and was terminated effective August 10, 1976.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Greenwich Marine Engines, Division Hekma Advanced Mach. Company, Palmer Point, Cos Cob, Connecticut 06807, Approval No. 162.041/77/1 expired and was terminated effective August 11, 1976.

BULKHEAD PANELS FOR MERCHANT VESSELS

The TAC Construction Materials Ltd., Building & Insulation Division, P.O. Box 22, Trafford Park, Manchester M17 1RU, England no longer manufactures certain bulkhead panels and Approval No. 164.008/55/0 was therefore terminated effective July 29, 1976.

Dated: October 5, 1976.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

Federal Aviation Administration

[FAA Order 1050.10]

FAA FACILITIES

Prevention, Control, and Abatement of Environmental Pollution

The Federal Aviation Administration on September 28, 1976, promulgated Agency Order 1050.10: Prevention, Control, and Abatement of Environmental Pollution at FAA Facilities. This order establishes agency policies, procedures, and functional responsibilities in complying with both the intent and environmental pollution standards of Executive Order 11752, issued December 17, 1973 (FR Doc. 73–26869 Filed 12–19–73; 12:45 p.m.) as it applies to FAA facilities. The purpose of publishing Order 1050.10 in the FEDERAL REGISTER is to inform interested persons of the FAA's continuing effort to protect and enhance the quality of air, water, and land resources, as they may be affected by agency facilities or their operation.

Issued in Washington, D.C., on October 4, 1976.

CHARLES R. FOSTER,
Director of Environmental Quality.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

[Order 10510]

Prevention, Control, and Abatement of Environmental Pollution at FAA Facilities

SEPTEMBER 28, 1976.

1. *Purpose.* This order establishes agency policies, procedures, and responsibilities pertaining to the prevention, control, and abatement of environmental pollution at or from Federal Aviation Administration (FAA) facilities.

2. *Distribution.* This order is distributed to the division level in Washington, to the branch level in the regions and centers, with a minimum distribution to all field offices and facilities.

3. *Cancellation.* Order 6900.4, FAA Plans for Meeting Mandate of National Environmental Policy Act (NEPA) of 1969 (52 U.S.C. 4321), is canceled.

4. *Background.* This order is issued pursuant to the authority of environmental pollution and reporting requirements as set forth in Executive Order (E.O.) 11752, Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities, and the Office of Management and Budget (OMB) Circular A–106, Reporting Requirements in Connection With the Prevention, Control, and Abatement of Environment Pollution at Existing Federal Facilities, respectively.

5. *Definitions.*—a. *Facilities,* as defined in E.O. 11752, means buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property owned by, constructed or manufactured for the purpose of leasing to, the Federal Government. This order includes agency aircraft as a "facility;" however, the noise and exhaust pollutants of these aircraft are governed by the standards, rules and regulations made applicable under FAA Order 4040.9, "General Manual for Operation of FAA Aircraft."

b. *State, Interstate and Local Agencies* refer respectively to agencies designated by the Governor of a State; established by two or more states; authorized by a city, county or local government; or established by two or more counties or municipalities located in the same state or in different states. These agencies have responsibilities, powers or duties to enforce laws or ordinances pertaining to the prevention, control, and abatement of environmental pollution.

c. *Cost,* means the amount of funds required for designing and constructing necessary environmental control measures. These environmental costs include the capital costs of structure and equipment, irrespective of the appropriation chargeable, but exclude annual maintenance and operating costs.

d. *Responsible Official,* for the purposes of this order, is the Director of the Service, Of-

fice, Region or Center having jurisdiction over the area in which the facility is located, or from which its operational use is controlled.

6. *Policy.* FAA shall comply with the environmental pollution control standards set forth in E.O. 11752, regarding the design, construction, management, operation, and maintenance of its facilities, in cooperation with state and local governments. Additionally, the FAA shall, through compliance with pollution control requirements, provide leadership in the nationwide effort to improve and protect the quality of the Nation's environment.

7. *Scope.* This order covers the current environmental pollution control requirements for the quality of air, water, and land resources at or from FAA facilities.

8. *Responsibilities*—a. *The Office of Environmental Quality* (AEQ), under the direction of the Associate Administrator for Policy Development and Review, is responsible for preparing, recommending, and coordinating agency directives, policies and procedures for facility compliance with pollution control requirements. AEQ shall:

(1) Serve as agency focal point for environmental pollution control requirements.

(2) Receive, summarize and, as required, distribute facility environmental pollution control plans and reports.

(3) Consult with and, as appropriate, advise responsible officials in the implementation of this order.

b. *The Office of Budget* (ABU). (1) Shall set forth, in the annual call for estimates, documentation for budget submissions regarding environmentally related actions necessary to comply with this order.

(2) Serve as the central liaison point in the agency for annual budgetary estimates or programming matters requiring coordination with or submission to the Office of the Secretary of Transportation (OST), OMB, or Congressional Committees, and for the integration of environmental funding requirements with other requirements of the agency.

c. *Office and Service Directors* are responsible for ensuring compliance with the policies, procedures, and environmental pollution control requirements of this order for all facility actions originating in headquarters. Specific responsibilities for these actions are the same as for those facility actions originating in the regions and centers and are listed under paragraph 8(d) (1) through (10). In addition, headquarters services are responsible for providing advice and, as appropriate, assistance to their field counterparts to ensure compliance with this order.

d. *Regional and Center Directors* shall be responsible for the following actions regarding environmental pollution control at or from facilities under their jurisdiction:

(1) Designating an official to contact for matters relating to facility environmental pollution control.

(2) Ensuring that the applicable environmental pollution requirements in paragraph 9 are met on a continuing basis.

(3) Cooperating with the Environmental Protection Agency (EPA), state, interstate, and local agencies in prevention, control, and abatement of environmental pollution and, in accordance with guidelines issued by EPA, providing AEQ with such information as is necessary to determine compliance with applicable requirements.

(4) Submitting reports to AEQ, as required, regarding environmental pollution abatement plans and schedules on new and existing facilities as may be necessary to meet the applicable requirements specified in paragraph 9.

(5) Considering the environmental impact in the initial stages of planning for each new facility or modification of an existing facility in accordance with NEPA.

(6) In executing the environmental pollution abatement plan and schedule (8d(4)), budget requests for the design and construction of new facilities or for the modification of existing facilities should include funds, in accordance with the guidelines as outlined in the annual call for estimates, for such measures as may be necessary to meet the applicable requirements of paragraph 9. These environmental costs shall reflect the most efficient alternative for meeting the applicable pollution control requirements.

(7) Consulting, as appropriate, with EPA, regional offices, state, interstate, and local agencies concerning the best techniques and methods available for the prevention, control, and abatement of environmental pollution.

(8) Requiring the lessor of a facility, as appropriate, to be responsible for compliance with the environmental pollution control requirements applicable to that facility.

(9) Ensuring that facilities constructed and/or operated outside the United States shall be in compliance with the environmental pollution control requirements of general applicability in the host country or jurisdiction concerned.

(10) Obtaining current statutes, directives, orders, circulars, or other documents including compliance and reporting procedural guidelines which involve pollution control requirements.

9. *Pollution control requirements.* All FAA facilities shall be designed, constructed, managed, operated and maintained so as to conform to the following requirements.

a. Federal, state, interstate and local air quality standards and emission limitations adopted in accordance with or effective under the provisions of the Clean Air Act, as amended (42 U.S.C. 18 et seq).

b. Federal, state, interstate, and local water quality standards and effluent limitations respecting the discharge or runoff of pollutants adopted in accordance with or effective under the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq).

c. Through consultation and cooperation with state and local agencies, the substantive aspects of state and local air and water quality implementation plans. However, compliance does not include administrative procedural requirements, such as obtaining permits.

d. Federal regulations and guidelines on the dumping of material into ocean waters, adopted in accordance with the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq), and the Federal Water Pollution Control Act, as amended.

e. EPA guidelines for solid waste recovery, collection, storage, separation, and disposal systems, pursuant to the Solid Waste Disposal Act, as amended (42 U.S.C. 3251 et seq).

f. Federal noise emission standards for products adopted in accordance with provisions of the Noise Control Act of 1972 (42 U.S.C. 4901 et seq), and state, interstate, and local standards for control and abatement of environmental noise.

g. Federal guidance on radiation and generally applicable environmental radiation standards promulgated or recommended by the EPA and adopted in accordance with the Atomic Energy Act, as amended (42 U.S.C. 2011 et seq), and rules, regulations, requirements, and guidelines on discharges of radioactivity as prescribed by the Atomic Energy Commission, or the Nuclear Regulatory Commission.

h. Federal regulations and guidelines on the manufacture, transportation, purchase, use, storage, and disposal of pesticides promulgated pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (7 U.S.C. 136 et seq).

10 *Special requirements.* Environmental pollution control requirements, as specified in paragraph 9, may not exist for a particular geographic area or type/class of facility. In those instances, EPA, in consultation with appropriate Federal, state, interstate, and local agencies, may issue requirements. Responsible officials shall comply with these environmental pollution control requirements, once they are promulgated and published in the FEDERAL REGISTER.

11. *Exemptions.* Certain FAA facilities or uses thereof may be exempt from complying with the environmental pollution control requirements, if it is determined that the facility or uses thereof are in the interest of national security, or in extraordinary cases, where it is in the paramount interest of the United States. Procedural guidance on the exemption process is to be prepared and issued by EPA. When an agency facility is considered for exemption by the responsible official, consultation with and concurrence by EPA is required. A copy of the proposed exemption is to be sent to AEQ at the same time it is submitted to EPA. Should EPA not agree to the exemption, the exemption determination is then subject to the approval of OMB. A formal request for such approval is to be submitted, by the responsible official, to AEQ for forwarding to OMB through the Office of the Assistant Secretary for Administration (TAD). EPA has sole responsibility for approval of exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972.

12. *Guidance and reporting.* Guidance, including procedures and reporting, regarding facility compliance with environmental pollution control requirements is issued by EPA. This guidance, due to its development process, periodic revisions, and expansion of coverage may change. To insure continuing compliance with the requirements of this order, the responsible official shall obtain directly from EPA guidance applicable to the facility or its use. Specific responsibilities of EPA are included in Appendix 1, Environmental Protection Agency Responsibilities.

a. *Pollution Control Plans.* An agency plan covering facility compliance shall be developed and reported to OMB in accordance with the procedures prescribed by EPA on a semiannual basis. Responsible officials shall submit reports to AEQ by November 30 and May 31.

b. *Facility Exemptions.* AEQ shall, in coordination with ABU, report to OMB through TAD, by January 15 following the end of each calendar year, agency facilities determined to be exempt from environmental pollution control requirements. Responsible officials shall submit to AEQ by December 15 all facility exemption determinations for the year, justification for each exemption, a summary of the coordination with EPA and, as appropriate, state and local agencies, and report distribution.

c. *Air Pollutant Emissions.* The responsible official shall develop and submit to EPA and state air pollution agencies, in addition to AEQ, facility emissions data, which determine facility compliance with source air pollution standards. After submitting this report, a new report shall be submitted only where the data previously reported does not accurately describe current operations.

J. W. COCHRAN,
Acting Administrator.

APPENDIX 1—ENVIRONMENTAL PROTECTION AGENCY RESPONSIBILITIES

The EPA, under E.O. 11752, is the control agency regarding Federal facilities' compli-

ance with pollution control requirements. This Appendix identifies those areas of EPA responsibility, as set forth in E.O. 11752, in the prevention, control, and abatement of environmental pollution at Federal facilities. These include:

1. Providing technical advice and assistance to the responsible officials of the agency, regarding compliance with the pollution control requirements.

2. Maintaining a review of agency facility compliance.

3. Providing liaison to assure agency actions taken are coordinated with state, interstate, and local programs.

4. Mediation of any conflicts between the agency and state, interstate, or local authorities, in matters affecting compliance with pollution control requirements.

5. Developing, in coordination and consultation with responsible agency officials:

a. Common procedures for Federal compliance with pollution control requirements.

b. Regulations and guidelines as necessary to facilitate compliance implementation.

c. Framework for coordination and cooperation among the agency, EPA, and the state, interstate, and local agencies.

6. Maintaining a continual review of the implementation of E.O. 11752.

7. Reporting to the President on the progress of the agency in showing facility compliance.

[FR Doc.76-29766 Filed 10-8-76;8:45 am]

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS

Exemptions

NOTICE OF GRANTS AND DENIALS OF APPLICATIONS FOR EXEMPTIONS

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted August 1976. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Grants

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1479-P	DOT-E 1479	Hercules, Inc., Wilmington, Del.	49 CFR 173.315(a)(1)	To become a party to exemption 1479. (See application Nos. 75-133, 75-179, 76-312.) (Mode 1.)
2326-X	DOT-E 2326	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.77	To ship certain high explosives in a 1-gal or smaller size tape-sealed cardboard carton, adequately cushioned and overpacked in a DOT specification 12H fiberboard box. (Mode 1.)
3744-X	DOT-E 3744	Lehigh Valley Chemical Co., Easton, Pa.	49 CFR 173.266 (b)(7)	To become a party to exemption 3744. (See application Nos. 76-173, 76-190, and 76-185.) (Modes 1 and 2.)
76-298 4390-X	DOT-E 4390	MCB Manufacturing Chemists, Norwood, Ohio; Eastman Kodak Co., Rochester, N.Y.; Lehigh Valley Chemical Co., Easton, Pa.	49 pt. 173; 46 CFR 146.21-100 145.23-100, 146.25-200, 146.27-100.	To ship certain hazardous materials in a non-DOT specification 6½-gal capacity glass carboy overpacked in a polystyrene case. (Modes 1 and 2.)
76-93	DOT-E 4988	Advanced Instruments, Inc., Needham Heights, Mass.	49 CFR 173.124 (a)(3).	To amend E4988 to provide for shipment by cargo vessel also. (Modes 1, 2, 3, and 4.)
5456-P	DOT-E 5456	Monsanto Co., St. Louis, Mo.	49 CFR 173.245, 173.247, 173.263, 173.268, 173.269, 173.272, 173.349.	To become a party to exemption 5456. (See application No. 75-175.) (Modes 1, 2, and 3.)
5704-X	DOT-E 5704	IMC Chemical Group, Inc., Allentown, Pa.	49 CFR 173.93(e)	To ship certain class B explosives in composite polyethylene/metal drum packagings. (Modes 1 and 2.)
6151-P	DOT-E 6151	Residex Corp., Clark N.J.	49 CFR 173.302(a)(4), 173.304(a)(1) 173.305(c).	To become a party to exemption 6151. (See application No. 74-142.) (Modes 1 and 2.)
6464-P	DOT-E 6464	Fall River Gas Co., Fall River, Mass.	49 CFR 172.101, 173.315(a).	To become a party to exemption 6464. (See application Nos. 76-160, 76-316, 76-328, and 76-114.) (Mode 1.)
6671-X 7434-N	DOT-E 6671	Dow Chemical Co., Midland, Mich.; Natico, Inc., Chicago, Ill.	49 CFR 173.1 pt. 173, Subparts C, E and G; § 177.854.	To ship certain hazardous materials in defective prescribed packaging overpacked in metal drums. (Modes 1 and 2.)
6755-X	DOT-E 6755	Lincoln Welding Supply Co., Lincoln, Neb.	49 CFR 173.315(a)(1)	To ship certain nonflammable liquefied gases in a non-DOT specification truck-mountable, cargo tank fabricated from type 304 stainless steel. (Mode 1.)
6870-P	DOT-E 6870	Goodyear Atomic Corp., Piketon, Ohio; Nuclear Fuel Services, Inc., Erwin, Tenn.	49 CFR 177.842(b)	To become a party to exemption 6870. (See application Nos. 76-147 and 76-305.) (Mode 1.)
6941-X	DOT-E 6941	Mobay Chemical Corp., Pittsburgh, Pa.	49 CFR 173.346(a)-(12).	To ship toluene diisocyanate in tank motor vehicles having cargo tanks that comply with the design and constructional requirements of DOT specification MC-304 or MC-307 except for bottom outlet valves. (Mode 1.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
76-216	DOT-E 6078	North Texas LPG Corp., Houston, Tex.	49 CFR 173.315(a)(1), (c)(1).	To provide more latitude in the origination and destination points of compressed gas shipments in a MC-331 tank motor vehicle. (Mode 1.)
7027-X	DOT-E 7027	Borden Chemical, Columbus, Ohio.	49 CFR 173.358, 173.359.	To ship parathion and other class B poisonous liquids in 2 non-DOT specification ASME portable tanks. (Mode 1.)
7045-X	DOT-E 7045	Eastman Kodak Co., Rochester, N.Y.	49 CFR 173.242(c), 173.245(a)(18).	To authorize other persons to reship packages pursuant to sec. 173.22a. (Modes 1, 2, and 3.)
7076-X	DOT-E 7076	LaMotte Chemical Products Co., Chestertown, Md.	49 CFR 173.286(b)	To ship chemical kits containing corrosive liquid packed with nonhazardous articles. (Modes 1 and 2.)
7231-X	DOT-E 7231	American Cyanamid Co., Wayne, N.J.	49 CFR 173.245(a)	To authorize an additional corrosive liquid, n.o.s. in a collapsible rubber container named "SEALD TANK." (Mode 1.)
76-292	DOT-E 7275	Express Airways, Inc., Mojave, Calif.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1).	To transport class A, B, and C explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air, in 49 CFR pt. 172 through 178. (Mode 4.)
76-367	DOT-E 7281	RMI Titanium Co., Ashtabula, Ohio.	49 CFR 173.208(b)	To ship titanium metal powder, dry in a DOT specification 17C drum. (Mode 1.)
76-369	DOT-E 7284	Virginia Chemical Co., Portsmouth, Va.	49 CFR 173.249(a)(6)	To ship alkaline corrosive liquids, n.o.s. in a DOT specification MC-303 cargo tank. (Mode 1.)
76-382	DOT-E 7286	Liquid Carbonic Corp., Chicago, Ill.	49 CFR 173.34(e)(15)(i).	To ship compressed gases in DOT specification 3A or 3AA cylinders, and cylinders marked ICC-3, 3A, or 3AA over 35 yr old that are retested every 10 yr. (Modes 1, 2, 3, 4, and 5.)
7422-N	DOT-E 7422	Chemetron Corp., Holland, Mich.	49 CFR 173.28(m), 173.365(a)(2).	To ship sodium arsenate, solid in reconditioned 55-gal DOT specification 17H steel drums having polyethylene liner. (Mode 1.)
7426-N	DOT-E 7426	Martin Marietta Chemicals, Charlotte, N.C.	49 CFR 173.245(a)(29), (31).	To ship a corrosive liquid, n.o.s. in MC-303 or MC-306 tank motor vehicles. (Mode 1.)
7442-N	DOT-E 7442	JSR America, Inc., New York, N.Y.	46 CFR 90.05-35, 98.33-3.	To ship tertiary dodecyl mercaptan in a non-DOT specification portable tank. (Mode 3.)

Emergency exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
APPLICATION RECEIVED AND GRANTED				
E-6299	DOT-E 6299	Abbott Welding Supply Co., Inc., Olean, N.Y.	49 CFR 173.315(a)(1)	To transport nonflammable compressed gases in a non-DOT specification portable tank. (Mode 1.).
APPLICATION RECEIVED AND DENIED				
EE-7509	Denied, Aug. 6, 1976.	Vicksburg Chemical Co., Vicksburg, Miss.	49 CFR 173.271	To ship thiophosphoryl chloride in DOT specification MC-312 cargo tank made of type 316 stainless steel. (Mode 1.)
EE-7610	Denied, Aug. 12, 1976.	Glidden-Durkee, Division of SCM Corp., Cleveland, Ohio.	49 CFR 173.948	To ship camphene in 55-gal closed-head polyethylene drums. (Mode 3.)

DENIALS

75-109—Request by Pennwalt Corporation, Philadelphia, Pa.—To ship chlorine in non-DOT specification containers built to the Chlorine Institute's (CI) proposed Specification 220A500W, denied August 24, 1976.

76-112, 76-113—Request by American Hoescht Corporation, Somerville, N.J.—To ship various hazardous materials in foreign made steel drums comparable to DOT-17E or 37A drums except for thinner wall or heads, denied August 3, 1976.

5062-X—Request by The Dow Chemical Company, Freeport, Tex.—To authorize the use of outer jackets made from fiberglass reinforced plastic, and to authorize extrapolation of holding time, denied, August 12, 1976.

6519-X—Request by Hercules Inc., Wilmington, Del.—To cancel DOT-E 6519 because of no foreseeable future application, canceled August 25, 1976.

7223-P—Request by Frontier Airlines, Inc., Denver, Colo.—To extend FAA Exemption 2127 authorizing shipments of company-owned electric storage batteries in an inaccessible cargo pit or bin, denied August 30, 1976.

7437-X—Request by Air Products and Chemicals, Inc., Allentown, Pa.—To renew U.S. Coast Guard Special Permit No. 28-69 which authorized the shipment of packages of flammable and non-flammable compressed gases in the same sea container, denied August 24, 1976.

7478-N—Request by Power-Pak Products, Inc., Spartenburg, S.C.—To qualify fire extinguishers of 1300 cubic inches capacity under 49 CFR 173.306(c), denied August 31, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-29379 Filed 10-8-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-10-23; Docket 28456]

EASTERN AIR LINES, INC.

Order Setting Application for Hearing in Expedited Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of October 1976.

On October 31, 1975, Eastern Air Lines filed an application, pursuant to Subpart N of Part 302 of the Board's Procedural Regulations, for amendment of its certificate of public convenience and necessity for Route 5 so as to permit it to operate turnaround nonstop service between Pittsburgh and Atlanta.[1]

By Order 76-3-108, March 16, 1976, the Board set Eastern's application for further proceedings under Subpart N and directed Eastern to file additional exhibit material. Supplemental and revised exhibits were then filed by Eastern.

An answer in support of Eastern's application was filed by the Pittsburgh Airport Advisory Committee. United Air Lines also filed on answer, requesting that Eastern's application be dismissed or that a hearing be held. In support of its request, United states, inter alia, that removal of condition (5)(b) will not result in additional benefits to the local Pittsburgh-Atlanta market, but will result in diversion of $2 million of United's estimated 1977 revenues. Eastern filed a reply controverting United's arguments.

Upon consideration of the pleadings and all the relevant facts, we have determined that there is a sufficient basis for setting Eastern's application in Docket 28456 for hearing.

Accordingly, it is ordered That: The application of Eastern Air Lines, Inc., Docket 28456, be and it hereby is set for hearing before an administrative law judge of the Board at a time and place to be hereinafter designated, as the orderly administration of the Board's docket permits.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29864 Filed 10-8-76;8:45 am]

[1] Condition (5)(b) of Eastern's cetrificate for Route 5 currently requires all Pittsburgh-Atlanta flights to originate or terminate at either Toronto or a point in Jamaica.

[Docket No. 24339; Order 76-10-24]

HAZARDOUS MATERIALS

Order Regarding Transportation by Air Carriers

In the matter of acceptance and transport of hazardous materials by various air carriers, dockets 24339, 27090, 27148, 27380, 27382, 27428, 27488, 27494, 27495, 27509, 27518, 27519, 27520, 27521, 27527, 27537, 27545, 27546, 27549, 27554, 27560, 27588, 27655, 27806, 27956, 28180.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of October, 1976.

By Order 75-11-31 adopted November 11, 1975, the Board acted on a number of matters relating to the refusal of various air carriers to accept and transport hazardous materials, requiring inter alia, that certain carriers cancel their tariff provisions refusing acceptance of hazardous materials.[1] Subsequently, the Board issued Order 75-11-92, dated November 24, 1975, which stayed the effectiveness of Order 75-11-31 insofar as it required cancellation of these tariff provisions until 15 days after issuance by the United States Court of Appeals for the District of Columbia of its mandate in "Delta Air Lines, et al. v. Civil Aeronautics Board," Nos. 74-1984, et al.

On August 30, 1976, the U.S. Court of Appeals issued its mandate in this proceeding. In accordance with the Court's decision, we will vacate the requirement in Order 75-11-31 that the tariff provisions refusing to accept hazardous materials be canceled.[2]

Accordingly, it is ordered, That: 1. Ordering Paragraph 5 of Order 75-11-31 be, and it hereby is, vacated.

2. The motion of the Petitioning Carriers filed herein is hereby dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29861 Filed 10-8-76;8:45 am]

[Order 76-9-154; Docket 27573; Agreement C.A.B. 26139]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Cargo Rates

Issued under delegated authority September 29, 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 Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would amend the resolution establishing bulk unitization charges between areas 2 and 3 (Europe and Asia) by including Brisbane, reflecting direct London-Brisbane service. Consistent with our prior approval, we will approve the agreement insofar as the charges established under this resolution are combinable with charges to/from the United States and thus have indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14, it is not found that Resolution JT23(Mail 54)535 which is incorporated in Agreement C.A.B. 26139, and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered That: Agreement C.A.B. 26139 be and hereby is approved.

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 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.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29862 Filed 10-8-76;8:45 am]

[Order 76-10-26; Docket 27813; Agreement C.A.B. 26098]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Proportional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of October, 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 the Traffic Conferences of the International Air Transport Association (IATA). The agreement, submitted on September 13, 1976, was adopted by mail vote and has been assigned the above C.A.B. agreement number.

The agreement would reinstate at previous, lower levels certain proportional fares used in conjunction with specified group inclusive-tour and affinity group 70/100 fares to construct through fares between U.S. points and points in the Far East over the North/Central Pacific. The IATA carriers contend that this is in response to the fact that a non-IATA carrier has not implemented certain of the recently-approved increases in proportional fares for the above fare categories.[1] We will approve the agreement inasmuch as it appears to be necessitated by competitive considerations.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, the Board does not find Resolution JT31(Mail 57)015b, incorporated in Agreement C.A.B. 26098, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That: Agreement C.A.B. 26098 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-29863 Filed 10-8-76;8:45 am]

[Order 76-10-25; Docket 29517]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of October, 1976.

On July 13, 1976, Pan American World Airways, Inc. (Pan American) filed a petition for reconsideration of Order 76-6-162 which affirmed the staff's rejection of Pan American's tariff filing to establish 30/120-day excursion fares and individual return GIT fares for traffic originating in Taipei, Hong Kong, and Bangkok. Although Section 385.54 of the Board's Organization Regulations does not provide for the petition for reconsideration filed by Pan American, we will consider the matter on its merits.

Pan American filed tariff provisions[1] with the Board on March 17, 1976, proposing to establish the above-cited fares for effectiveness May 1, 1976. Under date of April 9, 1976, the Board's staff rejected the tariff filing under delegated authority[2] because of Pan American's failure to submit in support of its filing the justification required by section 221.165 of the Board's Economic Regulations. Pan American petitioned the Board to review the staff action, and upon review the Board affirmed the rejection. The instant petition is for reconsideration of the order affirming the staff's rejection.

In support of its petition, Pan American states (1) that the Board lacks

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[1] Ordering Paragraph 5 of Order 75-11-31. Essentially Order 75-11-31 vacated a stay of the effectiveness of Order 75-4-75 (April 15, 1975) by which, inter alia, the Board had rejected these tariff provisions.

[2] On September 8, 1976, several carriers filed a joint motion requested that the Board vacate Ordering Paragraph 5 of Order 75-11-31. In view of the action taken herein this motion will be dismissed as moot.

[1] Order 76-9-43, September 9, 1976 approved, inter alia, increased North/Central Pacific proportional fares reflecting recent domestic fare increases.

[1] Revisions to Tariff C.A.B. No. 44, issued by Air Tariffs Corporation, Agent.

[2] Rejection Notice No. B-3408.

authority to reject its tariff; (2) that, contrary to the position of the Board, the issues raised cannot be adequately addressed by the Board's Bureau of Enforcement; and (3) that the Board's conclusion that the illegal fares cannot be verified without Board enforcement action is clearly erroneous. Elaborating upon its first point, Pan American contends that the Board's affirmation of the rejection amounted to a substantive determination that the fares should not be permitted, and that the recent decision in *"Delta Air Lines, Inc.* v. *Civil Aeronautics Board,"* Civil No. 74–1384 (D.C. Cir., June 22, 1976), established that the Board lacks authority to reject on substantive policy grounds. Pan American's petition contains several other assertions as to the substantive merits of its rejected tariff.

The simple fact of the matter is that Pan American's tariff was not filed in compliance with the Board's Economic Regulations, specifically with section 221.165 thereof. As specifically pointed out in both Rejection Notice No. B–3408 and Order 76–6–162, the abbreviated justification permitted for tariffs filed to "meet competition" is applicable only to those relatively clear-cut cases where the "competitive" fares are contained in, and thus clearly identifiable from, a properly cited, lawfully filed tariff. Such abbreviated justification requirements do not apply, and were never intended to apply, to filings such as Pan American's which present significantly more difficult and complex questions.

Since Pan American's filing did not meet the requirements of a filing to meet competition as specified in paragraph (d) of § 221.165, the full justificatioan requirements set forth in paragraphs (a), (b), and (c) of section 221.165 were clearly applicable. The filing did not fully meet such requirements, specifically those set forth in paragraphs (b) and (c) of section 221.165. If the Board is to deal in a substantive manner with filings which raise difficult and complex questions, it is entitled to the information and justification in support of such filings required by its regulations.

Upon consideration of the foregoing, the Board finds that Pan American's petition should be denied.

Accordingly, it is ordered, That: The petition of Pan American World Airways, Inc. in Docket 29517 for reconsideration of Order 76–6–162 be and it hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–29860 Filed 10–8–76;8:45 am]

CIVIL RIGHTS COMMISSION

ILLINOIS ADVISORY COMMITTEES ET AL.

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin Advisory Committees (SAC) to this Commission will convene at 5:00 pm. and end at 1:00 pm. on October 28, 1976, and will reconvene at 9:00 am. and end at 7:00 pm. on October 29, 1976, and the final meeting will convene at 9:30 am. and end at 1:00 pm. on October 30, 1976.

Persons wishing to attend this conference should contact the Committee Chairpersons, or the Mid-Western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this conference is to discuss the Commission organization; review and discuss current programs and projects and plan for future SAC projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–29736 Filed 10–8–76;8:45 am]

KANSAS ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. and end at 12:30 p.m. on November 6, 1976, at the Ramada Inn East, Apollo Room, 8300 East Kellogg, Wichita, Kansas.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Bldg., Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to discuss school desegregation in Kansas City; prison subcommittee activities; four-State Employment Study; Program planning.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 4, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–29737 Filed 10–8–76;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) to this Commission will convene at 12:30 pm. and end at 3:00 pm. on November 11, 1976, at the Jewish Labor Committee, 27 School Street, Boston, Massachusetts.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss SAC's subcommittees and programming for the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–29738 Filed 10–8–76;8:45 am]

MONTANA ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana Advisory Committee (SAC) to this Commission will convene at 9:00 am. and end at 2:00 pm. on November 13, 1976, at the Scharf's Conference Room, 819 Main, Deer Lodge, Montana.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to hear reports on Children's Rights, Administration of Justice, Employment, Age Discrimination and followup to the Media report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 4, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–29739 Filed 10–8–76;8:45 am]

NEW HAMPSHIRE ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) to this Commission will convene at 6:00 p.m. and end at 10:00 p.m. on October 29, 1976, and reconvene at 9:30 a.m. and end at 2:00 p.m. on October 30, 1976, at the Ramada Inn, Manchester, New Hampshire.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss programming for the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc. 76-29740 Filed 10-8-76; 8:45 am]

NEW JERSEY ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee (SAC) to this Commission will convene at 6:00 pm. and end at 10:00 pm. on November 4, 1976, at the Ramada Inn, New Brunswick, New Jersey.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss programming for the year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-29741 Filed 10-8-76;8:45 am]

RHODE ISLAND ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) to this Commission will convene at 4:00 pm. and end at 6:00 pm. on October 26, 1976, at the Central Congregational Church, 296 Angell Street, Providence, Rhode Island.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program and project priorities for the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 5, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-29742 Filed 10-8-76;8:45 am]

UTAH ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah Advisory Committee (SAC) to this Commission will convene at 7:00 pm. and end at 9:00 pm. on November 4, 1976, at the Library—Salt Lake Board of Education, 440 1st So., Salt Lake City, Utah.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis St., Denver, Colorado 80202.

The purpose of this meeting is to discuss the field investigations to date on the Criminal Justice hiring practices project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 4, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-29743 Filed 10-8-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. 76-5]

UPS 'N DOWNS, INC. ET AL.

Hearing

In the Matter of UPS 'N DOWNS, INC., a corporation, SUSAN IVES OF N.J., INC., a wholly owned subsidiary, SUSAN IVES OF N.Y., LTD., a wholly owned subsidiary, PROVING GROUND, INC., a wholly owned subsidiary, and Burton B. Brous, individually and as an officer of said corporations.

The Commission's Staff, having on May 10, 1976, filed a Notice of Enforcement in the above entitled proceeding charging Respondents with having violated certain provisions of the Federal Trade Commission and the Flammable Fabrics Acts and the rules and regulations promulgated thereunder, including the Standard for the Flammability of Clothing Textiles (CS 191-53), by having sold, or delivered after sale, or shipped in commerce, articles of wearing apparel known as Michael Milea Sportswear Tops, styles MP 408, 409, 410 and 425 which were not manufactured in conformance with all the requirements of CS 191-53, and;

The Staff, having proposed the issuance of an Order directing Respondents, inter alia (1) to cease and desist from manufacturing, selling, importing, and transporting any product, fabric or related material which fails to conform to the requirements of the applicable standards issued under the Flammable Fabrics Act; (2) to conform to the provisions of the Flammable Fabrics Act and the regulations and standards thereunder; (3) to give public notice to all customers who purchased said Michael Milea Sportswear tops, that those articles do not comply with the Standard, may be dangerously flammable and that said customers may return the sportswear tops for replacement or complete refund of the purchase price at the otpion of Respondents; and

Respondents, having on June 1, 1976, filed a general denial of the allegations in the Notice of Enforcement, and having further alleged that all Michael Milea Sportswear tops obtained by the Commission's Staff from Respondents have been tested by the Commission and found to conform with the Flammability Standards CS 191-53.

A telephone prehearing conference in this case was held on Friday, July 19, 1976. The hearing is scheduled to commence on Monday, October 18, 1976, in the Consumer Product Safety Commission New York Area Office, 6th Floor, Vesey Street, No. 6 World Trade Center, New York, New York 10048, at 10:00 a.m., edst.

The docket in this case is available in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

Dated: OCTOBER 5, 1976.

SADYE E. DUNN,
Secretary.

[FR Doc.76-29791 Filed 10-8-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30120A; FRL 629-4]

NALCO CHEMICAL CO.

Receipt of Application to Register a Pesticide Product Containi. g New Active Ingredient; Correction

On August 20, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 35216) that Nalco Chemical Co., PO Box 87, Sugar Land TX 77487, had submitted an application to register the pesticide product VISCO 3990 OIL AND WATER-FLOOD OR SALTWATER DISPOSAL SYSTEM, BACTERIA DISPOSAL SYSTEM, BACTERIA CONTROL CHEMICAL AND CORROSION INHIBITOR (EPA File Symbol 10349-RL), containing 5.0% of the active ingredient Hexachlorodimethylsulfone. Hexachlorodimethylsulfone was identified as a new active ingredient which had not been included in any previously registered pesticide products.

It has been brought to our attention that Hexachlorodimethylsulfone is a synonym for the active ingredient Bis (trichloromethyl) sulfone which is currently included in registered pesticide products. Consequently, the August 20 FEDERAL REGISTER notice was published in error.

Dated: October 5, 1976.

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

[FR Doc.76-29887 Filed 10-8-76;8:45 am]

FMC CORP.

[FRL 629-5; PF50]

Filing of Pesticide Petition

FMC Corporation, 100 Niagara St., Middleport NY 14105, has submitted a petition (PP 6F1701) to the Environmental Protection Agency (EPA) which proposes that 40 CFR 180.254 be amended by establishing a tolerance for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate) and its carbamate metabolite 2,3-dihydro-2,2 - dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity peanuts at 5 parts per million.

On May 6, 1976, the EPA announced receipt of a related petition (FAP 5H5132) from FMC Corporation which proposed that 21 CFR 561 be amended to include a feed additive tolerance of 24 ppm for residues of the insecticide carbofuran and its metabolites, of which no more than 3 ppm are carbamates, in the fatty acids derived from peanut soapstock, reflecting residues of 8 ppm, of which no more than 1 ppm is carbamates, in alkaline peanut soapstock.

Interested persons are invited to submit written comments on this petition to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 12, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone (202) 755-9315. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the FEDERAL REGISTER Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 5, 1976.

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

[FR Doc.76-29886 Filed 10-8-76;8:45 am]

[FRL 629-6; OPP—33000/467]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration oif section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (C) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before December 13, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before November 11, 1976.

Dated: October 5, 1976.

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

APPLICATIONS RECEIVED (OPP-33000/467)

EPA File Symbol 5481-ROU. Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angles, CA 90023. KERB GRANULES 4. Active Ingredients: 3,5-dichloro-N-(1,1-dimethyl-2-propomyl) Benzamide 4%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 6308-29. The Ansul Co., Weslaco Technical Center, PO Drawer 1165, Weslaco, TX 78596. ANSAR 529 H.C. HERBICIDE HIGH CONCENTRATE. Active Ingredients: Monosodium Acid Methanearsonate 47.74%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 6308-60. The Ansul Co. ANSAR 170 H.C. HERBICIDE HIGH CONCENTRATE. Active Ingredients: Monosodium Acid Methanearsonate 58.39%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 6308-77. The Ansul Co. ANSAR 529 H.C. HERBICIDE WESTERN FORMULATION. Active Ingredients: Monosodium Acid Methanearsonate 47.65%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 6704-74. U.S. Department of the Interior, U.S. Fish and Wildlife Service, Washington, DC 20240. ZINC PHOSPHIDE. Active Ingredients: Zinc Phosphide 2.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM11

EPA File Symbol 6962-UO. Madison Bionics, 11250 W. Addison St., Franklin Park, IL 60131. DUET RTU. Active Ingredients: Potassium Laurate and Myristate Soaps 0.2000%; Potassium o-benzyl-p-chlorophenate 0.1055%; Isopropanol 0.1000%; Potassium ortho-phenylphenate 0.0366%; Tetrasodium ethylenediamine tetraacetate 0.0228%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA Reg. No. 8730–9. Herculite Protective Fabrics Corp., A Subsidiary of Health-Chem Corp., 1107 Broadway, New York City, NY 10010. HERCON INSECTAPE ROACH KILLER WITH CHLORPYRIFOS. Active Ingredients: 0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 8764–14. FMC Corp., Citrus Machinery Div., PO Box 552, Riverside CA 92502. FRESHGARD 110. Active Ingredients: 2,6-Dichloro-4-nitroaniline 9.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 8764–15. FMC Corp. STA-FRESH 300. Active Ingredients: 2,6-Dichloro-4-nitroaniline 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA File Symbol 8764–EE. FMC Corp. FRESHGARD 502. Active Ingredients: 2-(4-Thiazolyl) benzimidazole (Thiabendazole) 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA Fle Symbol 9339–RN. Flexabar Corp., 140 Walnut St., Northvale NJ 07647. FLEXABAR LIQUID GERMICIDAL CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%: Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 9779–73. Riverside Chemical Co., Box 171199, Memphis TN 38117. RIVERSIDE 5% MALATHION DUST. Active Ingredients: Malathion (0,0-diethyl dithiophosphate of diethyl mercaptosuccnate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 9779–234. Riverside Chemical Co. MALACIDE 4 SWINE DUST. Active Ingredients: Malathion (0,0-dimethyl Dithiophosphate of Diethylmercaptosuccinate) 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 9859–AU. Landia Chemical Co., 1801 W. Olive St., Lakeland FL 33801. TOXAPHENE EM–6. Active Ingredients: Toxaphene 58.4%; Xylene-Range Aromatic Hydrocarbon Solvent 36.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 10807–LU. Aero Mist, Inc., 990 Industrial Park Dr., Marietta GA 30062. AERO CHEM LIQUID DISINFECTANT. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10807–LA. Aero Mist, Inc. AERO CHEM LEMON DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 10854–0. Environmental Control Systems, Inc., 7801 Pulaski Highway, Baltimore MD 21237. SAN–10. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11712–RL. West Chemical & Engineering Co., Inc., 1355 Ellsworth Industrial Dr., NW, Atlanta GA 30318. FRESH DISINFECTANT CLEANER—LEMON. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11712–RA. West Chemical & Engineering Co., Inc. FRESH DISINFECTANT CLEANER—PINE. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%; Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 13437–4. Du Cor Chemical Corp., PO Box 13298, Orlando FL 32809. DU COR ROACH AND ANT INSECTICIDE. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 00.501%; Pyrethrins 00.046%; Technical Piperonyl Butoxide 00.093%; N-Octyl Bicycloheptene dicarboximide 00.154%; Aromatic Petroleum Solvents 00.406%; Petroleum Distillates 97.650%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 15136–U. Wave Energy Systems, Inc., 600 Madison Ave., New York NY 10022. STERISOL. Active Ingredients: Glutaraldehyde (1,5 Pentanedial) 10%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 21327–A. Soweco, Inc., 1401–B W. 7th St., PO Box 3280, Amarillo TX 79106. LARVACIDE 70. Active Ingredients: Chloropicrin 70%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA Reg. No. 33576–5. Olin Corp., 120 Longridge Rd., Stamford CT 06904. OLIN 3001. Active Ingredients: Sodium Hypochlorite 9.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 34743–R. Wal-Ben Industries, Inc., Carrier Chemical Co. Div., 516 Chicopee St., Chicopee MA 01013. DU-WELL SO-CLEAR. Active Ingredients: Sodium Hypochlorite 12.5% Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 34910–E. Ulrich Chemical, Inc., 398 Division St., Indianapolis IN 46221. CHLORINE. Active Ingredients: Liquid Chlorine 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 36415–R. Kao, Inc., 1325 16th St., Racine WI 53403. KATEON. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35930–R. Jude Chemical Specialties, PO Box 5212, Lenexa KS 66215. JCS–160 CLEANER—DISINFECTANT DEODORIZER FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 38092–R. International Nutrition, Inc., 6664 "L" St., Omaha NB 68117. INTERNATIONAL NUTRITION RABON 7.76 PREMIX. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 39245–E. BioSol Corp., 1301 W. 22nd St., Suite 415, Oak Brook IL 60521. BIOSOL 610. Active Ingredients: tributyltin isopropyl succinate 0.024%; tributyltin benzoate 0.036%; tributyltin linoleate 0.012%; n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 0.389%; Isopropyl alcohol 39.025%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39245–B. BioSol Corp. BIOSOL 611 DISINFECTANT. Active Ingredients: Disobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride monohydrate 39.35%; Isopropanol 15.00%; Tri-n-butyltin benzoate 5.30%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc.76–29885 Filed 10–8–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19256; FCC 76–902]

RCA GLOBAL COMMUNICATIONS, INC., ET AL.

Terminating Proceeding

APPEARANCES

Carl J. Cangelosi, on behalf of RCA Global Communications, Inc.; William F. Finnegan, on behalf of ITT World Communications Inc.; Ernest Brod and Alexander van Eyck, on behalf of Western Union International, Inc. and Cable & Wireless/Western Union International, Inc.; Robert L. Palmer, on behalf of TRT Telecommunications Corp.; Kenneth Gross, on behalf of Western Union Telegraph Co.; Stanford B. Weinstein and Roger J. Hertz, on behalf of the Chief, Common Carrier Bureau.

DECISION

Adopted: September 28, 1976.
Released: October 5, 1976.

In the matter of RCA Global Communicatons, Inc., ITT World Communications Inc., Western Union International, Inc., Cable & Wireless/Western Union International, Inc., TRT Telecommunications Corp., Revisions of their respective telex tariffs introducing store/forward facilities for deferred delivery and multiple address, Docket No. 19256.

PRELIMINARY STATEMENT

1. This case comes to us on exceptions, filed by The Western Union Telegraph Company (WU), to the Recommended Decision (RD) of the Chief, Common Carrier Bureau, released March 9, 1976. WU's exceptions to the RD, together with a brief in support of the exceptions, were filed on April 15, 1976; [1] an untimely reply, dated May 18, 1976, was filed by Western Union International, Inc. (WUI). [2]

2. In his RD, the Chief, Common Carrier Bureau concluded that: (1) The deferred telex (DT) and multiple address (MA) offerings of the respondent Inter-

[1] Pursuant to § 0.303 of the Commission's rules, WU was granted an extension of that time provided in § 1.276(a) of the rules, in order to file its exceptions and brief, on or before April 15, 1976.

[2] Since we deny WU's exceptions and WUI's reply was filed late, that reply will not be considered herein.

national Record Carriers (IRCs) are optional convenience features which are integral to basic international telex service; the costs of which may properly be regarded as part of the overall costs of the service; and (2) the IRCs therefore would not be required to charge separately for the DT and MA features. Accordingly, he concluded that DT and MA, as presently tariffed, are not unjust or unreasonable pursuant to section 201(b) of the Communications Act, 47 U.S.C. 201(b), nor unjustly discriminatory pursuant to section 202(a), 47 U.S.C. 202(a).

WU's Exceptions

3. WU excepts to five findings, that are as follows:

(1) The costs of DT and MA may properly be regarded as part of the overall costs of providing basic telex service (RD, paragraph 29);

(2) The burden on telex customers who do not use DT and MA services would appear to be minimal (RD, paragraph 29) (discussed below at paragraph 5);

(3) DT and MA services do not create the possibility of cross-subsidy by other services (RD, paragraph 29);

(4) DT and MA do not violate section 202(a) of the Act (RD, paragraph 26); and

(5) DT and MA, as presently offered, are not unjust and unreasonable under section 201(b) of the Act (RD, paragraph 32).

WU's basic contention in these exceptions is that an offering of DT and MA without separate charge is unjust, unreasonable, and discriminatory, since the costs incurred for these offerings are indirectly borne by customers who have no need for them. WU maintains that because telex service was provided for many years prior to the advent of DT and MA, these offerings are neither essential to nor a part of basic telex service.

4. *Exceptions 1, 3–5.* We are not persuaded by the record herein or WU's arguments, that the inclusion of these services in basic telex service, without an additional charge, is unreasonable or discriminatory per se, or that the DT and MA offerings are being cross-subsidized by other IRC services. However, as discussed below, we decline to adopt any determination as to the reasonableness of the subject tariffs, without better information as to usage and costs. We believe that in light of the reports which we require herein, coupled with information presently being gathered as to the IRCs' overall financial condition,[3] we will be better able to determine whether or not a separate charge should be imposed for the DT and MA offerings.

5. *Exception 2.* Exception is taken to the finding that the burden on international telex customers who do not use the DT and MA offerings "would appear to be minimal." In support thereof, WU has merely asserted that a $1 million additional expenditure for these offerings, per se, constitutes something more than de minimis discrimination. This assertion alone is unpersuasive; there must be some indication of a substantial inequitable disparity in the amount of customer usage of these offerings as compared to total telex customers. There has been no evidence submitted to show that customer usage of DT and MA is so small in contrast to the total telex customer base as to constitute more than de minimis discrimination.[4]

6. While we agree with the RD that the costs of providing DT and MA may burden each international telex customer only minimally, we believe that the more significant question is whether or not these features are used by such a high percentage of telex customers that these features are integral to basic telex service. If they are not so widely used, then they must be tariffed as separate services. Since the record does not indicate the extent of usage of these services, and since the actual costs of providing DT and MA cannot be ascertained from the record, we are ordering the IRCs to provide us with the semi-annual usage and cost reports recommended in the RD (paragraph 33) for a test period of two years, as follows:

1. Total DT and MA input volume for the half year.
2. Total telex volume for the same period.
3. Total of DT and MA messages actually delivered during the same period.
4. Total revenues attributable to DT and MA during the same period.
5. Total costs incurred by DT and MA during the same period.

7. Accordingly, *it is ordered*, That WU's exceptions are denied.

8. *It is further ordered*, That RCA Global Communications, Inc., ITT World Communications Inc., Western Union International, Inc., Cable and Wireless/Western Union International, Inc., and TRT Telecommunications Corp., submit semi-annual reports on usage, revenue and costs, as provided in paragraph 6 above.

9. *It is further ordered*, pursuant to section 205 of the Communications Act, 47 U.S.C. 205 (1970), that each party to this proceeding desirous of continuing these or similar offerings beyond the two-year expiration date prescribed herein, must submit, effective on not less than ninety days notice, a tariff filing continuing the offering of these features, accompanied by full justification as required by § 61.38 of our rules along with a full explanation of the terms, conditions and rates under which DT and MA should be offered.

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

FEDERAL COMMUNICATIONS COMMISSION,[5]

VINCENT J. MULLINS,
Secretary.

[FR Doc.76-29804 Filed 10-8-76;8:45 am]

[Docket No. 20938; FCC 76-901]

RADIO TELEPHONE INDUSTRIES INC., ET AL.

Memorandum Opinion and Order Designating Matter for Hearing

Adopted: September 28, 1976.

Released: September 30, 1976.

Radio Telephone Industries, Inc., et al., Complainants, Docket No. 20938, v. Mahaffey Message Relay, Inc., Defendant, File Nos. TS 76-209, 76-965, 76-1244.

1. We have before us for consideration informal complaints by Radio Telephone Industries, Inc. (RTI), Mr. Larry Short and Mr. Douglas Wagnon of Memphis, Tennessee, filed pursuant to section 208 of the Communications Act of 1934, as amended, and § 1.717 of our Rules and Regulations. The complaints are directed against Mahaffey Message Relay, Inc. (Mahaffey), also of Memphis, Tennessee, a Commission licensee of four common carrier radio stations in the Domestic Public Land Mobile Radio Service (DPLMRS). Short and Wagnon are customers of RTI, an independent vendor of two-way radios. Tariff charges and conditions of service for the services Mahaffey provides have been filed with the Tennessee Public Service Commission (TPSC). Mahaffey has interconnected its facilities with the landline telephone system and is listed as a connecting carrier in AT&T's Tariff F.C.C. No. 257 for purposes of interstate communications.

2. The complaints generally allege that a vertically integrated monopoly exists in which Mahaffey requires that terminal equipment owned by its customers be installed and maintained by Mahaffey Communications Company, a family-owned company,[1] in violation of sections 202 and 313 of the Communica-

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[3] See In the Matter of Preliminary Audit and Study of Operations of International Carriers, Docket 20778, FCC 76-396, 59 FCC 2d —— (released May 7, 1976).

[4] As indicated in para. 6 infra, we shall require the submission of semiannual reports. That data submitted on customer usage is to indicate the total number of customers using basic telex service and that portion of those customers who actually resort to the use of the DT and MA offerings considered herein.

[5] Commissioners Hooks, Fogarty and White not participating.

[1] Mahaffey is fully owned by John Mahaffey and his wife. Mahaffey Communications Company is a service agency providing maintenance of communications equipment used in radio common carrier operations and is owned by John Mahaffey's father.

tions Act.[2] Specifically, RTI alleges that Mahaffey refused Wagnon a letter of intent to provide him radiotelephone service. Wagnon rented a four channel mobile radiotelephone from RTI and applied to Mahaffey for dispatch service to be used in connection with his welding business. He informed Mahaffey of his intention to apply to this Commission for an individual license rather than operate under the Mahaffey blanket license and requested a letter of intent to attach to his application as required by our rules. Wagnon also informed Mahaffey that he did not want to pay Mahaffey to duplicate maintenance service which was included in the monthly charge paid RTI for equipment leased from RTI. Larry Short alleges that he too was denied a letter of intent by Mahaffey because he did not wish to receive maintenance service from a presently Mahaffey-approved service agency.

3. In refusing to supply Wagnon and Short with service on the maintenance terms they requested, Mahaffey relies on the following provisions of its tariff (Paragraph B-12 of Mahaffey's Tariff TPSC No. 2):

> Equipment provided by Licensee will be maintained and repaired by Licensee, subject to the charges specified in Part D of this tariff. The subscriber will be responsible for damages to or loss of apparatus installed by Licensee when caused by the subscriber's negligence, but for normal wear and tear. The subscriber may not rearrange, disconnect, remove, or attempt to repair any equipment owned and installed by Licensee or permit others to do so. *Equipment provided by the subscribers shall be maintained on a regular basis pursuant to contract with an organization or person furnishing maintenance service whose qualifications have been approved by Licensee.* (Emphasis added.)

Mahaffey admits that a mobile unit served by one of its base stations need not be maintained by it or any Mahaffey-controlled organization. However, Mahaffey relies on § 21.514 of our rules which requires a DPLMRS licensee of a base station to maintain effective operational control over all units with which the licensee communicates,[3] and contends that paragraph B-12 of its tariff permits it to restrict maintenance to shops which it has inspected and approved. The only Mahaffey-approved service agencies are Mahaffey Communications Company and Logan Lesh Electronics in Memphis.[4] Mahaffey denies that it has behaved in an anticompetitive or discriminatory manner. It states that a letter of intent will be supplied promptly, upon application, provided space on the system is available, and the prospective customer agrees to comply with Mahaffey's TPSC tariff. Mahaffey contends that since neither Wagnon nor Short agreed to comply with the tariff regulations for maintenance, it did not issue letters of intent.

DISCUSSION

4. Section 21.14(b) of our rules (47 CFR 21.14(b)) provides for the licensing of customer-owned mobile telephones either under a blanket authorization of a carrier, or individually to a subscriber for mobile service. A subscriber may therefore operate under the carrier's blanket authorization or apply to the Commission for his own license. To be licensed, himself, the subscriber must show that he has made appropriate arrangements with a carrier for the service requested.[5] He may demonstrate this by a "letter of intent" from an authorized official of the carrier to provide the service within a specified service area.

5. Mahaffey is subject to regulation by the TPSC and therefore is not required to file tariffs with us even though several of its stations have reliable service areas extending beyond state borders.[6] However, it is well established that we have jurisdiction with respect to any interstate, non-exchange calls placed by users of mobile telephones and transmitted through interconnection of a mobile system with the telephone network.[7] As a connecting carrier Mahaffey is subject to sections 201 through 205 of the Act.[8] Thus, our jurisdiction extends to any charge, practice, classification or regulation of Mahaffey affecting a subscriber's right to make beneficial use of his mobile telephone in interstate communications.[9] In addition, we are properly concerned with any allegations of anticompetitive conduct by a radio common carrier which we license. However, since we are unaware of any antitrust proceedings pending against Mahaffey, it does not appear that section 313(a) is applicable here.

6. In Memphis Radio Telephone Co., Inc. v. Mahaffey Message Relay, Inc., 49 FCC 2d 258 (1974), we held that refusal to supply minimum technical data necessary to qualify a service shop as a licensee-approved service agency did not itself constitute a violation of our rules, the Act, or any Commission policy, absent any additional allegation of fact which might serve to demonstrate how the rules or the Act were violated or in what manner the public interest was adversely affected by the licensee's actions. We pointed out that § 21.514(a) requires Mahaffey, as a licensee of base stations, to maintain effective operational control over those units which operate pursuant to its blanket authorizations, including the maintenance of those units. Although the point was not there in issue, § 21.514 (a) also requires Mahaffey to likewise maintain effective operational control over individually licensed units operating through its facilities, notwithstanding

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[2] Section 201(a) of the Act provides that it shall be the duty of every common carrier engaged in interstate or foreign communications by wire or radio to furnish such communication upon reasonable request therefor.

Section 202(a) of the Act provides as follows:

It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

Section 313(a) of the Act provides, in part:

All laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus and devices entering into or affecting interstate or foreign commerce and to interstate or foreign radio communications * * *

[3] Section 21.514 provides:

(a) The licensee of a base station in this service shall be responsible for exercising effective operational control over all mobile units with which it communicates. The proper installation and maintenance of such mobile units shall be the responsibility of the respective licensees thereof.

(b) A mobile unit normally associated with and licensed to a specified base station will be deemed, when communicating with a different base station pursuant to legally effective tariff provisions, to be temporarily associated with and licensed to such different base station shall, for such temporary period, assume the same licensee responsibility for such mobile unit as if such unit were regularly licensed to it.

[4] The record does not show what manufacturers' equipment Logan Lesh Electronics is qualified to maintain.

[5] 47 CFR 21.15(i)(3) provides:

In the Domestic Public Land Mobile Radio Service each application shall contain, as appropriate, the following information:

(3) An application for land or airborne mobile units to be licensed in the name of a person who is not the licensee of the base station with which the mobile units will be associated in the Domestic Public Land Mobile Radio Service shall be accompanied by the information indicated in § 21.13(a) and 21.13(c) together with an affirmative showing that:

(ii) Definite arrangements have been made for the requested number of mobile units to obtain communication service, upon the frequencies requested, through the base station specifically identified in application;

(iii) Specific arrangements, the details of which should be set forth, have been made for installation, technical service and maintenance of the mobile units by licensed first- or second-class radio operators; * * *

[6] See Mobile Tariff Filings, 53 FCC 2d 579 (1975).

[7] See Chastain et. al. v. AT&T, 42 FCC 2d 314, 318 (1973); 43 FCC 2d 1079 (1973). Reconsideration denied, 49 FCC 2d 749 (1974).

[8] Section 2(b) of the Act provides in pertinent part:

Subject to the provisions of section 301 nothing in this Act shall be construed to apply or to give the Commission jurisdiction with respect to * * * (2) any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier * * * except that *sections 201 through 205 of this Act, both inclusive, shall, except as otherwise provided therein, apply to carriers described in clauses* (2), (3), *and* (4). (emphasis added).

[9] See *Hush-A-Phone* v. *U.S.*, 238 F. 2d 266 (1956); *Carterfone*, 13 FCC 2d 420 (1968); 14 FCC 2d 571 (1968); *AT&T, et al.*, 53 FCC 2d 473 (1975); (54 FCC 2d 303 (1975); affirmed, Case No. 75-1617, United States Court of Appeals for the District of Columbia, April 30, 1976.

the duty of the licensees of those units to insure that their units are properly installed and maintained. The requirements imposed upon both a licensee of a base station and a licensee of an individual mobile units are designed to compliment each other and provide for overall operational control of the system. Where the licensee of a base station chooses to fulfill its obligation under § 21.514(a) by requiring installation and maintenance of units operating over it to be done by approved service agencies, the responsibility of the individual licensee of a mobile unit to insure proper installation and maintenance of his equipment remains, but is limited to obtaining such service from those agencies approved by the base station licensee.

7. However, a base station licensee may not rely on § 21.514(a) to justify anticompetitive conduct. A connecting carrier such as Mahaffey may not deny a reasonable request for communications service because of a potential subscriber's refusal to comply with a charge, practice, classification, or regulation which is unjust or unreasonably discriminatory.[10] See Chastain et al., supra. Mahaffey's response to the instant complaint and additional inquiries of our staff present question not raised in Memphis Radio Telephone as to whether it has engaged in a pattern of anticompetitive conduct in violation of sections 201(a) and 202(a) of the Act. Although, Mahaffey requires maintenance shops seeking its approval to fully demonstrate a present ability to maintain licensee equipment in strict accordance with Part 21 of our rules, it admits that approval of maintenance shops meeting this standard is not automatic and that additional maintenance facilities are added only when needed as gauged by customer satisfaction with existing service.[11] Moreover, Mahaffey admits that it received at least two requests from service agencies other than Memphis Radio Telephone Company, Inc., for approval as an authorized maintenance service outlet, but made no premises inspections as it claims to have before approval of Mahaffey Communications and Logan Lesh.[12] Mahaffey declined to act upon one such request because of its judgment that no need existed for approving another service agency.[13] A request from a second service agency was never acted upon because it allegedly was misdirected to Edwin K. Mahaffey, the owner of Mahaffey Communications Company and not a principal of Mahaffey Message Relay, Inc.[14]

8. Neither our rules, nor our decision in Memphis Radio Telephone specifically authorize a base station licensee to deny recognition of competing maintenance shops as licensee-approved on its judgment that there is no customer-need for such facility or facilities. The purpose of § 21.214(a) is to insure the technical integrity of the communications system. Operational control requires that all units communicating with the base station function in such a manner so as not to interfere with each other's operation or with other communications systems. Whether there is a market demand for additional facilities is irrelevant to this consideration, Mahaffey readily concedes that a mobile unit served by one of its base stations need not be maintained by it or by any Mahaffey-controlled organization. Thus, approval of maintenance facilities for purposes of compliance with our rules must be based upon reasonable standards of technical capability requiring applicants to be able to properly maintain mobile units operating on the system and not upon arbitrary determinations by the base station licensees as to customer demand for additional approved maintenance facilities.

9. Mahaffey's policies and practices concerning maintenance service therefore may adversely affect a subscriber's right to make beneficial use of his mobile telephone in interstate communication. We are presented here wiith questions as to whether Mahaffey has denied reasonable requests for service in violation of section 201(a) of the Act in denying service to both Wagnon and Short because they preferred maintenance from RTI and its agency,[15] or subjected Wagnon and Short to undue and unreasonable prejudice and engaged in anticompetitive and unreasonably discriminatory practices against competing maintenance shops contrary to section 202(a) of the Act. Substantial questions also are raised as to whether Mahaffey has engaged in anticompetitive conduct against competing equipment vendors and, if so, whether Mahaffey should be ordered to show cause why its licenses should not be revoked.[16]

10. In view of the foregoing: *It is ordered*, That pursuant to the provisions of sections 4(i), 4(j), 201, 202, 208 and 409 of the Communications Act of 1934, as amended, That this matter is hereby designated for hearing on the following issues:

(1) To determine the facts and circumstances surrounding Mahaffey's refusal to furnish communications service to Mr. Douglas Wagnon;

(2) To determine the facts and circumstances surrounding Mahaffey's refusal to furnish communications service to Mr. Larry Short;

(3) To determine the technical and other standards required by Mahaffey for approval as a maintenance shop;

(4) To determine Mahaffey's requirements for maintaining effective operational control of the mobile units with which it communicates;

(5) To determine the facts and circumstances surrounding Mahaffey's disposition of the request of Majestic Communications, Inc. for approval as a service agency;

(6) To determine the facts and circumstances surrounding Mahaffey's disposition of the request of General Electronics, Inc. for approval as a service agency;

(7) To determine whether Mahaffey's failure to furnish communication service to person wishing to use customer-provided equipment denied reasonable requests for service in violation of Section 201(a) of the Act;

(8) To determine whether Mahaffey unjustly or unreasonably discriminated against persons wishing to use customer-provided equipment in violation of section 202(a) of the Act;

(9) To determine whether the Commission should order Mahaffey to show cause why its licenses should not be revoked;

11. *It is further ordered*, That the hearing in this proceeding shall be held before an Administrative Law Judge at a time and place to be specified by subsequent order;[17] and that such Administrative Law Judge shall upon closing of the record, prepare and issue an initial decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR 1.276 and 1.277), after which the Commission shall issue its decision as provided in § 1.282 of the Commission's rules (47 CFR 1.282).

12. *It is further ordered*, That Radio Telephone Industries, Inc., Mr. Larry Short, Mr. Douglas Wagon, Mahaffey Message Relay, Inc., and the Chief, Common Carrier Bureau, are made parties to this proceeding.

13. *It is further ordered*, That the parties herein may avail themselves of an

[10] We are informed by the TPSC that a basis for its approval of Mahaffey's Tariff TPSC No. 2 was Mahaffey's understanding of the requirements of § 21.514(a) and our decision in Memphis Radio Telephone.

[11] We are informed by the TPSC that paragraph B–12 of Mahaffey's tariff allows Mahaffey to approve maintenance facilities on the basis of ascertainment of need for additional such facilities.

[12] It appears that Mahaffey approved Mahaffey Communications Company and Logan Lesh maintenance shops in 1968 and 1972, respectively. Mahaffey states that arrangements were made in person and no documents were exchanged between it and the approved shops.

[13] On November 17, 1973, Majestic Communications, Inc. of Memphis formally requested recognition as a Mahaffey-approved service agency.

[14] On June 19, 1975 and July 2, 1975, General Electronics, Inc. of Memphis formally requested recognition as a Mahaffey-approved service agency and information concerning any standards Mahaffey required an agency to meet for such approval. Although the letters were specifically directed to Edwin Mahaffey, they were in fact addressed to Mahaffey Message Relay, Inc. and not Mahaffey Communications Company. Both occupy the same building.

[15] It is not clear whether maintenance was to be performed by RTI directly or indirectly through another firm.

[16] Requests to intervene by equipment vendors having an interest in this proceeding, such as Majestic Communications, Inc., or General Electronics, Inc., will be entertained if made pursuant to our rules.

[17] This proceeding shall be assigned to the Administrative Law Judge assiged to preside in Docket Nos. 20871 and 20872. Any request for consolidation of this proceeding with that in those Dockets shall be directed to the presiding Administrative Law Judge.

opportunity to be heard by filing with the Commission pursuant to § 1.221(e) of the rules within twenty (20) days of the release date of this Memorandum Opinion and Order, a written notice stating an intentioin to appear on the date set for hearing and present evidence on the issues specified.

FEDERAL COMMUNICATIONS COMMISSION,[18]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-29806 Filed 10-8-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSTRUCTION ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Construction Advisory Committee will meet Wednesday, October 27, 1976, at 10 a.m., Room 5041B, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA, with respect to the interests and problems of the construction industry as they relate to the policy and implementation of programs to meet the current and continuing national energy shortage.

The agenda for the meeting is as follows:

1. Subcommittee Caucuses (9:30).
2. Opening Remarks by Robert A. Georgine, President, Building and Construction Trades Department, AFL-CIO, and Harry P. Taylor, President, Council of Construction Employers.
3. Energy Policy and Conservation Act of 1975 (EPCA) as it pertains to the construction industry.
   a. Energy Conservation and Construction Design.
   b. Mortgage Lending for Major Construction Projects as related to Energy Conservation.
4. Report of the Energy Conservation Subcommittee (Robert Higgins, Chairman).
5. Report of the Construction Labor Availability Subcommittee (Martin J. Ward, Chairman).
6. Report of the Construction Materials Subcommittee (Walter M. Kardy, Chairman).
7. Progress Reports from the other Construction Advisory Subcommittees.
8. Discussion of the continuance of existing Subcommittees.
   a. Discussion of changes or additions to the existing Subcommittees.
   b. Committee Administrative/Operations Discussion.
   c. Discussion Leader, Co-Chairman Robert A. Georgine.

Subcommittees may meet informally in Washington, D.C. the preceding evening, at the discretion of the Subcommittee Chairmen; the meetings will be open to the public. For further information on Subcommittee activities, call Lois G. Weeks, Director, Advisory Committee Management at (202) 961-7022.

The Committee meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform the Director, Advisory Committee Management, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection in the Freedom of Information Office, Room 2107, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Issued at Washington, D.C., on October 6, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-29891 Filed 10-7-76;9:31 am]

FEDERAL MARITIME COMMISSION

KNUTSEN LINE J/S

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated herinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Herbert Bals, President, Bakke Steamship Corporation, 650 California Street, San Francisco, California 94108

Notice of the filing of Agreement No. 7623-6 was published in the FEDERAL REGISTER of August 5, 1976, (Vol. 41, No. 152, Page 32784).

Agreement No. 7623-6 was refiled on September 27, 1976 to further amend the scope of the Knutsen Line joint service agreement by (1) adding Korea as a country served within the U.S. foreign commerce, and (2) deleting the foreign to foreign trade presently contained in the agreement.

By Order of the Federal Maritime Commission.

Dated: October 6, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29865 Filed 10-8-76;8:45 am]

[No. 76-56]

McALLISTER BROTHERS, INC. v. NORFOLK & WESTERN RAILWAY CO.

Filing of Complaint

OCTOBER 5, 1976.

Notice is hereby given that a complaint filed by McAllister Brothers, Inc. against Norfolk and Western Railway Company was served October 5, 1976. The complaint alleges that respondent has entered into an exclusive agreement with a tugboat operator for the performance of all docking and undocking of vessels at its Norfolk terminal facilities in violation of sections 16 and 17 of the Shipping Act, 1916.

Hearing in this matter shall commence on or before April 5, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-29866 Filed 10-8-76;8:45 am]

FEDERAL MEDIATION AND CONCILIATION SERVICE

ARBITRATION SERVICES ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Arbitration Services Advisory Committee, in accordance with section 10 of the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), will meet on Thursday, October 28 and Friday, October 29, 1976 at 9:30 a.m. in the National office at 2100 K Street, Room 608, Washington, D.C.

The agenda is as follows:

1. Criteria for publication of arbitration awards.
2. Arbitrator fees for cancellation, postponement, continuance and stay of hearing.
3. Considerations outside the Agreement and evidence relative to award and decision in private and public sector cases.
4. Boards of Inquiry volume and factfinder availability.

[18] Commissioners Fogarty and White not participating.

This meeting shall be open to the public.

Communications regarding this meeting should be addressed to:

Mr. John Canestraight, Assistant Director, Office of Arbitration Services, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C., this fourth day of October 1976.

JAMES F. SCEARCE,
National Director.

[FR Doc.76-29748 Filed 10-8-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-10 (PGA76-4)]

ARKANSAS LOUISIANA GAS CO.

Revised Tariff Sheets

OCTOBER 4, 1976.

Take notice that on September 27, 1976, Arkansas Louisiana Gas Company (ARKLA) tendered for filing Sixth Revised Sheet No. 185 in its Rate Schedule X-26, FPC Gas Tariff Original Volume No. 3. Arkla states that this tariff sheet is also filed in accordance with the special provisions of Opinion No. 770 in Docket No. RM75-14.

Arkla states that it has combined the one-time adjustment authorized to be collected from October 27, 1976 in FPC Opinion No. 770 with its regular PGA filing effective on November 1, 1976 and has proposed to cover both filings with a single tariff sheet publication in order to make both adjustments effective on the regular November 1, 1976 tariff change date.

Arkla states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties effected by the tariff change.

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 Practiec and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29828 Filed 10-8-76;8:45 am]

[Docket No. RP75-8 (PGA 76-8)]

COMMERCIAL PIPELINE CO., INC.

PGA Filing

OCTOBER 4, 1976.

Take notice that on September 23, 1976, Commercial Pipeline Company, Inc. (Commercial) tendered for filing Fifteenth Revised Sheets No. 3A reflecting Purchased Gas Adjustments and effective dates as set out below:

Sheet No.	Current adjustments	Cumulative adjustments	Effective date
3A fifteenth revised.	0.0062	0.4142	Oct. 27, 1976

Commercial states that these revisions track precisely similar revisions in the tariff of Cities Service Gas Company, its sole supplier. Commercial requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

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 October 15, 1976. Protests will be considered by the Commission in determining the appropriate action 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29812 Filed 10-8-76;8:45 am]

[Docket No. R-427]

CONNECTICUT LIGHT AND POWER CO.

Order Accepting and Approving Settlement Agreement

OCTOBER 5, 1976.

By joint motion filed August 6, 1976, the Connecticut Light and Power Company (CL&P) and the Connecticut Municipalities [1] moved that a Settlement Agreement (Settlement) attached to the motion, be approved and the proceeding herein be terminated. For the reasons hereinafter stated, the Commission will approve the Settlement and terminate the proceeding.

Public notice of the filing of the argeement was issued August 24, 1976, with comments due on or before September 1, 1976. No comments were received.

The controversy in this proceeding relates to amounts owed to CL&P under the fuel cost adjustment clause during 1971 and 1972 and claimed offsets to those amounts during the same period. Several court proceedings are involved in addition to the proceeding in the instant docket. The settlement provides that $254,513 will be paid by the municipalities to CL&P, as set out in a schedule attached to the settlement, in full satisfaction of all claims, counterclaims, and recoupment claims arising from the controversies between the parties. Interest will be paid at the rate of 7% per annum from the date of payment to October 10, 1974, and thereafter at the rate of 9% per annum. The payment will be deducted from refunds due to municipalities pursuant to Opinion No. 761, Connecticut Light and Power Company, issued April 28, 1976. The instant case is presently pending before the Commission on exceptions to the Initial Decision issued January 28, 1976. Commission review of the proposed settlement agreement indicates that it provides for an appropriate resolution of the controversy herein. Therefore, we shall approve the settlement and terminate the proceeding.

The Commission finds. The settlement agreement filed herein is in the public interest and should be approved.

The Commission orders. (A) The settlement agreement filed by CL&P and Municipalities, incorporated herein by reference, is hereby approved and adopted, and the proceedings herein are terminated.

(B) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by Commission, its Staff, CL&P, or the Connecticut Municipalities in any proceedings now pending or hereinafter instituted by or against CL&P or any other person or party.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29807 Filed 10-8-76;8:45 am]

[Docket No. RP72-157 (PGA76-9)]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 4, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on September 27, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective October 27, 1976. Consolidated states that the proposed rate increase would generate $181.6 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing is a result of Opinion No. 770 issued by the Federal Power Commission on July 27, 1976.

Consolidated is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on October 27, 1976.

Consolidated states that copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in

[1] Groton, Jewett City, Norwich, the Second and Third Taxing Districts of the City of Norwalk, and Wallingford.

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 October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29810 Filed 10-8-76;8:45 am]

[Docket No. RI76-156]

ELMS BROTHERS AND CO.

Petition for Special Relief

OCTOBER 4, 1976.

Take notice that on September 20, 1976, Elms Brothers and Company, 234 East Greene Street, Waynesburg, Pennsylvania 15370, filed a petition for special relief in Docket No. RI76-156 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner seeks authorization to charge 41 cents per Mcf for the sale of gas to Columbia Gas Transmission Corporation in consideration for the completion of remedial work on a well located in Grey Township, Greene County, Pennsylvania. The subject gas is currently being sold at the rate of 29 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29815 Filed 10-8-76;8:45 am]

[Docket No. RP72-136 (PGA76-4)]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges Under Purchased Gas Adjustment Provision

OCTOBER 4, 1976.

Take notice that on September 27, 1976, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32790, tendered for filing Twelfth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, containing changes in the resale rates in its Rate Schedules G and I for effectiveness on October 27, 1976.

According to Florida Gas, the proposed changes in rate result from producer rate increases filed on or before August 26, 1976 reflecting the new national rates for sales of natural gas dedicated to interstate commerce on and after January 1, 1973, for the period January 1, 1975, to December 31, 1976, as established by Opinion No. 770, issued July 27, 1976 (Docket No. RM75-14). Florida Gas further states that its filing is being made in accordance with the purchased gas adjustment provision in its tariff (Section 15, General Terms and Conditions) and the authority of Opinion No. 770 (mimeo. ed. at pp. 131 and 161) permitting a special rate increase to track the increased rates established therein together with a surcharge to permit recovery of producer increases attributable to Opinion No. 770 and incurred prior to the effectiveness of the revised rates proposed in its filing. Florida Gas states that the surcharge included in the proposed rates has been determined in accordance with the order issued September 22, 1976 modifying Opinion No. 770. The annual increase in jurisdictional revenues under the new PGA amounts to approximately $17 million and the surcharge increase amounts to $2.7 million.

Florida Gas states that copy of its filing has been served on all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service 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 §§ 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 October 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 must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29830 Filed 10-8-76;8:45 am]

Electric Rates: Primary Jurisdiction

[Docket No. ER76-733]

GULF POWER CO.

Order Accepting for Filing a Proposed Supplement and Granting Intervention

OCTOBER 4, 1976.

On June 28, 1976, Gulf Power Company (Gulf Power) filed for a new delivery point for service by Gulf Power to Gulf Coast Electric Cooperative, Inc. (Gulf Coast) at Gaskin in Bay County, Florida.[1] Public notice of this filing was issued on July 28, 1976, with comments, protests or petitions to intervene due on or before August 16, 1976. Alabama Electric Cooperative, Inc. and Gulf Coast (collectively, Cooperatives) filed a Petition to Intervene, Protest and Motion that Gulf Power Company's FPC Electric Tariff Supplement be Modified. Gulf Power filed on August 31, 1976, an Answer to Cooperatives' August 16, 1976, Protest, Petition and Motion. The Cooperatives filed a Motion For Leave to File Reply and Reply to Gulf Power Company's Answer on September 8, 1976. For the reasons hereinafter stated, the Commission shall grant the petition to intervene and establish an effective date for the supplement.

The Cooperatives' pleading states that they have a direct and substantial interest in this case which will not be represented adequately by other parties. The Commission believes that good cause has been shown to allow the Cooperatives to intervene in this proceeding.

The Cooperatives protest and move to modify the tendered supplement to make the effective date June 17, 1976, instead of June 1, 1976. The Cooperatives' motion is supported by extensive materials regarding the negotiations leading up to the execution of the agreement and the subsequent construction of facilities. The point of this material is the Cooperatives' allegation that Gulf Power is "precluded by its own actions from asserting that the charges under the FPC electric tariff supplement applicable to the Gaskin Substation shall be paid for any period prior to June 17." Gulf Power's Answer claims that the language of the supplement was unambiguous and that the Cooperatives "have not shown any basis in law or fact for the equitable reformation of the contract which they seek from this Commission."

A primary duty of the Commission under the Federal Power Act is to assure the rates charged are just and reasonable. In fulfilling this duty, the Commission must follow the basic principle of regulation that the rates charged should be related directly to the service rendered. Under this tendered supplement, the "obligation to pay" is concurrent with and dependent upon the "obligation to serve." Although the supplement states that the commencement date of service would be June 1, 1976, it is not disputed by either party that transfer to the Gaskin delivery point was actually made on June 17, 1976. For purposes of the proper rate treatment, the Commission believes that the Cooperatives should begin to pay rates under the supplement as of June 17, 1976, the date on which service commenced at Gaskin delivery point. This rate action follows the regulatory tenet

[1] Designated as Supplement to Service Agreement under FPC Electric Tariff, Original Volume No. 1.

that rates should be related directly to service. In taking this action, the Commission is setting the effective date as a matter of proper rate regulation which is within our authority under the Federal Power Act. The Commission does not believe this rate treatment modifies the existing contract or the parties' duties and obligations under it.

The parties urge the Commission to decide on the basis of their written pleadings the issue concerning liability under the supplement for failure to deliver service prior to June 17. The Commission believes this is a contractual dispute which should be resolved in the proper court rather than here. Agency action is unwarranted under the doctrine of primary jurisdiction in cases of concurrent jurisdiction where the litigation deals with a single event which requires no continuing supervision by the regulatory agency and when the issue is peripheral to the principal litigation. *"Mississippi Power & Light Company* v. *United Gas Pipe Line Co.,"* 532 F. 2d 412, (C.A. 4 1976).

The Commission's review of the instant case indicates that the issue of contractual liability between Gulf Power and the Cooperatives for failure to deliver service prior to June 17 is most likely a single event which will not require our continuing supervision. Furtherfore, the decision here on the proper effective date for rate purposes is a sufficiently clear determination of the Commission's duty to determine just and reasonable rates to aid the proper court in its determination of the contractual liability. The supplement itself is written in simple contract terms which require no further expert explanation by the Commission for a court to determine its proper meaning. Our primary concern is the proper rate which has been resolved here. This concern is peripheral to the main litigation here—the determination of which party is contractually liable for the failure to deliver service prior to June 17. Resolution of this issue would involve the Commission in determining the legal significance under the applicable law of the negotiations and other dealings described in the pleadings. Deciding what is the applicable law and then what is the significance of the parties' actions under this law are not matters generally within the Commission's expertise, but are matters better left to courts which deal regularly in similar contractual disputes. Accordingly, the Commission declines to rule on contractual liability for the period prior to June 17. The parties should seek recourse for this matter in a court having jurisdiction over them and their dispute.

The Commission finds: (1) Good cause exists to grant the Cooperatives' Petition to Intervene.

(2) The proposed supplement should be accepted for filing and given an effective date of June 17, 1976 for rate purposes.

The Commission orders: (A) Gulf Power's proposed supplement is hereby accepted for filing and given an effective date for rate purposes of June 17, 1976.

(B) The Cooperatives are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors 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 intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29820 Filed 10-8-76;8:45 am]

[Docket Nos. RI74-188, et al.]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA, ET AL.

Order Granting Special Relief

OCTOBER 4, 1976.

On June 17, 1976, Independent Oil & Gas Association of West Virginia (IOGA) filed a supplemental petition in Docket Nos. RI74-188 and RI75-21 requesting that twenty-one of its members be permitted to collect the settlement rates approved by the Commission in said dockets on March 19 and 22, 1976, respectively. IOGA states that the twenty-one small producers would be eligible to receive the relief accorded but for the untimeliness of their participation in the proceedings. Petitioner further states that inclusion of the producers supplementally will not affect the validity of the underlying cost data or analysis relied upon in the proceedings.

IOGA also requests that the Commission reopen the proceedings in Docket Nos. RI74-188 and RI75-21 for a limited period of time to permit certain additional small producers in West Virginia to submit petitions to intervene.

On May 6 and June 9, 1976, respectively, Mark One Limited (Mark One) and Wise Oil Company No. 2 (Wise No. 2), pursuant to Section 1.12 of the Commission's Rules of Practice and Procedure, filed motions in Docket Nos. CS76-803 and CS76-854, respectively, requesting authorization to collect the settlement rates approved by the Commission on March 22, 1976, in Docket No. RI75-21.[1]

In support of its motion, Mark One avers that it is a newly created partnership engaged in the business of oil and gas exploration and development in West Virginia and other areas. It insists that it has at least as great a need for the IOGA settlement rates as many of the over 300 small producers currently receiving special relief treatment under the settlement agreement. Mark One further argues that the sole reason that it was not a party to the IOGA proceeding is that the partnership was not in existence at the time the settlement agreement was being prepared.

Wise No. 2 states that it is engaged in the exploration for and development of oil and gas reserves in various areas of the country, including the State of West Virginia. It contends that as a new small producer entrant in the Appalachian area which has applied for membership in IOGA it should be entitled to receive the settlement rates approved by the Commission in Docket No. RI75-21.

Additionally, we have received letters from other small producers in West Virginia who seek Commission authorization to collect the IOGA settlement rates.

Virtually all of the small producers in West Virginia became parties to the IOGA proceedings and adduced revelant evidence therein. As a result, we believe that the cost data developed in those proceedings are representative of the costs incurred by those small producers in West Virginia, few in number, who did not become parties to the proceedings. Such data are also representative of the costs which will be incurred by new small producers. For this reason we conclude that it is in the public interest to make the IOGA settlement rates for both "flowing" and "new" gas applicable to all producers selling gas produced in West Virginia under small producer certificates.

The Commission finds: The IOGA settlement rates for both "flowing" and "new" gas should be made applicable to all producers selling gas produced in West Virginia under small producer certificates.

The Commission orders: All producers selling gas produced in West Virginia under small producer certificates are hereby authorized to collect the settlement rates for both "flowing" and "new" gas approved by the Commission in Docket Nos. RI74-188 and RI75-21.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29831 Filed 10-8-76;8:45 am]

Electric Rates

[Docket No. ER76-817]

INDIANAPOLIS POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, Denying Request for Waiver, and Establishing Procedures

OCTOBER 4, 1976.

On July 29, 1976, Indianapolis Power and Light Company (IP&L) tendered for filing proposed tariff revisions[1] providing for increased rates for service to Boone County and Morgan County Rural Electric Membership Corporations (REMCs). The proposed rates would result in in-

[1] Mark One filed an application for a small producer certificate on May 6, 1976. Wise No. 2 filed its application on May 27, 1976. Pursuant to Order No. 428 a small producer certificate will be effective as of the date of filing the application.

creased revenues of $220,300 (16.38%) for the twelve-month period following the proposed effective date of October 23, 1976. For the reasons stated below, the Commission shall accept for filing and suspend IP&L's tariff sheets for one day until October 24, 1976.

In the transmittal letter accompanying its filing, IP&L states that the REMCs concur in the instant filing, as evidenced by Certificates of Concurrence executed by the respective managers of Boone County and Morgan County REMCs.

Public notice of the instant filing was issued on August 6, 1976, with comments, protests, or petitions to intervene due on or before August 25, 1976. No responses were received.

IP&L's filing did not include testimony and exhibits as required by § 35.13(5)(i) of the Commission's Regulations. IP&L has requested waiver of the requirement to prefile testimony and exhibits, in the anticipation that no hearing would be required in view of the fact that the REMCs have submitted certificates of concurrence in the filing.

The stated purpose of § 35.13(5)(i) is to avoid delays in the processing of rate filing. Inasmuch as the instant order suspends IP&L's filing and establishes prehearing procedures, this stated purpose is pertinent to the instant proceeding. The Commission shall therefore deny IP&L's request for waiver of § 35.13(5)(i) and shall direct the Company to comply with such regulation.

Commission review of IP&L's revised tariff sheets indicates that the increased rates proposed therein have not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful. Accordingly, the tariff sheets shall be accepted for filing and suspended for one day until October 24, 1976, when they may be placed into effect, subject to refund.

The Commission finds: (1) Good cause exists to accept for filing the revised tariff sheets filed on July 29, 1976, by IP&L and to suspend their use for one day until October 24, 1976, when they may be permitted to become effective, subject to refund, pending the outcome of a hearing and decision thereon.

(2) Good cause exists to deny IP&L's request for waiver of § 35.13(5)(i) of the Commission's Regulations under the Federal Power Act, and to require IP&L to file, within 30 days of the issuance of this order, testimony and exhibits in compliance with such regulation.

The Commission orders: (A) Pending a hearing and decision as to the lawfulness of the rates and charges proposed therein, the revised tariff sheets filed on July 29, 1976, by IP&L are hereby accepted for filing and suspended from operation for one day, to become effective October 24, 1976, subject to refund.

(B) IP&L's request for waiver of § 35.13(5)(i) of the Commission's Regulations is hereby denied. IP&L is hereby directed to file, within 30 days of the issuance of this order, testimony and exhibits in compliance with such regulation.

(C) Pursuant to the authority of the Federal Power Act, particularly §§ 205 and 206 thereof, and the Commission's Rules and Regulations, a hearing shall be held concerning the justness and reasonableness of the proposed rate increase.

(D) The Commission Staff shall prepare and serve top sheets on all parties on or before March 1, 1977, for the purposes of settlement (See Administrative Order No. 157).

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(F) IP&L shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by § 35.19a of the Commission's Regulations, 18 CFR 35.19a.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

INDIANAPOLIS POWER & LIGHT COMPANY

Designation	*Description*
Rate schedule FPC No. 12 (supersedes rate schedule FPC No. 10 as supplemented).	Agreement with Morgan County REMC
Supplement No. 1 to rate schedule FPC No. 12.	Exhibit A
Supplement No. 2 to rate schedule FPC No. 12.	Rate REMC
Rate schedule FPC No. 13 (supersedes rate schedule FPC No. 11 as supplemented)..	Agreement with Boone County REMC
Supplement No. 1 to rate schedule FPC No. 13.	Exhibit A
Supplement No. 2 to rate schedule FPC No. 13.	Rate REMC

[FR Doc.76-29819 Filed 10-8-76;8:45 am]

[Docket No. ER76-184]

KANSAS CITY POWER & LIGHT CO.

Order Approving Settlement Agreement

OCTOBER 4, 1976.

On August 2, 1976, the Kansas City Power & Light Company (KCPL) tendered for filing a proposed Settlement Agreement dated July 19, 1976. The proposed Agreement would resolve all issues in this proceeding with the exception of one concerning cost allocation which has been reserved for hearing and decision. For the reasons stated herein, the Commission shall approve the proposed Settlement Agreement.

By an order issued January 30, 1976, the Commission accepted and suspended until March 2, 1976, the proposed rate increase filed herein by KCPL to its wholesale customers in the amount of $997,352 in annual revenues, based upon its cost of service and wholesale firm power sales during the twelve-month test period ended June 30, 1975.

Public notice of the filing of the Settlement Agreement was issued August 13, 1976, with comments thereon due on or before August 27, 1976. Comments were filed in support of the Agreement by the Commission Staff on August 26, 1976.

The proposed Settlement Agreement provides for an increase in KCPL's annual revenues of $796,087, based on sales during the 12-month test period ended June 30, 1975. The major elements of the Agreement include the following:

(1) The issue as to whether for cost allocation purposes KCPL's 161/69/34/12 kv stepdown transformation facilities and 69 kv and 34 kv line facilities should be (a) "rolled-in" and included as a portion of KCPL's "Power Source Facilities," or (b) assigned and allocated as a portion of KCPL's "Local Facilities" is reserved for hearing and decision.

(2) Except with respect to the outcome of the reserved issue, KCPL agrees that it will not initiate, pursuant to section 205(d) of the Federal Power Act, a general rate increase applicable to its Wholesale Firm Power Service by filing with the Commission prior to December 31, 1976, increased new schedules for rates and charges applicable thereto.

The Commission's review of the proposed Agreement indicates that it reflects a just and reasonable resolution of the issues in this proceeding, and provides for cost-based rates. Accordingly, we find the proposed Agreement is just and reasonable and in the public interest, and should be accepted. The Commission notes that KCPL filed contemporaneously with Settlement Agreement and attached as Appendix B thereto revised tariff sheets reflecting the rates, terms and conditions of the Agreement. These revised tariff sheets shall be accepted for filing to become effective March 2, 1976.

With respect to those issues reserved for hearing, we emphasize that nothing herein shall be construed as limiting the rights of the parties to this proceeding regarding the further convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

The Commission finds: Good cause exists to accept and approve the proposed Settlement Agreement.

The Commission orders: (A) The Settlement Agreement, incorporated herein by reference, is hereby accepted and approved.

(B) The revised tariff sheets appearing as Appendix B to the Settlement Agreement are hereby accepted for filing to become effective March 2, 1976.

[1] See Attachment for Designations and Descriptions.

(C) Within 30 days of the issuance of this order, KCPL shall refund, with interest computed at a rate of 9% per annum, all amounts collected in excess of the proposed per settlement rates.

(D) Within 15 days after refunds are made according to ordering paragraph (C) herein, KCPL shall file with the Commission a refund report showing monthly billing determinants and revenues under its prior, present, and settlement rates, and showing the monthly settlement rate increase, the monthly rate refund, the monthly interest computation, with a summary of all such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against KCPL or any other person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29833 Filed 10-8-76;8:45 am]

[Docket No. ER76-204]

KENTUCKY POWER CO.

Filing of Revised Rate Schedules

OCTOBER 4, 1976.

Take notice that on August 16, 1976, Kentucky Power Company (Kentucky) tendered for filing revised rate schedules in purported compliance with an "Order Approving Settlement Agreement" issued July 21, 1976, in the above-captioned proceeding. Kentucky states that the revised rate schedules are supplements to its FPC Rate Schedule Nos. 12 and 13 applicable for service to Vanceburg, Kentucky, and Olive Hill, Kentucky, respectively.

Kentucky states that copies of the filing have been served upon Vanceburg an Olive Hill.

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 October 26, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29826 Filed 10-8-76;8:45 am]

[Docket No. CI76-762]

McGOLDRICK JOINT VENTURE NO. 1-73

Application

OCTOBER 4, 1976.

Take notice that on September 13, 1976, McGoldrick Joint Venture No. 1-73 (Applicant), 610 Beck Building, Shreveport, Louisiana 71101, filed in Docket No. CI76-762 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Leatherman Creek Field, Claiborne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant entered into a contract with United dated August 27, 1976, for the resale of natural gas by Applicant to United from the Leatherman Creek Field, Claiborne Parish, Louisiana for a term of one year beginning on the date deliveries of gas commence thereunder. Applicant proposes to sell approximately 450,000 Mcf of gas per month at $1.50 per Mcf at 15.025 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 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 person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29816 Filed 10-8-76;8:45 am]

[Docket No. RP73-43 (PGA76-4)]

MID LOUISIANA GAS CO.

Proposed Change in Rates

OCTOBER 4, 1976.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on September 27, 1976, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Twenty-Third Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1 and E-1 to reflect the impact of Commission Opinion No. 770 in Docket No. RM75-14; that the revised tariff sheet is proposed to be effective October 27, 1976; and that the filing is being made in accordance with Section 19 of Mid Louisiana's FPC Gas Tariff and Commission Opinion No. 770; and that copies of the filing were served on interested customers and state commissions. The annual increase in jurisdictional revenues amounts to approximately $5.7 million with an additional increase under the surcharge adjustment of approximately $0.5 million.

Any person desiring to be heard or to protest said application should file a petition to intervene or protests 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 October 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 must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29808 Filed 10-8-76;8:45 am]

[Docket No. RP76-64 (PGA76-1)]

MOUNTAIN FUEL SUPPLY CO.

Compliance Filing

OCTOBER 4, 1976.

Take notice that on September 16, 1976 Mountain Fuel Supply Company filed a

Substitute First Revised Sheet No. 3–A and supporting data to supplement its filing in the above-captioned docket on August 16, 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, 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 October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29811 Filed 10-8-76;8:45 am]

[Docket No. RP76-4]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

OCTOBER 4, 1976.

Take notice that on Sept. 3, 1976 National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Fifth Substitute Seventh Revised Sheet No. 4, proposed to be effective October 1, 1976.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of (2.77¢) per MCF on Fifth Substitute Seventh Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29822 Filed 10-8-76;8:45 am]

[Docket No. CP76-528]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

OCTOBER 1, 1976.

Take notice that on September 17, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76–528 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas for Panhandle Eastern Pipe Line Company (Panhandle) for a ten-year period, the construction and operation of facilities to effectuate such transportation service, and the construction and operation of facilities required to effectuate a proposed transportation service by Panhandle for Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport 3,300 Mcf of natural gas per day on a firm basis and up to 2,000 Mcf per day on a best efforts basis to be produced from the Kirtley Well located in Beckham County, Oklahoma, for Panhandle. It is stated that the location of these reserves are at a distance from Panhandle's existing facilities and would require Panhandle to construct extensive facilities in order to take said gas into its system. Applicant has an existing gathering line in close proximity to the Kirtley Well, and has agreed to transport and redeliver the gas to Panhandle. Under this agreement, it is shown, Panhandle would deliver natural gas to Applicant at a point of delivery located in Section 24, Township 10 North, Range 25 West, Beckham County, Oklahoma (Kirtley receipt point), and Applicant would redeliver equivalent volumes to Panhandle at the proposed Beckham redelivery point and/or at existing points of interconnection located in Section 18, Township 17 North, Range 17 West, Dewey County, Oklahoma (Dewey redelivery point), and in Section 16, Township 30 South, Range 25 West, Clark County, Kansas (Clark redelivery point).

Applicant asserts that it would be required to construct and operate a tap connection on its existing facilities in Section 15, Township 10 North, Range 21 West, Beckham County, Oklahoma, to receive gas for transportation from Panhandle, at an estimated cost of $4,000. Initially, it is said, deliveries would be made at the Clark and Dewey points on a best efforts basis until the proposed Beckham delivery point is in service. Subsequently, during the period November through February, redelivery would be made at the Beckham point on a firm basis except when Applicant is injecting into its Sayre field storage, the application shows. Further, the application indicates that during the period March through October and at any time injections into Sayre are taking place, redelivery would be made on a firm basis at the Clark redelivery point, and the Dewey point would be used for redelivery on a best efforts basis. It is stated that Panhandle has the option to install compression which would permit the use of the Beckham redelivery point on a year-round firm basis.

Applicant proposes to charge 3.39 cents per Mcf of gas at 14.73 psia for best efforts deliveries at the Dewey point and 1.0 cent and 6.26 cents per Mcf for firm deliveries at the Beckham and Clark redelivery points, respectively. It is stated that Applicant would retain 3 percent of the volumes transported for fuel use.

It is stated that Applicant has requested Panhandle to deliver 75,000 Mcf of gas per day on a firm basis during the November through February winter period, 1976–1977 and 1977–78, and on a best efforts basis during the period March through October, 1977. It is shown that Panhandle would also transport and redeliver on a best efforts basis an additional 25,000 Mcf per day during the period November 1, 1976 through February, 1978, and subsequently, Panhandle would transport and redeliver up to 100,000 Mcf of gas per day on a best efforts basis to Applicant. Applicant would make deliveries under this arrangement at the proposed Beckham County delivery point and Panhandle would make redeliveries at the Clark redelivery point, it is indicated.

It is stated that in reviewing the projected operation of its pipeline system south of its main transmission Compressor Station No. 103, Applicant has determined that it would have a short-term capacity deficiency of at least 75,000 Mcf per day on a peak day basis during the 1976–77 and 1977–78 winter heating seasons. Applicant asserts that section of its transmission system between its Compressor Station No. 156 and Station No. 103, and Station No. 156 and Station No. 111 would be at full capacity, and that the projected total net inputs into these segments of Applicant's system for the 1976–77 and 1977–78 period are in excess of Applicant's present system capacity, resulting in reduction of approximately 75,000 Mcf per day in withdrawal rates below the certificated withdrawal capacity of Applicant's Sayre storage facility. It is indicated that Applicant has reviewed various alternatives to relieve this capacity deficiency and has determined that the most manageable and practical proposal available to Applicant is the subject transportation arrangement with Panhandle.

To effectuate this agreement, Applicant proposes to construct and operate approximately 7.8 miles of 16-inch pipeline and other miscellaneous facilities in Beckham County, Oklahoma, at an estimated cost of $796,000 to permit Applicant to deliver its gas for transportation and redelivery by Panhandle. It is shown that estimated costs of construction would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 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 any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29823 Filed 10-8-76;8:45 am]

[Docket No. RP73-48 (PGA76-5a)]

NORTHERN NATURAL GAS CO., PEOPLES NATURAL GAS DIVISION

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

OCTOBER 4, 1976.

Take notice that Peoples Natural Gas Division of Northern Natural Gas Company (Northern) on September 22, 1976, tendered for filing Substitute Thirteenth Revised Sheet No. 3a of its F.P.C. Gas Tariff, Original Volume No. 4. Northern states that the proposed change to become effective October 1, 1976, would increase the rate per Mcf to jurisdictional customers by 4.85¢ per Mcf. Northern states that this increase reflects a revised increase in rates by Colorado Interstate Gas Company to become effective October 1, 1976, resulting from a general rate increase filing at Docket RP76-76, and a Purchased Gas Adjustment. Northern states that Colorado Interstate is the pipeline supplier to Peoples for sales made under Volume No. 4.

Northern states that copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Northern requests waiver of the Commission's Regulation to allow an effective date of October 1, 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 §§ 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 October 18, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29814 Filed 10-8-76;8:45 am]

[Docket No. CP76-104 (PGA 76-2)]

PACIFIC INTERSTATE TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision

OCTOBER 4, 1976.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on September 27, 1976 tendered for filing as part of its FPC Gas Tariff, Original Volume No. 2, the following sheets:

Third revised sheet No. 4.
Second revised sheet No. 5.

The proposed effective date of both of these tendered tariff sheets and the rates reflected thereon is October 27, 1976.

Pacific Interstate states that the tariff sheets listed above are issued pursuant to the Purchased Gas Cost Adjustment (PGCA) Provision as set forth in Section 16 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 2, and to provisions of Opinion No. 770 and the Order Modifying Opinion No. 770.

Pacific Interstate states that the change in its rates incorporated in the tendered tariff sheets reflect a Gas Cost Adjustment to recover an annual increase in jurisdictional revenues of $291,417 and a special Surcharge Adjustment to recover costs of $516,559, that both adjustments are related solely to producer filings tendered on or before August 26, 1976, pursuant to provisions of Opinion No. 770, and that it has selected the option of collecting the special Surcharge Adjustment over the twelve months commencing October 27, 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 §§ 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 October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29818 Filed 10-8-76;8:45 am]

[Docket No. RP73-48 (PGA 76-4)]

NORTHERN NATURAL GAS CO.

Refund Report

OCTOBER 4, 1976.

Take notice that on September 20, 1976, Peoples Natural Gas Division of Northern Natural Gas Company (Peoples Division) tendered for filing a Refund Report reflecting refunds made by Peoples Division as a result of a reduction in rates by its pipeline supplier, Colorado Interstate Gas Company (CIG), effective for the period June 1, 1976 to June 30, 1976. The refund by Peoples Division affected customers served under its F.P.C. Gas Tariff, Original Volume No. 4.

Peoples Division states that copies of the filing were served upon each of the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29813 Filed 10-8-76;8:45 am]

[Docket No. RP71-11 (PGA 76-5)]

TENNESSEE NATURAL GAS LINES, INC.

Tariff Change

OCTOBER 4, 1976.

Take notice that on September 27, 1976, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) tendered for filing proposed changes to First Revised Volume No. 1 of its FPC Gas Tariff to be effective on October 27, 1976, consisting of the followign revised tariff sheets:

First Substitute Sixteenth Revised Sheet No. PGA-1; and
First Substitute and Eleventh Revised Sheet No. PGA-2.

Tennessee Natural states that the purpose of the instant filing is to make a PGA rate adjustment pursuant to the purchased gas adjustment provisions of Rate Schedules G–1 and SWS–1 of its FPS Gas Tariff and to the Commission's "Order Modifying Opinion No. 770" issued September 22, 1976 in Docket No. RM75–14, to reflect a PGA rate change of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., filed on September 27, 1976, and proposed to become effective on October 27, 1976, pursuant to the aforesaid Order of the Commission.

Tennessee Natural states that copies of the filing have been mailed to its jurisdictional customer and the affected state regulatory 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, 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 October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party just file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29817 Filed 10–8–76;8:45 am]

[Docket Nos. RP65–59 and RP73–65]

TEXAS EASTERN TRANSMISSION CORP.

Order Directing Release of Refunds and Approving Refund Plan

OCTOBER 5, 1976.

On September 5, 1975, Columbia Gas Transmission Corporation (Columbia), the legal successor to The Ohio Fuel Gas Company (Ohio Fuel), filed a petition for an order releasing refunds held in escrow by Texas Eastern Transmission Corporation (Texas Eastern) for the account of Ohio Fuel. Texas Eastern held the refunds in escrow under an agreement dated January 25, 1967, pursuant to the Commission's order of January 11, 1967, in Docket No. RP65–59. The refunds being held by Texas Eastern amount to $826,490.14 plus earned interest applicable to the period from October 1, 1965, through November 30, 1966.

Columbia proposes to flow through such refunds by crediting the Deferred Purchase Gas Cost Account, rather than according to the refund procedures approved in the settlement agreement in Docket No. RP66–7. Accordingly, Columbia asks for waiver of the obligation under those refund procedures to invest said refund amounts if held for more than 90 days in short term government securities and to apportion the interest earned thereon to the jurisdictional customers upon distribution. Columbia proposes to flow through to its customers formerly supplied by Ohio Fuel $767,029.20 plus earned interest applicable to the period from October 1, 1965, through October 31, 1966. Columbia proposes to retain refunds of $59,460.94 plus earned interest for the month of November 1966 because its rates effective November 1, 1966, reflected the reduced rates of Texas Eastern which are the basis for the refund.

Notice of Columbia's petition was issued September 17, 1975, with comments, protests, and petitions to intervene due on or before October 1, 1975. None have been received.

The Commission will direct Texas Eastern to release to Columbia the refunds held in escrow. Furthermore, since no opposition to Columbia's refund plan has been received, the Commission will approve Columbia's proposal to flow through the refunds, except amounts attributable to November 1966, by crediting the Deferred Purchase Gas Cost Account rather than according to the refund procedures approved in the settlement agreement in Docket No. RP66–7.

The Commission finds. It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that Texas Eastern be directed to release the refunds held in escrow for the account of Ohio Fuel and that Columbia flow through said refunds in accordance with Columbia's petition filed September 5, 1975, as hereinafter ordered.

The Commission orders. (A) Within 30 days of the issuance of this order, Texas Eastern is hereby directed to release to Columbia the refunds amounting to $826,490.14, plus earned interest, held in escrow for the account of Ohio Fuel, in accordance with the Texas Eastern escrow agreement dated January 25, 1967, pursuant to the Commission's order of January 11, 1967, in Docket No. RP65–59, applicable to the period of October 1, 1965, through November 30, 1966.

(B) Within 15 days after the release of said refunds to Columbia, Texas Eastern will file with the Commission a report of the amount of refunds and earned interest disbursed to Columbia.

(C) Columbia's refund plan in its petition filed September 5, 1975, is hereby approved; the refund procedures approved in the settlement agreement in Docket No. RP66–7 are waived as requested, and Columbia will upon release of the refunds to it by Texas Eastern credit its Deferred Purchase Gas Cost Account in the amount of $767,029.20 plus earned interest and flow through such amounts to its customers formerly supplied by Ohio Fuel in its next PGA filing.

(D) Within 15 days after the receipt of the refunds from Texas Eastern, Columbia will file with the Commission a report of the amount of refunds and earned interest credited to the Deferred Purchase Gas Cost Account for the account of its customers formerly supplied by Ohio Fuel.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76–29832 Filed 10–8–76;8:45 am]

[Docket No. CP76–531]

TEXAS GAS TRANSMISSION CORP.

Application

OCTOBER 1, 1976.

Take notice that on September 20, 1976, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76–531 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Aluminum Corporation (Consolidated), an existing industrial customer of Jackson Utility Division, City of Jackson, Tennessee (Jackson), one of Texas Gas' resale customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport on an interruptible basis for two years up to 1,400 Mcf of gas per day. It is stated that Consolidated has entered into a contract with Franks Petroleum, Inc. (Franks), for the purchase of natural gas to be produced from certain leasehold interests presently owned or controlled by Franks in Midland Field, Acadia Parish, Louisiana. Such natural gas would be delivered to Applicant at the existing facilities of Applicant and Columbia Gulf Transmission Company (Columbia Gulf) at Columbia Gulf's Rayne, Louisiana, compressor station located in Acadia Parish, Louisiana, or at other mutually acceptable points of interconnection between Applicant and Columbia Gulf, as set forth in Applicant's gas rate schedule X–51, it is said. Further, it is indicated that Applicant would simultaneously redeliver volumes of natural gas up to 1,400 Mcf on a peak day, up to 1,000 Mcf on an average day, and up to 511,000 Mcf on an annual basis to an existing point of delivery with Jackson for the account of Consolidated. It is stated that in no event would Applicant be obligated to deliver on any day an aggregate amount of more than the contract demand of 34,370 Mcf through all points of delivery of Applicant to Jackson.

Applicant proposes to charge 15.81 cents per Mcf at 14.73 psia and would retain 5.2 percent of the gas transported as makeup for compressor fuel and line loss.

It is stated that since the volumes to be transported under this and any similar transportation agreements with customers of distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract

entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day and annual basis.

Applicant asserts that if the natural gas is not sold to Consolidated, then it would be sold to an interstate pipeline or to a direct consumer located in Louisiana, and therefore Applicant does not consider the subject natural gas to be available to it for purchase.

The application states that the gas to be transported would be used for fuel in the Consolidated Aluminum Corporation plant in Jackson, Tennessee. The Jackson plant operates an ingot casting facility, hot and cold rolling mills, a coil coating (paint) line, and a foil rolling facility, it is shown, and the primary products from this plant are painted coil which goes into construction and appliance end uses and aluminum foil which goes into electrical, food packaging and container industries.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 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 any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29824 Filed 10-8-76;8:45 am]

[Docket No. RP73-3 (PGA76-4)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

OCTOBER 4, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on September 27, 1976 tendered for filing two revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 with a proposed effective date of October 27, 1976. Transco states that the revised tariff sheets reflect a special "tracking" rate increase of 36.4¢ per Mcf in Transco's CD, G, OG, E, PS, S-2 and ACQ rate schedules pursuant to Ordering Paragraph (D) of Opinion No. 770, as modified by Ordering Paragraph (A) of Order issued September 22, 1976 in said Opinion together with a reduction of 6.0¢ per Mcf due to the elimination of the Deferred Adjustment made effective May 2, 1976 under a PGA filing. Also, Transco states that the special "tracking" increase is based solely on those producer increases filed on or before August 26, 1976, to be effective July 27, 1976, and October 1, 1976, pursuant to Opinion No. 770.

Transco further states that the 36.4¢ consists of an increase in the current gas cost of 26.5¢ per Mcf plus a surcharge of 9.9¢ per Mcf, which surcharge is designed to recover, over the twelve month period commencing October 27, 1976, the estimated costs incurred during the period July 27, 1976, through October 26, 1976, together with carrying charges at 9% per annum, as provided in the Commission's Order of September 22, 1976, in Docket No. RM75-14. Transco further states that the estimated increase in purchased gas cost resulting from the producer rate increases filed on or before August 26, 1976, to be effective July 27, 1976, and October 1, 1976, pursuant to Opinion No. 770 is $184,666,752. Transco further states that the surcharge amounts to $51,351,113, plus $2,537,655 for carrying charges.

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 October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29809 Filed 10-8-76;8:45 am]

TRANSWESTERN PIPELINE CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 4, 1976.

Take notice that Transwestern Pipeline Company (Transwestern) on September 27, 1976, tendered for filing as part of its FPC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Fifth Revised Sheet No. 5
Fifth Revised Sheet No. 6

These sheets are being issued pursuant to Ordering Paragraph (D) of the Commission's Opinion No. 770 issued July 27, 1976 in Docket No. RM75-14 and Order Modifying Opinion No. 770 issued September 22, 1976. The increase in rates is based upon the Opinion No. 770 increases in Transwestern's cost of purchased gas including a special surcharge designed to recover over the twelve-month period, October 27, 1976-October 26, 1977, the cost associated with Opinion No. 770 increases prior to October 27, 1976 with carrying charges at nine percent. The proposed effective date of the above tariff sheets is October 27, 1976.

The annualized amount of claimed purchased gas cost increases under Opinion No. 770 is $96,369,691. The proposed surcharge to recover unrecovered purchased gas costs is $14,562,570. Carrying charges on the unrecovered purchased gas costs are $671,592. The total amount claimed is $111,603,853.

Copies of the filing were served upon the Company's jurisdictional customers and the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestans 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29827 Filed 10-8-76;8:45 am]

[Docket No. RP73-35 (PGA76-4)]

TRUNKLINE GAS CO.

Change in Tariff

OCTOBER 4, 1976.

Take notice that on September 24, 1976, Trunkline Gas Company (Trunkline) tendered for filing Seventeenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, such sheet proposed to be effective November 1, 1976.

The Company submits that this revised sheet is filed in accordance with Paragraph (D) of the Commission's Opinion No. 770 issued July 27, 1976, as modified by FPC order issued September 22, 1976, and pursuant to the provisions of the General Terms and Conditions of Trunkline's FPC Gas Tariff. The filing provides for increased annual jurisdictional revenues of approximately $140 million under the PGA increase and a surcharge adjustment of approximately $37 million.

Trunkline states that the revised tariff sheet reflects only those increases in purchase gas costs as authorized by the Commission in Opinion No. 770 to be effective July 27, 1976. No other increases in purchase gas costs are included in the filing. In accordance with the Commission's order of September 22, 1976, Trunkline has elected to file for a surcharge (including a nine (9) percent carrying charge) to recover costs incurred as a result of Opinion No. 770 from July 27, 1976 to November 1, 1976, such surcharge to be effective for the twelve (12) month period commencing November 1, 1976. Trunkline shall maintain a separate account relating to such surcharge amounts and any imbalance in the account at the end of the twelve (12) month period shall be transferred to the Deferred Purchased Gas Cost Account maintained in accordance with § 18.3 of the General Terms and Conditions of Trunkline's tariff.

The Company submits that the purchased gas cost increases by reason of Opinion No. 770 rates effective July 27, 1976, which Trunkline has included in its rates herein, have been calculated on the basis of producer filings with Commission. To the extent that the amounts filed by the producers are subject to refund, the related amounts included in Trunkline's rates shall also be subject to refund in accordance with Section 18.5 of the General Terms and Conditions of Trunkline's tariff.

Copies of this filing were served on Trunkline's jurisdictional customers and applicable 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 §§ 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 October 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 must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29829 Filed 10-8-76;8:45 am]

[Docket No. RP76-109]

UTAH GAS SERVICE CO.

Order Accepting and Approving Settlement Agreement

OCTOBER 4, 1976.

On August 5, 1976, Utah Gas Service Company (Utah Gas) filed a Stipulation and Agreement in settlement of the rate proceeding in the captioned docket. The Commission finds that the Agreement is in the public interest and accepts and approves it.

The instant docket was initiated when Utah Gas tendered for filing on June 4, 1976, a revised tariff sheet[1] reflecting an increase in the cost of natural gas being sold by Utah Gas to Northwest Pipeline Corporation (Northwest) in accordance with a Gas Purchase Agreement dated September 19, 1973, as amended. In its filing Utah Gas stated that the proposed change in rate was attributable entirely to an increase from $0.10 per Mcf to $0.3256 per Mcf in the transportation charge, a component of the base rate. In support of this claim, Utah Gas submitted a cost of service study related to the jurisdictional plant (the Altonah-Jensen Pipeline) based on actual operations for the twelve months ended February 29, 1976, adjusted for known and measurable changes that it will incure during the subsequent nine months.[2]

By order issued July 2, 1976, the Commission accepted for filing and suspended Utah Gas' rate filing for one day, to become effective July 5, 1976, subject to refund. Northwest filed a petition to intervene, which was granted by Commission order issued August 19, 1976.

A settlement conference held July 27, 1976, and attended by representatives of Utah Gas and of the Commission Staff resulted in a proposed settlement agreement dispositive of all issues in the proceeding. Utah's proposed rate, as filed June 4, 1976, is $1.05245 per Mcf, which is comprised of: (1) a base rate of $0.61715 per Mcf (purchased gas costs of $0.5072 per Mcf, gathering charge of $0.00995 per Mcf, and transportation charge of $0.10 per Mcf); (2) purchased gas adjustment rate of $0.2097 per Mcf; and (3) an increase of $0.2256 per Mcf in the transportation rate. The settlement agreement provides for a change in the requested transportation rate from $0.3256 per Mcf to $0.3019 per Mcf, resulting in an overall proposed settlement rate of $1.02875. Utah Gas agrees to refund, with interest at 9%, amounts collected in excess of the settlement rate.

Notice of Utah Gas' filing of the proposed Stipulation and Agreement was issued August 13, 1976, with responses and protests due on or before August 26, 1976. On August 26 the Commission Staff filed comments in support of the Agreement, stating that the proposed settlement rate is not in excess of the just and reasonable rate. Northwest filed a letter on August 20, stating it has no objection to the settlement.

Review of the record in these proceedings, including the settlement agreement itself, the filings, documents and pleadings submitted, demonstrates that the proposed rates are supported by cost evidence and are just and reasonable, and that the settlement agreement represents a reasonable resolution of the issues. Accordingly, approvel and adoption of the Agreement are in the public interest.

In conjunction with acceptance and approval of the subject Agreement, the Commission shall require Utah Gas to tender for filing revised tariff sheets reflecting the terms of the settlement agreement.

The Commission finds: The Stipulation and Agreement filed in the instant docket on August 5, 1976, by Utah Gas is supported by cost evidence and should be accepted and approved as hereinafter conditioned and ordered.

The Commission orders: (A) The Stipulation and Agreement filed on August 5, 1976, in this proceeding is hereby accepted, incorporated herein by reference, and approved effective July 5, 1976, subject to the following conditions.

(B) Utah Gas shall file within 30 days of the issuance of this order a revised tariff sheet to reflect the settlement rate specified in the Stipulation and Agreement approved herein.

(C) Within 30 days of issuance of this order, Utah Gas shall refund to Northwest all amounts collected since July 5, 1976, in excess of the settlement rate level, together with interest calculated at nine percent per annum.

(D) Utah Gas shall file with the Commission a report within 15 days after the refunds described in paragraph (C), supra, have been made. Such report shall show, for the entire refund period, monthly billing determinants and revenues under prior, present and settlement rates. The report shall also show monthly interest computation, together with a summary of such information for the entire refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Utah Gas, Northwest, or any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Utah Gas, Northwest, or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29821 Filed 10-8-76;8:45 am]

[1] Third Revised Sheet No. 18A to Utah's FPC Gas Tariff, Original Volume No. 1, Rate Schedule X-1.

[2] The only adjustment was an increase in rate of return from 9.0% to 10.6%, based on a total capatalization of $3,082,020, comprised of 65.5% debt and 34.5% equity (with a 15% return on equity).

[Docket No. RP76-41]

VALLEY GAS TRANSMISSION, INC.

Order Approving Stipulation and Agreement

OCTOBER 5, 1976.

On July 2, 1976, Presiding Administrative Law Judge William L. Ellis certified to the Commission a proposed Stipulation and Agreement of Settlement (Stipulation) which would dispose of all issues in the above-captioned proceeding. For the reasons set forth below, the Commission shall accept and approve the Stipulation.

Proceedings in this docket were initiated on November 21, 1975, when Valley Gas Transmission, Inc. (Valley) tendered for filing revised tariff sheets [1] to Original Volume No. 1 of its FPC Gas Tariff. The purpose of these tariff sheets was to effectuate a rate increase pursuant to a cost of service tariff for the gathering service which Valley renders to Tennessee Gas Pipeline Company, United Gas Pipe Line Company, and National Fuel Gas Supply Corporation. Valley also filed, in the alternative, a tariff sheet [2] reflecting a rate increase for the subject gathering service without the cost of service tariff provisions. Valley requested a January 1, 1976, effective date for the proposed rate increase.

By order issued December 31, 1975, the Commission deferred action on the cost of service tariff sheets but accepted for filing and suspended until January 2, 1976, the alternate tariff sheet. The Commission concluded that the cost of service tariff sheets should be treated as pro forma tariff sheets and should be the subject of a hearing to determine their appropriateness. The Commission further found that any determination with respect to such pro forma sheets should be made effective prospectively only. Finally, the Commission granted the petitions to intervene filed by National Fuel Gas Supply Corporation and the Public Service Commission of the State of New York.[3]

The major elements of the proposed Stipulation are as follows:

(1) The gathering charge discussed hereinabove shall be reduced from 11.36 cents per Mcf proposed by Valley to 10.93 cents per Mcf as proposed by the Commission's Staff.

(2) The 10.93 cents gathering charge reflects an overall rate of return of 9.94 percent including a 13.0 percent return on common equity.

(3) Valley shall not file with the Commission any increase in the subject gathering charge prior to December 1, 1977, provided, however, that Valley shall have the right to file such an increase prior to December 1, 1977, if at any time prior to said date Valley's books show that over any consecutive 12-month period beginning after April 18, 1976, Valley has not earned the 9.94 percent overall rate of return provided in the Stipulation.

(4) Valley shall withdraw its proposed cost of service tariff sheets.

(5) Within 10 days after a Commission order approving the Stipulation becomes final and non-appealable, Valley shall file revised tariff sheets incorporating a 10.93 cents per Mcf gathering charge to be effective as of January 2, 1976.

(6) Following Commission acceptance of the revised tariff sheets referred to in paragraph (5), supra, Valley shall make refunds to those customers affected by the instant filing by means of credits to the next billing statements rendered by Valley. Interest on such refund amounts shall be calculated at the rate of nine percent per annum.

(7) Neither Valley, the Commission Staff nor any other party shall be deemed to have consented to any ratemaking principles underlying or supposed to underlie the agreed-upon gathering charge.

At a hearing held before Presiding Judge Ellis on June 30, 1976, counsel for Valley, National Fuel Gas Supply Corporation, and the Commission Staff indicated their support for the Stipulation. No other parties were represented.

Public notice of the Presiding Judge's certification of the Stipulation was issued on September 1, 1976, providing that any comments should be filed on or before September 13, 1976. No responses have been received.

The Commission's review of the proposed Stipulation leads to the conclusion that it reflects a just and reasonable resolution of the issues in this proceeding. Accordingly, the Stipulation shall be incorporated herein by reference, accepted and approved.

The Commission finds: Good cause exists to incorporate herein by reference, accept and approve the Stipulation and Agreement of Settlement certified to the Commission in this proceeding on July 2, 1976.

The Commission orders: (A) The Stipulation and Agreement of Settlement certified to the Commission in this proceeding on July 2, 1976, is incorporated herein by reference, accepted and approved.

(B) Within 10 days after this order becomes final and non-appealable, Valley shall file revised tariff sheets incorporating a 10.93 cents per Mcf gathering charge to be effective as of January 2, 1976.

(C) As provided for by the terms of the settlement, immediately following Commission acceptance of the revised tariff sheets referred to in ordering paragraph (B), supra, Valley shall make refunds to affected customers of all amounts collected in excess of the gathering charge approved herein. Such refunds shall be made in accordance with the terms of the Stipulation discussed hereinabove, and shall bear interest at the rate of nine percent per annum.

(D) Within 15 days after refunds are made in accordance with ordering paragraph (C), supra, Valley shall file a refund report with the Commission and shall serve a copy thereof upon all affected customers. Such report shall show monthly billing determinants and revenues under the proposed and settlement rates, the monthly interest computation, and a summary of all such information for the entire refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff or any other person or party affected by this order in any proceeding now pending or hereinafter instituted by or against Valley or any other person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29825 Filed 19-8-76;8:45 am]

[1] Sixth Revised Sheet No. 2A, First Revised Sheet No. 181, and Original Sheet Nos. 182, 183 and 184.

[2] Alternate Sixth Revised Sheet No. 2A.

[3] By order issued February 12, 1976, the Commission granted the late petition to intervene of Tennessee Gas Pipeline Company.

[Docket No. ER76-882]

WISCONSIN POWER & LIGHT CO.

Order Accepting in Part and Rejecting in Part Revised Contract Terms, Granting Intervention, and Denying Motion To Consolidate

SEPTEMBER 29, 1976.

On August 30, 1976, the Wisconsin Power & Light Company, (WPL) tendered for filing revised rate schedules of its five cooperative, thirty-two municipal and two investor-owned wholesale customers.[1] WPL states that the instant filing is made to incorporate in each of the affected rate schedules the necessary statement regarding unilateral rate change applications in compliance with FPC Order Nos. 541 and 541-A, and requests an effective date of August 1, 1976. For the reasons hereinafter stated, the Commission shall accept the revised schedules as to thirty-three of the abovementioned customers, but reject the revised schedules as to the remaniing six customers.

Each of the revised rate schedules provide for the inclusion of language permitting unilateral rate change filings by WPL, as follows:

> Nothing contained herein shall be construed as affecting in any way the right of the party furnishing service under this rate schedule to unilaterally make application to the Federal Power Commission for a change in rate, charges, classification; or service, or any rule, regulation, or contract relating thereto, under Section 205 of the Federal Power Act and pursuant to the Commission's Rules and Regulations promulgated thereunder.

The proposed rate schedules are also revised to decrease from ten years to five years the initial term for new contracts

[1] See Attachment A for designations of those rate schedules which will be accepted for filing.

necessitated by an increase in customer demand over the stated contract demand pursuant to the terms of the purchase agreement.

Notice of the filing in Docket No. ER 76-882 was issued on September 14, 1976, with comments, protests, or petitions to intervene due on or before September 22, 1976. On September 14, 1976, a petition to intervene and motion to consolidate with Docket No. ER76-331 was filed by the Municipal Wholesale Power Group (Municipals), WPL's W-3 wholesale customers. Municipals question whether the insertion of the proposed unilateral rate change language is intended to change the existing contractual rights of the parties to preclude negotiation of specific protective rate change provisions. Inasmuch as the Municipals, WPL, and the rural electric cooperatives affected by the subject filing are all parties to the proceedings in Docket No. ER76-331, Municipals request consolidation of this filing with Docket No. ER76-331 in order to resolve any questions relating to the revised contract language.

On November 21, 1975, the Commission issued its Order No. 541 in Docket No. RM74-15 which amended § 35.1 of its Regulations under the Federal Power Act, 18 CFR 35.1, by redesignating the existing subsection (d) as subsection (e) and by adding a new subsection (d). This new subsection required that, effective March 1, 1976, certain rate schedules filed with the Commission[2] must expressly indicate whether or not service was to be rendered under a "fixed rate contract" by including one of two provisions in the tendered rate schedule. By order issued June 29, 1976[3], however, Order No. 541 was amended in the following manner:

> Accordingly, we have concluded that paragraph (d) of § 35.1 should be amended to provide (1) that all rate schedules filed on or after August 1, 1976, shall contain the first boilerplate provision with respect to such portions of the schedule where it is the intent of the parties to give the supplier the unrestricted right to file unilateral rate changes; (2) that all rate schedules filed on or after August 1, 1976, shall contain the first boilerplate provisions with respect to such portions of the schedule where it is the intent of the parties to withhold from the supplier the right to file any unilateral rate changes; and (3) the parties are free to file rate schedules which contain neither boilerplate provisions, or which have certain provisions subject to neither boilerplate provision. (mimeo, pg. 8)

The Commission's review of WPL's proposed filing indicates that it conforms with the requirements of Order No. 541-A, supra. We shall therefore accept the revised rate schedules to become effective as to thirty-three of WPL's customers as of August 1, 1976.

With respect to six of WPL's wholesale customers,[4] however, the Commission found their existing contracts with WPL to be fixed rate in its order of December 31, 1975, in Docket No. ER76-331. The Commission therefore rejected WPL's proposed rate change therein as it would have applied to those customers, without prejudice to WPL's right to timely file such rate changes upon expiration or cancellation of the existing contracts. The same rationale applies with respect to the instant filing. Inasmuch as the six contract at issue herein have been found to be fixed rate, the proposed revisions are clearly inappropriate until such time as these contracts expire or are cancelled. We shall therefore reject WPL's instant proposed revised rate schedules as to these customers without prejudice to WPL's right to timely file such changes upon expiration or cancellation of the existing contracts.

With respect to Municipals' request for consolidation with the proceedings in Docket No. ER76-331 in order to resolve questions concerning the possible infringement of existing contractual rights caused by the present filing, we find that the proposed language does not substantively alter the contractual rights of the parties under the existing contracts. We further find that our acceptance of the instant filing, in part, will not preclude negotiation of specific protective rate provisions, a concern raised by Municipals.

Good cause has therefore not been shown to consolidate this matter with the proceedings in Docket No. ER76-331, and Municipals' request will be denied.

The Commission finds. (1) Good cause has been shown to accept WPL's proposed revised rate schedules as they apply to thirty-three of WPL's wholesale customers, as of August 1, 1976.

(2) Good cause has been shown to reject WPL's proposed rate schedules as to six of WPL's wholesale customers.

(3) Good cause has not been shown to consolidate the instant docket with the proceedings in Docket No. ER76-331.

The Commission orders. (A) WPL's proposed revised rate schedules as designated in Appendix A attached hereto are accepted for filing to become effective August 1, 1976.

(B) WPL's proposed revised rate schedules applicable to the Pioneer Power & Light Company, Cross Plains Electric Company, and the Cities of Stoughton, Columbus, Princeton and Shullsburg are hereby rejected without prejudice to WPL's right to timely file such schedules upon expiration or cancellation of their existing contracts.

(C) The above-named petitioners are hereby permitted to intervene in these

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[2] The requirements of paragraph (d) applied to rate schedules covering "the transmission or sale of firm power for resale to an all-requirements customer, whether filed as an initial rate schedule in accordance with Section 35.12 or whether filed as a change in accordance with Section 35.13 where such change is to an existing rate schedule whose term has expired, or where the term is to be extended * * *." Rate schedules tendered for filing prior to March 1, 1976, were expressly excluded from the requirements of subsection (d).

[3] Order No. 541-A, Docket No. RM74-15.

[4] Pioneer Power & Light Company, Cross Plains Electric Company, City of Stoughton, City of Columbus, City of Princeton, City of Shullsburg.

proceedings subject to the rules and regulations of the Commission: *Provided, however*, That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) Municipals' motion for consolidation with Docket No. ER76-331 is hereby denied.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

ATTACHMENT A.—*Wisconsin Power & Light Company*[1]

[Docket No. ER76-882]

Customer	Supplement No.	Rate schedule supersedes— FPC No.	Supplement No.
Municipal customers—rate W-3:			
City of Evansville	10	29	9
Village of Gresham	11	31	10
Village of New Glarus	10	39	9
Village of Hustiford	9	71	8
City of Sun Prarie	9	73	8
City of Plymouth	8	75	7
Village of Muscoda	10	76	9
City of Boscobel	8	77	7
City of Cuba City	8	79	7
City of Waupun	8	82	7
City of Brodhead	8	83	7
Village of Sauk City	7	84	6
City of Juneau	7	86	6
City of Benton	7	88	6
City of Reedsburg	7	89	6
Village of Hazel Green	6	91	5
Village of Mount Horeb	7	92	6
Village of Black Earth	7	93	6
Village of Prarie De Sac	7	95	6
City of Wisconsin Dells	7	96	6
City of Sheboygan Falls	6	98	5
City of Lodi	6	101	5
Village of Pardeville	5	102	4
Village of Wonewoc	3	107	2
Village of Mazomanie	3	108	2
Village of Wannakee	3	109	2
Village of Belmont	3	110	2
Village of Footville	3	111	2
Cooperative customers—rate W-2:			
Rock County Electric Cooperative Association	9	69	8
Columbus Rural Electric Cooperative	5	103	4
Waushara County Electric Cooperative	3	105	2
Adams-Marquette Electric Cooperative	3	112	2
Central Wisconsin Electric Cooperative	3	113	2

[1] Dated: Undated. Filed: Aug. 30, 1976. Effective: Aug. 1, 1976 (as requested).

[FR Doc.76-29627 Filed 10-8-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 4, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before November 1, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

The FEA requests an extension to change clearance of Form FEA-G318-M-0, Underground Gas Storage Report. This report enables the FEA and the FPC to maintain a better and more current picture of natural gas supply in the United States. This report is mandatory under Pub. L. 93-275, The Federal Energy Administration Act of 1974; as amended by the Energy Conservation and Production Act of 1976, Pub. L. 94-385. Reports must be filed within five days after the first and fifteenth day of the months December through March; and the first day of the months April through November. FEA estimates the number of respondents to be 47 and the estimated reporting burden to be four hours per response.

The FEA requests an extension to change clearance of Form FEA-P302-M-1, Petroleum Industry Monthly Report for Product Prices. This is a monthly report which collects refined petroleum products information inclusive of prices, sales volumes and cost pass through data and must be filed by Gas Plant Operators, Petroleum Refiners and Large Reseller/Retailers. This report is mandatory under Pub. L. 93-275, Federal Energy Administration Act of 1974; and Pub. L. 93-159. The Emergency Petroleum Allocation Act of 1973 as amended by Pub. L. 94-163, The Energy Policy and Conservation Act of 1975; and Pub. L. 94-385, The Energy Conservation and Production Act of 1976. FEA estimates potential respondents to be approximately 47 and the burden to average 100 hours per response. The average burden estimate per response has been reduced from 220 to 100 hours due to decontrol.

JOHN M. LOVELADY,
Acting Assistant Director,
Regulatory Reports Review.

[FR Doc.76-29802 Filed 10-8-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR TEMP. REG. G-28]

FUEL EFFICIENT PASSENGER AUTOMOBILES

Acquisition by the Federal Government

1. *Purpose.* This regulation establishes policy and procedures governing the acquisition of passenger automobiles by all executive agencies beginning in fiscal year 1977.

2. *Effective date.* This regulation is effective October 1, 1976.

3. *Expiration date.* This regulation expires September 30, 1977, unless sooner revised or superseded. Before the expiration date, this regulation will be codified in the permanent regulations of the General Services Administration (GSA) appearing in Title 41 CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to executive agencies as defined in subparagraph 5b.

5. *Background.* a. Title III of the Energy Policy and Conservation Act of 1975, adds Title V, Improving Automotive Efficiency, to the Motor Vehicle Information and Cost Savings Act (Act), (15 U.S.C. 1901 et seq.). It is now mandatory that all passenger automobiles acquired by executive agencies for fiscal year 1977 (October 1, 1976, or thereafter) achieve a fleet average fuel economy of not less than 18 miles per gallon, or the average fuel economy standard applicable under sec. 502(a) of the Act for the model year shown in the following table, whichever is greater:

Fiscal year:	*Miles per gal*
1978	18.0
1979	19.0
1980	20.0
1981-1984	(1)
1985 and thereafter	27.5

[1] To be determined by the Secretary of Transportation.

b. As prescribed in the Act and as used in this regulation:

(1) "Fleet average fuel economy" means the total number of passenger automobiles acquired during a fiscal year by executive agencies (excluding passenger automobiles designed to perform combat related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work) divided by a sum of terms, each term of which is a fraction created by dividing the number of passenger automobiles so acquired of a given model type, by the fuel economy of that model type.

(2) "Executive agency" means an executive department, a Government corporation, or an independent establishment.

(3) "Acquired" means purchased or leased for a period of 60 continuous days or more, but does not include passenger automobiles obtained on assignment from the Interagency Motor Pool System.

(4) "Passenger automobiles" means those automobiles (other than automobiles capable of off-highway operation) which the Secretary of Transportation determines by rule are manufactured primarily for use in the transportation of not more than 10 individuals. For purposes of this temporary regulation passenger automobiles shall mean those vehicles within the purview of Federal Specifications KKK-A-811 (Sedans), KKK-A-850 (Station Wagons), and comparable military specifications. Upon determination by the Secretary of Transportation, additional vehicles may be included in this definition.

6. *Policy and procedures.* In compliance with Pub. L. 94-163 and Executive Order 11912, dated April 13, 1976, policy and procedures governing the acquisition of passenger automobiles by executive agencies beginning in fiscal year 1977 are set forth in attachment A. Additionally, requisitions submitted to GSA for new passenger automobiles other than type I standard passenger automobiles shall be in conformance with the requirements of § 101-26.501.

7. *Exemptions.* Requests for exemptions from the provisions of these requirements shall be submitted in writing by the head of the agency to the Administrator of General Services for review and final determination.

8. *Agency comments.* Agency comments with regard to clarification of the policy and procedures in this regulation may be sent to the General Services Administration (FFY), Washington, DC 20406, no later than 60 calendar days after the date of this publication for possible incorporation into the permanent regulation.

9. *Reports.* The report required by this regulation is in conformance with the provisions of FPMR 101-11.11 and has been assigned Interagency Report Control Number 0121-GSA-OT.

Dated: October 1, 1976

JACK ECKERD,
Administrator of General Services.

ATTACHMENT A—ACQUISITION OF FUEL EFFICIENT PASSENGER AUTOMOBILES

1. *Authority.* Executive Order 11912, dated April 13, 1976, designates and empowers the Administrator of General Services to perform without approval, ratification, or other action by the President, the functions vested in the President by section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 915, 15 U.S.C. 2010).

2. *Implementation.* In compliance with Executive Order 11912, GSA will administer a consolidated Federal fleet plan for passenger automobiles acquired by executive agencies. The plan will be based on forecasts of total passenger automobile acquisition requirements by vehicle type submitted by executive agencies to GSA at the beginning of each fiscal year. This forecast will serve as substantiation that individual agency acquisition plans are in conformance with the Act. GSA will administer the plan by maintaining a master record of the miles per gallon rating for passenger automobiles actually acquired by each agency during the fiscal year. Every 3 months each agency will be furnished a listing of automobiles acquired together with the cumulative vehicle fleet average fuel economy attained. These listings may be used for comparison with the acquisition forecasts and to adjust future vehicle procurements, if necessary, to comply with the Act by the end of the fiscal year. The Federal fleet plan will enable GSA to predict the total fleet average fuel economy to be achieved by all executive agencies prior to the end of the fiscal year and to provide management assistance to agencies, when necessary, to ensure compliance with the Act. Forecasts of planned acquisitions will be forwarded to the General Services Administration (FZ), Washington, DC 20406, in the format illustrated in attachment B. Interagency Report Control Number 0121-GSA-OT has been assigned to this requested forecast. The miles per gallon ratings to be used in the forecast are illustrated in attachment C.

3. *Agency responsibilities.* a. Executive agencies shall furnish GSA a forecast of the total passenger automobile acquisition requirements for the fiscal year based on the latest applicable edition of the Gas Mileage Guide issued jointly by the U.S. Environmental Protection Agency and the Federal Energy Administration. Copies of this guide, as well as a guide for automobiles sold in California, may be obtained by writing the Office of Vehicle and Driver Programs, OTAP, Energy Conservation and Enivronment, Federal Energy Administration, Washington, D.C. 20461, or "Fuel Economy," Pueblo, Colo. 81009. A sample calculation to clarify how the fleet average fuel economy is obtained is illustrated in attachment D.

b. The forecast of the total agency passenger automobile acquisition shall include automobiles to be procured or leased for use in the conterminous United States, Alaska, Hawaii, Guam, Virgin Islands, Puerto Rico, and the Canal Zone. The forecast shall not include passenger automobiles designed to perform combat related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work.

c. In order to maintain a master record of all leased passenger automobiles, agencies shall forward to the General Services Administration (FZ), Washington, D.C. 20406, copies of all agreements for the leasing of passenger automobiles for a period of 60 continuous days or more. If the lease agreement does not provide the following information, it shall be submitted as an attachment to the lease.

(1) Year.
(2) Make.
(3) Model.
(4) Transmission type.
(5) Cubic inch displacement.
(6) Fuel system-carburetor (barrels/fuel injection).
(7) If leased in California.

4. *GSA responsibilities.* a. GSA will incorporate into the Federal fleet plan forecasts of passenger automobile acquisition requirements received from executive agencies. GSA assistance may be requested in preparing forecasts prior to submission.

b. Every 3 months, beginning March 1, 1977, GSA will furnish each agency a listing showing the status of passenger automobiles acquired together with the fleet average fuel economy achieved. This information will enable agencies to determine the extent to which it is in conformance with the forecast submitted originally to GSA and make adjustments to the agency acquisition plans, where necessary, to ensure that the miles per gallon rating is achieved for the fiscal year in question.

c. Submission of requisitions for procurement or requests for authority to lease passenger automobiles which, in the opinion of GSA, will result in non-compliance with the fleet average fuel economy by the end of the fiscal year, may result in a directive that the planned acquisition be held in abeyance pending adjustment to the agency acquisition plan.

ATTACHMENT B—SAMPLE AGENCY ACQUISITION FORECAST

General Services Administration (FZM), Washington, D.C. 20406.

The forecast of the total passenger automobiles to be acquired (procured or leased for 60 continuous days or more, but not obtained from the Interagency Motor Pool System) by _____ during fiscal year (agency)
1977 is as follows:

Sedan, Sub-compact—Standard four or six cylinders, automatic transmission.
350—49 States where the lowest EPA-FEA city/highway fuel economy rating is 21 miles per gallon.
50—California where the lowest EPA-FEA city/highway fuel economy rating is 16 miles per gallon.
Sedan, Compact—Standard six cylinders, automatic transmission.
275—49 States (19 m.p.g.).
25—California (16 m.p.g.).
Sedan, Compact—Standard eight cylinders, automatic transmission.
75—49 States (16 m.p.g.).
25—California (13 m.p.g.).
Station wagon, Intermediate—Standard eight cylinders, automatic transmission.
50—49 States (14 m.p.g.).

Excluding passenger automobiles designed to perform combat related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work, the total planned acquisitions of passenger automobiles for fiscal year 1977 are calculated to yield a fleet average fuel economy of 18.5 miles per gallon.

Interagency Report Control Number 0121-GSA-OT is assigned to this forecast.

ATTACHMENT C—MILES PER GALLON RATINGS TO BE USED IN FORECASTING TOTAL FLEET PASSENGER AUTOMOBILE ACQUISITIONS FOR FISCAL YEAR 1977

1. Forecasts of total agency passenger automobile acquisitions for fiscal year 1977 shall be based on the model types of passenger automobiles listed in this attachment. The

miles per gallon ratings shown in the listing represent the lowest fuel economy for city/highway driving as illustrated in the 1976 Gas Mileage Guides.

2. Each executive agency submitting a forecast of total agency passenger automobile acquisitions will receive from GSA the EPA–FEA 1977 miles per gallon ratings when this information is made available from the U.S. Environmental Protection Agency (scheduled for late September 1976).

3. When the GSA quarterly listings indicate that the agency fleet average fuel economy is not in conformance with the 18 miles per gallon objective, agencies should revise acquisition plans accordingly. The EPA–FEA 1977 miles per gallon ratings should be used when such revisions are necessary.

Passenger automobile model types and ratings

Passenger automobile model type	City/highway fuel economy miles per gallon	
	49 States	California
Subcompact sedan, such as AMC Gremlin, Chevrolet Vega, and Ford Pinto:		
Standard 4 or 6 cylinders:		
Manual	21	20
Automatic	21	16
Extra power 4 or 6 cylinders:		
Manual	19	18
Automatic	19	16
Compact sedan, such as AMC Hornet, Chevrolet Nova, and Ford Maverick.		
Standard 6 cylinders:		
Manual	20	18
Automatic	19	16
Extra power 6 cylinders:		
Manual	20	18
Automatic	19	16
Standard 8 cylinders:		
Manual	17	14
Automatic	16	13
Intermediate sedan, such as AMC Matador, Chevrolet Chevelle, and Plymouth Fury:		
Standard 6 cylinders:		
Manual	17	17
Automatic	17	17
Standard 8 cylinders: Automatic	14	13
Extra power 8 cylinders: Automatic	14	12
Highest power 8 cylinders: Automatic	12	11
Regular sedan, such as Chevrolet Impala, Ford Torino, and Plymouth Gran Fury.		
Standard 8 cylinders: Automatic	14	13
Extra power 8 cylinders: Automatic	14	12
Highest power 8 cylinders: Automatic	13	11
Subcompact station wagon, such as Chevrolet Vega Kammback and Ford Pinto Wagon:		
Standard 4 cylinders:		
Manual	25	22
Automatic	22	22
Extra power 4 or 6 cylinders:		
Manual	26	22
Automatic	19	13
Compact station wagon, such as AMC Hornet Wagon and Plymouth Volare Wagon:		
Standard 6 cylinders:		
Manual	20	20
Automatic	19	15
Extra power 6 cylinders: Automatic	19	15
Standard 8 cylinders:		
Manual	17	----------
Automatic	15	14
Intermediate station wagon, such as AMC Matador Wagon, Chevrolet Malibu Wagon, Ford Torino Wagon, and Plymouth Fury Wagon:		
Standard 8 cylinders:		
Automatic	14	13
Extra power 8 cylinders:		
Automatic	14	12
Highest power 8 cylinders:		
Automatic	12	11
Regular station wagon, such as Chevrolet Impala Wagon, Ford Wagon, and Plymouth Gran Fury Wagon:		
Standard 8 cylinders:		
Automatic	13	11
Extra power or highest power 8 cylinders: Automatic	12	11

ATTACHMENT D—ILLUSTRATION OF SAMPLE CALCULATION

1. The method used to determine the fleet average fuel economy arrived at in attachment B of this temporary regulation is illustrated in Table 1 below.

2. For purposes of this calculation the passenger automobiles listed in Table 2 below have been selected from the current Federal Standard No. 122, Automobiles, Sedans, and Station Wagons.

3. The specific vehicles to be procured or leased are not known in advance, therefore, the lowest fuel economy of any vehicle in the model type is selected for this calculation. These vehicles are designated by an asterisk in Table 2.

TABLE 1

As used in this calculation, "fleet average fuel economy" means the total number of passenger automobiles to be acquired, divided by a sum of terms, each term of which is a fraction created by dividing the number of passenger automobiles of a given model type, by the fuel economy of that model type.

The fleet average fuel economy shown in attachment B has been calculated as follows:

Total number of passenger automobiles (850) divided by:

1. Sub-compacts for use in 49 States (350) divided by 21 m.p.g., plus
2. Sub-compacts for use in California (50) divided by 16 m.p.g., plus
3. Compacts, 6 cyl., for use in 49 States (275) divided by 19 m.p.g., plus
4. Compacts, 6 cyl., for use in California (25) divided by 16 m.p.g., plus
5. Compacts, 8 cyl., for use in 49 States (75) divided by 16 m.p.g., plus
6. Compacts, 8 cyl., for use in California (25) divided by 13 m.p.g., plus
7. Station Wagons, 8 cyl., for use in 49 States (50) divided by 14 m.p.g.

$$= \frac{850}{\frac{350}{21} + \frac{50}{16} + \frac{275}{19} + \frac{25}{16} + \frac{75}{16} + \frac{25}{13} + \frac{50}{14}}$$

$$= \frac{850}{16.67 + 3.13 + 14.47 + 1.56 + 4.69 + 1.92 + 3.57}$$

$$= \frac{850}{46.01} = 18.47 \text{ miles per gallon}$$

$$= 18.5 \text{ miles per gallon (rounded to the nearest 0.1 miles per gallon)}$$

TABLE 2.—*City/highway fuel economy as shown in 1976 Gas Mileage Guide for New Car Buyers*

Manufacturer—Car line	Cylinders	Transmission	Fuel economy	
			49 States	California
Subcompact, standard engine:				
AMC Gremlin	6	A	[1] 21	[1] 16
Chevrolet Monza	4	A	23	22
Chevrolet Vega	4	A	22	22
Ford Mustang II	4	A	26	25
Ford Pinto	4	A	26	25
Mercury Bobcat	4	A	26	25
Pontiac Astre	4	A	22	22
Compact, standard engine:				
AMC Hornet	6	A	[1] 19	[1] 16
Chevrolet Nova	6	A	20	17
Dodge Dart	6	A	21	17
Ford Maverick	6	A	20	18
Mercury Comet	6	A	20	18
Plymouth Valiant	6	A	21	17
Compact, eight cylinder engine:				
AMC Hornet	8	A	[1] 16	15
Chevrolet Nova	8	A	17	14
Dodge Dart	8	A	18	[1] 13
Ford Maverick	8	A	[1] 16	16
Mercury Comet	8	A	[1] 16	16
Plymouth Valiant	8	A	18	[1] 13
Station Wagon, standard engine:				
AMC Matador Wagon	8	A	[1] 14	[1] 13
Buick Century Wagon	8	A	15	14
Chevrolet Malibu Wagon	8	A	15	[1] 13
Dodge Coronet Wagon	8	A	[1] 14	13
Ford Torino Wagon	8	A	15	14
Mercury Montego Wagon	8	A	15	14
Oldsmobile Cutlass Wagon	8	A	15	14
Plymouth Fury Wagon	8	A	[1] 14	13
Pontiac Le Mans Safari Wagon	8	A	15	14

[1] The lowest fuel economy in the model type.

[FR Doc.76-29540 Filed 10-8-76;8:45 am]

PRIVACY ACT OF 1974

Corrections to Systems of Records

On August 24, 1976, there was published in the FEDERAL REGISTER (41 FR 35767 through 35769) a notice to clarify the routine uses of the systems of records identified as GSA/ADTS 4, Emergency Notification Files; and GSA/ADTS 8, Key Personnel and Essential Residence Telephone Directory.

The public was given the opportunity to submit, not later than September 23, 1976, written comments concerning the additional routine uses. No comments were received and the proposed additional routine uses are hereby adopted.

Dated at Washington, D.C. on September 30, 1976.

G. C. GARDNER,
Director of Administration.

[FR Doc.76-29882 Filed 10-8-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-18]

FOOTWEAR

Investigation and Hearing

Investigation instituted. Following receipt on September 28, 1976, of a resolution of the Committee on Finance of the Senate for a new investigation pursuant to section 201(b)(1) of the Trade Act of 1974 (Trade Act), the United States International Trade Commission on October 5, 1976, having determined good cause to exist for a reinvestigation within 1 year pursuant to section 201(e) of the Trade Act, instituted such an investigation to determine whether footwear, provided for in items 700.05 through 700.85, inclusive (except items 700.51, 700.52, 700.53, and 700.60), of the Tariff Schedules of the United States, is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Investigation to be expedited. It is the intention of the Commission to expedite its investigation in this matter and to submit its report to the President as soon as possible.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.s.t., on Tuesday, December 7, 1976, in the Hearing Room, United States International Trade Commission Building, 701 E Street NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington, D.C., not later than noon, Thursday, December 2, 1976.

By order of the Commission.

Issued: October 5, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-29733 Filed 10-8-76;8:45 am]

MUSHROOMS

Investigation and Hearing

Investigation instituted. Following receipt on September 20, 1976, of a request by the Special Representative for Trade Negotiations for a new investigation pursuant to section 201(b)(1) of the Trade Act of 1974 (Trade Act), the United States International Trade Commission on October 5, 1976, having determined good cause to exist for a reinvestigation within 1 year pursuant to section 201(e) of the Trade Act, instituted such an investigation to determine whether mushrooms, prepared or preserved, except fresh or dried, provided for in item 144.20 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Investigation to be expedited. The Special Representative also requested that the Commission issue its report in connection with this investigation on a highly expedited basis. The Commission will expedite its investigation and issue its report as soon as possible.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.s.t., on Thursday, November 11, 1976, in the Hearing Room, United States International Trade Commission Building, 701 E Street NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington, D.C., not later than noon, Friday, November 5, 1976.

Issued: October 5, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-29734 Filed 10-8-76;8:45 am]

[322-80]

PROBABLE ECONOMIC EFFECT OF THE PROVISIONS OF H.R. 14600 AND THE NEED TO PROTECT A DOMESTIC INDUSTRY

Investigation and Public Hearing

In response to a request dated September 14, 1976, by the Committee on Ways and Means of the House of Representatives, the United States International Trade Commission instituted an investigation on October 1, 1976 under section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(g)), to determine the probable economic effect of the provisions of H.R. 14600 (a bill to amend the Tariff Schedules of the United States (19 U.S.C. 1202) with respect to the tariff treatment accorded to technolically advanced, high-precision watches and watch movements) and the need to protect a domestic industry, as more fully set forth in the following resolution of the Committee:

Resolved, That the United States International Trade Commission shall make an investigation, pursuant to section 332(g) of the Tariff Act of 1930, to determine the probable economic effect of the provisions of H.R. 14600 and the need to protect a domestic industry. In conducting such an investigation, the Commission should report upon—

(1) The extent to which U.S. consumption of watch movements not having a balance wheel and hairspring (so-called nonconventional watches) or parts, components, assemblies or subassemblies thereof, is being supplied by domestic production and by imports (including the extent to which parts or components originating in the United States are being incorporated in imports);

(2) The effects, if any, on U.S. international trade of an increase in U.S. duties on nonconventional watches and components;

(3) The effects on U.S. employment (in companies making both conventional and nonconventional watches and components and parts thereof) of current and anticipated levels of importation of nonconventional watches, and

(4) The effects, if any, on competition and market shares in the United States of an increase in nonconventional watch duties, and the effects of such an increase on consumer prices.

In conducting this investigation, the Commission shall solicit and consider the views of interested parties and, if appropriate, hold public hearings.

The Commission shall submit a written report on this investigation to the Committee on Ways and Means at the earliest possible date, but not later than March 31, 1977.

A public hearing in connection with the investigation will be held in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street, NW., Washington, D.C., beginning at 10 a.m., e.s.t., on January 4, 1977. All interested parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission at his office in Washington, D.C., not later than noon, Thursday, December 30, 1976.

Issued: October 5, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-29735 Filed 10-8-76;8:45 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

ADVISORY COMMITTEE ON JOINT BOARD ACTUARIAL EXAMINATIONS

Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget (OMB) Circular No. A-63, Revised, it is hereby determined that the establishment of the Advisory Committee on Joint Board Actuarial Examinations is in the public interest in connection with the performance of duties imposed on the Joint Board by the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406) (ERISA). This determination follows consultation with the Office of Management and Budget pursuant to section 9(a)(2) of the Federal Advisory Com-

mittee Act and OMB Circular No. A–63, Revised.

1. *Name of Group.* Advisory Committee on Joint Board Actuarial Examinations (the Advisory Committee).

2. *Purpose.* The purpose of the Advisory Committee is to assist the Joint Board in fulfilling a responsibility with which it is charged by ERISA. That responsibility is to establish standards and qualifications for individuals performing actuarial services with respect to plans to which ERISA applies and enroll individuals found to satisfy such standards and qualifications. One of such standards and qualifications is education and training in actuarial mathematics and methodology.

One method of satisfying the aforesaid requirement is successful completion of an examination to be given by the Joint Board. The Advisory Committee will discuss the philosophy of and topics appropriately covered by such examinations, and will submit to the Joint Board proposed examination questions. The Joint Board will take all such discussion and all questions so submitted under advisement and will then select both the topics to be covered and specific questions to appear on each examination administered.

An additional method of satisfying the aforesaid requirement is successful completion of other actuarial examinations deemed by the Joint Board to be adequate for this purpose. The Advisory Committee will review such other examinations and submit to the Joint Board its recommendation regarding their adequacy. The Joint Board will make the final decision on adequacy.

3. *Effective date of establishment and duration.* The establishment of the Advisory Committee is effective upon filing of its charter with the Chairman, Joint Board for the Enrollment of Actuaries, and with the standing committees of Congress having legislative jurisdiction of the Joint Board. The Advisory Committee will continue in existence for two years from its effective date, subject to renewal for additional periods of time.

4. *Membership.* The Joint Board will take steps to insure maximum practicable representation on the Advisory Committee of points of view regarding the Joint Board's actuarial examinations extant in the community of actuaries experienced in writing examinations. However, membership will be limited to actuaries previously enrolled by the Joint Board so that individuals who may take the Joint Board's actuarial examinations in the future will not be prematurely exposed to questions which may appear on such examinations. The Advisory Committee will be comprised of no more than eight members. Enrolled actuaries interested in serving on the Advisory Committee should express their interest and state their qualifications in a letter addressed to:

Joint Board for the Enrollment of Actuaries,
c/o U.S. Department of the Treasury,
Washington, D.C. 20220.

The deadline for accepting applications will be on or before November 11, 1976.

ROWLAND E. CROSS,
Chairman, Joint Board for the Enrollment of Actuaries.

OCTOBER 6, 1976.

[FR Doc.76-29757 Filed 10-8-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ANTHROPOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Anthropology.
Date and time: October 28, 29, 30, 1976, 9 a.m. each day.
Place: Rm 628, National Science Foundation, 1800 G St. NW, Washington, D.C.
Type of meeting: Part open—Open 1:30–5:00 p.m.—Oct. 29; Closed—Balance of the meeting.
Contact person: Dr. Nancie L. Gonzalez, Program Director for Anthropology, Rm 320, National Science Foundation, Washington, D.C. 20550, telephone 202–632–4208.
Summary minutes: (Open Portion) May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 214, National Science Foundation, Washington, D.C. 20550.
Purpose of panel: To provide advice and recommendations concerning support for research in Anthropology.
Agenda: October 28, 9 a.m.–5 p.m.; October 29, 9 a.m.–12 noon; Closed—October 30, 9 a.m.–5 p.m. The panel will be reviewing and evaluating research proposals and projects as part of the selection process for awards.

OCTOBER 29, 1976, 1:30–5:00 P.M.

Open

(1) Conference on Radiocarbon Dating Archeology
(2) Preservation of Ethnographic and Archeological Museum Collections
(3) Archeological Data Banks
(4) Natural History Approaches versus Experimental Approaches in Science: (a) Social Anthropology, (b) Archeology; (c) Physical Anthropology.
(5) Practical and Ethical Implications of Political Limitations on Research Abroad

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552 (b), Freedom of Information Act. The rendering of advice by the panel is considered to be part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10 (d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 6, 1976.

[FR Doc.76-29878 Filed 10-8-76;8:45 am]

ADVISORY PANEL FOR SYSTEMATIC BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Systematic Biology.
Date and time: October 28 and 29, 1976—8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. John W. Wright, Program Director, Systematic Biology Program, Rm. 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–5846.
Purpose of panel: To provide advice and recommendations concerning support for research in systematic biology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 6, 1976.

[FR Doc.76-29880 Filed 10-8-76;8:45 am]

RESEARCH APPLIED TO NATIONAL NEEDS PROGRAM (RANN)

Symposium

The Research Applied to National Needs Program (RANN) of the National Science Foundation is sponsoring a symposium to be held at the Washington Hilton Hotel, Washington, D.C. no November 8 and 9, 1976.

The Symposium is to provide information and discussion on results of RANN-supported research for users in industry and Federal, state and local governments, and researchers, and to describe emerging emphases in the RANN pro-

gram. Presentations will be designed for a general audience.

Though this symposium is not considered to be a meeting of an "advisory committee" as that term is defined in Sec. 3 of the Federal Advisory Committee Act (Pub. L. 92–463), the symposium is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and observation. Topics to be discussed include:

Food Production and Delivery: Interactions with Energy and the Environment.
Increasing Crop Productivity: Applications of Photosynthetic Conversion.
Nonconventional Sources of Protein.
Impact of Government Regulation on Food.
The Private Sector: Problem Solution Through Industry-University Cooperative Research.
Private Sector Productivity Improvement.
Regulation of Financial Institutions.
The Public Sector: Problem Identification and Solution at the Local Level.
Priority Problems of State and Local Government.
Municipal Waste as a Resource.
Local Government Service Delivery.
Increasing Productivity Through Telecommunications.
Reducing Damage from Earthquakes.
Societal Responses to Natural Hazards.
Environmental Design.
Society and Its Interactions with Technology.
Inflation and Public Policy.
International Resources Interdependence.

All sessions will be open to the public. For further information, please contact John B. Talmadge, Director for Communication Program, Division of Intergovernmental Science and Public Technology, Rm. 1108, Research Applications Directorate, National Science Foundation, Washington, D.C. 20550, telephone (202) 634–4333.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 6, 1976.

[FR Doc.76-29879 Filed 10-8-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE FLOATING NUCLEAR PLANT

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Floating Nuclear Plant will meet on October 27 and 28, 1976 at the Quality Inn, 5249 W. Century Boulevard, Los Angeles, CA. The purpose of this meeting is to review the liquid pathway study, the Emergency Core Cooling System Analysis, and the probability analysis for shipping accidents as part of the review for a manufacturing license.

The agenda for subject meeting shall be as follows:

WEDNESDAY, OCTOBER 27, 1976

8:30 a.m.

The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above review.

10:30 a.m. until conclusion of business on October 27 and 8:30 a.m. until the conclusion of business on October 28, 1976

The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Offshore Power Systems, and their consultants, and will hold discussions with these groups pertinent to the Floating Nuclear Plant.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for further review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy in time for consideration at this meeting. Comments postmarked no later than October 20, 1976 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, DC will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555, at the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, FL 32204, at the New Orleans Public Library, 219 Loyola Avenue, New Orleans, LA 70140, and at the Stockton State College Library, Pomona, NJ 08240.

(6) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on October 26, 1976, to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum

information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. G. R. Quittschreiber of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 4, 1976, at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555, at the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, FL 32204, at the New Orleans Public Library, 219 Loyola Avenue, New Orleans, LA 70140, and at the Stockton State College Library, Pomona, NJ 08240.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 after January 28, 1977. Copies may be obtained upon payment of appropriate charges.

Date: October 4, 1976.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc.76-29559 Filed 10-8-76;8:45 am]

[Docket No. 50-368]

ARKANSAS POWER AND LIGHT CO. (ARKANSAS NUCLEAR ONE, UNIT NO. 2)

Order Extending Construction Completion Date

Arkansas Power and Light Company is the holder of Construction Permit No. CPPR-89 issued by the Atomic Energy Commission[1] on December 6, 1972 for construction of Arkansas Nuclear One, Unit No. 2 presently under construction at the Company's site in Pope County, Arkansas.

On August 19, 1976 the Company filed a request for an extension of the completion date because construction has been delayed due to (1) Availability of resources for construction activities, (2) Expansion of the project's scope, (3) Design modifications.

This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the basis for which are set forth in a staff evaluation, dated September 28, 1976.

Copies of the above documents and other related material are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Arkansas Polytechnic College, Russellville, Arkansas 72801.

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and Permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

It is hereby ordered, That the latest completion date for CPPR-89 is extended from October 1, 1976 to January 1, 1978.

Date of Issuance: September 28, 1976.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Assistant Director for Light Water Reactors Division of Project Management.

[FR Doc.76-29574 Filed 10-8-76;8:45 am]

[Docket Nos. 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 25 and 22 to Facility Operating License Nos. DPR-19 and DPR-25, respectively, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of the Dresden Nuclear Power Station Units 2 and 3 (the facilities), located in Grundy County, Illinois. The amendments are effective as of their date of issuance.

These amendments revised the Technical Specifications to identify safety-related shock suppressors (snubbers) and include requirements regarding operability and surveillance of these snubbers.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for the amendments dated December 10, 1974, October 1, 1975, and March 17, 1976, (2) Amendment No. 25 to License No. DPR-19, (3) Amendment No. 22 to License No. DPR-25, and (4) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A single copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of September, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-29560 Filed 10-8-76;8:45 am]

[Docket Nos. 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-19 and DPR-25 issued to Commonwealth Edison Company (the licensee) for operation of Unit Nos. 2 and 3 of the Dresden Nuclear Power Station (the facilities), boiling water reactors located in Grundy County, Illinois, and currently authorized to operate at 2527 megawatts (thermal).

In accordance with the licensee's application for a license amendment dated September 2, 1976, the amendments would impose operating limits in the Technical Specifications for single loop operation based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model, modified to apply to single loop conditions, that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 11, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washing-

ton, D.C. 20555, and to John W. Rowe, Esquire, Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60603, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated September 2, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Dated at Bethesda, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch Number 2, Division of Operating Reactors.

[FR Doc.76-29558 Filed 10-8-76;8:45 am]

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-29 and DPR-30 issued to Commonwealth Edison Company (the licensee) for operation of Unit Nos. 1 and 2 of the Quad Cities Nuclear Power Station (the facilities), boiling water reactors located in Rock Island County, Illinois, and currently authorized to operate at 2511 megawatts thermal).

In accordance with the licensee's application for a license amendment dated September 2, 1976, the amendments would impose operating limits in the Technical Specifications for single loop operation based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model, modified to apply to single loop conditions, that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 11, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to John W. Rowe, Esquire, Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60603, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated September 2, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Ill. 60625.

Dated at Bethesda, Md., this 29th day of September 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-29557 Filed 10-8-76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states.

As a part of this program, Safety Guide, SG-QA2, "Quality Assurance Record System," has been developed. The draft of this Safety Guide was approved by the IAEA Technical Review Committee on Quality Assurance which met in July 1976.

As the next step in its development, the draft Safety Guide is scheduled to be reviewed by the IAEA Senior Advisory Group at a meting in Vienna, Austria in February 1977. Comments received by November 30, 1976 will be useful to this review. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 29th day of September 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-29563 Filed 10-8-76;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company (the licensee), which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

This amendment revises the provisions in the Technical Specifications relating to surveillance of larval fishes in Montsweag Bay and Back River in that samples will now be taken once a month during September and twice a month during November of each year. The amendment also makes minor editorial changes.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 10, 1976, and (2) Amendment No. 24 to License No. DPR-36. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of September 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-29568 Filed 10-8-76;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revised temporary restrictions in the Technical Specifications for the facility to permit, under certain conditions, the machining of alternate flow path holes in irradiated fuel bundle lower tie plates at the Cooper Nuclear Station site by means of electrical-discharge machining.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 20, 1976, (2) Amendment No. 28 to License No. DPR-46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of September 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 76-29561 Filed 10-8-76; 8:45 am]

[Doc. Nos. STN 50-568 and STN 50-569]

NEW ENGLAND POWER COMPANY, ET AL.

Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the New England Power Company, (the applicants) acting for itself and 30 other utilities, for construction permits for two pressurized nuclear reactors designated as NEP-1 and NEP-2 (the facilities), each of which will be designed for operation at 3411 thermal megawatts with a net electrical output of approximately 1194 megawatts. The proposed facilities are to be located in Washington County, at Charlestown, Rhode Island approximately 8½ miles east of the center of Westerly, Rhode Island. Providence, Rhode Island is approximately 35 miles north of the site.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Marshall E. Miller, Esq., Chairman, Dr. Emmeth A. Luebke, member and Dr. Oscar H. Paris, member.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion of the Commission's staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Reactor Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicants. In the event that a separate hearing is held with respect to a limited work authorization, Item 6 below describes the matters for consideration.

Issues Pursuant to the Atomic Energy Act of 1954, as Amended—1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities in-

cluding, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the New England Power Company is technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilites will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA)—5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

Issues Pursuant to 10 CFR 2.761a (Limited Work Authorization)—6. Pursuant to 10 CFR 2761a, a separate hearing and partial decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR 50.10(e) authorize the applicants to conduct certain onsite work entirely at its own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine without conducting a de novo evaluation of the application: (1) whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission's staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51:

(1) determine whether the requirements of section 102(2)(A), (C), and (D) of NEPA and Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may require permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by December 13, 1976. The presiding Atomic Safety and Licensing Board may make further provision with respect to limited appearances subsequently during the course of this proceeding.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.174. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by November 11, 1976. A petition for leave to intervene which is not timely will not be entertained absent a determination by the Board that the petitioner, in addition to the matters specified in 10 CFR 2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in filing a petition for leave to intervene, as well as the factors specified in 10 CFR 2.714(a)(1)–(4) shall be considered in making a determination whether there has been a substantial showing of good cause by the petitioner.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants by November 1, 1976.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regula-

tory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to John A. Ritsher, Esq., Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110, attorney for the applicants.

For further details, see the application for a construction permit dated July 30, 1976, including site suitability information, and the applicants' environmental report, dated July 30, 1976, which, along with any amendments or supplements thereto, are or will be available as noted above for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be available at the Cross Mill Public Library, Old Post Road, Charlestown, Rhode Island 02831 for inspection by members of the public between the hours of 6 to 9 p.m. on Mondays and Thursday, from 9 a.m. to 12:00 noon on Tuesdays and from 1 p.m. to 5 p.m. on Wednesdays, Fridays and Saturdays. As they become available, a copy of the safety evaluation report by the Commission's Office of Nuclear Reactor Regulation, the draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the proposed construction permits and the ACRS report may be obtained, when available, by request to the Director, Division of Reactor Licensing, United States Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's safety evaluation and final environmental statement, when available may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Washington, D.C. this 27th day of September, 1976.

UNITED STATES NUCLEAR REGULATORY COMMISSION,

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-29556 Filed 10-8-76;8:45 am]

[Docket Nos. STN 50-568 and STN 50-569]

NEW ENGLAND POWER CO., ET AL.

Receipt of Application for Construction Permits and Operating Licenses and Availability of Applicants' Environmental Report

The New England Power Company acting for itself and for 30 other utilities, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an application for licenses to construct and operate two pressurized water nuclear reactors. The application consists of general and financial information and a Preliminary Safety Analysis Report accompanied by an Environmental Report. It was docketed on September 9, 1976 and assigned Docket Nos. STN 50-568 and STN 50-569. Notice of Receipt of the Antitrust Application was published in the FEDERAL REGISTER under Docket No. P-533-A on July 7, 1975 (40 FR 28510).

The proposed facilities will be named NEP-1 and NEP-2 and located in Washington County at Charlestown, Rhode Island approximately 8½ miles east of the center of Westerly, Rhode Island. Providence, Rhode Island is approximately 35 miles north of the site. The reactors are designed for an initial output of 3411 megawatts thermal, with an equivalent net electrical output of approximately 1194 megawatts.

A Notice of Hearing is being published separately, setting forth the radiological and environmental issues to be considered during the review. A date for submitting Petitions for Leave to Intervene, with specific contentions, will be set forth in the Notice of Hearing.

This application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. 20555, and at the Cross Mill Public Library, Old Post Road, Charlestown, Rhode Island 02831.

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 51 the applicants filed an Environmental Report, dated July 30, 1976. The report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available at the following clearinghouse: Rhode Island Statewide Planning Program, Department of Administration, Room 201, 265 Melrose Sreet, Providence, Rhode Island 02907 and at the addresses stated above.

After the environmental report has been analyzed by the Nuclear Regulatory Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and state and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland this 23d day of September, 1976.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors, Branch No. 3, Division of Project Management.

[FR Doc.76-29555 Filed 10-8-76;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Milistone Power Station, Unit No. 2, located in the Town of Waterford, Connecticut. The amendment is effective as of the date of issuance.

The amendment will change the Technical Specifications in response to the licensees' application dated May 17, 1976 to decrease the reactor coolant low-flow trip set point of the reactor protective system from ≧95% to ≧91.7% and to make the Axial Shape Index operating limits more restrictive. The decrease in the low-flow trip set point will be partially offset by operating within the more restrictive Axial Shape Index. The remander of the decrease will be offset by allowing the DNBR for the loss of flow transient to decrease from a minimum of 1.34 to a minimum of 1.30 and by allowing the percent of the core experiencing a DNBR less than 1.30 for the seized rotor accident to increase from 0.42% to about 0.5%.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 17, 1976, (2) Amendment No. 18 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D.C.

and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-29572 Filed 10-8-76;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Provisional Operating License No. DPR-22), issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment incorporated revised operability and testing requirements for the standby gas treatment system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 1, 1975, (2) Amendment No. 23 to License No. DPR-22, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of September, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-29565 Filed 10-8-76;8:45 am]

[Docket No. 50-548]

OMAHA PUBLIC POWER DISTRICT, (FORT CALHOUN STATION, UNIT 2)

Order Convening Prehearing Conference

SEPTEMBER 29, 1976.

Notice is hereby given that pursuant to the "Notice of Hearing on Application for Construction Permit" published by the Nuclear Regulatory Commission in the FEDERAL REGISTER on February 19, 1976 (41 FR 7595), a prehearing conference will be convened in order to determine the progress by the parties toward preparation of their evidence and to designate the dates for evidentiary hearings in this proceeding. Inquiry has been made of the attorneys, in accordance with the Rules of Practice of the Commission, respecting a convenient date for convening a prehearing conference and October 27, 1976, has been agreed as suitable for the Applicants and the Staff of the Nuclear Regulatory Commission.

Members of the public may attend the prehearing conference as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. However, members of the public who may wish to participate in the hearing by way of limited appearances will not be permitted to do so at the prehearing conference. Oral or written statements offered by way of limited appearances will be received by the Board at the time of the aforementioned evidentiary hearing.

Wherefore, *it is ordered*, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission that a prehearing conference in this proceeding shall convene at 10:00 A.M. local time, on Wednesday, October 27, 1976 in Conference Room No. 7403, United States Post Office and Courthouse, 215 North 17th Street, Omaha, Nebraska 68101.

Issued at Bethesda, Maryland, this 29th day of September, 1976.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.76-29573 Filed 10-8-76;8:45 am]

PERFORMANCE TESTING OF PERSONNEL DOSIMETRY

Public Meeting

Notice is hereby given that the Office of Standards Development of the Nuclear Regulatory Commission (NRC), the Bureau of Radiological Health of the Food and Drug Administration (FDA), and the Energy Research and Development Administration (ERDA) will conduct a public meeting to discuss the performance testing of personnel dosimetry. The NRC staff is currently developing a proposed amendment of 10 CFR Part 20 of NRC regulations to require licensees to use dosimetry whose performance has been tested and found to be reasonably accurate.

The BRH staff is interested in extending the testing program to other users of personnel dosimetry not regulated by the NRC such as industrial, medical, and dental x-ray facilities, accelerators, and persons handling radium or accelerator produced radioisotopes. ERDA is interested in extending the performance testing program to its contractor laboratories.

The meeting is intended (1) to provide an opportunity for the NRC, FDA, and ERDA staffs to explain to interested persons the nature of the performance testing that the staffs consider desirable, and (2) to give interested persons the opportunity to comment on the concept while proposed regulations are still at an early stage of development.

A discussion paper on performance testing of personnel dosimetry is available from the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or by telephoning (301) 443-6920. This paper will form the basis for discussion at the meeting. It is intended that an informal dialogue between the attendees and the NRC, FDA, and ERDA staffs will develop.

Interested persons are invited to attend the public meeting and to present a statement or ask questions. Statements will be limited to no more than fifteen minutes. Any person who intends to make a statement at this meeting should notify the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by November 19, 1976. Transcripts of the proceedings of the meeting will be available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C., several weeks after the meeting. Written comments received by January 3, 1977 will also be considered in developing the proposed regulation.

The meeting will be held on November 30 and December 1, 1976, 9:00 a.m. to 5:00 p.m., in the auditorium of the General Services Administration Building, 18th and F Streets NW., Washington, D.C. Persons desiring additional information regarding the meeting should contact either Stephen A. McGuire, Office of Standards Development, Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 443-6920; Caleb Kincaid, Bureau of Radiological Health (HFX-320), 5600 Fishers Lane, Rockville, Md. 20852, telephone (301) 443-1365; or Edward Vallario, Energy Research and Development Administration, Washington, D.C. 20545, telephone (301) 353-5640.

Dated at Rockville, Maryland this 20th day of September 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-29567 Filed 10-8-76;8:45 am]

[Docket No. 50-216]

POLYTECHNIC INSTITUTE OF NEW YORK

Order Authorizing Dismantling of Facility

By application dated December 23, 1975, the Polytechnic Institute of New York (the licensee) requested authorization to dismantle the AGN 201M Reactor (the facility), located in University Heights, Bronx, New York, in accordance with their dismantling plan. Operation of the facility has been discontinued. Notice of intent to issue an order authorizing dismantling of the facility was published in the FEDERAL REGISTER on February 12, 1976 (41 FR 6340). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Nuclear Regulatory Commission (the Commission) has reviewed the application in accordance with the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts in accordance with the licensee's dismantling plan will be accomplished in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

The Commission has determined that the issuance of this Order will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared.

Accordingly, it is hereby ordered that Polytechnic Institute of New York may dismantle the AGN 201M Reactor covered by Facility Operating License No. R-107, as amended, in accordance with their dismantling plan and the Commission's rules and regulations.

After completion of the dismantling and decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the dismantling plan and inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License No. R-107.

Dated at Bethesda, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Division of Operating Reactors.

[FR Doc.76-29562 Filed 10-8-76;8:45 am]

[Docket No. 50-537]

PROJECT MANAGEMENT CORP., TENNESSEE VALLEY AUTHORITY (CLINCH RIVER BREEDER REACTOR PLANT)

Order Regarding Petition for Leave to Intervene; Hearing

OCTOBER 4, 1976.

Oral argument on the appeal taken by Lenoir City et al from the Licensing Board's August 26, 1976 order denying their untimely petition for leave to intervene will be heard at 9:30 a.m. on Tuesday, October 19, 1976 in the NRC Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

The appellant municipalities and counties will be heard first and are allotted one hour for the presentation of their argument, part of which time may be reserved for rebuttal. The applicants and the NRC staff will be then heard in that order; each of those two parties is allotted forty-five minutes for argument.

Counsel should assume that the Board will be fully familiar with the pertinent pleadings filed below, the Licensing Board's order, and the appellate positions of the respective parties as set forth in their briefs. Accordingly, there will be no necessity for counsel to engage in detailed background recitations; instead they should proceed immediately to the heart of the issues presented by the appeal.

The Secretary to this Board should be notified, by letter mailed no later than October 12, 1976, of the name of the counsel who will present argument on behalf of each party to the appeal.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76-29575 Filed 10-8-76;8:45 am]

[Docket No. 50-272]

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company, and Atlantic City Electric Company which revised the Technical Specifications to Facility Operating License No. DPR-70 for Salem Nuclear Generating Station, Unit No. 1, located in Salem County, New Jersey. The amendment is effective as of its date of issuance.

The amendment changes certain Technical Specifications (Appendix A to License No. DPR-70) by correcting typographical errors and including inadvertent omissions to resolve conflicting operating requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 20, 1976, and (2) Amendment No. 2 to License No. DPR-70. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc.76-29569 Filed 10-8-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.5, "Guide for the Preparation of Applications for Type A Licenses of Broad Scope for Byproduct Material," describes the type and extent of information needed by the NRC staff to evaluate an application for a Type A specific license of broad scope for byproduct material (reactor-produced radionuclides).

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2)

improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 10.5 will, however, be particularly useful in evaluating the need for an early revision if received by December 3, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-29566 Filed 10-8-76;8:45 am]

REGULATORY GUIDE
Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.102, Revision 1, "Flood Protection for Nuclear Power Plants," describes types of flood protection acceptable to the NRC staff for safety-related structures, systems, and components of light-water-cooled nuclear power plants that should be designed to withstand the effects of the Safe Shutdown Earthquake and remain functional. The guide also describes acceptable methods of protecting nuclear power plants from effects of Probable Maximum Precipitation falling directly on the site.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 regulatory guides currently being developed include the following:

Containment Isolation Provisions
Interim Guide on Tornado Missiles
Nuclear Safety-Related Concrete Structures
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants
Maintenance and Testing of Batteries
Qualification Test of Class 1E Cables, Connections, and Field Splices for Nuclear Power Plants
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room
Periodic Testing of Diesel Generators
Design, Testing, and Maintenance for Exhaust Filtration and Adsorption Units
Installation Design and Installation of Large Lead Batteries for Nuclear Power Plants
Fuel Oil Systems for Standby Diesel Generators
Requirements for Auditing Quality Assurance Programs for Nuclear Power Plants
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities
Quality Assurance Program for Nuclear Power Plant Fuels
Preoperational Testing of Diesel Generator Units Used as Onsite Emergency Power Sources at Nuclear Power Plants
Electrical Instrumentation and Control Portions of Protection Systems, Protective Active Systems, and Auxiliary Supporting Features
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement
Loose Parts Monitoring Program for the Primary System
Guidance for Content of Licensing Applications for Reload Fuel
Design Limits and Loading Combinations for Class 1 Plate- and Shell-Type Component Supports
Acceptable Model and Related Statistical Verification Plan for the Analysis of Fuel Densification
Inservice Inspection of Water-Control Structures Associated with Nuclear Power Plants
Design Limits and Loading Combinations for Class 1 Linear-Type Component Supports
Fracture Toughness—Class 1 Vessels Under Overstress Conditions
Protection Against Postulated Events and Accidents Outside of Containment
Fracture Toughness—Class 2 and 3 Components
Maintenance of Water Chemistry in PWR Secondary Systems
ASME Code Case Fiberglass Reinforced Plastic Piping
Structural Design for Fuel Assemblies in Light-Water-Cooled Reactors
Design Basis Guidance for Radioactive Waste Management Systems Installed in Light-Water-Cooled Power Plants

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 28th day of September 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-29570 Filed 10-8-76;8:45 am]

[Docket No. STN 50-485]

ROCHESTER GAS AND ELECTRIC CORPORATION, ET AL. (STERLING POWER PROJECT NUCLEAR UNIT NO. 1)
Order for Evidentiary Hearing

The evidentiary hearing in this matter will resume on Wednesday, November 3, 1976 at 9:00 a.m. at The Education Center, Room No. 19, 233 West Utica Street, Oswego, New York. Hearings will continue through Friday, November 5; hearings will resume on Monday, November 15 and will continue through Friday, November 19, 1976. Hearings will then resume on Monday, November 22 and will continue through Wednesday, November 24, 1976.

It is so ordered.

Dated at Bethesda, Maryland, this 28th day of September 1976.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.76-29571 Filed 10-8-76;8:45 am]

[DOCKET NO. 50-94]

ROCKWELL INTERNATIONAL CORP.
Order Authorizing Dismantling of Facility and Disposition of Component Parts

By application sworn to January 28, 1976, Rockwell International Corporation (the licensee) requested authorization to dismantle the L-77 Reactor (the facility), a research reactor, located in Canoga Park, California, and to dispose of the component parts, in accordance with the plan submitted as part of the application. A "Notice of Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts, and Termination of Facility License" was published in the FEDERAL REGISTER on April 8, 1976 (41 FR 14955). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Nuclear Regulatory Commission (the Commission) has reviewed the application in accordance with the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts in accordance with the licensee's dismantling plan will be in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

The Commission has determined that this action will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared.

Accordingly, it is hereby ordered that Rockwell International Corporation may dismantle the L–77 Reactor covered by Facility License No. R–40, as amended, and dispose of the component parts in accordance with their dismantling plan and the Commission's rules and regulations.

After completion of the dismantling and decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the dismantling plan and inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License No. R–40.

Dated at Bethesda, Maryland, this 29th day of September 1976.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Division of Operating Reactors.

[FR Doc.76–29564 Filed 10–8–76;8:45 am]

[Docket No. 50–322]

LONG ISLAND LIGHTING CO.

Order

In the matter of Long Island Lighting Company (Shoreham Nuclear Power Station, Unit 1).

The oral argument on the Petitions to Intervene in the above-entitled matter scheduled for October 20, 1976, will take place at the Holiday Inn, 4089 Nesconset Highway, Centereach, New York, at 1:00 p.m.

Dated this 6th day of October 1976, at Bethesda, Maryland.

For the Atomic Safety and Licensing Board, established to rule on petitions for intervention.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.76–29974 Filed 10–8–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON CORPORATE DISCLOSURE

Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Advisory Committee on Corporate Disclosure will conduct an open meeting on October 21 and 22 at the Dirksen Senate Office Building, First Street and Constitution Avenue, N.E., Washington, D.C., in Room 5302 at 10:00 a.m.

The summarized agenda for the meeting is as follows:

1. Roundtable Discussion of the Question of Whether the SEC's Segment Reporting Requirements Should Be Revised.
2. Discussion and Committee Action on Segment Reporting.
3. Discussion and Action with Respect to—
(A) The Necessity for a Mandatory Disclosure System.
(B) Identification of Appropriate Authority for Administering This System.
4. Status Report on the Committee's Questionnaire-Interview Survey.
5. Adoption of Tentative Goals of the Advisory Committee's Work.
6. Discussion of Such Other Matters as May Properly Be Brought Before the Committee.

Further information may be obtained by writing Mary E. T. Beach, Staff Director, Advisory Committee on Corporate Disclosure, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–29782 Filed 10–8–76;8:45 am]

[Release No. 34–12837; File No. SR–BSE–76–3]

BOSTON STOCK EXCHANGE

Proposed New Chapter of Rules

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 September 20, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule and constitutional change, amended from the original filing designated SR–BSE–76–3 to read as follows:

Statement of the Terms of Substance of the Proposed New Chapter XXX

(a) The following are the procedures to be followed in connection with the disciplining of members and persons associated with members, the denial of membership to any person seeking membership in the Exchange, the barring of any person from becoming associated with a member of the Exchange, and the prohibition or limitation by the Exchange of any person with respect to access to services offered by the Exchange or a member thereof.

1. *Notification.* The notices required by § 6(d) of the Securities Exchange Act of 1934 as amended (the "1934" Act) and paragraph 9 hereof shall be given by certified or registered mail, return receipt requested, addressed to the member or person to receive such notice at such member's or person's address as appearing on the records of the Exchange. Such notice under said section 6(d) shall (a) contain the specific charges against, or specific grounds for denial, bar, prohibition or limitation ("denial") of, such member or person, (b) in case of disciplinary charges, set forth the date, time and place at which the member may be heard with respect to such charges, (c) set forth the board, committee or individual ("Panel") before which the member may be heard with respect to such charge or denial, and (d) advise such member or person of his right to file an answer pursuant to paragraph 2 of this rule or request a hearing regarding any such denial.

2. *Answer or request for hearing.* A member or person against whom charges have been made or who has been the subject of a denial shall have twenty-five (25) days from the date of receipt of the notice referred to in paragraph 1 hereof to file an answer to said charge or request a hearing concerning such denial with the Secretary of the Exchange. Any such answer or request shall be in writing, signed by or on behalf of the member or other person involved, shall admit or deny the specific allegations set forth in any charge, and contain, in reasonable detail, any affirmative defense or explanatory material which said member or person wishes to set forth. Any allegation in charges not specifically denied shall, for all purposes, be deemed admitted.

3. *Forwarding of charges, etc.* The Secretary of the Exchange shall forward copies of the charges and any answer received in the case of disciplinary proceedings and the specific grounds in the case of any other proceedings, to the member or members of the Panel which is to hear the matter.

4. *Hearings.* Hearings shall be conducted in accordance with the following procedures:

(a) *Time and place for hearings.* No hearing shall be held on any matter prior to five (5) days following (a) the last date upon which an answer may be filed in case of disciplinary matters or (b) the date upon which a person requests a hearing in other matters. The time and place for any such hearing shall be set by the President of the Exchange except in cases of hearings before the Board of Governors, in which case the time and place shall be set by the Chairman of the Board.

(b) *Panels.* The panel before which any matter shall be heard shall be determined according to the Constitution and Rules of the Exchange.

(c) *Presiding officer.* The presiding officer at any hearing shall be chosen by the Panel before whom the hearing is held. The presiding officer shall determine on the record for such hearing all questions of the admission or exclusion of evidence or other procedural matters including the regulation or restriction of testimony and questioning in the interest of good order and a just and efficient production of testimony.

(d) *Presentation of testimony.* In any proceeding in which the Exchange has presented charges against a member or person, the Exchange shall, unless such charges are not denied, present its evidence to support such charges. In cases where a hearing is conducted at the request of any person, that person shall present such evidence as such person may have to show why such denial should not be imposed. In both cases, the other party shall have the opportunity to present rebuttal evidence and, after all evidence has been heard, the presiding officer may, in such officer's discretion, allow

the presentation of oral arguments and written briefs concerning the matter. Each party shall be permitted to cross-examine the witnesses of the other.

(e) *Transcripts.* A verbatim transcript shall be kept of all hearings held pursuant hereto and, in case of disciplinary proceedings, the cost thereof in whole or in part may be assessed to the member or person charged as part of the decision of the panel.

(f) *Counsel.* The Exchange and any member or person shall be entitled to be represented by counsel at any hearing held hereunder.

5. *Decision.* After hearing held pursuant to Par. 4 hereof, the panel shall, by majority vote, or by such other vote as may be specified for any action in these Rules or in the Constitution, determine (a) in the case of disciplinary matters, whether or not to impose a disciplinary sanction and if so the sanction to be imposed or, in cases where the panel recommends a sanction which it is not empowered to impose, the panel shall refer the charges, answer, transcript and any other documents pertaining to the matter to such panel as is empowered to impose the recommended sanction for hearing pursuant to these rules and (b), in the case of any denial, whether or not such denial shall be upheld or modified. In both cases, the Panel shall accompany such determination with the appropriate statement required pursuant to Section 6(d) (1) or (2) of the 1934 Act. All such determinations and statements, together with the transcript of the hearing shall be filed with the Secretary of the Exchange and a copy sent by the Secretary to the member or person affected.

6. *Request for review.* Except for decisions made by the Board of Governors, which shall become final when made, any determination made pursuant to Par. 5 shall become final within twenty (20) days after its filing with the Secretary of the Exchange unless a request for review thereof by the Board of Governors is filed with the Secretary prior to the end of such period. Such requests may be filed either by or on behalf of the Board or committee originally bringing any discipilinary charges or making the decision of denial or the member or person the subject of such charge or denial. Upon such request the Secretary shall make the record of the proceedings available to the Board of Governors.

7. *Review.* Upon review the Board of Governors may, by majority vote, sustain any such determination including any sanction imposed or reverse, modify, limit or increase such determination or return the matter to the Panel for further findings. The decision of the Board shall be final and conclusive.

8. *Summary proceedings.* Summary action to be taken by the Exchange under section 6(d) (3) of the 1934 Act may be administered by the Executive Committee of the Board of Governors.

9. *Notices of decisions.* The Secretary of the Exchange shall file notice of any final decision hereunder or under paragraph 6 hereof with the Securities and Exchange Commission.

Statement of the Terms of Substance of Proposed Amendment to Article XVI of the Constitution

Sections 9 and 10—Repeal Present Section 11 renumbered Section 9.

Exchange's statement of basis and purposes. Purpose of the proposed new rule. The purpose of the proposed Rule is to establish procedures for disciplining members, denial of membership or services and appeals therefrom and to eliminate conflicting provisions currently found in the constitution.

Basis of the proposed new rule—
(i) Not applicable.
(ii) Not applicable.
(iii) Not applicable.
(iv) Not applicable.
(v) Not applicable.
(vi) Not applicable.
(vii) Not applicable.

Comments received from members, participants or others on proposed rule change. No comments were solicited or received concerning Chapter XXX. The proposed amendment to the Constitution was submitted to a vote of the membership and no comments or objections were received.

Burden on competition. No burden on competition is perceived by adoption of the proposed constitutional and rule changes. Indeed, the subject matter of the submission is mandated by the 1975 Amendments to the Securities Exchange Act of 1934.

On or before November 16, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed constitutional and rule changes, or

(B) institute proceedings to determine whether the proposed constitutional and rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, DC 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 27, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 28, 1976.

[FR Doc.76-29788 Filed 10-8-76;8:45 am]

[Release No. 34-12833; File No. SR-PSD-76-4]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 20, 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 CHANGE

The proposed amendment to section 11.1 of Article XI of the By-Laws of Pacific Securities Depository Trust Company (PSD) dealing with the Participants Fund effectively establishes that contributions to the Participants Fund will be calculated based on the participant's aggregate holdings with PSD, replacing the requirement that each account maintained by the participant be treated, in effect, as a separate participant.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed amendment to the By-Laws will remove the implicit inequitable treatment, with respect to Participants Fund contributions, of participants maintaining multiple accounts with PSD. In doing so, the proposed amendment will remove impediments to the establishment of a Participants Fund and, as such, will contribute to perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments on the proposed amendment have not been solicited, and none have been received.

The proposed amendment would not impose any burden on competition.

On or before November 16, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection 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 November 2, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SEPTEMBER 27, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29789 Filed 10-8-76;8:45 am]

[Release No. 34-12835; File No. SR-PSD-76-5]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 20, 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 CHANGE

The proposed rule change of the Pacific Securities Depository Trust Company (PSD) proposes to replace the existing Certificate As To Citizenship with an updated version.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to enable corporate radio station licensees whose capital stock is eligible for deposit with PSD to comply with section 310 of Title 47 of the United States Code which restricts alien ownership of such capital stock.

The proposed rule change relates to PSD's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934, as amended, by increasing PSD's capacity to facilitate the prompt and accurate clearance and settlement of securities transactions in that the proposed rule change allows PSD to make issues eligible for deposit which, due to governmental restrictions on citizenship of stockholders, might otherwise have to be excluded from eligibility.

Comments on the proposed amendment have not been solicited and none have been received.

The proposed amendment would 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 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 in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection 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 November 1, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SEPTEMBER 28, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29786 Filed 10-8-76;8:45 am]

Release No. 34-12853; File No. SR-PHLX 76-16]

PHILADELPHIA STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29,16 (June 4, 1975), notice is hereby given that on September 27, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Rule. 05 Whenever there is declared a stock dividend, stock distribution, stock split or reverse split in respect of any underlying security of a class of options dealt in on the Exchange, and as a result option contracts of the same class are traded covering different numbers of underlying shares, then the limits imposed under clauses (2) and (4) of Rule 1000 shall not be applicable either (i) to covered short options positions or (ii) to short options positions to the extent long options positions for the same number of underlying shares are maintained in the same account where the exercise prices of the options contracts in such long positions are equal to or less than the exercise prices of the options contracts in such short positions.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to provide members and public customers with the same exemption to (2) and (4) of Rule 1000 presently found in the Pilot Program for Trading Options ("Plan"), in those instances where, due to a stock split, stock dividend, stock distribution or reverse split, the number of underlying shares contained in the contract unit of the outstanding options series dealt in on the Exchange are adjusted upward or downward to reflect the revision in the number of outstanding shares of the subject underlying security.

The Exchange, in order to promote just and equitable principles of trade and to protect investors and the public interest, proposes that the protection afforded by the provisions of Rule 1000 and the Plan extend, as they were intended, to circumstances where the same class of options contracts do not have an equal number of shares underlying every contract.

Comments were not solicited nor were comments received.

The Exchange does not believe that the proposed interpretation will 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, 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 November 11, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 1, 1976.

[FR Doc.76-29774 Filed 10-8-76;8:45 am]

[Release No. 33-5747/34-12852]

ADVISORY COMMITTEE ON CORPORATE DISCLOSURE

Extension of Time for Public Comments on Issues To Be Addressed on Corporate Disclosure

On May 18, 1976, the Securities and Exchange Commission, at the request of the Advisory Committee on Corporate Disclosure (the "Committee"), published the Committee's "Solicitation of Public Comments on Issues To Be Addressed." (Securities Act Release No. 5707) [41 FR 21370]

At the request of the Committee, the Commission today announced that the period for public comments on the issues to be addressed by the Committee is extended through November 15, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 1, 1976.

[FR Doc.76-29779 Filed 10-8-76;8:45 am]

NATIONAL MARKET ADVISORY BOARD

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 National Market Advisory Board will conduct open meetings on October 18 and 19, 1976 in the Kennedy Conference Room, 19th floor, One Bankers Trust Plaza, 130 Liberty Street, New York, New York, beginning at 9:30 a.m. on October 18 and at 8:30 a.m. on October 19. Initial notice of the meeting was published in the FEDERAL REGISTER on August 26, 1976.

The summarized agenda for the meeting on October 18 and 19 is as follows:

1. Discussion of the Board's report to the Securities and Exchange Commission regarding the establishment of a consolidated limit order book;
2. Discussion of the Board's report to the Congress pursuant to section 11A(d)(3)(B) of the Securities Exchange Act of 1934; and
3. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 1, 1976.

[FR Doc.76-29780 Filed 10-8-76;8:45 am]

ADVISORY COMMITTEE ON REPLACEMENT COST IMPLEMENTATION

Meeting

This is to give public notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Replacement Cost Implementation will conduct a meeting on October 28, 1976 at the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. beginning at 9:30 a.m. This meeting will be open to the public.

This will be the fifth meeting of the Advisory Committee. The purpose of the meeting is to (1) discuss the Chief Accountant's recommended solutions to questions put before the Advisory Committee at its previous meeting (September 17, 1976), (2) discuss various aspects of the Commission's replacement cost regulation and (3) discuss implementation questions having come to the attention of the Chief Accountant of the Securities and Exchange Commission since the date of the previous meetings.

Further information on this matter may be obtained by writing:

Mr. George A. Fitzsimmons, Secretary, Securities and Exchange Commission, United States Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Advisory Committee Management Officer.

SEPTEMBER 30, 1976.

[FR Doc.76-29785 Filed 10-8-76;8:45 am]

[Release No. IC-9470; File No. 4-186]

BEARING OF DISTRIBUTION EXPENSES BY MUTUAL FUNDS

Announcement of Hearings

The Securities and Exchange Commission today announced that it will hold public hearings concerning the appropriateness of arrangements whereby mutual funds would, directly or indirectly, bear expenses related to the distribution of their shares, such as the costs of advertising and providing compensation for dealers. The hearings, which will commence on November 17, 1976, are designed to give the Commission the benefit of the views of interested members of the public with respect to this matter, in order to assist the Commission in its current consideration of the legal and policy implications of such arrangements and its re-examination of past positions with respect to this matter.

The Commission will then be in a better position to formulate guidance for the mutual fund industry with respect to the propriety of using fund assets to finance advertising, dealer compensation, and other distribution expenses. Such guidance could be provided by means of a rule-making proceeding or the publication of guidelines, or by some other means.

BACKGROUND

In the past, the Commission and its staff generally have questioned the propriety of arrangements under which open-end investment companies would bear the costs of distribution [1] although, in certain unusual circumstances, the Commission or its staff has not objected to such arrangements.[2]

Recently, the staff took a qualified no-action position under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] with respect to a proposed arrangement whereby 50% of the management fee paid by a newly-organized "money market" mutual fund would be reallocated by the manager-distributor to dealers who sold shares of the fund (letter to counsel for Mutual Liquid Assets, Inc., June 15, 1976, from the Division of Investment Management). In that letter, the staff alluded to the uncertain legal status of such arrangements and stated that it was in the process of analyzing a number of issues related to the distribution of investment company shares, including the question of whether any portion of the assets of an open-end fund properly may be used, directly or indirectly, to pay distribution expenses. Subsequently, however, the Commission instructed the staff not to grant any request for acceleration of that fund's registration statement, and, in view of the hearings announced today, the Commission has instructed the staff to withdraw the no-action letter.[3]

PROCEDURES

Persons wishing to appear at the hearings should submit written requests to Anne P. Jones, Director, Division of Investment Management, Securities and Exchange Commission, Washington, D.C., 20549, not later than November 2, 1976. Persons appearing at the hearings may address the issues described below or other relevant issues, and should be prepared to respond to inquiries from the Commission and its staff.

In addition, interested persons are invited to submit written statements setting forth views and information with respect to the issues enumerated below, or other relevant issues. All such submissions will be made available for public inspection. Such written statements should be submitted in triplicate to Anne P. Jones, Director, Division of Investment Management, Washington, D.C., 20549, not later than December 2, 1976. All such material should be designated "Hearings on Mutual Fund Distribution Expenses," File No. 4-186.

ISSUES TO BE CONSIDERED

It appears that the issues relating to this matter fall into two broad categories. First, there are issues relating to the legal question of whether it is legal

[1] See, e.g., letter to counsel for the Axe-Houghton Funds, November 15, 1973, from the Division of Investment Management Regulation. It might be noted also that, in its Statement on the Future Structure of the Securities Markets, the Commission stated:

"[T]he cost of selling and purchasing mutual fund shares should be borne by the investors who purchase them and thus presumably receive the benefits of the investment, and not, even in part, by the existing shareholders of the fund who often derive little or no benefit from the sale of new shares. To impose a portion of the selling cost upon the existing shareholders of the fund may violate principles of fairness which are at least implicit in the Investment Company Act." SEC, Statement on the Future Structure of the Securities Markets (Feb. 1972) in BNA Sec. Reg. & L. Rep. No. 137, pt. II, at 7.

[2] See, e.g., In the Matter of Broad Street Investing Corporation, et al., Investment Company Act Release No. 7114 (April 4, 1972); letter to counsel for Pegasus Fund, Inc., et al., May 21, 1975, from the Division of Investment Management Regulation.

[3] It would raise serious questions under the anti-fraud provisions of the securities laws for a broker-dealer to recommend a change of a customer's investment from one fund to another merely because such a change would result in compensation for the broker-dealer.

under any circumstances for a mutual fund to bear distribution expenses, directly or indirectly, and whether, and to what extent, the Commission presently has authority to permit, prohibit, or limit the use of mutual fund assets to finance various costs of distribution. Second, there are issues relating to the policy question of whether such use of fund assets would be in the public interest, assuming this is, or could be made, legal.

A. POLICY ISSUES

1. Can it be demonstrated that additional sales of shares benefit the shareholders of a mutual fund under some or all circumstances? What is the nature and extent of any such benefit? Would the benefit depend upon the size of the fund?

2. Does the present method of financing mutual fund distribution through sales loads paid at the time of purchase, coupled with the maximum level of such sales loads, put distributors of mutual fund shares at an unfair disadvantage vis a vis distributors of other investment products?

3. Would it be more desirable for investors to pay for selling services by means of periodic charges against assets of the fund after they invest, rather than by means of a sales load paid at the time of purchase? Would the institution of such charges against assets be inequitable with respect to existing shareholders who have already paid an initial sales load? If so, how could such inequity be alleviated?

4. Would the use of the assets of existing mutual funds to finance distribution expenses have significant effects upon competition within the mutual fund industry? If so, what would be the nature of these effects?

5. Where a portion of the management fee paid by a mutual fund is used to help pay expenses associated with the sale of shares, is this the practical equivalent of the fund bearing selling expenses? If so, should such a use of the management fee be permitted? Under what circumstances? As a practical matter, is such a use of the management fee distinguishable from a situation where a fund underwriter is affiliated with the adviser, and consistently operates at a loss? Should the fund's board of directors consider how the management fee is being used in determining the proper amount of the fee? Should the reasonableness of the management fee be determined without regard to any co 's borne by the adviser relating to advertising, continuing payments to dealers, or other distribution expenses?

6. If it be concluded that the use of mutual fund assets to finance distribution would result in certain benefits to new or existing shareholders, under what circumstances should such use of assets be permitted? Should such use be confined to funds which are newly organized? Should it be permitted only as a substitute for a sales load paid at the time of purchase, or should it also be permitted in addition to an initial sales load?

B. LEGAL ISSUES

1. What, if any, provisions of law prohibit or limit the use of fund assets to pay distribution expenses in the absence of any relevant rules?

2. What, if any, authority does the Commission have to adopt rules which would permit, prohibit, or limit the use of fund assets to pay distribution expenses?

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 4, 1976.

[FR Doc.76-29775 Filed 10-8-76;8:45 am]

[812-3989]

AETNA VARIABLE ANNUITY LIFE INS. CO.

Application Pursuant to Section 6(c) of the Act for an Order Granting Exemption From Rule 22c-1 and Pursuant to Section 11 of the Act for Approval of an Offer of Exchange

OCTOBER 1, 1976.

In the Matter of VARIABLE ANNUITY ACCOUNT E OF AETNA VARIABLE ANNUITY LIFE INSURANCE CO., and AETNA VARIABLE ANNUITY LIFE INSURANCE CO., 151 Farmington Avenue, Hartford, Conn. 06156.

Notice is Hereby Given that Variable Annuity Account E of AEtna Variable Annuity Life Insurance Company ("Account E"), registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and AEtna Variable Annuity Life Insurance Company ("AEtna Variable" or the "Company"), an Arkansas stock life insurance company and the principal underwriter for Account E, (sometimes hereinafter referred to as "Applicants") filed an application on July 14, 1976 and amendments thereto on September 22, 1976 and September 30, 1976 pursuant to Section 6(c) of the Act for an order of the Commission granting exemption from Rule 22c-1 under the Act and pursuant to Section 11 of the Act for approval of an offer of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

AEtna Variable is a wholly-owned subsidiary of AEtna Life and Casualty Company, a Connecticut corporation. Account E is a separate account of AEtna Variable established in 1975 pursuant to the insurance laws of Arkansas for the purpose of holding reserves attributable to certain variable annuity contracts. All amounts allocated to Account E will be invested in shares of either AEtna Variable Fund, Inc. ("Fund") or AEtna Variable Encore Fund, Inc. ("Encore Fund"), open-end management investment companies registered under the Act, or both, at the option of the contract owner. AEtna Variable is registered as an investment adviser under the Investment Advisers Act of 1940 and, as such, acts as investment adviser to both the Fund and Encore Fund. Applicants anticipate that Account E will be taxed as a separate entity for federal income tax purposes and will qualify as a regulated investment company under the provisions of Subchapter M of the Internal Revenue Code of 1954, as amended ("Code").

Applicants have filed a registration statement under the Securities Act of 1933 for certain group variable annuity contracts designated "Group Variable Fund Retirement Contracts" (hereinafter "Contracts"). Such Contracts are designed for use with certain deferred compensation plans not eligible for the tax preferred treatment of Subchapter D, Part 1, of the Code, and are available only to governmental and certain other tax-exempt organizations. The Contracts are of two types—installment purchase payment contracts ("Installment Payment Contracts") and Contracts issued for stipulated amounts of $5,000 or more consisting of all or part of the assets held by the contract owner pursuant to a previously established plan.

Installment Payment Contracts provide for (1) a deduction of 1% from each installment purchase payment made on behalf of a participant as the premium for an insurance rider where, at the option of the contract owner, a preretirement minimum death benefit guarantee has been purchased with respect to an individual account, (2) a deduction for any applicable premium taxes where such taxes are assessed at the time the purchase payment is made, and (3) a deduction of 6% of the balance of such payment for sales and administrative expenses. Applicants presently anticipate that premium taxes will be deducted from individual accounts at the time annuity payments commence. However, the Company reserves the right to make a deduction from purchase payments should such taxes be assessed by the applicable jurisdiction at the time purchase payments are made.

A daily deduction equivalent to 1.25% on an annual basis will be made from the value of the variable portion of each Contract for mortality and expense risks. The Contracts permit the contract owner to terminate the Contract at any time and to receive the accumulated value of the Contract. Termination of an Installment Payment Contract will be subject to a termination fee of 2% where the contract owner elects to terminate the Contract before five years' purchase payments have been made and to a termination fee of .2% thereafter. However, a participant's individual account may be separately terminated in whole or in part by the contract owner without charge at any time prior to the commencement of annuity payments.

The owner of a Contract may select whether purchase payments accumulated prior to retirement will be allocated to the Fund or Encore Fund or to the Company's general account for accumulation on a fixed basis, and subject to certain restrictions may also elect to have the

assets invested in Fund shares or Encore Fund shares transferred to the other fund or transferred to the general account without charge. Upon a participant's retirement, the contract owner may elect to have the accumulated value of his individual account, regardless of how accumulated, applied to provide a variable annuity, a fixed annuity or a combination of both. Only Fund shares can be used as an investment medium for variable payments during the annuity payment period.

The Company issues certain other contracts in connection with plans for which the Contracts are designed, which contracts participate in the Company's Separate Account B. Such contracts are designated Group Unit Purchase Variable Annuity Contracts (hereinafter "GUP Contracts"). Account B is a registered unit investment trust, the assets of which are invested in either Fund shares or Encore Fund shares. Unlike Account E, the operations of Account B are taxed as part of the Company's operations in accordance with the provisions of Subchapter L of the Code. The GUP Contracts participating in Account B are of two types, those available prior to January 1, 1976 (and in certain states subsequent thereto) ("old GUP Contracts") and those available on or after that date ("new GUP Contracts"), the date of availability varying from state to state. GUP Contract provisions relating to the accumulation of purchase payments prior to retirement, including provisions for transfers between investment media, are comparable to those of the Contracts; however, the provisions relating to the method of computing variable annuity payments differ from those provided for in the Contracts.

Old GUP Contracts provide for the following deductions from each purchase payment made on behalf of a participant: (1) a deduction for any applicable premium taxes, (2) a deduction of 1% of the total payment for a mandatory preretirement minimum death benefit guarantee, and (3) a deduction of 7% of the total payment for sales and administrative expenses. Premium taxes are deducted from purchase payments rather than from individual accounts at the time annuity payments commence. In addition, a daily deduction is made from the value of the variable portion of each contract equivalent to 1.55% on an annual basis, 1.19% for mortality and expense risks and .36% for any income taxes payable by the Company attributable to the contracts. Termination of an old GUP Contract prior to five years' purchase payments having been made may result in a deduction from the value of the contract of 5% in the first year for which payments have been made, such deduction decreasing thereafter by 1% each contract year for which payments have been made to 1% in the fifth year.

The provisions of new GUP Contracts are identical to those of old GUP Contracts, except that (1) the charges have been modified to conform to the charges under the Installment Payments Contracts and (2) the minimum death benefit guarantee is no longer mandatory but can be elected as an optional benefit for individual participants. Thus, deductions from purchase payments under a new GUP Contract are a percentage charge for applicable premium taxes, 1% for the optional minimum death benefit guarantee, and 6% of the balance for sales and administrative expenses, and the daily deduction from the value of the variable portion of the contract is equivalent to 1.25% on an annual basis. However, unlike Installment Payment Contracts, premium taxes are deducted from purchase payments, not at retirement. In the event a new GUP Contract is terminated prior to five years' purchase payments having been made, the termination charge is 2% of the value of the contract. Although new GUP Contracts, unlike old GUP Contracts, made no direct charge for income taxes payable by the Company attributable to the contracts, new GUP Contracts are subject to a reserve maintained in Account B for potential federal income taxes payable with respect to the Account's net realized capital gains. Currently, such reserve is equal to 30% of net realized and unrealized capital gains. The Company is in the process of modifying old GUP Contracts to make the provisions of the new GUP Contracts applicable to new participants under old GUP Contracts; such modification will not affect the termination charge under old GUP Contracts, which will continue to be applicable with respect to all participants.

Applicants propose to permit an owner of a GUP Contract to exchange his contract for a Contract and to have values accumulated under his GUP Contract transferred to the Contract without any charge in connection therewith. Only Installment Payment Contracts will be issued in exchange for GUP Contracts. A GUP Contract owner electing to exchange will be deemed to have purchased the Installment Payment Contract at the time he acquired his GUP Contract for purposes of determining the termination charge to which he will be subject in the event of termination of his Installment Payment Contract. An exchange will have no effect on participants under GUP Contracts who are receiving annuity payments. The right to exchange will be extended until April 29, 1977 or until such later date as may be established by the Company.

SECTION 11

Section 11(a) of the Act makes it unlawful for any registered open-end company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an order pursuant to Section 11 to permit the proposed offer to exchange a Contract for an outstanding GUP Contract. Applicants state that since no charge will be assessed in connection with the proposed exchange the principal abuse at which Section 11 (a) is directed will not be present. Applicants further state that since the proposed offer of exchange is fair, it should be approved by the Commission.

According to Applicants, a comparison of the provisions of the GUP Contracts with the provisions of an Installment Payment Contract shows that in most instances an exchange of a GUP Contract for an Installment Payment Contract will be advantageous. As to old GUP Contracts, Applicants state that (a) the deductions from purchase payments under Installment Payment Contracts are lower than those under old GUP Contracts, (b) premium taxes under Installment Payment Contracts, where permissible, will not be deducted until retirement, whereas under GUP Contracts they are deducted from purchase payments, and (c) the total daily deduction from the value of the variable portion of Installment Payment Contracts is lower than the comparable charge under old GUP Contracts by .30% on an annual basis (1.25% v. 1.55%). Applicants state further that the termination charge is lower under Installment Payment Contracts than under old GUP Contracts if termination occurs prior to three years' purchase payments having been made but is higher (by 1% in year five and .2% thereafter) if termination occurs after four years' purchase payments have been made. In addition, Applicants state that although Installment Payment Contracts require higher minimum purchase payments both under the contract (first year only) and on behalf of each participant than is required under old GUP Contracts, the lower minimum payment provisions applicable to participants under old GUP Contracts will continue to apply to such participants where as a result of an exchange they become participants under Installment Payment Contracts, and the first year minimum for total payments under an Installment Payment Contract will not be imposed.

As to new GUP Contracts, Applicants state that owners of new GUP Contracts will not obtain lower charges as a result of an exchange, but that the exchange may have an effect on the manner of assessing premium taxes and will make a termination charge of .2% applicable to a termination after five years' purchase payments have been made. However, in Applicants' opinion significant advantages from the standpoint of taxes should result from the exchange in that an owner will avoid the effect of the 30% tax reserve maintained in Account B with respect to capital gains.

Applicants state that an exchange will not result in any GUP Contract participant who becomes a participant under an Account E Contract as a result of an exchange being subject to annuity purchase rates less favorable than the rates to which he would have been entitled under a GUP Contract. Applicants represent that if the annuity purchase rates of the GUP Conrtacts would be more favorable to such a participant the Company will utilize such rates in effecting an annuity for him.

RULE 22C–1

Rule 22c–1, promulgated pursuant to section 22(c) of the Act, provides, in pertinent part, that no registered investment company issuing any redeemable security and no principal underwriter of any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value thereof which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. In processing the exchange of Contracts for GUP Contracts, Applicants propose to determine the value of accumulation units under outstanding GUP Contracts and of accumulation units to be credited under the Contracts as of the effective date of the exchange, which date shall be not more than three business days after the Company's receipt of a properly completed exchange agreement at its Executive Office. Applicants state that since an exchange agreement could be viewed for purposes of Rule 22c–1 as comprising a tender of a GUP Contract for redemption and an order to purchase a Contract, the Rule could be construed to require the valuation of accumulation units under both contracts as of the date of the Company's receipt of the exchange agreement at its Executive Office. Accordingly, Applicants request an exemption from the provisions of Rule 22c–1 until April 29, 1977 to permit the valuation of accumulation units in connection with the exchange as of the effective date thereof which date shall be not more than three business days after the Company's receipt of a properly completed exchange agreement at its Executive Office.

Applicants state that the Company anticipates it would have no difficulty under normal circumstances in completing the necessary steps to effect an exchange on the date of receipt of an exchange agreement if such agreement were the only one received by the Company on that date, but that if a large number of exchange agreements involving hundreds of participants were received within a period of several days, the Company, given its present administrative capabilities, might not be able to complete an exchange in less than three business days.

Applicants state that if an exchange is effected one to three business days following recipt of an exchange agreement, a considerable administrative burden could result if the Company were required to "back price" the individual account valuations to the date of its receipt of the exchange agreement. According to Applicants, back pricing the exchange valuations to the date of receipt of the exchange agreement would require reversing transactions recorded with respect to any intervening purchase payments in order that such payments could be credited under the Contract issued in connection with the exchange instead of the GUP Contract tendered for exchange, and extensive processing could be required in connection therewith since an intervening payment might be made on behalf of hundreds of participants.

Applicants state that owners and participants under contracts involved in an exchange will not be materially prejudiced if the values used in connection with the exchange are determined as much as three business days after the Company's receipt of the exchange agreement, particularly because the underlying funding media for each contract involved in the exchange are identical. Applicants represent that apart from the higher deductions which would be made if there were any intervening purchase payments under old GUP Contracts, the only effect of delaying the exchange valuation for up to three business days following receipt of an exchange agreement would be (a) in the case of an old GUP Contract, the continued assessment during such period of a daily deduction from the variable portion of that contract which is .000822% (.30% on an annual basis) higher than that under a Contract and (b) in the case of a new GUP Contract or new participants under an old GUP Contract, the effect of any adjustments made during such period to the tax reserve maintained in Account B with respect to capital gains. According to Applicants, neither effect would appear to be significant.

Finally, Applicants state that since the proposed method for valuing accumulation units in connection with an exchange will have no effect on the value of other contracts participating in Accounts B or E, and will have no other result which is unfair to the owners of such contracts, no purpose for which Rule 22c–1 was intended will be contravened by grant of the requested relief.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent 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 October 26, 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 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 service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. Ae provided by Rule 0–5 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 Commisison 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 postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–29781 Filed 10–8–76;8:45 am]

[Rel. No. 19701; 70–5908]

OHIO POWER CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 1, 1976.

Notice is hereby given that Ohio Power Company ("Ohio"), 301 Cleveland Avenue, SW., Canton, Ohio 44702, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Ohio proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $80,000,000 aggregate principal amount of its First Mortgage Bonds (the "new bonds"), __% Series due 2006. The interest rate (which will be a multiple of ⅛ of 1%) and the price (which shall not be less than 100%, unless Ohio shall authorize a lower percentage not less than 99%, and shall not exceed 102.75%) will be determined by competitive bidding. The new bonds will be issued under a Mortgage and Deed of Trust dated as of October 1, 1938, between Ohio and Manufacturers Hanover Trust Company, Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated as of November 1, 1976, and which includes, with certain exceptions, a prohibition until November 1, 1981, against refunding the issue

with proceeds of funds borrowed at a lower effective interest cost.

The proceeds (excluding premium and accrued interest) from the sale of the new bonds will be applied to the retirement at maturity First Mortgage Bonds, 7¼% Series, due December 1, 1976, in the principal amount of $40,000,000, and to the payment of unsecured short-term indebtedness of Ohio. As of September 14, 1976, there was $27,847,000 aggregate amount of notes payable to banks outstanding and $41,825,000 principal amount of commercial paper outstanding. At the time of the issuance and sale of the new bonds, there will be short-term debt outstanding estimated not to exceed $65,000,000.

The fees and expenses to be incurred by Ohio in connection with the issue and sale of the new bonds and the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Public Utilities Commission of Ohio has jurisdiction over the issue and sale of the new bonds and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice Is Further given that any interested person may, not later than October 27, 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 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, as filed or as it may be 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.76-29776 Filed 10-8-76;8:45 am]

[19702, 70-5905]

OHIO POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Proposals of Holding Company To Enter Into Indemnity Agreement With Surety Company for Certain Subsidiaries and Second-Tier Subsidiaries and To Enter Into Contracts of Guaranty With State Industrial Commission

OCTOBER 1, 1976.

In the Matter of OHIO POWER CO., 301 Cleveland Avenue, SW., Canton, Ohio 44701. AMERICAN ELECTRIC POWER CO., INC., 2 Broadway, New York, N.Y. 10004.

Notice Is Hereby Given that American Electric Power Company, Inc. ("AEP"), a registered holding company, and Ohio Power Company ("Ohio"), its electric utility subsidiary company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 12(b) and 12(f) of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP proposes to enter into an indemnity agreement with Seaboard Surety Company, New York, New York ("Seaboard") on behalf of the following AEP subsidiaries and second-tier subsidiaries operating in West Virginia and Ohio, respectively: West Virginia-Ohio, Appalachian Power Company, Cedar Coal Company, Central Appalachian Coal Company, Central Operating Company, Southern Appalachian Coal Company, Southern Ohio Coal Company ("Southern Ohio"), Wheeling Electric Company, and Windsor Power House Coal Company; Ohio-Ohio, Cardinal Operating Company ("Cardinal"), Central Ohio Coal Company, Ohio Electric Company ("Ohio Electric"), and Southern Ohio. The indemnity agreement concerns liabilities incurred by Seaboard in connection with the issuance, since April 1, 1976, of surface mining reclamation surety bonds ("reclamation bonds"), self-insurance workmen's compensation surety bonds ("workmen's compensation bonds"), and self-insurance pneumoconiosis (black lung) disability bonds ("disability bonds").

It is stated that certain of the above second-tier subsidiary companies ("coal mining companies") engage in coal mining operations in West Virginia and Ohio, as part of the AEP System's program for fuel procurement. Under West Virginia law, a prerequisite to the issuance of a surface mining permit is the posting with the State Department of Natural Resources of a reclamation bond in the amount of $1,000 per acre to be mined to assure that mining operations will be conducted in accordance with the permit issued and that all reclamation will be completed after mining has been terminated. It is further stated that the reclamation bonds must be posted by a corporate surety that is independent of the mining operator. Similarly, the Ohio Department of Natural Resources requires a reclamation bond, in an amount equal to the cost of reclamation. It is stated that the coal mining companies have experienced difficulties in obtaining reclamation bonds, with surety companies either refusing to issue such bonds or issuing bonds only upon indemnification by AEP. It is further stated that Seaboard has issued the reclamation bonds without requiring present indemnification from AEP, but subject to AEP's filing of the instant declaration seeking Commission approval for AEP to indemnify Seaboard. The maximum amount of indemnity at any one time outstanding with respect to the reclamation bonds will not exceed $30,000,000.

It is stated that the above AEP subsidiaries and second-tier subsidiaries are self-insured as to workmen's compensation liability, with such self-insurance resulting in savings over the cost of purchased workmen's compensation insurance. In West Virginia, the Commissioner of the Workmen's Compensation Fund had required that, effective July 1, 1976, all self-insured employers must post $1,000,000 bonds. Similarly, the state of Ohio's Industrial Commission has currently required self-insuring employers to post bonds of not less than $100,000 nor more than $1,000,000 each. It is further stated that surety companies were unwilling to issue the workmen's compensation bonds without indemnification by AEP; but that Seaboard has issued the bonds without present indemnification, subject to AEP's filing of the instant declaration seeking Commission approval to indemnify Seaboard. The maximum amount of indemnity at any one time outstanding with respect to the workmen's compensation bonds will not exceed $15,000,000.

It is stated that the above coal mining companies are presently self-insured as to black lung disability benefits provided to miners by the Federal Coal Mine Health and Safety Act of 1969. The United States Department of Labor has required, as a condition to such self-insurance, that disability bonds be provided to the Federal Government, insuring payment of black lung disability claims. It is further stated that the coal mining companies have found it difficult to renew such disability bonds, and that Seaboard has agreed to provide the required bonds, subject to AEP's seeking Commission approval to indemnify Seaboard. The maximum amount of indemnity at any one time outstanding with respect to the disability bonds will not exceed $2,000,000.

It is further proposed that AEP, on behalf of Ohio, and Ohio, on behalf of its subsidiaries, Ohio Electric and Cardinal, enter into contracts of guaranty with the Ohio Industrial Commission. Said commission has required these contracts in order to assure the payment of workmen's compensation claims by the respective parent of each subsidiary company, should the subsidiary fail to make such payments. Such contracts of guaranty are required on or before November 1, 1976.

The fees and expenses to be paid, including legal fees, are estimated as not to exceed $2,500. It is stated that AEP will not make any charge to any System company with respect to either indemnification under the bonds or the contracts of guaranty. It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice Is Further Given that any interested person may, not later than October 28, 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 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 declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29777 Filed 10-8-76;8:45 am]

[70-5781]

MIDDLE SOUTH UTILITIES, INC. AND MIDDLE SOUTH ENERGY, INC.

Second Post-Effective Amendment Regarding Proposed Issuance and Sale of Common Stock by Subsidiary Company to Holding Company

OCTOBER 1, 1976.

Notice Is Hereby Given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Middle South Energy, Inc. ("MSEI"), a subsidiary company of Middle South, have filed with this Commission a second post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated January 20, 1976, and September 30, 1976 (HCAR Nos. 19354 and 19699), MSEI was authorized to issue and sell to Middle South (holder of all of MSEI's common stock no par value per share), and Middle South was authorized to acquire, 68,000 additional shares of MSEI's common stock, for an aggregate purchase price of $68,000,000 in cash. Middle South and MSEI stated that it was preferable for the additional common stock to be sold at times coinciding with MSEI's cash needs, which are primarily determined by the nature and pace of the construction work on its Grand Gulf Nuclear Electric Station near Vicksburg, Mississippi. Accordingly, the applicants-declarants were granted authority to consummate the proposed transactions at various times through December 31, 1976.

In the second post-effective amendment, it is stated that sales of the additional common stock aggregating 53,000 shares have occurred, leaving 15,000 remaining shares of common stock authorized to be sold through and including December 31, 1976. To enable MSEI to continue construction of the Grand Gulf Nuclear Electric Station project and for other cash needs, authorization is now requested for the company to issue and sell, and for Middle South to acquire, in addition to the 15,000 remaining shares of common stock authorized to be sold through and including December 31, 1976, an additional 5,000 shares of its presently authorized but unissued common stock, no par value, to be sold as necessary during the same period at a price of $1,000 per share for an aggregate cash purchase price of $5,000,000.

It is further stated that to the extent funds are required from external sources to acquire additional shares of MSEI common stock, Middle South will obtain such funds through the issuance and sale of its unsecured short-term promissory notes issued under a revolving credit agreement dated as of June 1, 1976, with a group of banks headed by Manufacturers Hanover Trust Company of New York, as authorized by the Commission's order dated June 14, 1976 (HCAR No. 19570).

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice Is Further Given that any interested person may, not later than October 26, 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 post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now 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.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29778 Filed 10-8-76;8:45 am]

[37-59]

[Release No. 19695, 37-59]

SOUTHERN COMPANY SERVICES, INC.

Post-Effective Amendment Regarding Issue and Sale of Long-Term Notes to Holding Company by Subsidiary Service Company

SEPTEMBER 27, 1976.

In the matter of Southern Company Services, Inc., Perimeter Center East, Atlanta, Georgia 30346.

Notice Is Hereby Given that Southern Company Services, Inc. ("Services"), a wholly-owned subsidiary service company of The Southern Company ("Southern"), a registered holding company, has filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, and 13 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the application-declaration, as amended by the post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated July 23, 1963 (HCAR No. 14913), the Commission authorized Services to issue and sell to Southern for cash, and Southern to acquire, during a five year period commencing July 23, 1963, up to $500,000 aggregate principal amount to be outstanding at any one time of long-term unsecured notes of

Services to bear interest at a rate equal to the average effective interest cost of Southern's outstanding obligations for borrowed money on the date of issue. By orders dated September 10, 1971, May 15, 1973, and June 26, 1975 (HCAR Nos. 17261, 17961, and 19063), the Commission authorized increases in the aggregate principal amount of such notes to be issued and sold by Services to Southern to the present limit of $18,275,000 and also extended the authorization with respect to the issue and sale of notes to June 30, 1978.

Services presently has an aggregate capital stock equity of $725,000 and the principal amount of its long-term debt in the form of unsecured notes is $17,500,000. The entire amount of Services' equity and debt is owned by Southern.

Services performs professional and technical services at cost for associate companies in the Southern holding-company system. Expansion of said services in recent years has resulted in a substantial increase in the amount of necessary working capital.

In the current filing, Services states that due to the increase in its working capital requirements the balance of the current amount of notes authorized by the Commission to be issued will be issued during October. It is estimated that by December 31, 1976, such note requirements will increase to $19,000,000. Services estimates that by December 31, 1979, it will require working capital of approximately $30,000,000. Underlying these working capital estimates is Services expectation that by the end of 1979 its personnel is expected to increase over the total for December 31, 1975 as follows: general services, from 274 to 360; engineering, from 1,066 to 1,419; power pool, from 108 to 174; and data processing, from 400 to 612. In addition, Services estimates additional expenditures for computer and telecommunications equipment and leasehold improvements through 1979 of $25,228,000.

The unsecured notes to be issued to Southern will mature December 31, 1999, and will be prepayable at any time without premium. Southern will acquire said notes at the principal amount thereof. The notes are to bear interest at a rate equal to the average effective interest cost of Southern's outstanding obligations for borrowed money on the date of issue, or, to the extent that the aggregate principal amount of Services' outstanding notes to Southern exceed the aggregate principal amount of Southern's outstanding obligations for borrowed money, such excess principal amount of notes shall bear interest at a rate equal to the weighted average rate of return on common equity most recently allowed the four operating subsidiaries by their respective public service commissions which have retail rate jurisdiction, but in any event at a rate not less than 125 percent of the prime rate in effect on the date of issue thereof at such bank in Atlanta, Georgia, as shall have been designated by Services for that purpose.

The aggregate capital of Services, including its outstanding notes and capital stock, will be maintained at all times at an amount equivalent approximately to the sum of two months' operating expenses and the depreciated cost of Services' fixed assets including prepayments and petty cash working funds, less any unpaid indebtedness for funds borrowed from non-Southern system sources for the acquisition of such fixed assets.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposal are estimated at $5,000, including legal fees of $2,500.

Notice Is Further Given that any interested person may, not later than October 21, 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 post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the 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 now 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.76-29790 Filed 10-8-76;8:45 am]

[Release No. 34-12799; File No. SR-MSE-76-16]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 3, 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 Change Brackets indicate deletion; italics indicate additions.

ARTICLE I, RULE 1

Membership

Qualifications

Rule 1. An applicant for membership shall meet, and a member shall continue to meet, the following basic requirements: Citizenship, Age and Form of Organization:

(a) If an individual, an applicant or member shall be [at least 21 years old and a citizen of the United States, Canada, or such other country as the Board of Governors or Executive Committee, by an affirmative vote equivalent to that required to amend these Rules, shall approve.] *of an age so as to be responsible for his or her contracts under the laws of the State or Country in which he or she engages in the securities business.* If a partner, an applicant or member shall have at least two general partners. If a corporation, an applicant or member shall be organized under the laws of one of the states of the United States, under the Canada Corporations Act or the incorporation statute of a Canadian province, or under a comparable statute of such other country [as the Board of Governors or Executive Committee, by an affirmative vote equivalent to that required to amend these Rules, shall approve.] *in which the corporation is domiciled.*

* * * Interpretations and Policies:

[.01 Add approved Countries.—]

[United Kingdom, Switzerland, West Germany, Belgium, France.] [The Netherlands, Italy and Japan.]

.02 becomes .01

.03 becomes .02

ARTICLE XV, RULE 7

Rule 7(a) A member corporation shall not be a subsidiary of a parent firm except in accordance with paragraph (1) *or* (2) [or (3)] of this rule.

(1) A member corporation may be a subsidiary of a parent firm [organized and doing business in the United States or Canada] if all requirements of the following paragraphs (i) through (iii) are met in addition to other applicable rules in Articles I and XV:

(i) Each parent firm shall agree to file with the Exchange annual financial statements of itself and its other subsidiaries.

(ii) Each parent firm shall agree to file with the Exchange and keep current (A) a list and descriptive identification of its directors, principal officers and principal stockholders (if a corporation) or its principal partners (if a partnership) and (B) an identification of the types of businesses conducted by itself and its other subsidiaries. [The directors, principal officers and principal stockholders or the principal partners of the parent firm and the types of businesses conducted by it and its other subsidiaries shall be subject to approval by the Exchange,

and in the event of disapproval shall, subject to review of such disapproval in accordance with Rule 10 of Article XVI, be separated or discontinued within a reasonable time.] The principal officers or principal partners of the parent firm shall be bound by the Constitution and Rules of the Exchange.

(iii) Each parent firm shall agree to furnish to the Exchange such information regarding security transaction and related activities of itself and its other subsidiaries as may be required by the Exchange to insure compliance with its Rules.

[(2) A member corporation may be a subsidiary of a parent firm not organized and doing business in the United States or Canada if the requirements of the following subparagraphs (i) and (ii) are met in addition to other applicable rules:]

[(i) The parent firm shall be engaged in business as a broker/dealer in a country (other than the United States or Canada) approved by the Board of Governors or Executive Committee by an affirmative vote equivalent to that required to amend these Rules.]

[(ii) The parent firm shall agree to comply with such requirements as may be imposed by the Exchange for protection of investors, Exchange members, and the Exchange.]

(3) Will become (2) and will read as follows: (wording remains as is).

(2) A member corporation may be a subsidiary of a parent firm in such other circumstances and subject to such other limitations or conditions as the Board of Governors or Executive Committee may find appropriate.

[(b) No creditor or customer of a parent firm or of any of its subsidiaries except public securities customers of the member corporation shall have any claim, right or interest in the Midwest Stock Exchange Special Trust Fund.]

On or before November 16, 1976, or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by November 2, 1976.

For the Commission by the Division of of Market Regulation, pursuant to delegated authority.

Dated: September 14, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29925 Filed 10-8-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

LITTLE ROCK DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Little Rock District Advisory Council will hold a public meeting at 1:30 p.m., Thursday, November 4, 1976, at the Conference Room, 10th Floor, Blue Cross-Blue Shield Building, 7th & Gaines Streets, Little Rock, Arkansas, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Maurice Britt, U.S. Small Business Administration, 611 Gaines Street, Suite 900, P.O. Box 1401, Little Rock, Arkansas 72203 (501) 740-5871.

Dated: October 1, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-29848 Filed 10-8-76;8:45 am]

ST. LOUIS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration St. Louis District Advisory Council will hold a public meeting at 9:30 a.m., Friday, October 29, 1976, at the Museum of Westward Expansion, Explorer Room, St. Louis, Missouri, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Thomas L. Holling, U.S. Small Business Administration, Suite 2500, Mercantile Tower, One Mercantile Center, St. Louis, Missouri 63101 (314) 425-4191.

Dated: October 1, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-29847 Filed 10-8-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroup on Compliance of the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on October 28, 1976 in Room S-4215, Department of Labor Building, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The meeting will begin at 9 a.m. The public is invited to attend. The Subgroup will continue its discussion of multi-employer worksite citation guidelines and make plans for future meetings.

For additional information contact:

J. Goodell, Chief, Committee Management Office, National Advisory Committee on Occupational Safety and Health, Department of Labor-OSHA, Room N-3635, Third Street and Constitution Avenue NW., Washington, D.C. 20210, Phone: (202) 523-8024.

Any written data or views concerning these agenda items or suggestions for future agenda items which are received by the Committee Management Office before the meeting, preferably with 20 copies, will be presented to the Subgroup and included in the official record of the meeting.

Anyone wishing to make an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup Chairman, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 8th day of October 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-30063 Filed 10-8-76;11:44 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 166]

ASSIGNMENT OF HEARINGS

OCTOBER 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 Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-C 8685, J. Frances McCarthy, dba Mac Transport Lines-Revocation of Permit now being assigned January 11, 1977 (1 day) at Boston, Massachusetts in a hearing room to be later designated.
MC 135185 (Sub 28), Columbine Carriers, Inc. now being assigned January 12, 1977 (1 day) at Boston, Massachusetts in a hearing room to be later designated.
MC 136343 (Sub 67), Milton Transportation, Inc. now being assigned January 13, 1977 (2 days) at Boston, Massachusetts in a hearing room to be later designated.
MC-F 12607, Barrieau Express, Inc.—Purchase—Trans World Van Lines, Inc. and MC 8028 (Sub 3), Barrieau Express, Inc. now being assigned January 17, 1977 (1 week) at Hartford, Connecticut in a hearing room to be later designated.
MC 117604 Sub 11, Meadors Freight Lines, Inc., now being assigned January 10, 1977 (2 weeks), at Atlanta, Ga., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29872 Filed 10-8-76;8:45 am]

[Sec. 5a Application No. 47, Amdt. No. 3]

MISSISSIPPI VALLEY MOTOR FREIGHT BUREAU

Agreement

SEPTEMBER 30, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed September 23, 1976 by:

Gregory M. Rebman, 314 N. Broadway, St. Louis, MO 63102 (Attorney for Applicants).

The amendments involve: Changes to comply with Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 30 days from the date of publication of this notice in the Federal Register. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29875 Filed 10-8-76;8:45 am]

[Notice No. 133]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 5, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 393TA), filed September 28, 1976. Applicant: PACIFIC INTERMOUNTAIN EXPRESS COMPANY, 1417 Clay St., P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude fish oil*, in bulk, in tank vehicles, from Terminal Island, Calif., to Colorado Springs, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harbor Trading Company, 555 W. 9th St., San Pedro, Calif. 90731. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 211 Main St., Suite 500, San Francisco, Calif. 94105.

No. MC 103051 (Sub-No. 378TA), filed September 28, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russel E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground nonmetallic minerals*, in bulk, and in bags, from Campobella, S.C., to points and places in Georgia, North Carolina, Tennessee, Virginia and West Virginia, for 180 days. Supporting shipper(s) A. B. Wood Chemical Company, Inc., P.O. Box 428, Campobello, S.C. 29322. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations-ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 108835 (Sub-No. 36TA), filed September 24, 1976. Applicant: HYMAN FREIGHTWAYS INC., 1745 University Ave., P.O. Box 3393, St. Paul, Minn. 55165. Applicant's representative: Rodney L. Trocks, 2690 N. Prior Ave., Roseville, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (a) serving the plantsite of Ka-Winn Corporation, located at or near Winnebago, Minn., as an off-route point in connection with applicant's authorized regular route operations, between Beresford, S. Dak., and St. Paul, Minn., and (b) serving the plantsite of Ka-Winn Corporation, located at or near Winnebago, Minn., as an intermediate point in connection with applicant's regular route operations, between Mankato, Minn., and Oskaloosa, Iowa. Applicant intends to tack its existing authority with MC 108835 and related subs. Applicant also intends to interline at Aberdeen, S. Dak.; Burlington, Iowa; Davenport, Iowa, Des Moines, Iowa, Kansas City, Mo.; Minneapolis-St. Paul, Minn.; Omaha, Nebr.; Rock Island, Ill.; Sioux City, Iowa; Sioux Falls, S. Dak.; and Watertown, S. Dak., for 180 days. Supporting shipper: La-Winn Corporation, 600 S. Ave., East, Winnebago, Minn. 56098. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 113398 (Sub-No. 13TA), filed September 27, 1976. Applicant: CINEMA SERVICES, INC., P.O. Box 4, Ft. Collins, Colo. 80521. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Motion picture films, processed and unprocessed film, photographs, materials and supplies* used in connection therewith and advertising materials and supplies; (A) between Denver, Colo., and Gillette, Wyo., serving all intermediate points and the off-route points of Glen Rock, Douglas, Laramie and Torrington, Wyo.; from Denver, Colo., over U.S. Highways 87 and Interstate Highway 25 to the junction with U.S. Interstate Highway 90, thence over U.S. Highway 90 to Gillette, and return over the same route; (B) between Denver, Colo., and Gillette, Wyo.; from Denver, Colo., over U.S. Highway 6 to its junction with U.S. Highway 138, thence over U.S. Highway 138 to its junction with Colorado Highwy 113, thence over Colorado Highway 113 to the Colorado-Nebraska state line, thence over Nebraska Highway 19 to its junction with U.S. Highway 30, thence over U.S. Highway 30 to Sidney, Nebr., thence back on U.S. Highway 30 to its junction with U.S. Highway 385, thence over U.S. Highway 385 to its junction with U.S. Highway 14, thence over U.S. Highway 14 to its junc-

tion with U.S. Interstate Highway 90, thence over U.S. Interstate Highway 90 to its junction with U.S. Highway 14, thence over U.S. Highway 14 to Gillette, and return over the same route; (2) *Processed and unprocessed film, photographs, and materials and supplies* used in connection therewith; (A) between Denver, Colo., and North Platte, Nebr., serving the intermediate point of McCook, Nebr.; from Denver, Colo., over U.S. Highway 6 to its junction with U.S. Highway 34, thence over U.S. Highway 34 to its junction with U.S. Highway 83, thence over U.S. Highway 83 to North Platte, and return over the same route; (b) between Denver, Colo., and North Platte, Nebr., serving the off-route points of Ogalalla and Sindey, Nebr.,; from Denver, Colo., over U.S. Highway 6 to its junction with U.S. Highway 138, thence over U.S. Highway 138 to its junction with U.S. Highway 30, thence over U.S. Highway 30 to North Platte, and return over the same route.

Between Denver, Colo., and Scottsbluff, Nebr., serving the Intermediate points of Cheyenne, and Torrington, Wyo.; from Denver, Colo., over U.S. Highway 87 to Cheyenne, Wyo., thence over U.S. Highway 85 to Torrington, Wyo., and thence over U.S. Highway 26 to Scottsbluff, and return over the same route; (D) between Denver, Colo., and Scottsbluff, Nebr., serving the intermediate points of Cheyenne, Wyo., and Kimball, Nebr., and the off-route point of Sidney, Nebr.; from Denver over U.S. Highway 87 to Cheyenne, thence over U.S. Highway 30 to Kimball, thence over U.S. Nebraska Highway 71 to Scottsbluff, and return over the same route; and (E) between Denver, Colo., and Sidney, Nebr., serving no intermediate points; from Denver over U.S. Highway 6 to Sterling, Colo., thence over U.S. Highway 138 to its junction with Colorado Highway 113, thence over Colorado Highway 113 to the Colorado-Nebraska state line, thence over Nebraska Highway 19 to its junction with U.S. Highway 30, thence over U.S. Highway 30 to Sidney, and return over the same route, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, 492 U.S. Customs House, 719 19th St., Denver, Colo. 80202.

No. MC 115162 (Sub-No. 336TA) filed September 28, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Jefferson County, Ala., to points in Georgia, Mississippi, and Tennessee, for 180 days. Supporting shipper: Alpha Portland Cement Company, P.O. Drawer B. Midfield Station, Birmingham, Ala. 35228. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 117815 (Sub-No. 253TA) filed September 29, 1976. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois and Michigan; and (2) *Materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination territories as named in (1) above to the plantsite of The Pillsbury Company, at or near Seelyville, Ind. Restriction: The authority set forth in (1) and (2) above is restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destination points, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 117883 (Sub-No. 207TA) filed September 24, 1976. Applicant: SUBLER TRANSFER, INC., 791 E. Main St., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company at or near Seelyville, Ind., to points in Illinois, Indiana, Michigan (lower peninsula only), Ohio, Virginia, Maryland, Delaware, the District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine. Restriction: Restricted to traffic originating at the above named origin and destined to the named destinations, for 180 days. Supporting shipper(s): Olivia M. Bradley, Distribution Administrator, The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations — ICC, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 118263 (Sub-No. 64TA) filed September 27, 1976. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of the Pillsbury Co., at or near Seeleyville, Ind., to all states east of the Mississippi River and points in Minnesota, Iowa, Missouri, Arizona and Louisiana, to the west of the Mississippi River; (2) *Materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination points named in (1) above, to the plantsite of the Pillsbury Company, at or near Seelyville, Ind., for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 119493 (Sub-No. 145TA) filed September 28, 1976. Applicant: MONKEM COMPANY, INC., West 20th St. Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Katherine Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* (except in bulk), from the plantsites of Doane Products Co., in Muscatine, Iowa, and Joplin, Mo., to points in Florida and from Joplin, Mo., to Albuquerque, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Doane Products Company, P.O. Box 879, Joplin, Mo. 64801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 119789 (Sub-No. 303TA) filed September 28, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dixon, Calif., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, for 180 days. Supporting shipper: Armour Food Company, Fresh Meats Division, Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 119880 (Sub-No. 87TA) filed September 23, 1976. Applicant: DRUM TRANSPORT INC., 617 Chicago St., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice, pure or containing*

slurry, in bulk, in tank vehicles, from points in Yakima, Benton, Walla Walla and/or Franklin Counties, Wash., to points in Allegan, Van Buren, Berrian and Grand Traverse Counties, Mich., and St. Joseph County, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sagemoor Vineyards, Alec Bayless, Partner, 1500 Hoge Bldg., Seattle, Wash. 98104. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 120737 (Sub-No 44TA) filed September 29, 1976. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, South Fourth Ave., R.R. No. 5, Canton, Ill. 61520. Applicant's representative: James C. Hardman, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, corn planters, grain headers and* cornheads, from the plantsites and warehouse facilities utilized by International Harvester Company, at E. Moline, Moline and Rock Island, Ill., to points in Ohio, Indiana, Michigan, Kentucky, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Virginia, Tennessee, Arkansas, Louisiana, Mississippi and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Harvester Company, James M. Gamble, General Traffic Manager, 401 N. Michigan Ave., Chicago, Ill. 60601. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126118 (Sub-No. 23TA), filed September 24, 1976. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from San Antonio, Tex., and its commercial zone, to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennesse, Virginia, West Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: W. E. Collier, Traffic Manager, Pearl Brewing Company, 312 Pearl Parkway, San Antonio, Tex. 78296. Loise Marie Offer, Dir. Purchasing and Traffic, Lone Star Brewing Company, 600 Lone Star Blvd., San Antonio, Tex. 78206. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg. and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 126600 (Sub-No. 13TA), filed September 29, 1976. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. 67441. Applicant's representative: Bob W. Storey, 403 Columbian Title Bldg., 820 Quincy, Topeka, Kans. 66612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Elevator and power transmission equipment;* (B) *Materials handling and processing equipment;* and (C) *Foundry casting, and materials and supplies* used in the manufacture of such commodities (except the commodities the transportation of which because of their size and weight require use of special equipment and commodities in bulk), between Wichita, Kans., on the one hand, and points in the United States (except Alaska and Hawaii), on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tramco Metal Products, Inc., 1011 East 19th St., Wichita, Kans. 67214. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66608.

No. MC 128343 (Sub-No. 35TA), filed September 23, 1976. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M St., N.W., Washington, D.C. 80036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Warwick, R.I., on the one hand, and, on the other, points in Philadelphia, Delaware and Montgomery Counties, Pa.; Camden and Gloucester Counties, N.J.; Baltimore, Md.; points in Baltimore, Ann Arundel, Prince Georges, Montgomery and Howard Counties, Md.; Alexandria, Va., and points in Arlington and Fairfax Counties, Va., and the District of Columbia, restricted to movements on bills of lading of freight forwards operating pursuant to Part IV of the Interstate Commerce Act, for 180 days. Supporting shipper: C-Line Forwarding, Inc., 340 Jefferson Blvd., Warwick, R.I. 02888. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset St., Room 102, Providence, R.I. 02903.

No. MC 129282 (Sub-No. 34TA), filed September 27, 1976. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and materials and supplies* used in the manufacture and distribution thereof, in temperature controlled equipment *and empty containers* on return (except in bulk), from Houston, Tex., to Baton Rouge, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern Beverage Co., Inc., 7635 South Choctaw, Baton Rouge, La. 70806. Send protests to : Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 135236 (Sub-No. 11TA) filed September 29, 1976. Applicant: LOGAN TRUCKING, INC., 801 Erie Ave., Logansport, Ind. 46947. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and dessert preparations* (except in bulk) *and incidental promotional and advertising paraphernalia*, from the plant and storage facilities used by Leaf Confectionery, Inc., at Chicago, Ill., to points in Michigan, Ohio, Pennsylvania, Massachusetts, New Jersey, New York, Delaware, Maryland, Washington, D.C., and West Virginia. Restriction: Restricted to traffic moving in vehicles equipped with mechanical refrigeration units, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Leaf Confectionery, Inc., 1155 North Cicero Ave., Chicago, Ill. 60651. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 138635 (Sub-No. 26TA) filed September 28, 1976. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and brandy* (except in bulk), from points in California, to points in Louisiana, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina and Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 138875 (Sub-No. 35TA) filed September 27, 1976. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of mobile homes and recreational vehicles, from Portland, Oreg.; Vancouver, Wash.; Los Angeles, Milpitas,

Oakland and San Francisco, Calif., to the facilities of Suppliers Warehouse Company, at Boise, Idaho, for 180 days. Supporting shipper: Suppliers Warehouse, Inc., 415 S. 6th St., Boise, Idaho. Send protests to: Barney L. Hardin, District Supervisor, 550 W. Fort St., Box 07, Boise, Idaho 83724.

No. MC 139569 (Sub-No. 1TA) filed September 27, 1976. Applicant: G & T TRUCKING CO., R.R. 1, Box 698, Shakopee, Minn. 55379. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, from the facilities used by Mathy Construction Company, located at or near LaCrosse, Wis., to points in Winona and Olmstead Counties, Minn., under a continuing contract with Mathy Construction Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mathy Construction Company, LaCrosse, Wis. 54601. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., U.S. Courthouse, 110 S. 4th

No. MC 140033 (Sub-No. 18TA), filed September 28, 1976. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, as defined by the Commission in Descriptions in Motor Carrier Certificates, 61 M.C.C. 283, from Gibson Metalux Corp., located at or near Americus, Ga., to points in Arizona, California, Colorado, Idaho, Iowa, Nebraska, Nevada, New Mexico, Oregon, Utah and Washington, for 180 days. Supporting shipper: Metalux Corporation, Box 1207, Americus, Ga. 31709. Send Protests to: Opa M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 141377 (Sub-No. 3TA), filed September 24, 1976. Applicant: THEA O. ELLIOTT, 5612 Heywood Road, Richmond, Va. 23224. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Va. 23229. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle parts; generators; machinery and machinery parts; road construction machinery and equipment* and (2) *materials, equipment and supplies* (except commodities in bulk, in tank vehicles), used in the distribution and sales in (1) above, between York, Pa., on the one hand, and, on the other, Culpepper, Harrisonburg and Winchester, Va.; and points in Fauquier and Warren Counties, Va., under a continuing contract with Virginia Tractor Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Virginia Tractor Company, Inc., Charles T. Gordon, Parts Manager, 1901 Westwood Ave., Richmond, Va. 23261. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 10-502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 142062 (Sub-No. 2TA) filed September 27, 1976. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed by wholesale or institutional grocery or food business houses (except frozen commodities, fresh meats, and commodities in bulk), from points in San Joaquin, Santa Clara and Stanislaus Counties, Calif., to points in Alabama, Mississippi, Tennessee, Kentucky, Illinois, Indiana, Ohio and Michigan, restricted to transportation of shipments under a continuing contract with Nugget Distributors, Inc., for 180 days. Supporting shipper: Nugget Distributors, Inc., 1326 Bourbon St., Stockton, Calif. 95204. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 142467 (Sub-No. 1TA) filed September 27, 1976. Applicant: HUGH A. MITCHELL, doing business as MITCHELL'S SPECIAL EMERGENCY HAULING SERVICE, 1107 University, Cleveland, Miss. 38752. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Farm machinery and farm implement parts, repair parts, components, accessories, equipment and supplies;* (2) *Automobile, truck and bus parts, repair parts, components, accessories, equipment and supplies;* (3) *Electrical appliances, equipment and parts;* (4) *Boat, watercraft and marine parts, repair parts, components, accessories, equipment and supplies;* and (5) *Agricultural chemicals, fertilizers, insecticides and seeds* (except in bulk), between Shaw, Miss., and Memphis, Tenn., via U.S. Highway 61, serving all intermediate points; from Shaw, Miss., to Memphis, Tenn., via U.S. Highway 61, and return over the same route, serving all intermediate points. Applicant intends to interline at Memphis, Tenn., and Cleveland, Mis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximatley 21 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 142482 (Sub-No. 1TA), filed September 29, 1976. Applicant: TIMELY TRUCKING CORP., 55 Kean St., West Babylon, N.Y. 11704. Applicant's representative: Edmund A. Nahas, 303 Fifth Ave., New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wines, spirits, and alcoholic beverages*, in cases of bottles and not in bulk, from the warehouses of Northern Liquors, Inc., at Linfield, Pa., to the warehouse of Timely Trucking Corp., West Babylon, N.Y., under a continuing contract with Northern Liquors, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northern Liquors, Inc., 3029 B Merritt Ave., Bronx, N.Y. 10466. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 142484TA, filed September 28, 1976. Applicant: STRINGFELLOW TRANSPORTATION COMPANY, INC., P.O. Box 1117, Birmingham, Ala. 35201. Applicant's representative: Ronald L. Stichweh, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Treated and untreated forest products and lumber mill products*, from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia and Wisconsin; (2) *Treated and untreated forest products and lumber mill products*, from Detroit, Mich., including the International Boundary Line thereat, to points in Alabama, Florida, Georgia, Mississippi, and Tennessee; and (3) *Used steel rails, angle bars, tie plates, and other rail hardware*, from points in Georgia, Illinois, Indiana, Kentucky, Missouri, and Pennsylvania, to points in Alabama, Florida, Georgia, and Mississippi. Restriction: Restricted to transportation services performed under a continuing contract or contracts with Stringfellow Lumber Company, Inc., for 180 days. Support shippers: Stringfellow Lumber Company, Inc., 724 Third Ave., North, Birmingham, Ala. 35201. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

PASSENGER APPLICATION

No. MC 142454 (Sub-No. 1TA), filed September 24, 1976. Applicant: RODGERS E. JOHNSON, doing business as J & J BUS SERVICE, 10 Regina Drive, Brandywine, Md. 20613. Applicant's representative: George Andrews, Rt. 228,

Waldorf, Md. 20601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Hughesville, Md., and Naval Research Lab., Washington, D.C., over Rt. 5 Hughesville, Md., to St. Charles Parkway, thence over Smallwood Drive, thence north on Rt. 301, to Rt. 5 thence to 495 Beltway, to I–295, and thence over Overlook Ave., S.W., to Naval Research Lab., Washington, D.C., and return over the same route, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 32 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, District Supervisor, W. C. Hersman, Washington, D.C. 20423.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29877 Filed 10-8-76;8:45 am]

[Notice No. 45]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before November 11, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76537, filed September 23, 1976. Transferee: DONALD J. WILLIAMSON AND MYRL B. WILLIAMSON, a partnership, doing business as WILLIAMSON BROTHERS TRUCKING, Box 238, Whitewood, S. Dak. 57793. Transferor: RALPH C. ISLAND, doing business as ISLAND FREIGHT, P.O. Box 404, Deadwood, S. Dak. 57732. Applicant's representative: Donald J. Williamson, Box 238, Whitewood, S. Dak. 57798. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in permits Nos. MC 113025, MC 113025 (Sub-No. 2), MC 113025 (Sub-No. 5), MC 113025 (Sub-No. 7), issued April 15, 1963, July 24, 1964, July 2, 1973, and November 19, 1974, respectively, as follows: Such merchandise as is dealt in by wholesale food business houses, from Deadwood, S. Dak, to Broadus, Boyes, Hammond, Biddle, Ranch Creek, Ridge, Alzada, Albion, Capitol, Mill Iron, Bell Tower, Chalk Buttes, and Ekalaka, Mont., and Rocky Point, New Haven, Oshoto, Colony, Hulett, Alva, and Aladdin, Wyo.; seeds, flour, and animal feeds, from Rapid City, S. Dak., to points in Fallon, Custer, Carter, Powder River, Rosebud, Treasure, Yellowstone, and Big Horn Counties, Mont., and those points in Wyoming located east of the western boundaries of Sheridan, Johnson, Natroná, and Carson Counties, limited to a transportation service to be performed under a contract with Tri State Milling Company, Rapid City, S. Dak.; flour and animal feeds, from the plantsite of Hubbard Milling Co., at Rapid City, S. Dak., to points in Adams, Billings, Bowman, Golden Valley, Grant, Hettinger, Morton, Sioux, Slope, and Stark Counties, N. Dak., and points in that part of Nebraska west of U.S. Highway 281; and feed, and feed ingredients dry, from the plantsite of Hubbard Milling Company, at or near Mankato, Minn., to the facility of Hubbard Milling Company, at Rapid City, S. Dak. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76685, filed July 29, 1976. Transferee: HARBOR TRUCK LINES, INC., 225 Baronne Street, New Orleans, La. 70112. Transferor: JEFFERSON TRUCK LINE, INC., 2600 Peters Road, Harvey, La. 70058. Applicants' representative: Harold R. Ainsworth, Attorney at Law, 2307 American Bank Building, New Orleans, La. 70130. Authority sought for purchase by transferee of Certificate of Registration No. MC 99746 (Sub-No. 1), issued November 5, 1963, to transferor evidencing a right to engage in transportation in interstate commerce as described in Certificate No. 5176–A dated September 12, 1956, issued by the Louisiana Public Service Commission. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–76696, filed August 8, 1976. Transferee: LEROY DENEAU, P.O. Box 242, Oregon, Ill. 61061. Transferor: DONALD H. ASCHENBRENNER, P.O. R.R. No. 3, Dixon, Ill. 61021. Applicants' representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 135216 (Sub-No. 1), issued by the Commission June 19, 1975, as follows: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Oregon, Ill., on the one hand, and on the other, O'Hare International Airport, Midway Airport, and Meigs Field, at or near Chicago, Ill. Restriction: The operations authorized herein are restricted to the transportation of traffic having a prior or subsequent movement by air. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76712, filed September 17, 1976. Transferee: ALLIED AIR FREIGHT CORPORATION, Griswold Industrial Park, Williston, Vt. 05495. Transferor: VERMONT COMMERCIAL WAREHOUSING, INC., P.O. Box 604, 11 Maple St., Essex Junction, Vt. 05452. Applicants' representative: Henry U. Snavely, Attorney-at-Law, 410 Pine St., Vienna, Va. 22180. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC 124686 (Sub-No. 1), issued January 21, 1974, as follows: Such commodities as are dealt in by wholesale hardware stores, from Burlington, Vt., to points in Clinton, Essex, Franklin, and St. Lawrence Counties, N.Y., and Grafton and Sullivan Counties, N.H. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 133259 and subs thereafter. Dual operation involved. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76713, filed September 30, 1976. Transferee: POTTER/B & C TRANSFER, a corporation, 8146 Byron Road, Whittier, Calif. 90607. Transferor: FRED V. MURPHY, doing business as RED BALL TRANSFER & STORAGE CO., 4716 Vineland Ave., North Hollywood, Calif. 63080. Applicants' representative: Stephen C. Saunders, 8146 Byron Road, Whittier, Calif. 90607. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 63080, issued February 24, 1961, as follows: Household goods as defined by the Commission, between points in Los Angeles, Calif.; and between Los Angeles, Calif., and Los Angeles Harbor, Calif. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76737, filed September 7, 1976. Transferee: TERRY D. JORGEN-

SEN, Route 1, Ida Grove, Iowa 51445. Transferor: MAU TRUCKING, INC., 403 West 2nd St., Early, Iowa 50535. Applicants' representative: Stewart A. Huff, 314 Security Bank Bldg., Sioux City, Iowa 51101. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permits No. MC 119211 and MC 119211 Sub-No. 6, issued August 10, 1976, and June 10, 1966, respectively as follows: MC 119211—Animal and poultry feeds, and ingredients and materials used in the manufacture thereof, in bulk and in bags, for the account of Farmland Industries (restricted against the transportation of liquid commodities, or any named commodity, in bulk, in tank vehicles), between Eagle Grove and Ida Grove, Iowa, on the one hand, and, on the other, points in that part of Nebraska on and East of U.S. Highway 281; Animal and poultry feeds, ingredients, and materials, in bags and in bulk (except liquid commodities, in bulk, in tank vehicles), between Ida Grove, Iowa, on the one hand, and, on the other, points in that part of South Dakota bounded by a line beginning at the South Dakota-Nebraska State line and extending North on and along U.S. Highway 83 to junction of U.S. Highways 16 and 83, thence East on and along combined U.S. Highways 16 and 83 to junction U.S. Highway 83 immediately West of Vivian, S. Dak., thence North on and along U.S. Highway 83 to the South Dakota-North Dakota State line, thence East along the South Dakota-North Dakota State line to the junction of the South Dakota-North Dakota-Minnesota State lines, thence South along the Dakota-Minnesota-Iowa State lines and continuing South along the South Dakota-Iowa-Nebraska State lines, thence West along the South Dakota-Nebraska State line to the point of beginning.

Restriction: The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts, with Farmland Industries, of Ida Grove, Iowa. No. MC 119211 (Sub-No. 6)—Animal and poultry feed and feed ingredients (except liquid commodities in bulk, in tank vehicles), Between Ida Grove, Iowa, on the one hand, and, on the other, points in that part of Minnesota bounded by a line beginning at the junction of the South Dakota-Minnesota-Iowa State lines and extending North along the South Dakota-Minnesota State Line to U.S. Highway 12 near Ortonville, Minn., thence East along U.S. Highway 12 to Benson, Minn., thence Southeasterly along U.S. Highway 12 to junction Minnesota Highway 15 near Dassel, Minn., thence North along Minnesota Highway 15 to Junction U.S. Highways 10 and 52 at St. Cloud, Minn., thence Southeasterly along U.S. Highway 10 to junction Minnesota Highways 96 and 100 near New Brighton, Minn., thence along Minnesota Highway 96 to White Bear Lake, Minn., thence South along Minnesota Highway 100 to junction U.S. Highway 12 near St. Paul, Minn., thence East along U.S. Highway 12 to the Minnesota-Wisconsin State line, thence South along the Minnesota-Wisconsin State line to junction Minnesota-Wisconsin-Iowa State lines, and thence West along the Minnesota-Iowa State line to point of beginning, including points on the indicated portions of the highways specified. Restriction: The service authorized is restricted against the transportation of traffic from points in the Minneapolis-St. Paul Commercial Zone, as defined by the Commission. The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts with Farmland Industries, of Ida Grove, Iowa. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76740, filed September 14, 1976. Transferee: FRANCIS E. REAVER, R.D. No. 2, Taneytown, Md. 21787. Transferor: FRANCIS E. REAVER, George W. Reaver & Franklin R. Reaver, a partnership, doing business as CHARLES B. REAVER & SONS, R.D. 2, Harney Road, Taneytown, Md. 21787. Applicants' representative: Charles E. Creager, 1329 Pennsylvania Avenue, Hagerstown, Md. 21740. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permits No. MC 124555 and MC 124555 (Sub-No. 2), issued May 20, 1969, and October 15, 1969, respectively, as follows: MC 124555—Lumber, between Flintstone Md., and Moorefield W. Va.; from Flintstone Md., and Moorefield W. Va., to Winchester Va., and points in Connecticut, Delaware, Massachusetts, New Jersey, New York, and Pennsylvania; From Moorefield, W. Va., to points in Maryland. Restriction: The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts, with F. R. Vigbvpno, M. A. Barlly, and G. Van Hessen, a partnership, doing business as Van Hessen Company of Baltimore, Md. MC 124555 (Sub-No. 2)—Lumber, from West Providence Township (Bedford County), Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Restriction: The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts, with Van Hessen & Company of Baltimore, Md. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76748, filed September 20, 1976. Transferee: CALDWELL TRUCKING, INC., Holdman Route, Pendleton, Oreg. 97801. Transferor: STEVE CALDWELL, P.O. Box 36, Route 1, Adams, Oreg. 97810. Applicants' representative: Lawrence V. Smart, Jr., Attorney-at-Law, 419 N.W. 23rd Ave., Portland, Oreg. 97210. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permits Nos. MC 135884 (Sub-No. 1), MC 135884 (Sub-No. 3), MC 135884 (Sub-No. 5), and MC 135884 (Sub-No. 8), issued by the Commission June 28, 1972, May 18, 1973, September 2, 1975, and March 2, 1976, respectively, as follows: Furniture, furniture parts, furniture hardware, and furniture samples, from, to, or between points in Oregon, Washington, California, Minnesota, Colorado, Texas, Illinois, Pennsylvania, Georgia, Massachusetts, Nebraska, Wisconsin, New Jersey, Indiana; and milk replacer, whey, and whey-fat mixes (except in bulk), from Dundee and Pittsfield, Ill., and Bascobel, Wis., to points in Arizona, California, Colorado, Idaho, Montana, Oregon, Utah, and Washington, under continuing contract or contracts with specified shippers. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76749, filed September 22, 1976. Transferee: ELDRIDGE TRUCK LINE, INC., N. Hwy. 27, P.O. Box 659, Somerset, Ky. 42501. Transferor: BARNETT ELDRIDGE (Wayne R. Eldridge, Executor), doing business as ELDRIDGE TRUCK LINE, N. Hwy. 27, P.O. Box 659, Somerset, Ky. 42501. Applicants' representative: Robert M. Pearce, Attorney-at-Law, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 98776 (Sub-No. 1) and MC 98776 (Sub-No. 2), and Certificate of Registration No. MC 98776 (Sub-No. 4), issued September 28, 1964, March 26, 1957, and December 20, 1965, as follows: General commodities, with the usual exceptions, meats, meat products, and meat by-products, and dairy products, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points and places in Kentucky. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-29874 Filed 10-8-76;8:45 am]

[AB 12 (Sub-No. 29)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Its Napoleonville Branch Between Supreme and Glenwood in Assumption Parish, Louisiana

SEPTEMBER 30, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its line of railroad between Supreme and Glenwood, a distance of 7.86 miles, all in Assumption Parish, La., 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 approval of the proposed abandonment would not adversely affect the potential for rural or community development due to the existence of both highways and alternate rail service in the affected corridor. Since most of the rail traffic will probably move over the parallel Texas and Pacific rail line, there will be negligible changes in ambient environmental conditions. Also there are no historic sites or threatened or endangered species affected by this action. Interest has been expressed for continued public use of the right-of-way.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202–275–7011.

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 November 11, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public concenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–29876 Filed 10–8–76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC–85, 124 MCC 583 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission on or before November 1, 1976. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before November 11, 1976, subject to its tariff publication effective date.

P–27–76 (Special Certificate—Waste Products), filed September 16, 1976. Applicant: SOUTHWEST TRAILS, a Corporation, 223 Erie Street, Pomona, Calif. 91766. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *scrap paper, paper products, rags, synthetic fibres*, suitable for reuse or recycling into paper products, between points in California, Arizona, Nevada New Mexico, and Texas, in furtherance of a recognized pollution control program sponsored by Garden State Paper Company, Inc. of Pomona, Calif., for the purpose of manufacturing newsprint from scrap paper.

NOTE.—Applicant holds Waste Products Certificate No. P–25–72 originally issued to Motor Cargo, Inc.

P–28–76 (Special Certificate—Waste Products), filed September 20, 1976. Applicant: TAJON, INC., R.D. 5, Mercer, Pa. 16137. Applicant's representative: Brian L. Troiano, 700 World Center Building, 918 Sixteenth St., NW., Washington, D.C. 20006. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes in the transportation of *glass cullet*, between points in the United States (except Alaska and Hawaii), in furtherance of recognized pollution control programs sponsored by: (1) Brockway Glass Company, Inc. of Brockway, Pa.; (2) Glass Containérs Corporation of Fullerton, Calif.; and (3) C & C Cullet Company of Marietta, Pa.; for the purpose of recycling glass cullet.

NOTE.—Applicant holds Waste Products Certificate No. P–32–73 authorizing a more limited scope of operation than that requested above.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–29873 Filed 10–8–76;8:45 am]

federal register

TUESDAY, OCTOBER 12, 1976

PART II:

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

■

SECURITIES EXCHANGE ACT DISCLOSURE RULES

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 11—SECURITIES EXCHANGE ACT DISCLOSURE RULES

Amendment of Regulations

On July 20, 1976, a document was published for comment in the FEDERAL REGISTER (41 FR 29849) proposing to amend Part 11 of Title 12 of the Code of Federal Regulations. The amendments were proposed in order to make the financial reporting requirements of 12 CFR Part 11 more consistent with the recently revised Report of Condition and Report of Income filed by all national banks, and to make Part 11 substantially similar to comparable regulations of the Securities and Exchange Commission ("SEC"), as required by Section 12(i) of the Securities Exchange Act of 1934 [15 U.S.C. § 78*l*(i)], hereafter referred to as the "1934 Act".

As a supplemental notice of proposed rulemaking, that document revised and superseded an earlier proposal published in the FEDERAL REGISTER on March 8, 1976, (41 FR 9884). Comments received in response to both proposals have been fully considered and are briefly discussed below.

I. PUBLIC COMMENT ON, AND CHANGES TO, THE PROPOSAL OF JULY 20, 1976

A. Several changes to the proposed amendments have been made in response to the comments received:

1. *General.* (a) Section 11.2(gg) containing the definition of "associated company" has been clarified.

(b) Section 11.7(c)(8)(i) concerning rental expense has been clarified.

(c) Section 11.7(c)(10)(vii) concerning the disclosure of selected quarterly financial data has been corrected and clarified.

2. *Section 11.44, Form F–4.* (a) Captions have been added to Part A of Form F–4, several other captions have been reworded, and some have been renumbered.

(b) The footnote to Part A has been expanded.

(c) Part B has been changed by the addition of new captions and the rewording and renumbering of several others.

(d) Form F–4 as proposed did not contain any analysis of the capital accounts, although the Form F–4 presently in use does contain such information. To correct this oversight, a tabular presentation of changes in the reporting bank's undivided profits account has been included as new "Part C" of the Form F–4, and Part C as proposed has been redesignated as "Part D." This change merely restates an existing regulation.

(e) Footnote 2 has been added to Part D specifying that certain items in the statement of changes in financial position may be prepared on the basis of average balances.

(f) The filing schedule for the Form F–4 has been changed from 30 days to 45 days after the end of the reported quarter.

(g) Instruction (e) to Form F–4 has been substantially reworded to clarify the manner of reporting acquisitions and dispositions of significant portions of a business.

(h) Instruction (j) of the Form F–4 has been clarified.

3. *Section 11.71, Forms F–9A, B, C, D and E.* (a) Form F–9A, Balance Sheet:

(i) Caption 25 has been reworded, captions 18 and 19 have been reversed, and the Instructions thereto have been amended, as appropriate, to reflect such changes;

(ii) Instructions 3(b)(2), 6(b) [Note 1(a)], 8(a), 10(a), 14(a) and 20 have been reworded for clarification;

(iii) Note 2 to Instruction 9(c) has been deleted.

(b) Form F–9B, Statement of Income:

(i) Captions 1(d)(4), (1)(f) and 2(c) have been reworded, new captions 1(d)(5) and 2(c) have been added and captions 2(c) through 2(k) have been renumbered;

(ii) Instructions 1(b), 1(d)(1), 1(d)(2), 1(f), 1(i)(2)(i), and 1(i)(4) have been reworded and/or clarified to conform to the foregoing caption changes;

(iii) Instructions 2(a)(3) through 2(a)(7) have been renumbered;

(iv) Instruction 2(c) has been redesignated as 2(d), and Instructions 2(d) through 2(k) have been renumbered. A new Instruction 2(c) has been added;

(v) Instructions 2(g)(1), 2(g)(2), 2(h), 2(i)(1), 4, 6, and 10 have been reworded and clarified.

(c) Form F–9D, Schedules:

(i) Footnotes 1 and 5 to Schedule I and Footnote 2 to Schedule II have been expanded for clarification;

(ii) The column headings in Schedule V have been expanded and clarified, and a new Footnote 3 has been added;

(iii) Some terminology in Schedule VII has been corrected;

(iv) The title of Schedule VIII has been changed to refer only to domestic offices of reporting banks.

(d) Form F–9E, Statement of Changes in Financial Position:

(i) A Footnote 2 has been added specifying that certain items in the form may be prepared on the basis of average balances.

B. Several comments on the proposals have not been followed:

1. Three commentators suggested elimination of the proposed quarterly statement of changes in financial position, Part C of Form F–4. Another commentator recommended elimination of the narrative analysis of the quarterly results of operations, and another recommended the elimination of type and maturity groupings of securities by book value in Schedule I of 12 CFR 11.71, Form F–9D. The Comptroller of the Currency has not followed these suggestions, as the contents of Form F–4 and of § 11.71, as adopted, are substantially similar to comparable reporting requirements of the SEC, as required by section 12(i) of the 1934 Act.

2. It was suggested that "debentures" should not be listed as a single category in the Balance Sheet, but should be broken down to distinguish between true debt and debt in the nature of capital funds where payment of interest and principal are dependent on earnings and capital adequacy. These latter instruments were used by banks during the 1930's and were purchased by the Reconstruction Finance Corporation in states where bank stock carried double liability.

The Comptroller of the Currency is of the opinion that any form of subordinated debt should be designated as such for presentation in financial statements and should not be included in the "stockholder's equity" section of the balance sheet. Accordingly, this suggestion has not been followed.

3. Inasmuch as Instruction 5 to Form F–9A requires that unearned income on loans be deducted from loans, one commentator asked if there will be a converse provision allowing banks to include in the loan category the accrued interest receivable on loans. The comment was based on Revenue Ruling 75–140 (1975—16 IRB) of the Internal Revenue Service.

In bank accounting, accrued interest receivable is included in a separate category on the Balance Sheet. The information required for income tax return purposes is not necessarily the same as that which might be shown for financial reporting purposes, and the Comptroller of the Currency accordingly finds it proper to retain the treatment of accrued interest receivable as a segment of "Other Assets."

4. A suggestion was made that disclosure of service charge income, as required in the Statement of Income, be eliminated. Another comment proposed that the disclosure in a footnote to the Balance Sheet of the amount of undivided profits available for the payment of dividends be eliminated. The Comptroller of the Currency finds that both types of information are essential to a proper evaluation of a bank's operations, financial position, and management, and declines to follow these comments.

5. Many of the commentators express varying degrees of objection to the expanded financial reporting requirements contained in the proposals. It was suggested that the Comptroller of the Currency avoid duplicating the reporting requirements of the Reports of Condition and Reports of Income (hereafter "Call Reports").

The Comptroller of the Currency has been considering the possibility of combining some of the 1934 Act financial reporting requirements with the Call Report requirements. To this end, many of the changes made herein provide consistency between these requirements. The Call Reports are primarily statistical compilations used by the Comptroller of the Currency in supervising national banks. They relate to banking policies, rather than to SEC-type disclosure objectives. Although they are now similar to certain financial reports required under the 1934 Act, the Call Reports do not contain the additional narrative information about a bank's condition, operations, management and similar factors required by the 1934 Act and 12 CFR

Part 11. Congress has provided for the availability of such information to the investing public in order to facilitate informed investment decisions.

C. In addition to the changes discussed above which were made in response to comments received, numerous technical corrections to, and minor language clarifications of, the proposal of July 20, 1976, have been incorporated in the text of the amendments, as adopted.

II. SUMMARY OF AMENDMENTS AS ADOPTED

The following is an outline of the amendments, as adopted, to 12 CFR Part 11:

A. Section 11.2(gg) has been added defining the term "associated company."

B. Section 11.3 has been expanded in title, paragraph (b) has been corrected, and paragraph (d) has been added to set forth the notice procedure to be followed in cases of informal adjudications (as defined in Title 5, United States Code, Section 551) by the Comptroller of the Currency of certain issues arising under the 1934 Act. Paragraph (d) has been added in response to section 23(c) of the 1934 Act, as added by the Securities Acts Amendments of 1975.

C. Section 11.4(a)(2) has been expanded by adding a phrase at the end thereof to clarify the filing deadline for registration statements.

D. Section 11.4(h) has been amended by changing the filing deadline for Form F-4 from 30 to 45 days after the end of each quarterly reporting period.

E. Section 11.4(y) has been added relating to the deregistration of registered securities.

F. Sections 11.5 (*l*)(3)(iv) and (*l*)(4) have been expanded to require that certain information about criminal convictions contained in a Form F-11 also be disclosed in the tender offer materials to which the Form F-11 relates.

G. Section 11.7(b)(3)(i)(B) has been reworded to conform more closely to SEC Rule 2-01(b) of Regulation S-X relating to independence of accountants.

H. Section 11.7(b)(3)(iii)(C) has been added to conform to SEC Rule 2-02(c) of Regulation S-X relating to the treatment of material differences between accounting principles reflected in the financial statements and those reflected in the books of a reporting bank.

I. Section 11.7(b)(3)(iv) has been added to conform to SEC Rule 2-02(d) of Regulation S-X relating to exceptions in accountants' opinions. Former § 11.7(b)(3)(iv) has been renumbered as "(vi)".

J. Section 11.7(b)(3)(v) has been added to conform to SEC Rule 2-02(e) of Regulation S-X relating to an accountant's association with an unaudited note covering interim financial data.

K. Section 11.7(c)(8)(i) has been expanded to conform more closely to SEC Rule 3-16(q)(1) of Regulation S-X relating to commitments.

L. Section 11.7(c)(9)(ix) has been added to conform to SEC Rule 3-16(e) of Regulation S-X relating to defaults on debt.

M. Section 11.7(c)(9)(x) has been added to conform to SEC Rule 3-16(e) of Regulations S-X relating to changes in indebtedness subsequent to the filing of a balance sheet.

N. Section 11.7(c)(10)(v) has been been added to conform to SEC Rule 3-16(t) of Regulation S-X relating to capitalization of interest.

O. Section 11.7(c)(10)(vi) has been added to conform to SEC Rule 3-16(s) of Regulation S-X relating to disclosure about disagreements with, and changes of, accountants.

P. Section 11.7(c)(10)(vii) has been added to provide for disclosure of selected quarterly financial data in notes to annual financial statements by those national banks subject to Part 11 whose securities are listed on a national securities exchange or are quoted on the National Association of Securities Dealers' automated quotation system (NASDAQ), and which meet certain tests of asset size and/or income. These changes have been made in response to a recent SEC amendment to Rule 3-16(t) of its financial Regulation S-X (40 FR 46111, October 6, 1975).

Q. Sections 11.7(d)(5) and (d)(6) have been revised, and paragraphs (d)(7) and (d)(8) have been added, all to conform to SEC Rules 4-03, 4-04(a) and 4-04(b) of Regulation S-X relating to the filing of consolidated or combined financial statements of subsidiaries, disclosure of the principles followed in consolidation, and disclosure of any changes in consolidation.

R. Form F-4 Quarterly Report, 12 CFR 11.44, has an expanded format which includes, among other things, comparative balance sheets, summarized statements of changes in financial position, and a narrative analysis of the results of operations. These changes respond to recent SEC amendments to its Form 10-Q (40 FR 46111, October 6, 1975) and to make the format as consistent as possible with that of the Call Reports.

S. Section 11.51, Form F-5, Item 14(b), has been amended to require 5-year historical and pro-forma earnings summaries instead of the present 3-year summaries in proxy statements filed in connection with a merger, consolidation, or other corporate reorganization of a national bank subject to Part 11.

T. Section 11.71 has a new format, with instructions, for financial reporting. The changes in existing § 11.71 have been made in response to numerous SEC changes in Article 9 of its financial reporting Regulation S-X, in order to make the financial reporting of national banks subject to 12 CFR Part 11 conform more closely to generally accepted accounting principles, and to make § 11.71 as consistent as possible with the various Call Report requirements of the Office of the Comptroller of the Currency.

The following changes in § 11.71, as well as several other minor corrections and changes in terminology which are not enumerated, will not affect the Comptroller of the Currency's methods of assessing the capital adequacy of national banks. The major changes to § 11.71 include the following:

1. Form F-9E (Statement of Changes in Financial Position) has been added.

2. In the Balance Sheet, (a) the reserve for loan losses is divided into the valuation, contingency, and deferred tax portions, and each component is to be reported in accordance with new instructions thereto; (b) subordinated debentures are to be reported in a separate caption between liabilities and capital; (c) direct lease financing is to be reported as a separate item rather than be included in "Other assets"; the reporting of minority interest in consolidated subsidiaries has been included in "Other liabilities"; and instructions regarding the reporting of equity in loss or income from subsidiaries and associated companies not consolidated have been clarified.

3. A caption "Interest bearing balances with banks" has been added to the Balance Sheet and a related income account has been added to the Statement of Income.

4. The accretion of discount on securities purchased is now required and will affect both the Statement of Income and the Balance Sheet.

5. Interest expense on certificates of deposit of $100,000 or more is required to be shown separately in the Statement of Income.

6. An Instruction to the Statement of Income has been added requiring the inclusion of foreign income taxes as part of income tax expense.

7. An instruction has been added at the end of the Statement of Changes in Capital accounts which sets forth the policy of the Comptroller of the Currency regarding the accounting treatment for "goodwill" resulting from certain business combinations.

8. The analysis of loans in Schedule III has been conformed to that of the Call Reports.

9. The analysis of deposits in Schedule VIII has been conformed to that of the Call Reports.

U. Finally, several other corrections and clarifications, all of a minor nature, have been made to existing 12 CFR Part 11 in §§ 11.4(g)(1), 11.5(c) (Notes 1 and 3), 11.5(c)(6), 11.5(e)(4), 11.5(l)(4)(iv), 11.6(e)(3)(i), 11.6(p)(1)(ii), 11.7(g)(1), 11.41 (Item 4), 11.42 (Item 4), 11.45 (General Instruction A), 11.51 [Items 9(f), 14(a), 14(b), 15(a), and 15(b)], 11.61, 11.62 and 11.102.

III. AUTHORITY, ISSUANCE OF AMENDMENTS, AND TEXT OF AMENDMENTS

The Comptroller of the Currency finds that the changes made to the proposal of July 20, 1976, respond to public comments and consist of corrections and clarifications which do not impose additional burdens on affected persons, and accordingly finds that further public participation in this rulemaking process in conformity with the relevant provisions of 5 U.S.C. § 553 requiring notice and opportunity for public comment is not necessary.

The Comptroller of the Currency, under the authority and pursuant to the requirements of sections 12(i) and 23 of the Securities Exchange Act of 1934, hereby amends 12 CFR Part 11, as set forth below.

Effective date: The effective date of these amendments is November 1, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

OCTOBER 5, 1976.

1. In the contents to Part 11 which precedes the regulations, the caption "11.3 Inspection and publication of information filed under the Act" is changed to read as follows:

Sec.
11.3 Inspection and publication of information filed under the Act; Notice of informal adjudications.

2. In the contents to Part 11 which precedes the regulations, the caption "11.71 Forms for financial statements (Forms F–9A, B, C, and D)" is changed to read as follows:

Sec.
11.71 Forms for financial statements (Forms F–9A, B, C, D and E).

3. Following the contents to Part 11 and immediately preceding the Regulations, the citation of authority is changed to read as follows:

AUTHORITY: 15 U.S.C. 78*l*, 78m, 78p, 78w.

§ 11.2 [Amended]

4. Section 11.2 is amended by adding a new paragraph (gg) as follows:

"(gg) The term "associated company" means a company in which the bank either directly or indirectly owns 20 to 50 percent of the outstanding voting stock, unless the bank can refute the presumption of exercising significant influence. An investment of less than 20 percent of the voting stock may be carried on the equity method if the ability to exercise significant influence over the company can be demonstrated.

5. Section 11.3 is amended by changing the title of that section, by correcting the second sentence of paragraph (b), and by adding a new paragraph (d), as follows:

§ 11.3 Inspection and publication of information filed under the Act; Notice of informal adjudications.

* * * * *

(b) * * * In addition, copies of the registration statement and reports required by § 11.4 (exclusive of exhibits), the statements required by § 11.5(a), and the annual reports to security holders required by § 11.5(c) will be available for inspection at the Office of the Regional Administrator of National Banks in the national banking region in which the bank filing the statements or reports is located. * * *

* * * * *

(d) In every case of adjudication (as defined in section 551 of Title 5, United States Code) pursuant to the Act which is not required by the Act to be determined on the record after notice and opportunity for hearing, the Comptroller of the Currency shall (1) give prompt notice of any adverse action or final disposition to any person who has requested the Comptroller of the Currency to make or not to make any such adjudication, and (2) furnish any such person a statement of the written reasons for such action or disposition.

§ 11.4 [Amended]

6. Section 11.4(a)(2) is amended by adding at the end of paragraph (a)(2) the phrase "within the period of time specified in the Act."

7. Section 11.4(g)(1) is corrected by deleting from the beginning of paragraph (g)(1) the phrase "Following the filing of a Form F–1 registration statement pursuant to section 11.4(a)" and capitalizing the word "every".

8. Section 11.4(h) is amended by substituting in the second sentence thereof the number "45" for the number "30" each time it appears.

9. Section 11.4 is further amended by adding a new paragraph (y), as follows:

"(y) *Deregistration.* (1) Any class of security of a registrant bank which is registered on a national securities exchange pursuant to section 12(b) of the Act may be withdrawn or stricken from listing and registration on such exchange in accordance with the provisions of section 12(d) of the Act and the rules of such exchange.

(2) The registration of any class of security of a registrant bank which is registered pursuant to section 12(g) of the Act shall be terminated in accordance with the provisions of section 12(g)(4) of the Act, upon certification by the bank to the Comptroller of the Currency that the number of record holders of such class of security has fallen below 300. If the bank has merged into or consolidated with another bank or banks, such certification shall be filed by the successor bank.

(3) The registration of any class of security referred to in this paragraph, and the rights and obligations incident to such registration, shall remain in effect until such registration is terminated as provided in this paragraph."

§ 11.5 [Amended]

10. Section 11.5(c) Note 1(d) is amended by adding at the end of Note 1(d) the phrase "similar in form to Form F–9E."

11. Section 11.5(c) Note 3 is amended by deleting the present Note 3 and substituting the following:

3. If financial statements are accompanied by a report of an independent accountant in either the annual report to shareholders or in the annual report (Form F–2) which is filed (or proposed to be filed) with the Comptroller of the Currency, the other annual report shall also contain such accountants' report.

12. Section 11.5(c)(6) is amended by correcting the word "boldfaced" in the first sentence of paragraph (c)(6) to read "boldface".

13. Section 11.5(e)(4) is amended by correcting the word "thereo" in the first sentence of paragraph (e)(4) to read "thereto".

14. Section 11.5(i)(4)(iv) is amended by correcting the word "writen" in clause (iv) to read "written".

15. Section 11.5(*l*)(3)(iv) is amended by deleting the phrase "Items 2(a) and (c)" from clause (iv) and by substituting the phrase "Items 2 (a), (c), and (e)".

16. Section 11.5(*l*)(4) is amended by deleting the phrase "Items 2(a) and (c)" from the first sentence of paragraph (*l*)(4) and substituting the phrase "Items 2 (a), (c), and (e).

§ 11.6 [Amended]

17. Section 11.6(e)(3)(i) is amended by correcting the citation to "§ 11.6(b)" in paragraph (e)(3)(i) to read "§ 11.6 (*l*)".

18. Section 11.6(p)(1)(ii) is corrected by deleting the present clause (ii) and substituting the following:

(ii) a sale of any equity security of the class convertible and any purchase of any equity security issuable upon conversion (otherwise than in a transaction involved in such conversion or in a transaction exempted by any paragraph under section 16(b) of the Act) within a period of less than six months which includes the date of conversion.

§ 11.7 [Amended]

19. Section 11.7(b)(3)(i)(B), is amended by deleting the present paragraph (b)(3)(i)(B) and by substituting the following:

(B) The Comptroller of the Currency will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (*1*) in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest, or (2) with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely disassociated himself from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his employment by the person. For the purposes of § 11.7 the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit.

20. Section 11.7(b)(3)(iii) is amended by inserting a new paragraph (b)(3)(iii)(C) which reads as follows:

(C) The nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review.

21. Section 11.7(b)(3)(iv) is amended by redesignating clause (iv) as "(vi)" and by adding two new paragraphs (iv) and (v) as follows:

"(iv) *Exceptions.* If the accountant making the report considers that he must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(v) *Association with unaudited note covering interim financial data.* If the financial statements covered by the accountant's report designate as "unaudited" the note required by § 11.7(c)(10)(vii), it shall be presumed that appropriate professional standards and procedures with respect to the data in the note have been followed by the independent accountant who is associated with the unaudited footnote by virtue of reporting on the financial statements in which it is included.

22. Section 11.7(c)(8)(i) is amended by deleting the present paragraph (c)(8)(i) and substituting the following:

(i) Total rental expense (reduced by rentals from both leases and subleases received by the bank or by its bank premises subsidiary consolidated, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is presented shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included. Contingent rentals, such as those based upon usage or sales, shall be reported separately from the basic or minimum rentals. Rentals on non-capitalized financing leases shall be shown separately for both categories of rentals reported.

23. Section 11.7(c)(9) is amended by adding at the end thereof two new clauses (ix) and (x), as follows:

(ix) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of covenant of a related indenture or agreement, which default or breach existed at the date of the most recent balance sheet being filed and which has not been subsequently cured, shall be stated. Notation of such default or breach of covenant shall be made in the financial statements and the entire amount of obligations to which the default or breach relates shall be identified and included within "Other liabilities" if said default or breach accelerates the maturity of the obligations and makes it current under the terms of the related indenture or agreement. Classification with "Other liabilities" is not required if the lender has waived the accelerated due date or otherwise agreed to a due date more than one year from the balance sheet date. If a default or breach exists, but acceleration of the obligation has been waived for a stated period of time beyond the date of the most recent balance sheet being filed, state the amount of the obligation and the period of the waiver.

(x) *Significant changes in bonds, mortgages, and similar debt.* Any significant changes in the authorized or issued amounts of bonds, mortgages, and similar debt since the date of the latest balance sheet being filed for a particular person or group shall be stated.

24. Section 11.7(c)(10) is amended by adding at the end of paragraph (c)(10)(iv) new paragraphs (c)(10)(v), (c)(10)(vi), and (c)(10)(vii), as follows:

(v) *Interest expense capitalized.* The amount of interest expense capitalized in each period for which an income statement is presented shall be shown within the income statement. Banks which follow a policy on capitalizing interest expense shall make the following additional disclosures: (A) The reason for the policy of interest capitalization and the way in which the amount to be capitalized is determined, and (B) The effect on net income for each period for which an income statement is presented of following a policy of capitalizing interest as compared to a policy of charging interest to expense as incurred.

(NOTE.—National banks should not continue to capitalize interest costs on new assets acquired after December 31, 1975)

(vi) *Disagreements on accounting and financial disclosure matters.* If, within the twenty-four-month period prior to the date of the most recent financial statements, a Form F–3 has been filed reporting a change of accountants, and if included in such filing there is a reported disagreement on any matter of accounting principles or practices or financial statement disclosure, and if during the fiscal year in which the change in accountants took place or during the subsequent fiscal year there have been any transactions or events similar to those which involved the reported disagreement, and if such transactions or events were material and were accounted for or disclosed in a manner different from that which the former accountants apparently concluded was required, state the existence and the nature of the disagreement and also state the effect on the financial statements if the method which the former accountants apparently would have concluded was required had been followed. These disclosures need not be made if the method asserted by the former accountants ceases to be generally accepted because of authoritative standards or interpretations subsequently issued.

(vii) *Disclosure of selected quarterly financial data in notes to financial statements.*

(A) *Exemption.* This paragraph (c)(10)(vii) shall not apply unless the bank meets the following conditions:

(*1*)(*i*) The bank's securities registered under Section 12(g) of the Securities Exchange Act of 1934 are (*A*) quoted on the National Association of Securities Dealers Automated Quotation System and (*B*) meet the requirements for continued inclusion on the list of OTC margin stocks set forth in § 220.8(i) of Regulation T of the Board of Governors of the Federal Reserve System; or (*ii*) the bank has securities registered pursuant to Section 12(b) of the Securities Exchange Act of 1934; and

(*2*) The bank and its consolidated subsidiaries (*i*) have had a net income after taxes but before extraordinary items and the cumulative effect of a change in accounting, of at least $250,000 for each of the last three fiscal years; or (*ii*) had total assets of at least $200,000,000 as of the last fiscal year end.

(B) *Explanation.* (*1*) Disclosure shall be made in a note to financial statements of total operating income, income before securities gains (losses), income before extraordinary items and cumulative effect of a change in accounting, net income, and per share data based upon such income and net income for each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented.

(*2*) When the data supplied in paragraph (c)(10)(vii)(B)(*1*) of this section vary from the amounts previously reported on the Form F–4 filed for any quarter, such as would be the case when a pooling of interests occurs or when an error is corrected, reconcile the amounts given with those previously reported describing the reason for the difference.

(*3*) Describe the effect of any disposals of segments of a business, and extraordinary, unusual or infrequently occurring items recognized in each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented, as well as the aggregate effect and the nature of year-end or other adjustments which are material to the results of that quarter.

(*4*) Where this note is part of financial statements which are presented as audited, it may be designated "unaudited".

25. Section 11.7(d) is amended by deleting present subparagraphs (5) and (6) and by substituting new subparagraphs (5), (6), (7) and (8), as follows:

(5) There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated or combined in one or more groups, and 50-percent-or-less-owned persons, the investments in which are accounted for by the equity method, are consolidated or combined in one or more groups pursuant to principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the group or groups.

(6) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (i) subsidiaries in consolidated or combined financial statements and (ii) companies in consolidated or combined financial statements, shall be stated in the notes to the respective financial statements.

(7) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period filed with the Comptroller of the Currency, which has a material effect on the financial statements, the persons included and the persons excluded shall be disclosed.

(8) Any change in the fiscal year of any consolidated person, which was made during the reported periods and which had a material effect on the consolidated financial statements, should be clearly indicated.

26. Section 11.7(g)(1) is amended by deleting the phrase "and Schedule VI—Other Liabilities for Borrowed Money." from the end of subparagraph (1) and substituting the phrase "Schedule VI—Other Liabilities for Borrowed Money; and Schedule VIII—Deposits."

§ 11.41 [Amended]

27. Section 11.41, Form F–1, Item 4, Instruction 1, is amended by deleting the present Instruction 1 and substituting the following:

Instructions. 1. At a minimum, Items 1(j), 2(j), 2(*l*) [excluding 2(j)], 3, 4, 5, 6, 7, and 10 of Form F–9B, and dividends per share, shall be shown.

§ 11.42 [Amended]

28. Section 11.42, Form F–2, Item 4, Instruction 1, is amended by deleting the present Instruction 1 and substituting the following:

Instructions. 1. At a minimum, Items 1(j), 2(j), 2(*l*) [excluding 2(j)], 3, 4, 5, 6, 7, and 10 of Form F–9B, and dividends per share, shall be shown.

29. Section 11.44, Form F–4, is deleted in its entirety, including the instructions thereto, and a new § 11.44 is substituted as follows:

§ 11.44 Form for quarterly report of bank (Form F–4).

COMPTROLLER OF THE CURRENCY—FORM F–4, QUARTERLY REPORT

(Name of bank)

(City and State)

PART A—*Summarized financial information*

Item	3 mos ending		Fiscal year to date (.... months ending .....)	
	19.... (current year)	19.... (prior year)	19.... (current year)	19.... (prior year)
1 Operation income:				
(a) Interest and fees on loans				
(b) Interest on balances with banks				
(c) Income on Federal funds sold and securities purchased under agreements to resell				
(d) Interest and dividends on investments:				
(1) U S Treasury securities				
(2) Obligations of other U S Government agencies and corporations				
(3) Obligations of States and political subdivisions				
(4) Interest on other bonds, notes and debentures				
(5) Dividends on stock				
(e) Income from direct lease financing				
(f) Income from fiduciary activities				
(g) Service charges on deposit accounts				
(h) Other service charges, collection and exchange charges, commissions and fees				
(i) Other operating income				
(j) Total operating income				
2 Operating expenses:				
(a) Salaries, wages, and other employee benefits				
(b) Interest on time certificates of deposit of $100,000 or more				
(c) Interest on deposits in foreign offices				
(d) Interest on other deposits				
(e) Expense of Federal funds purchased and securities sold under agreements to repurchase				
(f) Interest on borrowed money				
(g) Interest on subordinated notes and debentures				
(h) Occupancy expense of bank premises, net				
Gross occupancy				
Less: Rental income				
(i) Furniture and equipment expense (including depreciation of $....)				
(j) Provision for possible loan losses				
(k) Other expenses				
(l) Total operating expenses				
3. Income (loss) before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income (loss) before securities gains (losses)				
6. Net securities gains (losses), less related tax effect ($....)				
7. Net income (loss)				
OR				
7. Income (loss) before extraordinary items				
8. Extraordinary items, less related income tax effect ($....)				
9. Net income (less)				
10. Earnings (loss) per common share: [1]				
Income before securities gains (looses)				
Net income (loss)				

[1] The per share amount of securities gains (losses may be stated separately). If extraordinary items are reported, the per share amount of income before extraordinary items and the per share amount of extraordinary items shall be stated separately. When the reporting bank is a wholly-owned subsidiary (except for directors' qualifying shares) of a bank holding company, per share data shall be deleted.

PART B.—*Balance sheet*

Furnish, insofar as practicable in the manner presented below, data as at the end of the latest fiscal quarter and for the ending of the corresponding quarter for the preceding fiscal year.

	As of ..... 19.... (current year)	As of ..... 19.... (prior year)
ASSETS		
1. Cash and due from banks		
2. Interest bearing balances with banks		
3. Investment securities:		
(a) U.S. Treasury securities		
(b) Obligations of other U.S. Government agencies and corporations		
(c) Obligations of States and political subdivisions		
(d) Othes bonds, notes and debentures		
(e) Federal Reserve and corporate stock		
4. Trading account securities		
5. Federal funds sold and securities purchased under agreements to resell		
6. Loans:		
Less:		
(a) Unearned income on loans		
(b) Reserve for possible loan losses		
7. Direct lease financing		
8. Bank premises, equipment, furniture and fixtures		
9. Real estate owned other than bank premises		
10. Investment in unconsolidated subsidiaries and associated companies		
11. Customers' liability on acceptances outstanding		
12. Other assets		
13. Total assets		
LIABILITIES AND CAPITAL		
14. Deposits in domestic offices:		
(a) Demand		
(b) Savings		
(c) Time		
15. Deposits in foreign offices		
16. Federal funds purchased and securities sold under agreements to repurchase		
17. Liabilities for borrowed money		
18. Mortgages payable		
19. Bank's acceptances outstanding		
20. Other liabilities		
21. Total liabilities excluding subordinated notes and debentures		
22. Subordinated notes and debentures		
23. Equity capital:		
(a) Capital stock:		
Preferred stock (Shares outstanding _____; Par value $_____)		
Common stock:		
Common stock:		
(a) Shares authorized _____		
(b) Shares outstanding _____; Par value $_____		
(b) Surplus		
(c) Undivided profits		
(d) Reserve for contingencies and other capital reserves		
24. Total equity capital		
25. Total liabilities, subordinated notes and debentures, and equity capital		

PART C.—*Changes in the undivided profits account*

Furnish, insofar as practicable in the manner presented below, data as of the end of the latest fiscal quarter. State the date of the latest fiscal quarter _____.

Undivided profits:	
(a) Balance at beginning of current fiscal year	
(b) Net income to date	
(c) Dividends declared	
Common stock:	
Cash	
Stock (percent)	
Preferred stock:	
Cash ($_____ per share)	
(d) Prior period adjustments [List and describe all credits and (charges) separately]	
(e) Other credits and (charges) [List and describe all these items separately]	
(f) Balance at end of interim period	

PART D.—*Changes in financial position*[2]

	Fiscal year to date (..... months ending .....)	
	19.... (current year)	19.... (prior year)
Sources of funds:		
Operations:		
Net income		
Charges to income not affecting funds		
Total funds provided by operations		
Equity funds, sale proceeds		
Subordinated notes and debentures, sale proceeds		
Increase in liabilities [1]		
Decrease in operating assets [1]		
Total		
Applications of funds:		
Payment of dividends		
Purchase of property and equipment		
Decrease in liabilities [1]		
Increase in operating assets [1]		
Total		

[1] Sources and applications of funds shall be shown separately by amounts when they exceed 5 pct of the average of total funds provided during the reported periods.

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

[2] Historically, this statement has been prepared primarily from a comparison of period-end balances. The bank may, at its option, prepare this statement using average daily balances for changes in asset and liability accounts. If the use of the average daily balance method reshlts in the presentation of data which materially differ from those which would have been shown if the period-end method had been used, such differences shall be disclosed in a note to the financial statements.

Date _____ _____ (Name of bank)

By: _____ (Name and title of signing officer)

(a) *Use of Form F-4.* (1) Form F-4 is a guide for use in preparation of quarterly reports to be filed with the Comptroller of the Currency. (2) The report shall be filed not later than 45 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

(b) *Persons for whom the information is to be given.* The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Comptroller of the Currency, it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

(c) *Presentation of information.* The form calls only for the items of information specified. Reclassifications to make the information comparative should be made. The information is not required to be audited (see § 11.7(b) of this Part). The report may carry a notation to that effect and any other qualifications considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

(d) *Management's opinion.* The information furnished shall reflect all adjustments which are, in the opinion of management, necessary to a fair statement of the results for the interim periods. A statement to that effect shall be included. Furnish any material information necessary to make the information called for not misleading, such as a statement that the results for interim periods are not necessarily indicative of results to be expected for the year.

(e) *Incorporation by reference to published statements.*

If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

(f) *Extraordinary items.* If present with respect to any interim period reported herein, extraordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F-9B, Statement of Income.)

(g) *Acquisitions and dispositions.* (1) If the bank, or any of its subsidiaries or associated companies, has entered into a business combination with another entity treated for accounting purposes as a pooling of interests, the results of operations reported in this report—for both the current year and the preceding year—should reflect the combined results of the pooled entities. Disclosure of the separate results of the combined entities for periods prior to the combination should be given in a footnote with appropriate explanations if material to the consolidated operations. (2) If the bank, or any of its subsidiaries or associated companies, has disposed of any significant portion of its business during any of the periods covered by the report, the effect thereof on revenues and net income (total and per share) for all periods presented shall be disclosed, if material to the consolidated operations. (3) If the bank, or any of its subsidiaries or associated companies, has acquired a significant business in a transaction treated for accounting purposes as a purchase during any of the periods covered by the report, pro-forma disclosure shall be made, in a footnote, of the results of operations for the current year up to the date of the end of the most recent fiscal quarter (and for the comparable period in the preceding year) as though the entities had combined at the beginning of the period being reported, if material to the consolidated operations. This pro-forma information should show at a minimum (i) total operating income, (ii) income before securities gains or (losses), extraordinary items, and the cumulative effect of accounting changes, and (iii) net income. The per share amounts should be shown for (ii) and (iii) above.

(h) *Management's analysis of quarterly income statements.*

The bank shall provide a narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent quarter and the quarter immediately preceding it, between the most recent quarter and the same calendar quarter in the preceding year, and, if applicable, between the current year to date and the same calendar period in the preceding year. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or in the method of their application that have a material effect on net income as reported.

(i) *Other financial information.* The bank may furnish any additional information related to the periods being reported on which, in the opinion of management, is of significance to investors, such as the seasonality of the bank's business, major uncertainties currently facing the bank, debt guarantees of affiliated or associated companies, significant accounting changes under consideration and the dollar amount of standby letters of credit. In addition, the bank shall indicate whether any Form F-3 was required to be filed reporting any material unusual charges or credits to income during the most recently completed fiscal quarter or whether any Form F-3 was required to be filed during that period reporting a change in independent accountants.

(j) The financial information to be included in this report should be prepared in conformity with the accounting principles and practices reflected in the financial statements included in the annual report filed with the Comptroller of the Currency for the preceding fiscal year, except for any subsequent regulatory revisions and for changes required to be reported by § 11.7(c)(5) of this part. The footnote disclosures and schedules required by 12 CFR §§ 11.7 and 11.71 are not required. However, disclosure must be adequate to make the report not misleading.

§ 11.45 [Amended]

30. Section 11.45, Form F-20, General Instructions is amended by correcting General Instruction A. to read as follows:

A. The form set forth hereinafter is not to be used as a blank form to be filled in but is intended solely as a guide in the preparation of an amendment to a previously filed registration statement or report. Attention should be given to the general requirements governing amendments, which are prescribed in § 11.4(u).

§ 11.51 [Amended]

31. Section 11.51, Form F-5, Item 9(f), the Instruction to paragraph (f) of Item 9 is corrected by deleting the word "Comptroller" and by substituting the title "Comptroller of the Currency".

32. Section 11.51, Form F-5, Item 14 (a), paragraph (a) of Item 14 is corrected by deleting the word "Comptroller" and by substituting the title "Comptroller of the Currency".

33. Section 11.51, Form F-5, Item 14 (b) (5) and (6), in the first sentence of both paragraphs (b)(5) and (b)(6), the phrase "last 3 fiscal years" is deleted and in each case the phrase "last 5 fiscal years" is substituted therefor.

34. Section 11.51, Form F-5, Item 14 (b)(7), paragraph (7)(1) is corrected to read "(i)"; paragraphs (7)(1)(i), (ii) and (iii) is corrected to read "(A)", "(B)" and "(C)", respectively; and paragraph (7)(2) is corrected to read "(ii)".

35. Section 11.51, Form F-5, Item 14 (b)(8), Instruction 1, is amended by changing the word "reflect" in the last sentence of Instruction 1 to read "indicate".

36. Section 11.51, Form F-5, Item 15 (a), is amended by deleting the last sentence of paragraph (a) and substituting the following last sentence:

All schedules except Schedules III, VII, and VIII (Loans; Allowance for Possible Loan Losses; Deposits) may be omitted.

37. Section 11.51, Form F-5, Item 15 (b)(1), is amended by deleting paragraph (b)(1) and by substituting the following:

(1) All schedules, except Schedules III, VII and VIII (Loans; Allowance for Possible Loan Losses; Deposits);

38. Section 11.61, Form F-7, Line (1) is corrected by deleting the phrase "Name of bank:" from Line (1) and substituting the phrase "Name and address of bank:"

§ 11.62 [Amended]

39. Section 11.62, Form F-8, Line (1), is corrected by deleting the phrase "Name of bank:" from Line (1) and substituting the phrase "Name and address of bank:"

40. Section 11.62, Form F-8, Instruction 11, is amended by adding the following sentence at the beginning of Instruction 11:

State whether the transaction was an acquisition or a disposition. * * *

41. Section 11.62, Form F-8, Instruction 12(b), is amended by deleting the present paragraph (b) of Instruction 12 and substituting the following:

(b) When two or more securities are purchased or sold as a unit (see Instruction 6(a) above), the purchase or sale price of the unit shall be stated next to one of the listed securities and cross-referenced to the other security or securities. Any appropriate details may be given in the "Remarks" space following Table II.

42. Section 11.62, Form F-8, Instruction 13, is corrected by changing the word "accounts" in the middle of the first sentence of Instruction 13 to read "amounts" and by deleting the phrase "or accounts" at the end of that sentence.

43. Section 11.71, Forms for Financial Statements (Forms F-9 A, B, C and D) is deleted in its entirety and the following revised § 11.71 is substituted therefor:

§ 11.71 Forms for financial statements (Forms F–9 A, B, C, D and E).

FORM F–9: FINANCIAL STATEMENTS

A. Balance Sheet (Form F–9A).
B. Statement of Income (Form F–9B).
C. Statement of Changes in Capital Accounts (Form F–9C).
D. Schedules (Form F–9D).
E. Statement of Changes in Financial Position (Form F–9E).

GENERAL INSTRUCTIONS

1. *Preparation of forms.* The forms for financial statements are not to be used as blank forms to be filled in, but only as guides in the preparation of financial statements. The requirements with respect to the filing of balance sheets and statements of income are contained in the instructions as to certain other forms required by this part. Particular attention should be given to the general requirements as to financial statements in § 11.7 of this part, including paragraphs (e), (f) and (g) thereof which prescribe when statements of changes in capital accounts, statements of changes in financial position, and schedules will be filed. Although inapplicable items specified in the forms for financial statements should be omitted, the detailed instructions that relate to applicable items shall be followed.

2. *Accrual accounting.* Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) Where the results would be only insignificantly different on a cash basis, or (b) Where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this part.

A. BALANCE SHEET

ASSETS

1. Cash and due from banks.
2. Interest bearing balances with banks.
3. Investment securities:
   (a) U.S. Treasury securities.
   (b) Obligations of other U.S. Government agencies and corporations.
   (c) Obligations of States and political subdivisions.
   (d) Other bonds, notes and debentures.
   (e) Federal Reserve and Corporate stock.
4. Trading account securities.
5. Federal funds sold and securities purchased under agreements to resell.
6. Loans.
   Less: Reserve for possible loan losses.
   Loans, net.
7. Direct lease financing.
8. Bank premises, equipment, furniture and fixtures.
9. Real estate owned other than bank premises.
10. Investment in unconsolidated subsidiaries and associated companies.
11. Customers' liability on acceptances outstanding.
12. Other assets.
13. Total assets.

LIABILITIES

14. Deposits in domestic offices:
   (a) Demand.
   (b) Savings.
   (c) Time.
15. Deposits in foreign offices.
16. Federal funds purchased and securities sold under agreements to repurchase.
17. Liabilities for borrowed money.
18. Mortgages payable.
19. Bank's acceptance outstanding.
20. Other liabilities.
21. Total liabilities (excluding subordinated notes and debentures).
22. Subordinated notes and debentures.

CAPITAL ACCOUNTS

23. Equity capital:
   (a) Capital stock:
      Preferred stock.
      Common stock.
   (b) Surplus.
   (c) Undivided profits.
   (d) Reserve for contingencies and other capital reserves.
24. Total equity capital.
25. Total liabilities, subordinated notes and debentures, equity capital.

1. *Cash and due from banks.* (a) State the total of, (1) currency and coin, (i) owned and held in the bank's vaults, and (ii) in transit to or from a Federal Reserve Bank; (2) the bank's total reserve balance with the Federal Reserve Bank as shown by the bank's books; (3) non-interest bearing demand and non-interest bearing time deposit balances with other banks; and (4) cash items in process of collection.

(b) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(c) Do not include unavailable balances with closed or liquidating banks. Such balances should be reported in "other assets."

(d) Cash items in process of collection include:

(1) Checks in process of collection drawn on another bank, private bank, or any other banking institution that are payable immediately upon presentation (including checks with a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day);

(2) Government checks and warrants drawn on the Treasurer of the United States that are in process of collection; and

(3) Such other items in process of collection, including redeemed U.S. savings bonds, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

(e) Checks drawn on a bank other than the reporting bank that have been deposited in the reporting bank (or offices or branches of such bank) and have been forwarded for collection to other offices or branches of the reporting bank are cash items in the process of collection.

(f) Do not include commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, whether or not deposit credit therefor has been given to a customer. If deposit credit has been given, such drafts should be reported as "loans"; but if the drafts were received by the reporting bank on a collection basis they should not be included in the reporting bank's statement until such time as the funds have been actually collected.

(g) Unposted debits should preferably be deducted from the appropriate deposit liability caption. If such items are included hereunder, the amount shall be stated parenthetically.

2. *Interest bearing balances with banks.* Include interest bearing balances with banks in the United States and with other banks.

3. *Investment securities.*

(a) State separately book value of:

(1) U.S. Treasury securities;

(2) Securities of other U.S. Government agencies and corporations;

(3) Obligations of States and political subdivisions;

(4) Other bonds, notes and debentures; and

(5) Federal Reserve and corporate stock. Include securities pledged, loaned or sold under repurchase agreements and similar arrangements.

(b) Book value with respect to investment quality securities reported in paragraph (a) shall be cost adjusted for amortization of premium and for accretion of discount. There shall be set forth in a note to financial statements:

(1) The basis of accounting for book value;

(2) If bond discount amounts to 5 percent or more of interest and dividends on investments, the total of accretion income; and (3) The fair market value for each class of investment securities.

(c) Include in category (3) of paragraph (a) obligations, including warrants and tax anticipation notes, of the States of the United States and their political subdivisions, agencies and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign States.

(d) Do not include borrowed securities or securities purchased under resale agreements or similar arrangements.

4. *Trading account securities.* State the aggregate value at the balance sheet date of securities of all types carried by the bank in a dealer trading account (or accounts) that are held principally for resale to customers. Indicate parenthetically, or otherwise in a note to financial statements, whether the inventory is valued at (a) cost, (b) lower of cost or market, or (c) market. If cost basis of valuation is used, furnish aggregate market value of the trading account inventory at the current fiscal year balance sheet date.

5. *Federal funds sold and securities purchased under agreements to resell.*

(a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type should be included regardless of:

(1) Whether they are called simultaneous purchases and sales, buy-backs, turnarounds, overnight transactions, delayed deliveries, etc., and

(2) Whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements should be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

6. *Loans.* (a)(1) State the aggregate gross value of all loans including:

(i) Acceptances of other banks and commercial paper purchased in the open market;

(ii) Acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount;

(iii) Customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed;

(iv) "Cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers; and

(v) Overdrafts in demand deposit acounts of other banks, both domestic and foreign.

(2) Include:

(i) Paper rediscounted with the Federal Reserve or other banks; and

(ii) Paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(3) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "real estate owned other than bank premises."

(4) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

(5) Deduct unearned income on loans.

(b) *Less: Reserve for Possible Loan Losses.* State the balance of the reserve for possible loan losses at the end of the fiscal year. Include in this reserve only the valuation portion that has been established through charges against income.

(NOTES.—1. For banks using the reserve method of accounting for loan losses, the reserve for possible loan losses allowable under IRS regulations is made up of three parts: (a) Valuation portion, (b) Contingency portion, and (c) Deferred tax portion:

(a) *Valuation portion.* If prior to January 1, 1969, a bank did not distinguish the different parts of the reserve for loan losses, the total balance in the reserve for loan losses on December 31, 1968, may be considered to have been a valuation reserve. Such balance is increased by the amount of provision for possible loan losses charged to income in each period since December 31, 1968, and the amount of loan recoveries in each period since December 31, 1968, and reduced by the loan losses charged to the reserve for possible loan losses in each period since December 31, 1968. The resulting balance is the valuation portion of the reserve which is required to be deducted from total loans in the balance sheet. Only the valuation portion of the reserve for loan losses is available for absorbing loan losses.

(b) *Contingency portion.* This represents the cumulative amount of transfers from undivided profits to IRS Reserve for Bad Debts. This amount, net of applicable income tax reduction benefit, should be allocated to Equity Capital and shown in the Balance Sheet as Item 23(d) "Reserve for contingencies and other capital reserves."

(c) *Deferred tax portion.* This represents the tax effect on the difference between the deduction for loan losses claimed for income tax purposes pursuant to IRS rulings and the "Provision for possible loan losses" claimed for financial reporting purposes. The "deferred tax portion" should be reported in "Other liabilities".

2. In the rare circumstances where the cumulative provisions for loan losses charged against income have exceeded cumulative transfers to the bad debt reserve account calculated pursuant to IRS regulations in the period since December 31, 1968, the entire balance of the reserve for loan losses is considered a valuation reserve.)

7. *Direct lease financing.* Include the outstanding balance of all types of leases, e.g. financing, leverage, etc., on property acquired for the purpose of lease financing.

8. *Bank premises and equipment, furniture and fixtures.*

(a) State the aggregate cost of: (1) Bank premises owned;

(2) Lease-hold improvements; and

(3) Equipment. The foregoing should be shown net of any accumulated depreciation or amortization.

(b) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

(c) All fixed assets acquired prior to July 1, 1967, that are not presently accounted for by the bank on the basis of cost less accumulated depreciation or amortization, may be stated at book value. Any such assets that are still in use and would not have been fully depreciated on an acceptable method of accounting for depreciation if the bank had recorded depreciation on such basis shall be described briefly in a footnote, together with an explanation of the accounting that was used with respect to such assets.

(d) The term "lease-hold improvements" comprehends two types of situations:

(1) Where the bank erects a building on leased property;

(2) Where a bank occupies leased quarters or uses leased parking lots and appropriately capitalizes disbursements for vaults, fixed machinery and equipment directly related to such leased quarters, or resurfacing or other improvements directly related to such parking lots that will become an integral part of the property and will revert to the lessor on expiration of the lease.

(e) Bank premises includes vaults, fixed machinery and equipment, parking lots owned adjoining or not adjoining the bank premises that are used by customers or employees, and potential building sites.

(f) Equipment includes all movable furniture and fixtures of the bank.

9. *Real estate owned other than bank premises.*[1]

(a) This item should include all amounts representing investments, loans, and other assets based on properties which, disregarding the manner of holding or form of conveyance, properly should be considered to represent real estate owned other than bank premises.

(b) Include assets representing property sold or transferred, directly or indirectly, where the terms of the transaction or other conditions do not afford reasonable assurance that the properties will not be taken over by the bank, regardless of whether or not a deed has been delivered. This item should also include a sale or transfer where someone other than the bank takes title for the convenience of the bank.

(c) Mortgage or liens on other real estate owned for which the bank is liable should be reported in item 18.

(NOTE.—With respect to real estate acquired through default of a loan, state in a footnote the unpaid balance on the defaulted loan immediately prior to the time of foreclosure plus the bank's out-of-pocket costs in acquiring clear title to the property.)

10. *Investment in unconsolidated subsidiaries and associated companies.*

(a) State the aggregate investment, including advances, in subsidiaries and associated companies not consolidated.

(b) The equity method of accounting should be used.

11. *Customers' liability on acceptances outstanding.*

(a) State the liability to the reporting bank of its customers on drafts and bills of exchange that have been accepted by the reporting bank or by other banks for its account and that are outstanding—that is, not held by the bank—on the reporting date. (If held by the reporting bank, they should be reported as "loans.")

(b) In case a customer anticipates his liability to the bank on outstanding acceptances by paying the bank either the full amount of his liability or any part thereof in advance of the actual maturity of the acceptance, the bank should decrease the amount of the customer's liability on outstanding acceptances. If such funds are not received for immediate application to the reduction of the indebtedness to the bank or the receipt thereof does not immediately reduce or extinguish the indebtedness, then such funds held to meet acceptances must be reported in "demand deposits."

[1] Refer to Interpretive Ruling 7.3025.

(c) Do not include customers' liability on unused commercial and travelers' letters of credit issued under guaranty or against the deposit of security—that is, not issued for money or its equivalent.

12. *Other assets.* State separately, if material: (a) Income earned but not collected; (b) Prepaid expenses; and (c) Any other asset not included in the preceding items.

13. *Total assets.* State the sum of all asset items.

LIABILITIES

14. *Deposits in domestic offices.* (a) State separately (1) Demand deposits, (2) Savings deposits, and (3) Time deposits. State in a footnote the aggregate amount of time certificates of deposit of $100,000 or more. Related unposted debits, if any, should preferably be deducted from deposits.

(b) The term "unposted debit" means a cash item in the bank's possession drawn on itself that has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of the reporting period. This term does not include items that have been reflected in deposit accounts on the general ledger, although they have not been debited to individual deposit accounts.

(c) Reciprocal demand deposit balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(d) Include outstanding drafts (including advices or authorizations to charge the bank's balance in another bank) drawn in the regular course of business by the reporting bank on other banks pursuant to customer order.

(e) Do not include trust funds held in the bank's own trust department that the bank keeps segregated and apart from its general assets and does not use in the conduct of its business.

15. *Deposits in foreign offices.* In reporting deposits in foreign offices, short and long term liabilities carried on the books of foreign offices should be classified as borrowings rather than deposits in foreign offices if they are of the type subject to the limitations of 12 USC 82. Borrowings also include assets rediscounted with central banks, participations sold in loans and securities (in certain circumstances), government fundings of loans, borrowings from the Export-Import Bank, and rediscounted trade acceptances. Deposits in foreign offices consist of such other short and long term liabilities issued or undertaken as a means of obtaining funds to be used in the banking business and especially include those liabilities generally characterized as "replacements and redeposits," "call money", and "deposit substitutes".

16. *Federal funds purchased and securities sold under agreements to repurchase.*

(a) State the aggregate value of Federal funds purchased and securities sold under repurchase or similar arrangements. All securities sold under transactions of this type should be included regardless of:

(1) Whether they are called simultaneous purchases and sales, buy-backs, turnarounds, overnight transactions, delayed deliveries, etc., and

(2) Whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(b) Federal funds purchased and sales of securities under repurchase agreements should be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

17. *Liabilities for borrowed money.* State the aggregate amount borrowed by the reporting bank on its own promissory notes, on notes and bills rediscounted (including com-

modity drafts rediscounted), or on any other instruments given for the purpose of borrowing money.

18. *Mortgages payable.*

(a) State separately here, or in a note referred to herein, such information as will indicate:

(1) The general character of the debt including the rate of interest;

(2) The date of maturity;

(3) If the payment of principal or interest is contingent, an appropriate indication of such contingency; and

(4) A brief indication of priority.

(b) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, report in a footnote the amount thereof together with an appropriate explanation.

19. *Bank's acceptances outstanding.*

(a) State the aggregate of unmatured drafts and bills of exchange accepted by the reporting bank, or by some other bank as agent for the reporting bank (other than those reported in "demand deposits"), less the amount of such acceptances acquired by the reporting bank through discount or purchase and held on the reporting date.

(b) Include bills of exchange accepted by the reporting bank that were drawn by banks or bankers in foreign countries, or in dependencies or insular possessions of the United States, for the purpose of creating dollar exchange so required by usage of trade in the respective countries, dependencies, or insular possessions.

20. *Other liabilities.* State separately, if material:

(a) Accrued payrolls;

(b) Accrued income tax liability (Federal and State combined);

(c) Accrued interest;

(d) Cash dividends declared but not paid;

(e) Income collected but not earned;

(f) The aggregate amount of minority stockholders' interests in capital stock, surplus and undivided profits of consolidated subsidiaries;

(g) The aggregate amount of deferred taxes; and

(h) Any other liability not included in Items 14 through 19.

21. *Total liabilities.* State the sum of Items 14 through 20.

22. *Subordinated notes and debentures.* State separately here, or on a note referred to herein, each issue or type of obligation and such information as will indicate:

(a) The general character of each type of debt including the rate of interest;

(b) The date of maturity (or dates if maturing serially) and call provisions;

(c) The aggregate amount of maturities and sinking fund requirements, each year for the 5 years following the date of the balance sheet;

(d) If the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency;

(e) A brief indication of priority; and

(f) If convertible, the basis.

CAPITAL ACCOUNTS [2]

23. *Equity capital.* (a) Capital stock. State for each class of shares the title of the issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and subscriptions receivable thereon.

(b) Surplus. State the net amount formally transferred to the surplus account on or before the reporting date.

(c) Undivided profits.

(1) State the amount of undivided profits shown by the bank's books; and

(2) The amount of undivided profits available for the payment of dividends should be disclosed in a footnote.

(d) Reserve for contingencies and other capital reserves.

(1) State separately each such reserves and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen or indeterminable liabilities not otherwise reflected on the bank's books and not covered by insurance.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

(4) Reserves for security losses, the contingency portion of the reserve for loan losses, and other contingency reserves that are established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits."

24. *Total equity capital.* State the total of the segments included within Item 23.

25. *Total Liabilities, subordinated debentures and equity capital.* State the total of Items 21, 22 and 24.

B. STATEMENT OF INCOME

1. Operating income:

(a) Interest and fees on loans.

(b) Interest on balances with banks.

(c) Income on Federal funds sold and securities purchased under agreements to resell.

(d) Interest and dividends on investments:

(1) U.S. Treasury securities.

(2) Obligations of other U.S. Government agencies and corporations.

(3) Obligation of States and political subdivisions.

(4) Interest on other bonds, notes and debentures.

(5) Dividends on stock.

(e) Income from direct lease financing.

(f) Income from fiduciary activities.

(g) Service charges on deposit accounts.

(h) Other service charges, collection and exchange charges, commissions and fees.

(i) Other operating income.

(j) Total operating income.

2. Operating expenses:

(a) Salaries, wages and other employees benefits.

(b) Interest on time certificates of deposit of $100,000 or more.

(c) Interest on deposits in foreign offices.

(d) Interest on other deposits.

(e) Expense of Federal funds purchased and securities sold under agreements to repurchase.

(f) Interest on borrowed money.

(g) Interest on subordinated notes and debentures.

(h) Occupancy expense of bank premises, net Gross occupancy expense.

Less: Rental income.

(i) Furniture and equipment expense (including depreciation of $____).

(j) Provision for possible loan losses.

(k) Other expenses.

(l) Total operating expenses.

3. Income (loss) before income taxes and securities gains (losses).

4. Applicable income taxes.

5. Income (loss) before securities gains (losses).

6. Net securities gains (losses), less related tax effect, $____.

7. Net income (loss).

OR

7. Income (loss) before extraordinary items.

8. Extraordinary items, less related income tax effect, $____.

9. Net income (loss).

10. Earnings (loss) per common share.[3]

Income before securities gains (losses).

Net income (loss).

1. *Operating income.* State separately:

(a) *Interest and fees on loans.*

(1) Include interest, fees and other charges on all assets that are reported on the balance sheet as loans.

(2) Include interest on acceptances, commercial paper purchased in the open market, drafts for which the bank has given deposit credit to customers, etc. Also include interest on loan paper that has been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose.

(3) Include service charges and other fees on loans.

(4) Include profits (or losses) resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(5) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.

(b) *Interest on balances with banks.* Include the amount of interest income earned on balances carried with other banks. Also include any realized gains or losses on the disposition of negotiable time certificates of deposit.

(c) *Income on Federal funds sold and securities purchased under agreements to resell.* Include the total gross revenue from Federal funds sold and securities purchased under agreements to resell.

(d) *Interest and dividends on investments.*

(1) State separately interest and dividends from:

(i) U.S. Treasury securities,

(ii) Securities of other U.S. Government agencies and corporations,

(iii) Obligations of States and political subdivisions,

(iv) Other securities owned by the bank, including securities pledged, loaned or sold under repurchase agreements and similar arrangements, and (v) stock dividends.

(2) Include accretion of discount on securities, if any; deduct amortization of premiums on securities. If bond discount amounts to 5 percent or more of the total of interest and dividends on investments, state in a note to financial statements the amount of accretion income.

(3) When securities are purchased, any payment for accrued interest shall not be charged to expenses, nor when collected be credited to earnings. Such interest shall be charged to a separate account that will be

[2] Federal law (12 U.S.C. 51c) expressly provides that the term "capital" as used in provisions of law relating to the capital of national banks, shall mean "the amount of unimpaired common stock plus the amount of preferred stock outstanding and unimpaired." However, capital notes and debentures are considered by the Comptroller of the Currency in his determination as to the capital adequacy of national banks and in various other determinations expressed in the national banking laws as percentages of "capital and surplus" or "capital stock and surplus."

[3] The per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, the per share amount of income before extraordinary items and the per share amount of extraordinary items shall be stated separately.

credited upon collection of the next interest payment. The balance in the account shall be shown as "Other assets" in the balance sheet.

(e) *Income from direct lease financing.* Include net income earned from the leasing of personal property acquired by the bank.

(f) *Income from fiduciary activities.*

(1) Include income from commissions and fees for services performed by the bank in any authorized fiduciary capacity.

(2) This item may be reported on the cash basis in those instances where the effect on the financial statements would not be materialy different from the accrual basis.

(g) *Service charges on deposit accounts.* Include amounts charged depositors who fail to maintain specified minimum deposit balances; charges based on the number of checks drawn on and deposits made in deposit accounts; charges for account maintenance and for checks drawn on "no minimum balance" deposit accounts; return check charges, etc.

(h) *Other service charges, collection and exchange charges, commissions, and fees.* State the aggregate of other service charges, collection and exchange charges, commissions, and fees. Exclude charges on loans and deposits and those related to the Trust Department. Do not include reimbursements for out-of-pocket expenditures made by the bank for the account of customers. If expense accounts were charged with the amount of such expenditures, the reimbursements should be credited to the same expense accounts.

(i) *Other operating income.*

(1) Include all operating income not reported in Items 1(a) through 1(h).

(2) Include:

(i) Net trading account income consisting of profits and losses related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but exclude salaries, commissions and other indirect expenses;

(ii) Gross rentals from real estate owned other than bank premises and safe deposit boxes;

(iii) Equity in loss or net remittable income from subsidiaries and associated companies not consolidated; and

(iv) All other recurring credits and immaterial nonrecurring credit items.

(3) Do not include rentals from bank premises. Such rental income shall be reported in the inset to Item 2(h).

(4) State separately, if material:

(i) Net trading account income.

(ii) Equity in loss or net remittable income from subsidiaries and associated companies not consolidated; and

(iii) All other amounts that represent 25 percent or more of the total of this subitem, unless "other operating income" is less than 5 percent of "total operating income."

(j) *Total operating income.* State the sum of Items 1(a) through 1(i).

2. *Operating expenses.* State separately.

(a) *Salaries, wages and other employee benefits.*

(1) Include compensation for personal services of all officers and employees, including dining room and cafeteria employees but not building department employees. Do not include compensation of officers and employees who spent the major portion of their working time on bank building and related functions. Such compensation shall be included in Item 2(h).

(2) Include bonus and profit sharing paid directly or through a trustee. Also include compensation that is deferred and not distributed to employees.

(3) Do not include amounts paid to legal, management and investment counsel for professional services if such counsel are not salaried officers or employees of the bank. Such amounts shall be included in Item 2(k).

(4) Include all supplementary benefits accrued during the report period on behalf of all officers and employees except building department personnel [see Item 2(h)].

(5) Include the bank's own contribution to its pension fund; unemployment and Social Security taxes for the bank's own account; life insurance premiums (net of dividends received) and hospitalization insurance payable by the bank; and other employee benefits.

(6) Do not include expenses related to testing, training or education of officers and employees; the cost of bank newspapers and magazines; premiums on insurance policies where the bank is beneficiary; and athletic activities where the principal purpose is for publicity or public relations and employee benefits are only incidental. Such amounts shall be included in Item 2(k).

(b) *Interest on time certificates of deposit of $100,000 or more.* Include the interest expense of time certificates of deposit issued in denominations of $100,000 or more.

(c) *Interest on deposits in foreign offices.* Include interest on all deposits in foreign offices.

(d) *Interest on other deposits.* Include include interest on all other deposits.

(e) *Expense of Federal funds purchased and securities sold under agreements to repurchase.*

(1) Include the total gross expense of Federal funds purchased and securities sold under agreements to repurchase.

(2) Include expenses of such transactions undertaken by consolidated Edge Act and Agreement corporations.

(f) *Interest on borrowed money.*

(1) Include all interest on bills payable, rediscounts, unsecured notes payable, and other instruments issued for the purpose of borrowing money other than Federal funds purchased and securities sold under agreements to repurchase.

(2) Do not include interest on mortgages on bank premises. Such interest shall be included in Item 2(h).

(g) *Interest on subordinated notes and debentures.*

(1) Include all interest on subordinated notes and debentures.

(2) Amortization of premium or discount shall be deducted from or included in the amount reported.

(3) Do not include premium or discount paid or realized on retirement of such securities. Such amounts shall be reported in Item 1(i) or 2(k).

(h) *Occupancy expense of bank premises, net.*

(1) Include in "gross occupancy expense" the aggregate amount of:

(i) Salaries, wages, and other employee benefits of bank personnel [as detailed in Items 2(a)(1) to 2(a)(6)] who devote the major portion of their time to the operation of bank premises or its consolidated premises subsidiaries;

(ii) Depreciation of bank premises and amortization of lease-hold improvements;

(iii) Rent expense of bank premises;

(iv) Real estate taxes;

(v) Interest on mortgages on bank premises owned; and

(vi) Other bank premises operating and maintenance expenses.

(2) Include in "rental income" the aggregate amount of rentals from bank premises leased or sub-leased by the bank or its consolidated premise subsidiaries.

(3) Report the net occupancy expense (or net income) of bank premises. If net income is reported, the amount shall be shown in parentheses.

(i) *Furniture and equipment expense.*

(1) Include normal and recurring depreciation charges; rental costs of office machines and tabulating and data processing equipment; and ordinary repairs to furniture and office machines, including servicing costs. The amount applicable to depreciation charges shall be shown either in parentheses or in a footnote.

(2) Include taxes on furniture and equipment.

(j) *Provision for possible loan losses.*

(1) Banks shall include a provision for potential losses in the current loan portfolio based on bank management's evaluation of the loan portfolio in light of all relevant factors.

(2) Furnish in a note to financial statements an explanation of the basis for determining the loan loss provision.

(3) Banks which do not provide for loan losses on a reserve basis shall include the amount of actual net chargeoffs (losses less recoveries) for the current year.

(4) Banks with total assets exceeding $25 million as of the end of the latest fiscal year must be on the accrual basis for loan loss reserves.

(k) *Other expenses.*

(1) Include all operating expenses not reported in Items 2(a) through 2(j).

(2) Include advertising, business promotion, contributions, cost of examinations by supervisory authorities, deposit insurance assessment, fees paid to directors and members of committees, memberships, net cash shortages or overages, operating expenses (except salaries) of "Real estate owned other than bank premises," postage, premium on fidelity insurance, publicity, retainer fees, stationery and office supplies, subscriptions, taxes not reported against other items, telegrams and cables, telephone, temporary agency help, travel, unreimbursed losses on counterfeits, forgeries, payments over stops, and other recurring expenses and immaterial nonrecurring charges.

(3) Deposit insurance assessment expense shall be reported as a net figure—that is, all assessment credits during the period shall be applied against the assessment expense.

(4) Include minority interest in consolidated subsidiaries.

(5) Itemize all amounts that represent 25 percent or more of this item.

(*l*) *Total operating expenses.* State the sum of Items 2(a) through 2(k).

3. *Income (loss) before income taxes and securities gains (losses).* State the difference of Item 1(j) minus Item 2(*l*).

4. *Applicable income taxes.*[1]

(a) State the aggregate of Federal, State and foreign income taxes applicable to the amount reported in Item 3.

(b) Do not include income taxes applicable to net securities gains (losses) and extraordinary items. Such taxes (or tax reductions) shall be reported in Items 6 and 8.

5. *Income (loss) before securities gains (losses).* State the difference of Item 3 minus Item 4.

6. *Net securities gains (losses).* State the net result after income taxes of securities gains and losses realized. Related income taxes (or tax reductions) shall be shown parenthetically.

7. *Net income (loss).* State the sum or difference of Items 5 and 6.

NOTE.—If extraordinary items are reported (see Item 8) the caption to this Item shall read, "Income (loss) before extraordinary items."

8. *Extraordinary items.* State the results of material nonrecurring transactions that have occurred during the reporting period. Only the results of major events outside of the ordinary operating activity of the bank are to be reported herein. Such events would

[1] Refer to 12 CFR 11.7(c)(10)(iv).

include, but not be limited to, material gain or loss from sale of bank premises and expropriation of properties. Related income taxes (or tax reductions) shall be shown parenthetically. (Less than material results of nonrecurring transactions are to be included in Items 1(i) or 2(k) as appropriate.)

9. *Net income (loss).* State the sum or difference of Items 7 and 8.

10. *Earnings per common share.* State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to financial statements. When the reporting bank is a wholly-owned subsidiary (except for directors' qualifying shares) of a bank holding company, per share data shall be deleted.

C. *STATEMENT OF CHANGES IN CAPITAL ACCOUNTS*

	Preferred stock $___ par	Common stock $___ par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Balance at beginning of year [1]					
2. Net income transferred to undivided profits					
3. Preferred stock and common stock sold (par or face value)					
4. Stock issued incident to mergers or acquisitions					
5. Premium on capital stock sold					
6. Additions to (or reductions in) surplus, undivided profits and reserves incident to mergers					
7. Cash dividends declared on preferred stock					
8. Cash dividends declared on common stock					
9. Stock issued in payment of stock dividend _____ shares at par value					
10. All other increases (decreases) for the period [2] [3]					
11. Net increase (decrease) for the period					
12. Balance at the end of period					

[1] If the statement is filed as part of an annual or other report, and the balances at the beginning of the period differ from closing balances reported in previously issued reports, state separately the adjustments to these balances.

[2] State separately each item indicating clearly the nature of the transaction out of which the item arose. Adjustments such as: (a) prior period taxes; (b) prior period depreciation taken; (c) bad checks; (d) cash over/short should be charged or credited to the income statement for the current period.

[3] The difference between the purchase price and the fair value of the net assets acquired in business combinations treated as a purchase for accounting purposes should be charged to undivided profits.

D. *SCHEDULES*

SCHEDULE 1.—*U.S. Treasury securities; obligations of other U.S. Government agencies or corporations; obligations of State and political subdivisions; and other bonds, notes, and debentures*

Type and maturity grouping [1]	Book value [2]	Market value [3]
U.S. Treasury securities		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total U.S. Treasury securities		
Obligations of other U.S. Government agencies or corporations		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total of other U.S. Government agencies or corporations		
Obligations of States and political subdivisions [4]		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total obligations of States and political subdivisions		
Other bonds, notes, and debentures [5]		
Within 1 yr		
After 1 but within 5 yr		
After 5 but within 10 yr		
After 10 yr		
Total other bonds, notes, and debentures		

[1] Excludes securities sold short, securities borrowed, securities purchased but not yet delivered, and trading account securities.

[2] State briefly in a footnote the basis for determining the amounts in this column. Totals should agree with the related balance sheet amounts.

[3] If market value is determined on any basis other than market quotations at balance sheet date, explain.

[4] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territoria and insular possessions of the United States. Do not include obligations of foreign states.

[5] State in a footnote the aggregate amount and book value of foreign securities included.

SCHEDULE II.—*Corporate stock*

Type	Book value [1]	Market value [2]
Stock of the Federal Reserve bank		
Other stocks		
Total		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.
[2] If market value is determined on any basis other than market quotation at balance sheet date, explain. Stock of the Federal Reserve Bank should be valued for purposes of this Schedule.

SCHEDULE III.—*Loans* [1]

1. Real estate loans (include only loans secured primarily by real estate):
   a. Construction and land development.
   b. Secured by farmland (including farm residential and other improvements).
   c. Secured by 1-4 family residential properties:
      (1) Insured by FHA or guaranteed by VA.
      (2) Conventional.
   d. Secured by multi-family (5 or more) residential properties:
      (1) Insured by FHA.
      (2) Conventional.
   e. Secured by nonfarm nonresidential properties.
2. Loans to financial institutions:
   a. To real estate investment trusts and mortgage companies.
   b. To domestic commercial banks.
   c. To banks in foreign countries.
   d. To other depository institutions (Mutual Savings Banks, Savings and Loan Associations, Credit Unions).
   e. To other financial institutions.
3. Loans for purchasing or carrying securities (secured or unsecured):
   a. To brokers and dealers in securities.
   b. Other loans for purchasing or carrying securities.
4. Loans to farmers (except loans secured primarily by real estate; include loans for households and personal expenditures).
5. Commercial and industrial loans (except those secured primarily by real estate).
6. Loans to individuals for household, family, and other personal expenditures (include purchased paper):
   a. To purchase private passenger automobiles on installment basis.
   b. Credit cards and related plans:
      (1) Retail (charge account) credit card plans.
      (2) Check credit and revolving credit plans.
   c. To purchase other retail consumer goods on installment basis:
      (1) Mobile homes (exclude travel trailers).
      (2) Other retail consumer goods (exclude credit cards and related plans).
   d. Installment loans to repair and modernize residential property.
   e. Other installment loans for household, family, and other personal expenditures.
   f. Single-payment loans for household, family, and other personal expenditures.
7. All other loans.
8. Total loans, Gross (sum of Items 1 through 7).
9. Less: Unearned income on loans.
10. Total loans.

[1] Detailed instructions for the preparation of this schedule are contained within the Instructions for Preparat of Consolidated Reports of Condition and Reports of Income by National Banking Associations, revised March 197

SCHEDULE IV.—*Bank premises, equipment, furniture, and fixtures*

Classification [1]	Gross book value [2]	Accumulated depreciation and amortization [3] [4]	Amount at which carried on balance sheet
Bank premises (including land $_____)			
Equipment, furniture, and fixtures			
Leasehold improvements			
Totals [5]			

[1] If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with the breakdown required by this schedule, a separate caption stating the total amount of all such property may be inserted. Such action should be explained in a footnote.
[2] State briefly in a footnote the basis of determining the amounts in this column if different than historical cost.
[3] If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amount for the last fiscal year shall be stated in an explanatory footnote.
[4] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.
[5] Show in a footnote totals (corresponding to the 1st 2 columns) representing amounts reported for Federal income tax purposes.

SCHEDULE V.—*Investments in, dividend income from, and share in earnings or losses of unconsolidated subsidiaries and associated companies*

Name of subsidiary or associated company	Percent of voting stock owned directly or indirectly	Total investment, including advances, at balance sheet date	Equity in underlying net assets at balance sheet date [1]	Amount of dividends received during the period [2]	Proportionate part of earnings or (loss) for the period
Totals					

[1] Equity shall include advances reported in preceding column to the extent recoverable.
[2] In a footnote state as to any dividends other than cash, the basis on which they have been reported as income. Also, if any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.
[3] Those foreign investments, the enumeration of which would be detrimental to the bank, may be grouped.

SCHEDULE VI.—*Liabilities for borrowed money*

Item	Amount
Borrowings from Federal Reserve bank	
Unsecured notes payable within 1 yr	
Unsecured notes payable after 1 yr	
Other obligations	
Total	

SCHEDULE VII.—*Reserve for possible loan losses* [1]

Item	Amount
Balance at beginning of period	
Recoveries credited to reserve	
Changes incident to mergers and absorptions [2]	
Provisions for possible loan losses charged to income	
Total	
Losses charged to allowance	
Balance at the end of period [3] [4]	

[1] Do not include any entries pertaining to reserve accounts established by segregation of the bank's undivided profits account.
[2] Describe briefly in a footnote any such additions.
[3] Describe briefly in a footnote the basis used in determining the amount accumulated in the reserve at the end material difference between the reserve for possible loan losses reported herein and the reserve for bad debts com-
[4] Indicate in a footnote whether the bank's reserve for bad debts computed for Federal income tax return purposes is at the maximum allowable pursuant to Treasury tax formula. In addition, set forth a summary reconciliation of any material difference between the reserve for possible loan losses reported herein and the reserve for bad debts computed for Federal income tax purposes.

SCHEDULE VIII.—*Deposits in domestic offices* [1]

Deposits	Demand	Savings	Time
1. Deposits of individuals, partnerships, corporations:			
a. Individuals and nonprofit organizations			
b. Corporations and other profit organizations			
c. Total, (sum of 1a and 1b)			
d. Mutual savings banks			
e. Deposits accumulated for payment of personal loans			
f. Total			
2. Deposits of U.S. Government			
3. Deposits of States and political subdivisions			
4. Deposits of foreign governments and official institutions, central banks, and international institutions			
5. Deposits of commercial banks in the United States			
6. Deposits of banks in foreign countries, including balances of foreign branches of other American banks			
7. Certified and officers' checks, travelers' checks, letters of credit			
8. Total deposits			

[1] Detailed instructions for the preparation of this schedule are contained within the "Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations," revised March 1976.

E. *CHANGES IN FINANCIAL POSITION*[1]

Sources of funds	
Operations:	
Net income	
Charge to income not affecting funds	
Total funds provided by operations	
Equity funds, sale proceeds	
Subordinated notes and debentures, sale proceeds	
Increase in liabilities [1]	
Decrease in operating assets [1]	
Total	
Applications of funds	
Payment of dividends	
Purchase of property and equipment	
Decrease in liabilities [1]	
Increase in operating assets [1]	
Total	

[1] Sources and applications of funds shall be shown separately by amounts when they exceed 5 pct of the average of total funds provided during the reported periods.
[2] Historically, this statement has been prepared primarily from a comparison of period-end balances. The bank may, at its option, prepare this statement using average daily balances for changes in asset and liability accounts. If the use of the average daily balance method results in the presentation of data which materially differ from those which would have been shown if the period-end method had been used, such differences shall be disclosed in a note to the financial statements.

§ 11.102 [Amended]

44. Section 11.102(d)(1) is corrected by deleting the word "greater" in paragraph (d)(1) and substituting the word "lesser".

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federal register

TUESDAY, OCTOBER 12, 1976

PART III:

ENVIRONMENTAL PROTECTION AGENCY

Emission Monitoring Requirements

■

RECEIPT OF APPLICATION AND APPROVAL OF ALTERNATIVE MONITORING REQUIREMENTS

ENVIRONMENTAL PROTECTION AGENCY

[FRL 628-3]

EMISSION MONITORING REQUIREMENTS

Receipt of Application and Approval of Alternative Monitoring Requirements

On October 6, 1975 (40 FR 46247 and 46256), and on August 20, 1976 (41 FR 35185) the Environmental Protection Agency (EPA) promulgated regulations under 40 CFR Parts 51 and 60 which require continuous emission monitoring of sulfur dioxide and oxides of nitrogen at new and certain existing fossil fuel-fired steam generators. The regulations require that the emission rate be computed using an equation which requires the measurement of the pollutant concentration and percent oxygen in the stack gas on a dry basis only. However, paragraph 3.9.1 of Appendix P to 40 CFR Part 51 and § 60.13(i)(3) of 40 CFR Part 60 provide for application for approval of "alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions."

EPA has received two written applications for approval of alternative monitoring requirements; one was received from Lear Siegler, Incorporated, Englewood, Colorado, on January 9, 1976, and one from E. I. duPont de Nemours and Company, Wilmington, Delaware, on January 23, 1976. Specifically, the applicants requested approval of alternative emission data reduction procedures to be used with wet-basis stack gas pollutant and oxygen monitoring data from fossil fuel-fired steam generators. EPA has completed a technical review of the applications and approves the following alternative data reduction procedures using wet-basis pollutant and oxygen data for new stationary sources regulated by 40 CFR Part 60. State control agencies may include these data reduction techniques in their Implementation Plans.

a. The following equation may be used for the determination of sulfur dioxide and oxides of nitrogen emissions from fossil fuel-fired steam generators when the pollutant and oxygen concentrations are measured on a wet basis except where wet scrubbers are employed, or where moisure is otherwise added to the stack gases:

$$E = C_{ws} F_w \left(\frac{20.9}{20.9\ (1 - B_{wa}) - \%\, o_{2ws}} \right)$$

where:

1. E=pollutant emission, g/million cal (lb/million Btu).

2. C_{ws}=pollutant concentration at stack conditions, g/wscm (grams/wet standard cubic meter) (lb/wscf (pounds/wet standard cubic foot)), determined by multiplying the average concentration (ppm) for each one-hour period by 4.15×10^{-5} M g/wscm per ppm (2.59×10^{-9} M lb/wscf per ppm) where M-pollutant molecular weight, g/g-mole (lb/lb-mole). M=64.07 for sulfur dioxide and 46.01 for nitrogen oxides.

3. $\%O_{2ws}$=oxygen volume (expressed as percent—wet-basis determined with equipment specified under paragraph (d) of section 60.45.

4. F_w=a factor representing a ratio of the volume of wet flue gases generated to the calorific value of the fuel combusted. Values of F_w are given as follows:

(i) For anthracite coal as classified according to A.S.T.M. D388-66, F_w=1.188 wscm/million cal (10580 wscf/million Btu).

(ii) For sub-bituminous and bituminous coal as classified according to A.S.T.M. D388-66, F_w=1.200 wscm/million cal (10680 wscf/million Btu).

(iii) For liquid fossil fuels including crude, residual, and distillate oils, F_w=1.164 wscm/million cal (10360 wscf/million Btu).

(iv) For gaseous fossil fuels: For natural gas, F_w=1.196 wscm/million cal (10650 wscf/million Btu). For propane, F_w=1.150 wscm/million cal (10240 wscf/million Btu). For butane, F_w=1.172 wscm/million cal (10430 wscf/million Btu).

Values of F_w may be determined from a fuel analysis as follows:

$$F_w = \frac{347.4\ \%H + 95.7\ \%C + 35.4\ \%S + 8.6\ \%N - 28.5\ \%O + 13.4\ \%H_2O^1}{GCV_w} \quad \text{(Metric)}$$

$$F_w = \frac{10^6\ [5.56\ \%H + 1.53\ \%C + 0.57\ \%S + 0.14\ \%N - 0.46\ \%O + 0.21\ \%H_2O^1]}{GCV_w} \quad \text{(English)}$$

[1] This term may be omitted if %H+%O includes the unavailable hydrogen and oxygen in the form of H_2O.

where:

H, C, S, N, and O are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent), respectively, as determined on the same basis as GCV_w by ultimate analysis of the fuel fired, using A.S.T.M. method D3178-74 or D3176 (solid fuels), or computed from results using A.S.T.M. methods D1137-53(70), D1945-64 (73), or D1946-67(72) (gaseous fuels) as applicable.

GCV_w is the gross calforific value (cal/g, Btu/lb) of the fuel combusted on an "as received" or "as fired" basis (i.e., the analysis should include the free moisture), determined by the A.S.T.M. test methods D2015-66(72) for solid fuels and D 1826-64(70) for gaseous fuels as applicable.

5. B_{wa}= proportion by volume of water vapor in the ambient air. Approval may be given for determination of B_{wa} by on-site instrumental measurement provided that the absolute accuracy of the measurement technique can be demonstrated to be within ±0.7 percent water vapor. In lieu of actual measurement, B_{wa} may be estimated as follows:

NOTE.—That the following estimating factors are selected to assure that any negative error introduced in the term

$$\left(\frac{20.9}{20.9\ (1 - B_{wa}) - \%\, O_{2ws}} \right)$$

will not be larger than −1.5 percent. However, positive errors, or over-estimation of emissions, of as much as 5 percent may be introduced depending upon the geographic location of the facility and the associated range of ambient moisture.)

(i) B_{wa}=0.027. This factor may be used as a constant value at any location.

(ii) B_{wa}=highest monthly average of B_{wa} which occurred within a calendar year at the nearest Weather Bureau station.

(iii) B_{wa}=highest daily average of B_{wa} which occurred within a calendar month at the nearest Weather Bureau station, calculated from data for the past three years. This factor shall be calculated for each month and may be used as an estimating factor for the respective calendar month.

b. The following equation may be used for the determination of sulfur dioxide and oxides of nitrogen pollutant emissions from fossil fuel-fired steam generators where the pollutant and oxygen concentrations are measured on a wet basis and the water vapor content of the stack gas is determined at least once every fifteen minutes. When wet scrubbers are employed prior to where the stack gas is sampled or if liquid water droplets or mist is otherwise present in the stack gas, use of a heated extractive monitoring system may collect and vaporize condensed liquid. As a result, the vapor content of the stack gas may be significantly different from the vapor content where the pollutant and oxygen concentrations are measured. Therefore, in all applications of the following equation, the water vapor content must be measured in the monitoring system or stack such that the measured vapor content is the same as the vapor content existing at the point where the pollutant and oxygen measurements are made.

$$E = C_{ws} F \left(\frac{20.9}{20.9(1 - B_{ws}) - \%\, O_{2ws}} \right)$$

where:

1. E=pollutant emission, g/million cal (lb/million Btu).

2. C_{ws}=pollutant concentration at stack conditions, g/wscm (lb/wscf), determined by multiplying the average concentration (ppm) for each one-hour period by 4.15×10^{-5} M g/wscm per ppm (2.59×10^{-9} M lb/wscf per ppm) where M=pollutant molecular weight, g/g-mole (lb/lb-mole). M=64.07 for sulfur dioxide and 46.01 for nitrogen oxides.

3. $\%_{ws}$=oxygen volume (expressed as percent—wet-basis) determine with equipment specified under paragraph (d) of section 60.45.

4. F=a factor representing a ratio of the volume of dry flue gases generated, to the calorific value of the fuel combusted as specified in section 60.45.

5. B_{ws}=proportion by volume of water vapor in the stack gas.

This equation is approved in principle. Approval for actual practice is contingent upon demonstrating the ability to accurately determine B_{ws} such that any absolute error in B_{ws} will not cause an error of more than ±1.5 percent in the term

$$\left(\frac{20.9}{20.9(1-B_{ws})-\%O_{2s}}\right).$$

IMPACT OF ACTION ON STATE IMPLEMENTATION PLANS

In accordance with regulations promulgated by the Agency on October 6, 1975, States are required to submit regulations that provide for continuous emission monitoring of certain existing sources. Such State regulations shall be submitted to EPA for approval and shall be considered a revision to the approved State Implementation Plan. According to the EPA requirements, States shall set forth performance specifications for monitoring instruments and require that data derived from such monitoring be summarized and made available. Minimum performance standards and other procedures are set forth in 40 CFR Part 51, Appendix P. These requirements allow States to consider alternate procedures when such procedures are determined to be as accurate as those contained within Appendix P.

States are advised that as a result of this notice, EPA now approves the use of two alternate data reduction procedures not currently contained within Appendix P. It should be noted that this action does not mandate acceptance or use of these alternate procedures by any State. This action does, however, signify the Agency's intent to approve State plans employing these data reduction procedures where States determine that such procedures are amendable to their control programs.

Dated: September 30, 1976.

ROGER STRELOW,
Assistant Administrator
for Air and Waste Management.

[FR Doc.76-29710 Filed 10-8-76;8:45 am]

federal register

TUESDAY, OCTOBER 12, 1976

PART IV:

DEPARTMENT OF THE TREASURY

Office of Revenue Sahring

■

ANTIRECESSION FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Interim Regulations

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 52—ANTIRECESSION FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Pursuant to the authority vested in the Secretary of the Treasury by the Public Works Employment Act of 1976 (Title II, Pub. L. 94–369) enacted July 22, 1976, the Department of the Treasury hereby adopts the following interim regulations in order to disbuse payments to eligible States and local governments for the calendar quarter beginning July 1, 1976. A new part 52 is hereby established undre Chapter I of Subtitle B in Title 31 of the Code of Federal Regulations.

Because the purpose of these regulations is to provide immediate guidance to the States and local governments in order that the requirements of the Act be complied with, it is hereby found impractical to issue such regulations with the notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553 (d).

These regulations shall become effective when filed with the Office of the Federal Register. It is expected that permanent regulations will be issued in the near future and for this reason, written comments are solicited for consideration by the Department. Public comments may be submitted on or before November 11, 1976 to the following address: Director, Office of Revenue Sharing (symbols CC) 2401 E Street, NW., Washington, D.C. 20226.

Comments submitted in response to this solicitation are available to the public upon written request pursuant to the Freedom of Information Act and the regulations promulgated thereunder by the Department, 31 CFR 1.1 et seq.

Dated: October 7, 1976.

JEANNA D. TULLY,
Director,
Office of Revenue Sharing.

Approved:
JERRY THOMAS,
Under Secretary of the Treasury

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AUTHORITY: Public Works Employment Act of 1976, Pub. L. 94–369, Title II.

Subpart A—General Information

§ 52.0 Scope and application of regulations.

The rules and regulations of this part are prescribed for carrying into effect Title II of the Public Works Employment Act of 1976, enacted July 22, 1976, and are applicable as of the calendar quarter beginning July 1, 1976.

§ 52.1 Delegation of authority.

By delegation order of the Secretary of the Treasury the Director of the Office of Revenue Sharing shall perform the functions, exercise the powers and carry out the duties vested in the Secretary by the Public Works Employment Act of 1976, Title II, Pub. L. 94–369. A reference to the Director in the masculine gender shall not be construed to exclude the feminine gender.

§ 52.2 Definitions.

As used in this part (except where the context clearly indicates otherwise, or where the terms are defined elsewhere in this part) the following definitions shall apply:

(a) "Act" means Title II of the Public Works Employment Act of 1976, Pub. L. 94–369.

(b) "Chief executive officer" of a unit of local government means the elected official, or the legally designated official who has the primary responsibility for the conduct of that unit's governmental affairs, and is the chief executive officer for purposes of the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq. and 31 CFR 51.2(b). Examples of the "chief executive officer" of a unit of local government may be: The elected mayor of a municipality, the elected county executive of a county, the chairman of a county commission or board in a county that has no elected county executive, the township supervisor, trustee, first selectman, chairman, city manager, or such other official as may be designated pursuant to law by the duly elected governing body of the unit of local government; or the chairman, governor, chief or president (as the case may be) of an Indian tribe or Alaskan native village.

(c) "Department" means the Department of the Treasury.

(d) "Director" means the Director of the Office of Revenue Sharing.

(e) "Effective date of the Act" means July 22, 1976.

(f) "Governor" means the Governor of any of the 50 states.

(g) "Identifiable local government" means a unit of general local government for which the Secretary of Labor has made a determination concerning the rate of unemployment for purposes of Title II or Title VI of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93–203) during fiscal years 1975 or 1976.

(h) "Independent public accountant" means independent certified public accountant or independent public accountant licensed by a regulatory authority of a State or other political subdivision of the United States.

(i) "Indian tribe and Alaskan native village" means the recognized governing body of an Indian tribe or Alaskan native village which perform substantial governmental functions. Certification to the Director by the Secretary of the Interior (or Governor of a State in the case of State affiliated tribes) of the recognized governing body of an Indian tribe or an Alaskan native village performing substantial governmental functions for purposes of the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512) shall constitute prima facie evidence of compliance with such criteria.

(j) "Local government" means the government of a county, municipality, township or other unit of government within the State which—

(1) is a unit of general government (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes and reported to the Secretary), and

(2) performs substantial governmental functions. The term local government includes the District of Columbia and the recognized governing body of an Indian tribe or Alaskan native village

which performs substantial governmental functions.

(k) "Payment" means funds paid to a State government or a local government pursuant to the Act.

(l) "Quarterly allocation" means the amount of funds allocated to a State government or local government as determined by the Director pursuant to an allocation formula contained in the Act or authorized by regulation under this part.

(m) "Recipient government" means a State government or local government as defined in this section which receives payment under the Act.

(n) "Secretary" means the Secretary of the U.S. Department of the Treasury.

(o) "State government" means the government of any of the 50 states.

(p) "Substantial governmental function" means, with respect to township governments, that such governments have expended revenues within the last two fiscal years (current and preceding fiscal years) and have the present authority to expend revenues within two or more of the following governmental expenditure categories: Education, Highways, Public Welfare, Health and Hospitals, Police and Corrections, Fire Protection, Sewerage and Sanitation, Natural Resources, Housing and Urban Renewal, Transportation, Libraries, Financial Administration, General Administration, General Public Buildings, Interest on General Debt, and Parks and Recreation.

§ 52.3 Procedure for effecting compliance.

(a) *In general.* Whenever the Director, after affording reasonable notice and an opportunity for a hearing to any State or local government pursuant to subpart H of this part, finds there has been a failure to comply substantially with this part, the Director shall notify that State or local government that further payments will not be made until he is satisfied there is no longer a failure to comply. Until he is so satisfied, no further payments will be made under the Act to such State or local government. Notwithstanding the above, payments may be temporarily suspended pursuant to subpart F of this part.

(b) *Determination to delay payment.* Whenever the Director determines that a recipient government has failed to comply with the reporting requirements of this part, he may delay a payment to such government. A determination to delay a payment shall not be subject to the procedure set forth in paragraph (a) of this section and shall be in effect for such time as is necessary to effect compliance.

§ 52.4 Extension of time.

When, by these regulations (other than those specified in subpart H of this part) an act is required within a specified time, the Director may grant a request for an extension of time if in his judgment it is necessary, appropriate and in accordance with the Act. Requests for extensions of time shall be in writing and shall set forth the facts and circumstances supporting the need for more time and the amount of additional time requested.

§ 52.5 Transfer of payments to secondary recipients.

Those prohibitions and restrictions set forth in subparts E, F and G of this part which are applicable to a recipient government's payments continue to be applicable to such funds if they are transferred to another governmental unit or a private organization. A violation of subparts E, F and G of this part by a secondary recipient shall constitute a violation by the recipient government and the applicable penalty for failure to comply shall be imposed on the recipient government.

Subpart B—Reports and Written Communications

§ 52.10 Assurances; Reports to the Director.

(a) *Requisite assurances for receipt of payments.* Each State or local government will receive payments only upon the filing of a statement of assurances by the chief executive officer with the Director. The statement of assurances provides that a recipient government will comply with certain specific requirements of the Act and this part with respect to the use of payments. In addition, township governments must assure the Director that they perform substantial governmental functions, as defined in § 52.2(p) of this part.

(b) *Filing time for statement of assurances.* The statement of assurances form must be received by the Director on or before November 12, 1976, in order for a government to timely receive the payments authorized for the calendar quarters beginning July 1, and October 1, 1976. Governments otherwise eligible which have not filed a statement of assurances form with the Director by November 12, 1976, must file such form by December 13, 1976 in order to receive payments for the calendar quarters beginning July 1, October 1, 1976 and January 1, 1977 at the time payments are made for the quarter beginning January 1, 1977. With respect to calendar quarters beginning after January 1, 1977, a government which had not previously filed a statement of assurances form must file such assurances with the Director at least 21 days prior to the beginning of a subsequent calendar quarter in order to qualify for payments under the Act. The Director shall not require a recipient government to submit more than one statement of assurances form each Federal fiscal year. The Director will make reasonable efforts to provide a statement of assurances form to potential recipient governments. It is the ultimate responsibility of the State and local governments to obtain a statement of assurances form. Nothing in this section shall preclude the Director from requiring recipient governments to submit such other assurances as are deemed appropriate to enforce compliance with the Act and the provisions of this part.

(c) *State and local government economization assurance.* The chief executive officer of each State or local government which receives payments under the Act shall provide an assurance on the statement of assurances form required in paragraph (a) of this section, that reasonable efforts have been made to achieve substantial economies in its operations and that payments are necessary to maintain essential services without weakening Federal Government efforts to stimulate the economy through reductions in the Federal tax obligations.

(d) *Reports.* Recipient governments are required to submit reports containing the data requested by the Director to carry out the purposes of this part, such as the uses of payments and their fiscal impact. The reports shall be made within the time limits and in the form and manner specified by the Director.

§ 52.11 Publication and publicity of reports; public inspection.

(a) *In General.* Each recipient government which has received payments shall publish each report filed with the Director pursuant to § 52.10(d) of this part in a newspaper of general circulation within the jurisdiction of such government.

(b) *Permissible newspapers.* A newspaper is appropriate for purposes of paragraph (a) of this section if it conforms with the newspaper publication requirements for general revenue sharing reports pursuant to the State and Local Fiscal Assistance Act of 1972, Pub. L. 92–512.

(c) *Legal notice rules are inapplicable.* The publication requirement in paragraph (a) of this section does not require the publication of reports as a legal notice. A recipient government may publish reports without regard to State or local statutory requirements for the publication of legal notices.

(d) *Exception to the publication requirement.* The newspaper publication requirement in paragraph (a) of this section shall not apply whenever the cost of publishing a report exceeds 10 percent of the total amount of payments received by such government during the period covered by such report. Also, the Director may waive the publication requirement upon the receipt of a notorized written assurance, signed by the chief executive officer of the recipient government, which states that an alternative means of publicizing the report is more appropriate to inform residents of the affected community of the contents of the reports. The assurance must be accompanied by a statement of the alternative means which will be used to publicize the report.

§ 52.12 Special reports.

(a) *In general.* Each State and local government which receives a payment shall report to the Director, in accordance with paragraph (b) of this section, any increase or decrease in any tax rate which it imposes and any substantial (five percent or more on an annualized basis) reduction in the number of in-

dividuals it employs (excluding part-time, seasonal and elected officials) or in services (five percent or more on an annualized basis of the total operating budget allocated to providing services) which such State or local government provides during each calendar quarter in which a payment is received. Each State which receives a payment shall report to the Director any decrease in the amount of intergovernmental transfers it provides to the local governments within its boundaries as compared to the amount of intergovernmental transfers provided during the twelve-month period which ended June 30, 1976, together with an explanation of the reasons for such decrease.

(b) *Time limitation; form.* The reports required in paragraph (a) of this section shall be made as soon as it is practical and, in any case, not more than six months after the date on which the decision to impose such tax rate increase or decrease, such reduction in employment or services, or such decrease in intergovernmental transfers is made public. The reports shall be made on a form provided, and in a manner to be prescribed by the Director.

Subpart C—Computation and Allocation Adjustments

§ 52.20 Reservation of payments and adjustments.

(a) *Reservation of funds.* In order to make subsequent adjustments to a payment which may be authorized the Director will establish an Antirecession Fiscal Assistance Adjustment Reserve Fund. The Director will set aside a percentage of the funds appropriated for the purpose of making such payments as in his judgment is necessary to insure that there will be sufficient funds available to make all appropriate adjustments. Any payments waived shall also be set aside into the Adjustment Reserve Fund. The funds reserved in this manner will accumulate until the Director orders distribution of those funds to recipient governments in accordance with the Act.

(b) *Adjustment to future payments.* Adjustment to payments may be effected through adjustment to subsequent payments unless this means of adjustment is deemed impractical or impossible by the Director. In those cases, the Director may demand repayment by the recipient government of the amount determined to be in excess. Such excess payments shall be promptly repaid on demand in the manner specified by the Director.

(c) *Minimum adjustment.* No adjustment of any kind of less than $100 per quarter shall be made if in the judgment of the Director such adjustment will be burdensome, costly or impractical.

§ 52.21 Unemployment rate data.

(a) *State and identifiable local government unemployment rate.* The unemployment rate used to determine quarterly allocations for State and identifiable local governments, and adjustments thereto payable under this part, will be the unemployment rate as determined by the Secretary of Labor and reported to the Director for the appropriate calendar quarter.

(b) *Other than identifiable local government unemployment rate data.* The unemployment rate used to determine quarterly allocations for other than identifiable local governments shall be the unemployment rate of the State adjusted by excluding consideration of unemployment and of the labor force within identifiable local governments, other than county governments, within the jurisdiction of that State, as such data is determined by the Secretary of Labor and reported to the Director. For purposes of intra-State allocations only, the use of other data, including county or balance-of-county data, is authorized in any calendar quarter for which the Secretary of Labor certifies a better unemployment rate to the Director for one (or more) other than identifiable government in a State. The use of other data may also be authorized for purposes of intra-State allocations pursuant to an optional State allocation plan submitted under subpart D of this part.

§ 52.22 Revenue sharing amount.

(a) *State revenue sharing amount.* The State revenue sharing amount is the amount of each State's final allocation of revenue sharing funds as determined by the Director for the one year period beginning on July 1, 1975 (Entitlement Period Six) pursuant to section 107 of the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92–512).

(b) *Identifiable local government revenue sharing amount.* The local revenue sharing amount for identifiable local governments is the amount of such local governments' final allocation of revenue sharing funds as determined by the Director for the one year period beginning on July 1, 1975 (Entitlement Period Six), pursuant to section 108 of the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92–512).

(c) *Other than identifiable local government revenue sharing amount.* The local revenue sharing amount for other than identifiable local governments for purposes of the national allocation each calendar quarter to such local governments is the sum of the final allocation of revenue sharing funds for all local governments in a State for the one year period beginning on July 1, 1975, (Entitlement Period Six) as determined by the Director, pursuant to section 108 of the State and Local Fiscal Assistance Act of 1972, (Title I, Pub. L. 92–512), adjusted by excluding an amount equal to the sum of the local revenue sharing amounts of identifiable local governments within the jurisdiction of that State. The local revenue sharing amount for individual other than identifiable local governments for purposes of intra-State allocations is the amount of each such government's final allocation of revenue sharing funds as determined by the Director for the one year period beginning on July 1, 1975 (Entitlement Period Six) pursuant to section 108 of the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92–512).

§ 52.23 Finalizing Data; Verification of Data.

(a) *Closing unemployment rate data.* Except as provided in paragraphs (c) and (d) of this section, the unemployment rate data reported by the Secretary of Labor to the Director will be closed and final as of the date payments are made to recipient governments each calendar quarter.

(b) *Closing revenue sharing amount data.* Except as provided in paragraphs (c) and (d) of this section, the Director's determination of a recipient government's revenue sharing amount will be closed and final as of the date payments are made each calendar quarter.

(c) *Time limitation for data verification.* A government may file a request for data verification with the Office of Revenue Sharing on the grounds that a processing error (such as a typographical or computer programming mistake) was made in the unemployment rate data or the revenue sharing amount data used for its quarterly allocation, provided such data verification request is received by the Director within 21 days from the date a payment is made to the recipient government for such calendar quarter. Nothing in this section shall effect the entitlement of governments under the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92–512).

(d) *Adjustments due to governmental reorganizations, etc.* Adjustments to payments due to governmental reorganizations, annexations, boundary alterations, etc., may be made for the calendar quarter during the calendar quarter in which the revenue sharing amount, as defined in § 52.22 of this part, is changed by the Director to reflect such governmental reorganizations, etc. Such adjustment to payments may be made only upon the Director's determination that it is practicable and exceeds $100 in a calendar quarter.

§ 52.24 Termination of eligibility.

(a) *National termination of payments.* Notwithstanding the existence of higher State or local rates of unemployment, or the existence of State or Local excess unemployment percentages, payments will not be made in any calendar quarter if—

(1) the average rate of national unemployment during the most recent calendar quarter which ended three months before the beginning of such calendar quarter did not exceed six percent, or

(2) the rate of national unemployment for the last month of the most recent calendar quarter which ended three months before the beginning of such calendar quarter did not exceed six percent.

(b) *State and local government termination of payments.* Notwithstanding the existence of a rate of national unemployment in excess of six percent no amount will be paid to any State or local government under the Act or this part for any calendar quarter if—

(1) the average rate of unemployment assigned to a State or local government in accordance with the Act during the most recent calendar quarter which ended three months before the beginning

of such calendar quarter was less than 4.5 percent, or

(2) the rate of unemployment assigned to a State or local government in accordance with the Act for the last month of the most recent calendar quarter which ended three months before the beginning of such calendar quarter did not exceed 4.5 percent.

§ 52.25 Minimum payment.

If the amount of a quarterly allocation to any local government under the Act is less than $100 in any calendar quarter, then no amount shall be allocated for such local government for that period and such funds will be reallocated to recipient governments within that quarter pursuant to the Act.

§ 52.26 Waiver of payments; nondelivery of checks.

(a) *Waiver.* Any recipient government may waive a payment provided the chief executive officer notifies the Director in writing of its intention to waive and returns the payment to the Director. The waiver shall be accomapnied by a resolution requesting the waiver by the governing body of such government. A waiver of payments shall be effective until revoked by the recipient government and another statement of assurances is filed with the Director pursuant to § 52.10 of this part.

(b) *Nondelivery.* Payments which are returned by the U.S. Postal Service to the Office of Revenue Sharing as being nondeliverable because of incorrect address information or which are unclaimed for any reason, shall be retained by the Director until he determines the payments should be paid to recipient governments in accordance with the Act.

(c) *New units of local government.* A unit of local government which came into existence during a calendar quarter in which payments are made shall first be eligible for a payment in the next succeeding calendar quarter, provided such local government files a statement of assurances, in accordance with § 52.10 of this part, and otherwise qualified for payments. If such unit of local government is a successor government, it shall be eligible to receive the payment of the local governments to which it succeeded in accordance with the conditions of the succession. The Director may determine a revenue sharing amount for such government based on the data available for Entitlement Period Six, July 1, 1975 through June 30, 1976.

(d) *Dissolution of units of local government.* A unit of local government which dissolved, was absorbed or ceased to exist during a calendar quarter in which a payment is received may expend such payments to maintain basic services, provided, (1) the recipient government is in the process of winding up its governmental affairs and (2) continues to provide basic services during this winding up period. When these two conditions are not met by a recipient government, these payments must be transferred to the successor local government with capacity to accept and use such payments. If the recipient does not know the identity of such successor government, the payments must be turned to the Director.

Subpart D—Optional Allocation Plan

§ 52.30 Purpose.

Each State may file an optional allocation plan with the Director to determine the amount to be allocated to other than identifiable local governments within the jurisdiction of such State. The purpose of the plan is to permit States to determine the allocation of payments among local governments other than identifiable local governments in the State. A local government may receive payments under a State plan only if the plan is approved by the Director.

§ 52.31 Time for submitting plan; prerequisites.

(a) *Due date.* A State may submit an optional allocation plan at any time within 30 days of the date these interim regulations are published in the FEDERAL REGISTER. Plans will not be accepted for review by the Director later than 30 days after such date.

(b) *State approval.* The Governor of each State may submit a plan to the Director without the approval of the State legislature only if that State legislature is not scheduled to meet in regular session within three months after the effective date of the Act. Such plan must be in writing and bear the signature of the Governor.

§ 52.32 Requirements for plans.

(a) *Consultation with local officials.* A State plan must be developed in consultation with the chief elected official or the chief executive officer of those local governments receiving payments under the State plan which, in the Governor's reasonable discretion, are representative of such local governments. However, the approval of local government officials is not required in order for a plan to be submitted to the Director. The plan must contain a certification by the Governor of compliance with this consultation requirement.

(b) *Allocation formula criteria.* A State plan must set forth an allocation formula to be used by the Director to allocate payments among the other than identifiable governments within a State utilizing criteria consistent with the following formula: The allocation for an other than identifiable local government shall be the local excess unemployment percentage of the government multiplied by the revenue sharing amount of the government. This product must be divided by the sum of such products for all other than identifiable local governments in the State. This result is multiplied by the total amount set aside for payments to all other than identifiable governments in the State. The local excess unemployment rate percentage is equal to the difference resulting from the subtraction of 4.5 percentage points from the unemployment rate assigned to each local government in the State plan, but shall not be less than zero. The allocation formula criteria must be specified in a State's plan to a level of detail sufficient to enable the Director to determine whether such criteria is in compliance with this part.

(c) *Unemployment rates.* A State plan must utilize the best available local government unemployment rate data, developed in a manner consistent with the methodology used by the United States Department of Labor, Bureau of Labor Statistics, to determine local government unemployment rates under § 203(c) of the Act. If no consistent unemployment rate data is available, the plan may assign to a local government the unemployment rate of the smallest unit of government in which such government is located for which an unemployment rate is available, developed in a manner consistent with Bureau of Labor Statistics methodology. Except as provided in this paragraph, a State plan must utilize the unemployment rate data certified by the Secretary of Labor and reported to the Director. A State plan may use a different unemployment rate for a local government that is located in a county for which the Secretary of Labor has certified and reported to the Director a county or balance-of-county rate if such rate is the best available calculated in a manner consistent with the Bureau of Labor Statistics methodology by the State Employment Security Agency. The State Employment Security Agency shall be responsible for determining which rates have been certified by the Secretary of Labor and reported to the Director. All unemployment rate data used in a State plan other than data certified by the Secretary of Labor must be certified by the State Employment Security Agency to be in accordance with Bureau of Labor Statistics methodology. The data certified by the State Employment Security Agency will be accepted by the Director, unless a processing error is discovered prior to a payment. Further, such State plan shall specify for those individual units of governments for which a specific rate is assigned, and for the balance of the local governments in the State (if applicable), the average rate of unemployment during the most recent calendar quarter which ended three months before the beginning of such calendar quarter, and the rate of unemployment for the last month of the most recent calendar quarter which ended three months before the beginning of such calendar quarter.

(d) *Eligibility.* An optional State allocation plan shall not alter definitions or eligibility of a unit of local government to receive payments under the Act and this part.

§ 52.33 Approval by the Director.

The Director shall make an initial determination whether an allocation plan meets the requirements of the Act and this part within 30 days after he receives an allocation plan containing all information necessary to evaluate such plan. A plan may not be finally disapproved by the Director, in whole or

in part, without first affording the State or local governments for which a specific unemployment rate is assigned in a plan, reasonable notice and an opportunity for a hearing in accordance with subpart H of this part. There shall be not more than one administrative hearing for each State plan. An initial determination by the Director shall be considered final if an administrative hearing is not requested by a State or a local government with standing within 30 days of receipt of notice of such initial determination.

§ 52.34 Allocations deferred pending plan approval.

No quarterly allocations will be made to any other than identifiable governments in a State which has submitted a plan pending either approval of such plan by the Director or, if the plan is initially disapproved, the outcome of the administrative hearing to determine whether such plan complies with the Act and this part. Payments during the pendency of this administrative process would be impracticable and unreasonable since adjustments to the payments of all or most other than identifiable governments in the State would likely be necessary if a plan is subsequently approved.

§ 52.35 Updating unemployment rates.

The governor of each State submitting an optional State allocation plan that is approved by the Director must submit updated unemployment rates developed in accordance with § 52.32(c) of this subpart, certified by the State Employment Security Agency, for each unit of local government receiving payments under the State plan. These certified updated unemployment rates must be submitted to the Director at least 21 days prior to the beginning of each calendar quarter in which payments are made, in such form and manner as the Director may prescribe. The State Employment Security Agency certification shall certify that the data is developed in accordance with the Bureau of Labor Statistics methodology. The effectiveness of a plan will be suspended for any calendar quarter in which updated unemployment data is not received in accordance with this section. For a quarter in which a plan is suspended, the unemployment rate for other than identifiable governments in the State shall be determined pursuant to § 52.21(b) of this part.

Subpart E—Expenditure Prohibitions and Restrictions

§ 52.40 Permissible expenditures.

(a) *In General.* Each State or unit of local government must use its payments to maintain basic services which have been customarily provided to persons in that State or in the area under the jurisdiction of that local government, as the case may be. Payments should be used for the maintenance of levels of public employment and of basic services within the following governmental expenditure categories: Education, Highways, Public Welfare, Health and Hospitals, Police and Corrections, Fire Protection, Sewerage and Sanitation, Natural Resources, Housing and Urban Renewal, Transportation, Libraries, Financial Administration, General Administration, General Public Buildings, Interest on General Debt, and Parks and Recreation. Payments may not be used to initiate basic services not provided during its last two fiscal years (current and preceding fiscal years).

(b) *Acquisition of supplies, materials, and construction.* State and local governments may use payments for the acquisition of supplies and materials only to the extent that such expenditures are incidental and necessary to the continued provision of a basic service. For example, the purchase of supplies and uniforms may be incidental to the employment of police officers. The expenditure of payments for construction shall be limited to structural repairs or renovations and is permissible only when necessary for the maintenance of a basic service.

§ 52.41 Wage rates and labor standards.

(a) *Construction laborers and mechanics.* All laborers and mechanics employed by contractors on all construction, alteration and repair projects including painting and decorating costing in excess of $2000 and funded in whole or in part with payments under the Act shall be paid wages at rates not less than those prevailing on projects of a character similar to the contract work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a, 276a–5) and are covered by labor standards specified by the Secretary of Labor pursuant to 29 CFR Parts 1, 3, 5, and 7. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 FR 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(b) *Requests for wage determinations.* In situations where the Davis-Bacon Act standards are applicable in accordance with paragraph (a) of this section, the recipient government must ascertain the U.S. Department of Labor wage rate determination for each intended construction project and insure that the wage rates and the contract clauses required by 29 CFR 5.5 and 49 CFR 5a.3 are incorporated in the contract specifications. The recipient government must also satisfy itself that the bidder is aware of his labor standard responsibilities under the Davis-Bacon Act. Wage rate determinations may be obtained by filing a standard Form 308 with the Employment Standards Administration of the applicable regional office of the United States Department of Labor at least 30 days before the invitation for bids, or in the case of construction projects covered by general wage rate determinations, the appropriate wage rate may be obtained from the FEDERAL REGISTER.

(c) *Access to sources of information.* Each recipient government shall permit access by authorized representatives of the Director, the Secretary of Labor, the Comptroller General, and Department of Justice during normal business hours to its facilities, books, records, accounts, personnel, and other sources of information as may be relevant to a determination of whether the recipient government is complying with this section. Where any information required of a recipient government is in the exclusive possession of any other agency, institution, or person, and such agency, institution, or person, fails or refuses to furnish such information, the recipient government shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Compliance reports.* Each recipient government shall keep such records and submit on request of the Director timely, complete and accurate compliance reports at such times, in such form, and containing such information, as the Director may determine to be necessary or useful to ascertain whether the recipient government has complied or is complying with this section.

§ 52.42 Applicability of State and local law.

Each State or unit of local government must spend payments received under the Act in accordance with the State and local laws and procedures applicable to the expenditure of its own revenues.

§ 52.43 Expenditure time limitation.

Each State or unit of local government must appropriate or obligate payments received under the Act before the end of the six-month period which begins the day following receipt of a payment.

§ 52.44 Applicability of other Federal laws.

Except as otherwise provided in the Act or this part, payments under the Act are not subject to Federal civil laws applicable only to Federally assisted programs or to Federal grants, loans or contracts. The Criminal Code of the United States (title 18, U.S. Code) shall be applicable to all criminal offenses relating to the expenditure, accounting or reporting of payments by a recipient government receiving such payments under the Act or this part.

§ 52.45 Interest bearing accounts.

Recipient governments may deposit their payments in interest bearing accounts. Where payments are held in an interest bearing account, the interest earned on those funds is subject to the expenditure restrictions and prohibitions of the Act and this part.

Subpart F—Nondiscrimination in Funded Programs

§ 52.60 Purpose.

The purpose of this subpart is to implement section 207 of the Act which provides that no person in the United States shall on the ground of race, religion, color, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or ac-

tivity funded in whole or in part with payments made available under the Act.

§ 52.61 Definitions.

Unless the context requires otherwise, as used in this subpart, the term:

(a) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein.

(b) "Funded" means that payments have been made available for expenditure in a designated program or activity through action of the appropriate governing body.

(c) "Program or activity" means any function conducted by an identifiable administrative unit of the recipient government, or by any other unit of government or private contractor receiving payments from the recipient government.

§ 52.62 Discrimination prohibited.

(a) *In General.* No person in the United States shall on the ground of race, religion, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with payments made available pursuant to the Act.

(b) *Specific discriminatory actions prohibited.* (1) A recipient government shall not, under any program or activity to which the regulations of this subpart apply, directly or through contractual or other arrangements on the grounds of race, religion, color, national origin, or sex:

(i) Deny any service or other benefit provided.

(ii) Provide any service or other benefit which is different, or is provided in a different form from that provided to others.

(iii) Subject any person to segregated or separate treatment in any facility or in any matter or process related to receipt of any service or benefit.

(iv) Restrict in any way the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit.

(v) Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any service or other benefit.

(vi) Deny any person an opportunity to participate in a program or activity as an employee.

(vii) Deny any person an equal opportunity to participate as appointed members of planning or advisory bodies in connection with the disposition of entitlement funds.

(2) A recipient government may not utilize criteria or methods of administration which have the effect of:

(i) Subjecting individuals to discrimination on the basis of race, religion, color, national origin, or sex.

(ii) Perpetuating the results of past discriminatory practices.

(iii) Defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, religion, color, national origin, or sex.

(3) A recipient government may not, with respect to any program or activity to which this subpart applies, make selections of site or location of faciliti·s which have the effect of excluding individuals from such facilities, denying individuals the benefits of such facilities, or subjecting individuals using the facilities to discrimination on the grounds of race, religion, color, national origin or sex.

(4) Recipient governments are encouraged to take voluntary affirmative action in employment, services and facilities in order to overcome the effects of prior adverse disparate treatment of persons on the basis of race, color, sex, or national origin.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

§ 52.63 Employment.

(a) *Employment practices.* In any program or activity funded in whole or in part with payments a recipient government may not (directly or indirectly through contractual or other arrangements) subject any individual to discrimination on the grounds of race, religion, color, national origin, or sex in its employment practices. These practices include recruitment, advertising hiring, layoff, termination, upgrading promotion, demotion, transfer, rates of pay or other forms of compensation, use of facilities and other terms and conditions of employment. The provisions of this subpart shall be interpreted in accordance with the prohibitions, exceptions and court decisions interpreting title VII of the Civil Rights Act of 1964, as amended.

(b) *Employee selection procedures.* The Equal Employment Opportunity Commission, in carrying out its responsibilities in ensuring compliance with title VII of the Civil Rights Act of 1964, as amended, has published Guidelines on Employee Selection Procedures (29 CFR 1607) to assist in establishing and maintaining equal employment opportunities. Among other things, these Guidelines forbid the use of employee selection practices, procedures, and devices (such as tests, minimum educational levels, and the like) which disqualify a disproportionate number of minority persons or women for employment which are not related to job performance. Recipient governments using selection procedures which are not in conformity with the EEOC Guidelines shall, upon request of the Director, set forth the reasons for any such nonconformity and, if necessary, the actions the recipient government is taking or will take to assure that its selection procedures are job related.

(c) *Self-evaluation.* Recipient governments are expected to conduct a continuing program of self-evaluation to ascertain whether any of their recruitment, employee selection, or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minority individuals or women.

(d) *Employment compliance reviews.* Compliance reviews of recipient governments will be scheduled by the Director, giving priority to any recipient government program funded with payments which show a significant disparity between the percentage of minority persons or women in the relevant labor pool and the percentage of minority or women employees in the applicable programs.

§ 52.64 Sex discrimination.

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in recruitment, hiring, or employment, whether full-time or part-time, under any program or activiy funded in whole or in part with payments under the Act.

(b) *Recruitment and advertisement.*

(1) Recipient governments engaged in recruiting activity must recruit employees of both sexes for all jobs.

(2) Advertisement in newspapers and other media for employment must not express a sex preference: the placement of an advertisement in columns headed "Male" or "Female" will be considered to be discriminatory.

(3) A recipient government shall not recruit primarily or exclusively from sources which furnish as applicants only or predominantly members of one sex if such recruitment has the effect of discriminating on the basis of sex.

(c) *Job policies and practices.*

(1) Employees of both sexes shall have an equal opportunity to any available job that they are qualified to perform.

(2) Recipient governments must not make any distinction based upon sex in employment opportunities, wages, hours or other conditions of employment. It shall be an unlawful employment practice for an employer to have a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex. It shall be a violation of this part for an employer to provide for both unequal benefits and unequal contributions in the areas of insurance, pension or retirement plans, welfare or other fringe benefit programs. Further it shall be a violation of this part for an employer to provide for either unequal benefits or unequal contributions in such areas unless such unequal benefits or unequal contributions are directly related to actuarial differences. Proof of such actuarial differences shall be provided by the recipient government upon the request of the Director. In the areas of insurance, pensions, welfare programs and other fringe benefits, it shall be an unlawful employment practice for a recipient government to make available benefits for the wives and families of male employees where the same benefits are not made available for the husbands and families of female employees; or to make available benefits for the wives of male employees which are not made available for female employees; or to make available benefits to the husbands of female

employees, which are not made available for male employees.

(3) Any distinction between married males and married females and any distinction between unmarried males and unmarried females will be considered to be a distinction made on the basis of sex. Similarly, a recipient government must not deny employment to women with young children unless it has the same exclusionary policies for men; or terminate an employee of one sex in a particular job classification upon reaching a certain age unless the same rule is applicable to persons of the opposite sex.

(4) A recipient government may not refuse to hire men or women, or deny men or women a particular job because there are no separate restrooms or other separate facilities. The recipient government's policies and practices must assure that appropriate facilities are available for use by each of the sexes.

(5) Recipient governments may not deny any employee the right to any job, which the employee is qualified to perform, in reliance upon a State "protective" law that does not apply equally to both sexes.

(6) A recipient government shall not:

(i) Classify a job as being for males or for females.

(ii) Maintain or establish separate lines of progression, seniority lists, career ladders, tenure systems, position descriptions or job requirements which are based on sex or which classify persons on the basis of sex.

(d) *Marital or parental status.* In any program or activity funded in whole or in part with payments:

(1) *Family status.* A recipient government shall not treat an employee or applicant for employment differently on the basis of sex in any employment action or policy because of the employee's or applicant's marital status or status as a parent. Such action may also not be taken with respect to pregnancy unless the recipient government can demonstrate that the pregnancy of the individual concerned prevents adequate job performance by that individual. In no event may a recipient government with respect to job policies and practices, have a policy or take an action which benefits a person because of his or her status as head of a household or the principal family wage earner.

(2) *Pregnancy as a temporary disability.* A recipient government shall treat any temporary disability arising from pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner as it treats any other temporary disability for all job related purposes. The term "job related purposes" includes commencement, duration and extensions of leave, payment of disability income, reinstatement or termination of employment, reinstatement pay rate and position, fringe benefits, accrual of seniority or other benefit of service, and promotion.

(e) *Sex as a bona fide occupational qualification.* Nothing in these regulations shall prohibit the hiring of employees of one sex if sex is a bona fide occupational qualification. A bona fide qualification is only allowed where there is a reasonable factual basis to believe that all, or substantially all, of one sex are unable to perform the job in question. Further, the burden of demonstrating that sex is a bona fide occupational qualification for a given job rests on the recipient government.

§ 52.65 Compliance information and reports.

(a) *Access to sources of information.* Each recipient government shall permit access by authorized representatives of the Director and the Department of Justice during normal business hours to such of its facilities, books, records, accounts, personnel, and other sources of information as may be relevant to a determination of whether the recipient government is complying with this subpart. Where any information required of a recipient government is in the exclusive possession of any other agency, institution, or person, and such agency, institution, or person fails or refuses to furnish this information, the recipient government shall so specify in its report and shall set forth what efforts it has made to obtain the information.

(b) *Compliance reports.* Upon request of the Director, each recipient government shall keep such records and submit to the Director timely, complete and accurate compliance reports at such times, in such form, and containing such information as the Director may determine to be necessary or useful to ascertain whether the recipient government has complied or is complying with this subpart. Recipient governments shall compile and make available on request racial, ethnic, male/female, and national origin data showing the extent to which such persons are or will be beneficiaries of funded programs or activities. When a primary recipient government extends or will extend payments under the Act to any other secondary recipient, such secondary recipient shall submit such compliance reports to the primary recipient as may be necessary or useful to enable the primary recipient to carry out its obligations as a recipient government under this subpart. Each recipient government shall identify, on request, any State or local agency which has been legally authorized to monitor its civil rights compliance activities.

§ 52.66 Complaints and investigations.

(a) *Complaints.* Any person who believes anyone has been subjected to discrimination prohibited by this subpart, may personally, or by a representative, file with the Director a written statement setting forth the nature of the discrimination alleged and the facts upon which the allegation is based. No representative of a recipient government nor any of its agencies shall intimidate, threaten, coerce, or discriminate against any person or class of persons because of testimony, assistance, or participation in an investigation, proceeding or hearing under this subpart.

(b) *Investigations.* The director shall advise the chief executive officer of the recipient government of any complaint received pursuant to paragraph (a) of this section. If the Director has reason to believe that the complaint shows that a recipient government has failed to comply with the provisions of this subpart, he will cause a prompt investigation to be made of the program or activity concerned. Such investigation may be made, if necessary, with the assistance of the complainants, the recipient government, or other Federal or State agencies.

§ 52.67 Compliance reviews and affirmative action.

(a) *Compliance reviews.* The Director shall monitor and determine compliance of recipient governments with the requirements of this subpart and of the Act. Compliance reviews will be undertaken from time to time, as appropriate, at the discretion of the Director.

(b) *Affirmative Action.* Any recipient government which has been determined by the Director to be in violation of this subpart must take reasonable steps to remove or overcome the consequences of such discrimination. The Director will, upon a finding of noncompliance, determine the steps necessary to remedy the noncompliance and will determine a timetable for implementing those steps.

§ 52.68 Procedure for effecting compliance with the nondiscrimination requirement.

(a) *General.* Whenever the Director determines that a recipient government has failed to comply with this subpart he shall, within 10 days, notify the chief elected official of the recipient government of the noncompliance and shall request the official to secure compliance. If within 30 days compliance is not achieved, the Director shall, within 10 days thereafter:

(1) Refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted;

(2) Initiate an administrative hearing pursuant to the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or

(3) Take such other action as may be provided by law.

(b) *Temporary suspension of payments.* The Director may suspend temporarily any payment to a recipient government 30 days after such government is determined by the Director to be in noncompliance with § 52.62(a) of this subpart. Within this 30 day period a State government or local government may request an expedited preliminary hearing by an administrative law judge in order to determine whether it is likely to prevail on the merits on the issue of alleged noncompliance with § 52.62(a) at the full hearing under paragraph (a)(2) of this section. Payments may not be suspended pending the outcome of the expedited preliminary hearing. A finding under this paragraph by the administrative law judge in favor of the State gov-

ernment or local government shall prevent the suspension of funds pending a ruling on the allegations of noncompliance at the full hearing on the merits. Procedural regulations for the expedited hearing will be published prior to the exercise of this authority by the Director.

(c) *Administrative hearing.* An order of an administrative law judge to withhold, to repay, or to forfeit payments will not become effective until:

(1) There has been an express finding on the record, after notice and opportunity for hearing of a failure to comply with a requirement of this subpart.

(2) At least 10 days have elapsed from the date of the order of the administrative law judge. During this period additional efforts will be made to assist the recipient government to comply with this subpart and to take appropriate corrective action.

(3) Thirty days have elapsed after the Director has filed with the Committee on Government Operations of the House of Representatives and the Committee on Finance of the Senate a full written report of the circumstances and the grounds for such action. The time limitation of subparagraphs (2) and (3) can run concurrently.

(4) The Director has notified the recipient government that, in addition to whatever sanctions have been imposed by the administrative law judge the Director shall withwhold all payments until such time as the recipient government complies with the order of the administrative law judge. Further, the amount of the forfeiture or repayment, if any, will be limited to the program or activity in which the noncompliance has been found. Such funds may be collected by a downward adjustment to future payments, if practical, and will be deposited in the general fund of the Treasury. If the Director determines that adjustment to future payments is not practical he may refer the matter to the Attorney General for appropriate civil action to require payment of such amount to the United States.

(d) *Withholding pursuant to court action.* The Director may immediately withhold a payment to a recipient government pending the entry of an affirmative action order by a Federal court if:

(1) A violation of the nondiscrimination provision of this subpart or the Act (§ 207) was alleged in the complaint before the court;

(2) The court finds that the recipient government has violated the nondiscrimination provision of this subpart or the Act; and

(3) The court has not ruled on the question of withholding.

(e) *Action by Attorney General.* Nothing in these regulations is intended to preclude the United States, in a civil action initiated by the Attorney General of the United States pursuant to section 207 of the Act, from seeking, or a court from granting, an order to require the repayment of payments previously paid under the Act, or an order that further payments be terminated or withheld. In addition, the Director may initiate the procedure provided for in paragraph (a) (2) of this section against a recipient government which has been named as a defendant in such civil action if it is the Director's judgment, after consultation with the Department of Justice, that an administrative withholding of payments is an appropriate measure to ensure compliance with this subpart.

(f) *Applicability of certain civil rights acts:*

(1) Any person who is injured or deprived within the meaning of § 1979 of the Revised Statutes (42 U.S.C. 1983) or of section 1980 of the Revised Statutes (42 U.S.C. 1985) by any person, or two or more persons in the case of such § 1980, in connection with the administration of a payment under the Act may bring a civil action under § 1979 or § 1980, as applicable, subject to the terms and conditions of those sections.

(2) Any person who is aggrieved by an unlawful employment practice within the meaning of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*) by any employer in connection with the administration of a payment under the Act may bring a civil action under section 706(F)(1) of such Act (42 U.S.C. 2000e–5 (F)(1)) subject to the terms and conditions of such title.

§ 52.69 Hearing procedures.

Whenever a procedure which requires notice and opportunity for a hearing is invoked by the Director to effect compliance under this subpart, the procedural regulations in subpart H of this part shall govern.

§ 52.70 Jurisdiction over property.

The Office of Revenue Sharing shall have jurisdiction over any program or activity for purposes of this subpart for as long as a recipient government retains ownership or possession of any real or personal property or any interest therein, which was purchased in whole or in part with payments for the applicable program or activity. Further, if such property is transferred to another party, the Office of Revenue Sharing will retain jurisdiction over the recipient government for purposes of this subpart for as long as the property is used to provide benefits similar to those which were provided by the property before the transfer.

§ 52.71 Delegation.

The Secretary may assign to officials of the Department, officials of other departments or agencies of the Federal government, or officials of State agencies, responsibilities and authority to effectuate the purposes of this section including the achievement of effective coordination within the executive branch in the implementation of title VI and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 2000e). Such delegation shall be made only with the consent of the affected departments and agencies, and in no event will the Secretary delegate authority to review the initial decision of an administrative law judge to officials outside the Department.

Subpart G—Fiscal Procedure and Auditing

§ 52.80 Procedures applicable to the use of payments.

A recipient government which receives payments under the Act shall:

(a) Maintain its fiscal accounts in a manner sufficient to—

(1) Permit the reports required by the Director to be prepared therefrom; and

(2) Permit the tracing of payments under the Act to a level of expenditure adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of this part. Such tracing requires that vouchers in support of expenditures funded by the Act must be identified. Such identification can be made in any one of three ways as follows: (i) Maintain a separate set of fund accounts; (ii) Maintain a separate bank account; or (iii) Keep a memorandum record of the voucher numbers and amounts for the expenditures funded by the Act.

The accounting for payments received under the Act shall at a minimum employ the same fiscal accounting and internal audit procedures as are used with respect to expenditures from revenues derived from the recipient government's own sources.

(b) Provide to the Director and to the Comptroller General of the United States, on reasonable notice, access to and the right to examine such books, documents, papers or records as the Director may reasonably require for the purpose of reviewing compliance with the Act and the regulations of this part or, in the case of the Comptroller General, as the Comptroller General may reasonably require for the purpose of reviewing compliance and operations under the Act.

§ 52.81 Auditing and evaluation; scope of audits.

(a) *In general.* The Director shall provide for such auditing and evaluation as may be necessary to insure that recipient governments comply with the requirements of the Act and regulations of this part. Audits, reviews and evaluations may be made on a sample basis through inspection of records, and of reports required under this part, and through on-site examinations, to determine whether the recipient governments have properly discharged their financial responsibilities and to evaluate compliance with the Act and the regulations of this part.

(b) *Scope of audits.* The scope of such audits may include a review of all transactions, accounts and reports which involve payments received under the Act. In addition, the scope of such audits may include an examination of the following areas:

(1) Compliance with assurances made under this part;

(2) Compliance with the reporting requirements and accuracy of the reports submitted to the Director as set forth in this part.

(3) Accuracy of the public records required under this part.

(4) Accuracy of the special reports.

(c) *Reliance on State auditors and independent public accountants.* It is the intention of the Director to utilize audits of recipient governments by State auditors and independent public accountants. The Director may adopt the findings of such audits when consistent with the objectives of the Act and regulations of this part, and provided:

(1) Audits are performed in accordance with generally accepted auditing standards. Recipient governments are encouraged to have such audits performed, to the extent they consider practicable, in accordance with standards for the Audit of Governmental Organizations, Programs, Activities and Functions issued by the Comptroller General in June 1972.

(2) Audits include coverage as set forth in paragraph (b) of this section.

(3) Audit workpapers and related audit reports are retained for three years after the issuance of the audit report, and are available upon request to the Secretary and the Comptroller General or to their representatives; and

(4) Audit reports shall contain a clear statement of the auditor's findings as to compliance or noncompliance with the requirements of the Act and the regulations of this part. In the event that an auditor is unable to review compliance with all of the provisions of paragraph (b) of this section, the audit report shall specifically indicate those areas in which a compliance review was not performed. Audit reports which disclose or otherwise indicate a possible failure to comply substantially with any requirements of the Act or the regulations of this part will be submitted to the Director by the Governor or chief executive officer of a local government, or the State auditor which performed the audit.

Subpart H—Proceedings for Reduction in Payments, Withholding, or Repayment

§ 52.90 Incorporation of hearing procedures.

The regulations appearing in §§ 51.80–51.105 of this title (31 CFR Part 51) governing the procedure and practice requirements involving adjudications where reasonable notice and opportunity for hearing are required, are hereby incorporated by reference into this subpart to the extent they are consistent with the Act.

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