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federal register

WEDNESDAY, OCTOBER 13, 1976

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	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.

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presidential documents

Title 3—The President

PROCLAMATION 4467

National Volunteer Firemen Week

By the President of the United States of America

A Proclamation

Throughout America, especially in small towns, communities, and in rural areas, approximately one million volunteer firefighters outnumber fulltime paid firefighters by about four to one.

From the beginning of our Nation's history, they have risked, and often sacrificed, their lives fighting fires in their communities with no expectation of financial reward. This unselfish concern for life and property is a manifestation of the best in the American character.

In recognition of the enormous contributions made by these volunteers, the House (September 21, 1976) and the Senate (October 1, 1976) have requested that the President proclaim the week of October 3, 1976, as National Volunteer Firemen Week (H.J. Res. 1008).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 3, 1976, and ending October 9, 1976, as National Volunteer Firemen Week.

As requested by the Congress, I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

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

Gerald R. Ford

[FR Doc.76-30105 Filed 10-8-76;3:01 pm]

PROCLAMATION 4468

Native American Awareness Week, 1976

By the President of the United States of America

A Proclamation

It is especially appropriate during our Bicentennial Year to recall the impressive role played in our society by American Indians, Eskimos, and Aleuts. Native Americans have made notable contributions in education, law, medicine, sports, art, the military, science and literature.

The culture and heritage of our native Americans are unique. In renewing the spirit and determined dedication of the past 200 years we should also join with our native Americans in rebuilding an awareness, understanding and appreciation for their historical role and future participation in our diverse American society. We should do so with the same spirit and dedication which, fostered with reliance on Divine Providence and with firm belief in individual liberty, kindled and made a reality of the hopes for a new life for all who inhabited this land.

In recognition of the importance of the contributions made to our many-cultured society by native Americans, the Senate (September 30, 1976) and the House of Representatives (October 1, 1976) have requested that the President proclaim the week of October 10, 1976, as Native American Awareness Week (S.J. Res. 209).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 10, 1976, and ending October 16, 1976, as Native American Awareness Week.

I call upon all the people of the United States to join in observing this week with appropriate ceremonies and activities.

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

Gerald R. Ford

[FR Doc.76–30179 Filed 10–12–76;10:02 am]

rules and regulations

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

In accordance with 12 CFR 226.1(d), the Board is publishing the following official staff interpretation of Regulation Z, issued by a duly authorized official of the Office of Saver and Consumer Affairs.

Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

Official staff interpretations may be reconsidered by the Board upon request of interested parties and in accordance with 12 CFR 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

These interpretations shall be effective as of October 12, 1976.

Sec. 226.8(b)(3)---	Creditor imposing mortgage guarantee insurance premiums which are computed on declining principal balance and included in periodic payments may utilize Interpretation § 226.808 to disclose repayment schedule.
Sec. 226.808-------	Do.

SEPTEMBER 20, 1976.

This is in response to your letter * * *, regarding Public Information Letter 1021, dated March 26, 1976. In Letter 1021, staff indicated that the amounts of payments disclosed in a realty transaction under § 226.8(b)(3) must reflect the amount of any mortgage guarantee insurance premiums included in the periodic payments. You asked that staff reconsider this position.

Letter 1021 concerns a transaction in which the lender requires mortgage guarantee insurance, the premiums for which constitute a finance charge under § 226.4(a)(7). Because the annual premiums are based on the declining principal balance of the loan and paid along with the periodic payments of principal and interest, there are yearly variations in the amount of payments scheduled, reflecting the annual decrease in the premium due. Staff indicated that the creditor in this case must disclose a single dollar amount reflecting the principal, interest, and mortgage insurance premium and that the proposed disclosure of the amount of principal and interest only, together with a statement of the method of computing the mortgage premium, would not be in compliance with § 226.8(b)(3). However, staff suggested that an alternative disclosure method, similar to that presently permitted by Interpretation § 226.808, might be considered.

In your letter, you questioned staff's interpretation of the requirements of § 226.8(b)(3), which calls for the "amount * * * of payments schedule to repay the indebtedness." You contend that the word "indebtedness" may be read to mean only principal and interest and that the periodic payment disclosure need not reflect other types of periodically imposed finance charges, such as the mortgage guarantee insurance premiums. You also point out the practical problems involved in including all of the periodic payments on the disclosure statement. For example, on a thirty-year mortgage involving the variable mortgage guarantee insurance, a creditor could be required to show thirty different amounts in disclosing the repayment schedule under § 226.8(b)(3).

Staff does not agree that this section may be read as calling for disclosure of only the principal and interest payments. While the Regulation does not define "indebtedness," staff believes that the regulatory context in which that word is used, as well as the purposes of the Truth in Lending Act as a whole, clearly indicates that the repayment schedule should reflect all components of the finance charge, not merely that portion attributable to interest. Thus, staff continues to believe that its prior interpretation of the requirements of § 226.8(b)(3), as stated in Public Information Letter 1021, is correct.

With regard to staff's previous statement that Interpretation § 226.808 would not be available in this situation, however, staff believes upon reconsideration that this interpretation would in fact apply. That interpretation was addressed to the same type of problem as is raised here and would provide the same benefits to consumers and creditors as were originally contemplated in the interpretation. In both cases, a portion of each periodic payment consists of an equal level amount, together with a finance charge computed by application of a percentage rate to the declining balance, producing a series of unequal payments. The interpretation provides that the creditor need not list the respective dollar amount of each payment in order to comply with § 226.8(b)(3), but may, at its option, make the alternative disclosures outlined by that interpretation. It is staff's opinion that this interpretation may be utilized in the situation addressed in Public Information Letter 1021. Of course, if the lender chooses to make use of this option, the exemptions provided in §§ 226.8(b)(3), (c)(8), and (d)(3), regarding disclosure of the total of payments and the finance charge in realty transactions, would not be available.

This is an official staff interpretation of Regulation Z. We trust that it will be of assistance to you.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Sec. 226.7(k)-----	Use of debiting date as transaction date for mail order transactions on open end accounts is permissible.

SEPTEMBER 22, 1976.

This is in reply to your letter * * *, raising a question under § 226.7(k)(2)(i) of the Board's recently adopted amendments to Regulation Z regarding identification of transactions on open end credit accounts. You state that your client is considering the sale of consumer products by mail using credit card accounts which will be subject to this provision of Regulation Z. Because you believe that there is no single date readily identifiable as the date on which the transaction takes place, you ask what the date of the transaction for purposes of this section is for mail order transactions. You suggest that the most appropriate date to disclose would be the date on which the amount is debited to the customer's account.

In the normal situation where a customer makes a purchase by use of a credit card, it is staff's view that the date of the transaction for purposes of § 226.7(k) can be readily identified as the date on which the customer presents the card, it is honored, and the sale is completed. However, staff understands that the situation is somewhat different with regard to mail order sales where there is a time lag between the date the customer places the order by mail and the date of delivery by the creditor. There are any number of dates which arguably may be of some relevance to the transaction which takes place. In staff's view, the date the amount is debited to the account is a reasonable date to disclose for purposes of identifying transactions in mail order situations. Therefore, in staff's view, its use would be in compliance with § 226.7(k) of Regulation Z.

I trust this is responsive to your inquiry. This is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the Regulation.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Sec. 226.2(x)------	Credit card plan in which customer has privilege of paying in instalments only for individual purchases over $40 satisfies requirement that customer has the privilege of paying balance in full or in instalments.

SEPTEMBER 23, 1976.

This is in response to your letter * * *, in which you requested an official staff interpretation as to whether the Exxon Credit Sale and Revolving Charge Account falls within the § 226.2(x) definition of "open end credit" so that your company, if credit is granted pursuant to such an account in lieu of payment in cash at an established discount not to exceed 5 per cent, may avail itself of and receive the protection afforded

by § 226.4(i) of Regulation Z. You have advised us that "the privilege of paying the balance in full or in instalments," one of the conditions contained in the aforesaid definition, is available to all Exxon Credit Sale and Revolving Charge Account credit card holders but that this privilege exists only as to individual purchases of $40 or more. Specifically, you have asked whether this limitation on the privilege to pay in instalments would prevent the plan from being characterized as "open end credit."

Regulation Z defines "open end credit" as "consumer credit extended on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in instalments; and (3) a finance charge may be computed by the creditor from time to time on an outstanding unpaid balance." Certain exceptions, not applicable here, follow the above definition.

Staff is in agreement with your opinion that the Exxon Credit Sale and Revolving Charge Account clearly fulfills conditions (1) and (3) as set forth in the above definition. As to whether the plan meets the requirement that the customer have "the privilege of paying the balance in full or in instalments," staff is of the opinion that the plan as you have outlined it also satisfies this condition. Although individual purchases under $40 must be paid in full upon billing, other open end plans specify minimum amounts or balances for which payment is due in full upon billing and for which the customer, therefore, does not have the privilege of paying in instalments. Staff feels that the $40 individual purchase limitation of your plan is similar to the minimum balance limitations in other open end credit plans, the difference being a matter of degree. Therefore, staff feels that the Exxon Credit Sale and Revolving Charge Account can be considered "open end credit" for purposes of the Truth in Lending Act.

This is an official staff interpretation issued in accordance with § 226.1(d) of Regulation Z. I trust that it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Sec. 226.7(j)—— Card sent to retailer's open end credit cardholders which activates a Christmas deferred billing program is not an "other similar credit device requiring § 226.7(j) disclosures."

SEPTEMBER 24, 1976.

This is in response to your letter * * *, in which you inquire whether a card sent by your retailer client to customers which, when used, activates a Christmas deferred billing program is an "other similar credit device" requiring disclosures under § 226.7(j) of Regulation Z.

You described the program's operation in the following manner: Open end credit cardholders are sent a card which can be used to defer billing on purchases made during November and December. When the card is presented with the customer's credit card during this period, billing for that purchase will be deferred until the customer's February periodic statement, and no finance charges will be assessed on those purchases made under the plan until the March periodic statement.

It is staff's opinion that the card which activates the Christmas deferred billing program which you have described is not a supplemental credit device under § 226.7(j), and disclosures under that section would be unnecessary. Section 226.7(j) is designed to cover, as stated in Public Information Letter 1052 (a copy of which is enclosed, credit devices which, when used, normally activate cash advances to a customer's account. The deferred billing card which you describe is obviously not "a blank check, payee designated check, blank draft or order"; nor is it "similar credit device" under § 226.7(j), as it does not activate a credit plan similar to a cash advance plan normally activated by the preceding designations.

I trust this is responsive to your inquiry. This is an official interpretation of Regulation Z issued in accordance § 226.1(d)(3) and relates solely to the questions presented.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Board of Governors of the Federal Reserve System, October 5, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-29955 Filed 10-12-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6, Amdt. 10]

PART 120—BUSINESS LOAN POLICY

Loans to Agricultural Enterprises

Pursuant to authority cited below, § 120.2(c) of Part 120 of Chapter I, Title 13 of the Code of Federal Regulations is amended as hereinafter set forth.

Information and effective date. Pub. L. 94-305, approved on June 4, 1976, 90 Stat. 663, et seq., amended various provisions of the Small Business Act and authorized SBA to assist small businesses engaged in farming and related activities under existing programs. In September 1976, a Memorandum of Understanding was entered into between SBA and the United States Department of Agriculture, Farmers Home Administration (FmHA) which set forth the guidelines under which these agencies will operate. This amendment will incorporate the Memorandum of Understanding as part of SBA's rules and regulations.

Since this regulatory amendment will implement the statutory amendment and will publish the Memorandum of Understanding between SBA and FmHA which is not subject to public comment, it is not necessary or appropriate to delay its effective application by soliciting public comment. Interested persons, however, are invited to send comments, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

The amendments to § 120.2(c) of Part 120 are herewith adopted as follows:

(1) Revising the caption and adding a new subparagraph (4) to read as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(c) Assurance of repayment, change of ownership, recreational and amusement enterprises, and agricultural enterprises.

* * * * *

(4) *Loans to agricultural enterprises.* Loans to small businesses engaged in farming and related businesses will be made by SBA in accordance with the Memorandum of Understanding entered into between SBA and the United States Department of Agriculture, Farmers Home Administration (FmHA) which is incorporated herein as Appendix "A" to Part 120.

* * * * *

(3) Adding Appendix "A" to Part 120 as follows:

APPENDIX A—MEMORANDUM OF UNDERSTANDING BETWEEN THE SMALL BUSINESS ADMINISTRATION AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION

PREAMBLE

Pub. L. 94-305, which amended the Small Business Act, authorized the Small Business Administration (SBA) to assist small businesses engaged in farming and related activities under its existing programs. This legislation did not create any new SBA loan programs but merely included the agricultural industries among the industries eligible for SBA assistance. Neither did the legislation diminish, in any way, the responsibility of the Farmers Home Administration (FmHA) to meet the financial and other needs of farmers.

This joint memorandum reaffirms the mutual desire of SBA and FmHA to cooperate in the use of their respective loan making authorities to complement the activities of each other and, to the extent possible, to improve and expand the delivery of financial assistance to the agricultural production segment of the country; all with the least possible degree of overlapping, confusing or duplicating activities.

GENERAL GUIDELINES

1. The FmHA administers its financial assistance programs through its State, District and County offices.

The SBA administers its financial assistance programs through its Regional, District and Branch offices.

FmHA State Directors and SBA District Directors will exchange addresses of their offices and identify the geographical areas served by each. This information will be available in all field offices of both agencies so applicants can be referred to the appropriate offices. These same officials will make arrangements to inform the personnel within their jurisdictions of the other agency's current loan making and servicing policy so the referral advice given to potential applicants will be as accurate as possible.

2. FmHA and SBA will establish a liaison at both the State Director/District Director level and the National level and periodically coordinate their activities to: (a) Exchange detailed information concerning loan programs, (b) define areas of cooperation between the two agencies, (c) assure that their programs are servicing the intended recipients, (d) establish new methods to serve the public more expeditiously, and (e) achieve maximum utilization of their respective resources.

The SBA and the FmHA agree that the interests of agricultural industries will be best served and that each agency will achieve better utilization of available resources through the following operating guidelines:

3. Potential applicants may contact either agency for an interview but may file an application with only one agency at a time. However, SBA will encourage those potential applicants that have been or are borrowing through the FmHA to continue their relationship with that agency.

4. Potential applicants meeting FmHA eligibility requirements will, at the time of initial interview, be advised by SBA to contact the appropriate FmHA County Office for assistance.

FmHA personnel will, at the time of initial interview, refer potential applicants who are not eligible for FmHA assistance, (such as corporations, partnerships or aliens, applying for certain loans) to SBA if they appear to be eligible for SBA assistance.

5. Potential applicants are not to be referred back and forth between FmHA and SBA. Representatives of each agency must be reasonably certain that the applicant and proposed use of proceeds may be eligible for assistance from the other agency before a referral is made.

6. Neither agency will refuse a loan request from an applicant who prefers to file with that agency.

7. Agricultural applicants filing for financial assistance from either agency will give written permission for FmHA and SBA to exchange whatever prior or current loan application and loan experience information, including appraisals, either may have in its files.

8. Applicants who are denied FmHA assistance for any reason, including lack of FmHA funding, may contact SBA for assistance.

9. Applicants filing for financial assistance from either agency must use the forms and procedures of the agency being requested to provide the assistance. An applicant who is denied assistance by either agency must use a new application to file with the other in accordance with that agency's forms and procedures.

10. Applicants should not have to apply to two Federal agencies to borrow funds for a single purpose. Therefore, if either FmHA or SBA can make the entire loan, the applicant should not be referred to the other agency for part of the funds needed. If either FmHA or SBA cannot make the entire loan, the applicant should be referred to the other agency. Joint funding with shared collateral between the agencies is not encouraged and should be used only as a last resort.

DESCRIPTION OF LENDING POLICIES

11. The FmHA makes guaranteed loans and insured loans. Guaranteed loans are loans where the lending institution advances the entire funds from its account and the FmHA guarantees repayment of a certain percentage of principal and interest. Insured loans are those made from one of FmHA's insurance funds.

The SBA makes guaranteed, immediate participation and direct loans. The guaranteed loans are those where the lending institution advances the entire loan and the SBA agrees to purchase a percentage of the outstanding balance at time of default. Immediate participation loans are those where SBA disburses a percentage of the loan and the lender disburses the remainder from its account. Direct loans are made with SBA funds alone.

FMHA LOAN PROGRAMS FOR FARMERS

12. Operating Loans.

a. *Eligibility.* Be a citizen of the United States.

Be unable to obtain credit elsewhere (exclusive of SBA).

Be the operator of a family farm.

NOTE.—A "family farm" is defined as "one that will produce agricultural commodities for sale in sufficient quantities so that it is recognized as a farm rather than a rural residence; one that will provide substantial income by itself and which together with any other dependable income will enable the family to pay necessary family and other operating expenses, including maintenance of essential chattel and real property and pay debts; and one for which the operator and his immediate family provide the management and are actively engaged in the operation by providing a major amount of the farm and any nonfarm enterprise labor. A reasonable amount of hired labor may be used during seasonal peakload periods."

b. *Loan purposes.* Finance livestock, machinery and operating expenses.

Refinance debts.

Finance non-farm enterprises.

c. *Terms.* Up to seven years with five-year renewal.

Interest rate based on the cost of Treasury borrowings.

d. *Loan limit—$50,000.*

13. Farm Ownership Loans.

a. *Eligibility.* Be a citizen of the United States.

Be unable to obtain the credit from other sources (exclusive of SBA).

Be the owner-operator of a family farm after loan is closed.

b. *Loan purpose.* Buy land.

Construct and repair farm buildings.

Develop land and pollution control measures.

Develop farm irrigation facilities and domestic water supply.

Refinance Debt.

Finance non-farm enterprises.

c. *Terms.* Up to 40 years.

Five (5) percent interest rate.

d. *Loan limits.* $100,000.

Maximum debt on security with other credit is $225,000.

14. Soil and Water Loans.

a. *Eligibility.* Be unable to obtain the credit elsewhere (exclusive of SBA).

Be a farm tenant, owner, partnership or corporation engaged in farming.

b. *Loan purposes.* Develop land and pollution control practices.

Water Development.

Purposes related to soil and water conservation.

c. *Terms.* Up to 40 years.

Five (5) percent interest.

d. *Loan limits.* $100,000.

Maximum debt on security with other credit is $225,000.

15. Recreation Loans.

a. *Eligibility.* Be a citizen of the United States.

Be unable to obtain the credit elsewhere (exclusive of SBA).

Be an individual engaged in farming when the loan is applied for.

b. *Loan purposes.* Convert all or part of the farm to outdoor recreation enterprises.

Acquire land and easements for recreational uses.

Refinance debts.

c. *Terms.* Up to 40 years.

Five (5) percent interest rate.

b. *Loan limits.* $100,000.

Maximum debt on security with other credit is $225,000.

16. Rural Housing.

a. *Eligibility.* Be a U.S. citizen or permanent resident.

Be unable to obtain credit elsewhere (exclusive of SBA).

Be a farmowner without decent, safe and sanitary housing for his own use or the use of tenants, sharecroppers, farm laborers or farm manager.

b. *Loan purpose.* Buy, build or repair dwellings of modest size, design and cost.

c. *Terms.* Up to 33 years.

Interest rate established periodically based on housing money market rate.

d. *Loan limit.* The cost of providing modest, decent, safe and sanitary housing.

17. Business and Industry Loans.

a. *Eligibility.* If an individual, a U.S. Citizen.

A cooperative, corporation, partnership, trust, Indian tribe, or other legal entity.

b. *Loan purpose.* Pollution control measures.

c. *Terms.* Up to 30 years.

Interest rate is negotiated between lender and applicant.

d. *Loan limits.* No statutory dollar limit; determined by cost of project and credit factors.

18. Grazing Association Loans.

a. *Eligibility.* Be a nonprofit association.

Be unable to obtain credit elsewhere (exclusive of SBA).

Provide seasonal grazing for association members.

b. *Loan purposes.* Acquire land for grazing.

Develop land for grazing.

Pollution control measures incidental to other authorized purposes.

c. *Terms.* Up to 40 years.

Five (5) percent interest rate.

d. *Loan limits.* No statutory or regulatory dollar limit—determined by value of security.

19. Irrigation, drainage and soil and water association loans.

a. *Eligibility.* Be an association composed primarily of farmers and other rural residents.

Be unable to obtain credit elsewhere (exclusive of SBA).

Provide a facility to serve farmers and other rural residents within the service area.

b. *Loan purpose.* Install or improve drainage facilities.

Install, repair or enlarge irrigation facilities.

Install or improve soil conservation and water control facilities including pollution abatement.

Special-purpose machinery and equipment.

c. *Terms.* Up to 40 years.

Five (5) percent interest rate.

d. *Loan limit.* No statutory or regulatory dollar limit—determined by value of security.

NOTE.—In addition to the eligibility requirements for specific programs listed above, the following eligibility requirements must be met by all FmHA borrowers:

Have the experience to carry out the proposed operation to be financed.

Have the ambition to carry out the proposed operations.

Have the management ability to carry out the obligations required in connection with the loan.

SBA LOAN PROGRAMS FOR AGRICULTURAL ENTERPRISES

In addition to the specific eligibility factors listed under the following SBA programs, a borrower must be of good character, be an eligible small business under SBA rules and regulations (13 CFR Parts 121 and 122), be organized for profit, and be able to evidence reasonable assurance of ability to repay the loan from the profits of the business. Can be proprietorship, partnership or corporate business organization, and need not be a citizen of the U.S.A.

20. Regular Business Loans—7(a).

a. *Eligibility.* Be eligible under SBA rules and regulations (13 CFR Part 120).

Be unable to obtain the credit from non-Federal sources through utilization of personal resources or otherwise.

b. *Loan purpose.* Purchase of land and buildings and land improvemehts (fencing, irrigation systems, etc.) including pollution control facilities essential to the small business.

Construction, renovation or improvement (including water systems) of (i) farm building other than residential buildings or (ii) residential buildings essential to the business if not available from other Federal sources.

Purchase of farm machinery and equipment (appliances and other household contents used for residential purposes are not eligible).

Operating expenses directly related to the farming operation excluding personal or family living expenses.

Refinancing of debt directly related to the farming operation, but excluding personal or family debt.

c. *Terms.* The interest rate on direct and SBA share of immediate participation loans is based on a legislative formula.

The lender's interest rate on immediate participation and guaranty participation loans is established by the lending institution, within SBA policy, but cannot exceed SBA's maximum which is periodically published in the FEDERAL REGISTER.

Maturity of the loans will generally not exceed one year for annual seed, feed, fertilizer and other annual needs, 7 years for that portion of the loan used for working capital, 10 years for that portion of the loan used for livestock and/or farm machinery and equipment, and 20 years for that portion of the loan used for acquisition or construction of real estate. However, all borrowers are expected to repay the loan as soon as possible and these maximum maturities are not automatically available in every case.

SBA loans are generally repaid in even monthly payments of principal and interest. However, quarterly, semiannual, annual or seasonal payments can be arranged when necessary.

d. *Loan limits.* Direct loans have an administrative limit of $150,000.

Immediate participation loans have an administrative limit of $150,000, SBA share. (Both the direct and immediate participation administrative limits can be waved in exceptional situations by SBA's Regional Directors.)

Guaranty participation loans have a limit of $350,000, SBA share, except that in exceptional situations the SBA share can be increased to $500,000.

The limits on a borrower's total indebtedness to SBA on all outstanding loans is (i) the aggregate of direct and the SBA share of immediate participation loans cannot exceed $350,000 and (ii) the aggregate of direct and the SBA share of immediate participation and guaranty participation loans cannot exceed $500,000 at any one time.

21. Economic Opportunity Loans.

a. *Eligibility.* Must be economically or socially disadvantaged.

Meet the eligibility requirements set forth in SBA rules and regulations (13 CFR Parts 119 and 120).

b. *Loan purposes.* Can be used for the same purposes as Regular Business Loans.

c. *Terms.* Interest on direct and SBA share of immediate participation loans is subject to a legislative formula, and is subject to change quarterly.

The lender's interest on immediate and guaranty participation is the same as for regular business loans.

Maturities of these loans are generally restricted to 10 years for working capital other than annual operating expenses and farm machinery and equipment and to the legislative limit of 15 years for real estate purposes. However, no borrower will receive a longer maturity than is necessary for the loan to be repaid from the business income.

d. *Loan limits.* These loans cannot exceed $100,000 SBA share, whether direct, immediate participation or guaranty.

22. Water Pollution Control Loans.

a. *Eligibility.* Meet eligibility requirements set forth in SBA rules and regulations (13 CFR Parts 120 and 123).

Must have a statement from EPA of the necessity and adequacy.

Must show evidence of substantial economic injury.

b. *Loan purposes.* Only to make modifications and changes necessary to meet the Federal standards established under the Federal Water Pollution Control Act or State standards established in compliance with the Federal Water Pollution Control Act.

c. *Terms.* Interest rate same as for Regular Business Loans.

Maturity not to exceed 30 years.

d. *Loan limits.* No dollar limit.

23. Other Substantial Economic Injury Programs.

The SBA has loan authority to aid small businesses that suffer substantial economic injury as a result of a Federal action or Federally directed action, such as Occupational Health and Safety regulations, Air Pollution Control regulations or being displaced by a Federally financed construction project. These programs are more completely described in 13 CFR Part 123.

ADMINISTRATIVE GUIDELINES

24. The services of FmHA and SBA to lenders and applicants are, by mutual agreement, those that each agency would provide any eligible applicant in the normal course of business and there will be no reimbursement by either agency to the other for such services.

25. The National Office of FmHA and the Central Office of SBA will cooperate with each other in counseling their field offices and in resolving problems in specific cases.

26. This Memorandum of Understanding in no way alters or supersedes the existing Memorandums between the two agencies covering their disaster (emergency) loan authority and FmHA's Business and Industrial Loan Program.

27. This Agreement may be amended at any time by written agreement of both parties.

28. This agreement shall take effect upon the date of execution thereof.

Dated: September 2, 1976.

MITCHELL P. KOBELINSKI,
Administrator, SBA.

Dated: September 20, 1976.

FRANK B. ELLIOTT,
Administrator, FmHA.

In view of the fact that this amendment carries out the statutory mandate of Pub. L. 94-305, and pursuant to the authority granted by section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, the amendment set forth above is effective June 4, 1976.

(Catalog of Federal Domestic Assistance Programs No. 59, 012, Small Business Loans.)

Dated: October 4, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-29957 Filed 10-12-76;8:45 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Liberalization of Loan Eligibility Increase of Direct Loan Maximum

The Veterans Administration is amending the appropriate sections of part 36, Title 38 of the Code of Federal Regulations to implement those sections of the Veterans Housing Amendments Act of 1976 (Pub. L. 94-324; 90 Stat. 720), which make substantive changes in the Veterans Administration loan guaranty program effective October 1, 1976.

Section 2(a) of Pub. L. 94-324 declares that veterans whose only active duty service occurred after July 25, 1947, and prior to June 27, 1950 are now eligible for Veterans Administration loan guaranty benefits. The amendments to §§ 36.4301 (gg) and 36.4501(o) of this title will implement the statutory revisions.

The Administrator is now authorized to make direct loans at the maximum amount of $33,000. The amendments to §§ 36.4502, 36.4503(a), 36.4509(b) and 36.4511(a) of this title will implement the statutory revision by increasing the direct loan maximum to $33,000.

Pub. L. 93-383 (88 Stat. 728), entitled the Housing and Community Development Act of 1974, prohibits discrimination based upon sex in various housing transactions including those related to federally related mortgage loans. A federally related mortgage loan is defined to include loans secured by one to four family residential real property and which are made, insured, guaranteed or assisted by any federal agency. Since the definition applies to VA direct loans, § 36.4510(d) is appropriately amended.

In addition minor editorial changes have been made in §§ 36.4509(a) and 36.4510(b)(3) to reflect agency policy of using precise terms to denote gender.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance. The substantive changes implement statutory mandates. Those changes not required by statute are editorial rather than substantive. Compliance with § 1.12 would serve little purpose and would not be in the public interest.

The economic and inflationary impacts have been evaluated in accordance with OMB Circular A-107.

1. In § 36.4301, paragraph (gg) is revised to read as follows:

§ 36.4301 Definitions.

Wherever used in 38 U.S.C. ch. 37 or §§ 36.4300 to 36.4375, inclusive, and § 36.4390 through 36.4393, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

* * * * *

(gg) *A period of more than 180 days.* For the purposes of sections 1807 and 1818 of title 38, United States Code, the term "a period of more than 180 days"

shall mean 181 or more calendar days of continuous active duty.

* * * * *

2. In § 36.4501, paragraph (o) is revised to read as follows:

§ 36.4501 Definitions.

Wherever used in 38 U.S.C. 1811 or the regulations concerning direct loans to veterans, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

* * * * *

(o) *A period of more than 180 days.* For the purposes of sections 1807 and 1818 of title 38, United States Code, the term "a period of more than 180 days" shall mean 181 or more calendar days of continuous active duty.

3. Section 36.4502 is revised to read as follows:

§ 36.4502 Use of guaranty entitlement.

The guaranty entitlement of the veteran obtaining a direct loan which is closed on or after October 1, 1976, shall be charged with an amount which bears the same ratio to $17,500 as the amount of the loan bears to $33,000. The charge against the entitlement of a veteran who obtained a direct loan which was closed prior to the aforesaid date shall be the amount which would have been charged had the loan been closed subsequent to such date.

4. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1976, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 8½ percent per annum.

* * * * *

5. Section 36.4509 is revised to read as follows:

§ 36.4509 Joint loans.

(a) No loan will be made unless an eligible veteran is the sole principal obligor, or such veteran and spouse are the principal obligors thereon, nor unless such veteran alone, or together with a spouse, acquire the entire fee simple or other permissible estate in the realty for the acquisition of which the loan was obtained. Nothing in this section shall preclude other parties from becoming liable as comaker, endorser, guarantor, or surety.

(b) Notwithstanding that an applicant and spouse are both eligible veterans and will be jointly and severally liable as borrowers, the original principal amount of the loan may not exceed the maximum permissible under § 36.4503(a). In any event the loan may not exceed $33,000.

6. In § 36.4510, paragraphs (b)(3) and (d) are revised to read as follows:

§ 36.4510 Prepayment, acceleration, and liquidation.

* * * * *

(b) The Veterans Administration shall include in the instruments evidencing or securing the indebtedness provisions relating to the following:

* * * * *

(3) The right of the Veterans Administration to foreclose or otherwise proceed to liquidate or acquire property which is the security for the loan in the event of the borrower's delinquency in the repayment of the obligation or in the event of default in any other provisions of the loan contract.

* * * * *

(d) If, subsequent to the closing of the loan, title to the property which is security for such loan is restricted against sale or occupancy on the ground of race, color, religion, sex or national origin, by restrictions created and filed of record by the borrower, such action, at the election of the Veterans Administration, shall constitute an event of default entitling the Veterans Administration to declare the unpaid balance of the loan immediately due and payable.

7. In § 36.4511, paragraph (a) is revised to read as follows:

§ 36.4511 Advances after loan closing.

(a) The Veterans Administration may at any time advance any sum or sums as are reasonably necessary and proper for the maintenance, repair, alteration, or improvement of the security for a loan or for the payment of taxes, assessments, ground or water rights, or casualty insurance thereon: *Provided*, That no advance shall be made for alterations or improvements which are not necessary for the maintenance or repair of the security if such advance will increase the indebtedness to an amount in excess of $33,000.

* * * * *

Effective date: Sections 36.4301(gg), 36.4501(o), 36.4502, 36.4503(a), 36.4509 (b) and 36.4511(a) are effective October 1, 1976. Section 36.4510(d) is effective October 6, 1976.

Approved: October 6, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-29964 Filed 10-12-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 629-8]

PART 60—STANDARDS OF PERFORMANCE FOR STATIONARY SOURCES

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of North Dakota

Pursuant to the delegation of authority for the standards of performance for new sources (NSPS) and national emission standards for hazardous air pollutants (NESHAPS) to the State of North Dakota on August 30, 1976, EPA is today amending respectively 40 CFR 60.4 and 61.04 Address, to reflect this delegation. A notice announcing this delegation is published today in the notices section. The amended §§ 60.4 and 61.04 which add the address of the North Dakota State Department of Health to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to these parts must also be addressed, are set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 30, 1976, and it serves no purpose to delay the technical change of this addition to the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended, (42 U.S.C. 1857c-6 and -7).

Dated: October 1, 1976.

JOHN A. GREEN,
Regional Administrator.

Parts 60 and 61 of Chapter I, Title 40 of the Code of Federal Regulations are respectively amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph (JJ) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(A)-(Z) * * *
(AA)-(II) * * *
(JJ)—State of North Dakota, State Department of Health, State Capitol, Bismarck, North Dakota 58501.

* * * * *

2. In § 61.04, paragraph (b) is amended by revising subparagraph (JJ) to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(A)–(Z) * * *

(AA)–(ZZ) * * *

(JJ)—State of North Dakota, State Department of Health, State Capitol, Bismarck, North Dakota 58501.

* * * * *

[FR Doc.76–30020 Filed 10–12–76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 196—DOMESTIC MINING AND MINERAL FUEL CONSERVATION FELLOWSHIPS

Miscellaneous Corrections

In the FEDERAL REGISTER, Volume 41, No. 137, 41 FR 29123, in the issue of Thursday, July 15, 1976, references to certain sections within the regulation were incorrect. Sections 196.3, 196.5, 196.12, and 196.13 of that document are corrected to read as follows:

On page 29123, § 196.3 *Award procedures.* In the 8th line, the reference to "§ 196.12" is changed to "§ 196.11."

On page 29124, § 196.5 *Eligibility for fellowships.* In the fourth line of paragraph (b), the reference to section "§ 196.15" is changed to "§ 196.14."

On page 29124, § 196.12 *Reaward of vacated fellowships.* In the 8th line, the reference to "§ 196.6" is changed to "§ 196.5."

On page 29124, § 196.13 *Payment procedures.* In the fifth and sixth lines of paragraph (a), the references to "§§ 196.8, 196.9, 196.10, and 196.11" are changed to "§§ 196.7, 196.8, 196.9, and 196.10."

Dated: October 1, 1976.

(Catalog of Federal Domestic Assistance No. 13.567, Mining and Mineral Fuel Conversation Fellowship Program.)

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

[FR Doc.76–30006 Filed 10–12–76;8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PARTS 1005 THROUGH 1078

Revision of Part Titles

In order to facilitate the use of the FEDERAL REGISTER and the Code of Federal Regulations by the public in determining the rules, regulations, and guidelines published by the Community Services Administration (CSA), the Agency is revising the titles of eleven of the seventeen Parts in Chapter X. The title revisions do not affect the content of any current or future regulations. The revisions are meant to accomplish the following: (1) they reflect CSA as the successor authority to the Office of Economic Opportunity; (2) the term "Grantee" replaces "Community Action Program" in Parts 1060, 1061, 1067, 1068, and 1069 thus enabling the Agency to publish regulations in each of these subject areas which affect all CSA-funded grantees regardless of funding authority and not only Community Action Agencies; (3) Part 1070 is renamed to accurately reflect the subjects of the regulations currently published under this Part; and Parts 1075 and 1078 are retitled to delete two subject areas—research and pilot programs and policy. (Special Parts for these categories are not required as the existing Parts having been retitled now will accommodate regulations relating to these areas.) In addition the one regulation currently published under Part 1010 will become Subpart A and titled Nondiscrimination in Federally-assisted programs of the Office of Economic Opportunity—effectuation of Title VI of the Civil Rights Act of 1964.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.)

Effective date: October 13, 1976.

HAZEL ROLLINS,
General Counsel.

45 CFR Chapter X is amended by revising the index of Parts to read as follows:

Part

1005 Freedom of Information Act regulations.
1006 Privacy Act regulations.
1010 Civil Rights regulations.
1012 General administration and management committees.
1015 Standards of conduct for employees.
1026 Contracts and Administration.
1060 General characteristics of CSA-funded programs.
1061 Character and scope of specific programs.
1062 Establishments and eligibility of Community Action Programs.
1067 Funding of CSA grantees.
1068 Grantee financial management.
1069 Grantee personnel management.
1070 Grantee public affairs.
1071 Grantee property administration.
1075 State Economic Opportunity Offices.
1076 Economic Development Programs.
1078 Evaluation.

[FR Doc.76–30086 Filed 10–12–76;8:45 am]

PART 1042—ASSIGNMENT, PLACEMENT, TRANSFER, AND SUPERVISION OF VISTA VOLUNTEERS

PART 1050—VISTA PROGRAMS AND PROJECT MANAGEMENT

Deletion of Parts

EDITORIAL NOTE: The Office of the Federal Register has received a letter from the Office of Operations of the Community Services Administration, in which it is stated that the regulations presently codified as Parts 1042 and 1050 are legally void. The letter requests the deletion of the regulations from the CFR chapter administered by the Community Services Administration.

The basis for the Community Services Administraton request is the National Volunteer Antipoverty Programs Act of 1973 (Pub. L. 93–113). The Act entrusts the administration of these regulations to the Director of ACTION. Acting under the authority (Secs. 104(b), 402(14), 415(d), 419, and 420 of Pub. L. 93–113, 87 Stat. 398, 407, 412, 413, and 414) the Director of ACTION has promulgated regulations as 45 CFR Part 1217 (40 FR 44203, Dec. 23, 1974), Part 1218 (40 FR 43725, Dec. 18, 1974), Part 1219 (40 FR 42915, Dec. 9, 1974) and Part 1220 (40 FR 28880, July 9, 1975). The effect of these publications is to make obsolete the regulations in 45 CFR Parts 1042 and 1050.

Therefore, pursuant to 1 CFR 8.2, Parts 1042 and 1050 of Chapter X of Title 45, Code of Federal Regulations are deleted.

Title 7—Agriculture

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

[Valencia Orange Reg. 547, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period October 1–7, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 547 (41 FR 43154). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication

thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (iii) of § 908.847 (Valencia Orange Regulation 547 (41 FR 43154)) are hereby amended to read as follows:

§ 908.847 Valencia Orange Regulation 547.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 427,000 cartons;

(ii) District 2: 523,000 cartons.

* * * * *

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

Dated: October 6, 1976.

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

[FR Doc.76-29939 Filed 10-12-76;8:45 am]

[Avocado Reg. 18, Amdt. 3]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment revises the maturity requirements for the Lula variety of avocados. Lula avocados can be shipped one week earlier on October 11 at a lower minimum weight or smaller diameter. Currently, Lula avocados cannot be shipped prior to October 18 at specified minimum weights or diameters. Recently completed maturity studies on this variety indicate it will be mature at the hereinafter specified dates, minimum weights, or diameters. Weight or diameter and picking dates, are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the amendment stems from the current avocado crop maturity situation. Maturity studies on the specified variety completed recently indicate that avocados of such variety will be mature at the hereinafter specified dates, minimum weights, or diameters.

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

Order. (1) The provisions of paragraph (a)(2) of § 915.318 (Avocado Regulation 18; 41 F.R. 21336; 34973; 43154) are amended by revising in Table I the dates, minimum weights or diameters applicable to the Lula variety so after such revision the portion of Table I relating to Lula avocados reads as follows:

§ 915.318 Avocado Regulation 18.

(a)(1) * * *

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Lula	Oct. 11, 1976	16 oz., 3⅝ in.	Nov. 1, 1976	14 oz., 3⅝ in.	Nov. 15, 1976		

* * * * *

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

Dated, October 7, 1976, to become effective October 11, 1976.

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

[FR Doc.76-30013 Filed 10-12-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT ADMINISTRATION REGULATIONS

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Boycott Related Reports, Availability

Pursuant to a Presidential Directive dated October 7, 1976, a copy of which is appended hereto, the Department of Commerce will commence public disclosure of reports regarding boycott-related requests received by American companies on or after October 7, 1976.

Only business proprietary information regarding the quantity, value, commodity and the identity of the consignee, the release of which could place reporting firms at a competitive disadvantage, will not be made publicly available, when confidential treatment is requested by the reporting firm, pursuant to applicable provisions of the Freedom of Information Act, as amended (5 U.S.C. 552).

Boycott request reporting forms DIB–630P (Rev. 2–76) and DIB–621P (Rev. 2–76) and § 369.4 of the Export Administration Regulations are presently under review and will be revised in the near future other than changes made or announced herein. In the interim, reporting firms requesting confidential treatment for proprietary information must submit duplicate report forms DIB–630P (Rev. 2–76) or DIB–621P (Rev. 2–76) as appropriate. One report form must contain all the information required on the form except information on the quantity, value, commodity and the identity of the consignee for which confidential treatment is requested. The second boycott report form covering the same boycott-related request should contain the name of the reporting firm and the information excluded from the first form.

FORMS AMENDED:

That part of section "C" of forms DIB–630P (Rev. 2–76) and DIB–621P (Rev. 2–76) which reads, "CONFIDENTIAL. Information furnished herewith is deemed confidential and will not be published or disclosed except as specified in Section 7(c) of the Export Administration Act of 1969 as amended (50 U.S.C. App. 2406(c))" is deleted.

Section 369.4 of the Export Administration Regulations (15 CFR 369.4) is amended as follows:

1. The fourth sentence which reads "The information contained in these reports is subject to the provisions of Section 7(c) of the Export Administration Act of 1969 regarding confidentiality" is deleted.

2. A new § 369.4(c) is added as follows:

§ 369.4 Reporting requirements.

* * * * *

(c) *Disclosure of Information.* Forms DIB–630P (Rev. 2–76) and DIB–621P (Rev. 2–76) reporting the receipt of a restrictive trade practice request which was received by the reporting firm on or after October 7, 1976, shall be made available to the public for inspection and copying, except that information relating to quantity, value, commodity and the identity of the consignee, will be withheld pursuant to applicable provisions of the Freedom of Information Act, as amended (5 U.S.C. § 552), if the reporting firm so requests on the basis that disclosure of this information could place reporting firms at a competitive disadvantage. Reporting firms requesting confidential treatment for proprietary information must submit report forms DIB–630P

(Rev. 2–76) or DIB-621P (Rev. 2–76) as appropriate. One report form must contain all the information required on the form except information on the quantity, value, commodity and the identity of the consignee for which confidential treatment is requested. The second boycott report form covering the same boycott-related request should contain the name of the reporting firm and the information excluded from the first form. The boycott report form which excludes information for which confidential treatment is requested will be available for public inspection and copying in the DIBA Freedom of Information Record Inspection Facility, Room 3100, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Notice and public procedure in the formulation of this regulation are impracticable, unnecessary, and contrary to the public interest. In order to make the information available to the public at the earliest possible date, this regulation is effective October 7, 1976.

Since reporting firms have 15 days after receipt of a boycott-related request to file a single transaction report with the Department of Commerce, boycott reports are not expected to be available for inspection before October 25.

(Sec. 2, E.O. 11940, September 30, 1976, 41 FR 43707.)

Effective date of action: October 7, 1976.

RAUER H. MEYER,
Director, Office of Export Administration.

THE WHITE HOUSE,
Washington,
October 7, 1976.

MEMORANDUM FOR THE SECRETARY OF COMMERCE

Would you please assure that the Department of Commerce takes steps to permit the public inspection and copying of boycott-related reports to be filed in the future with the Department of Commerce. Only business proprietary information regarding such things as quantity and type of goods exported, the release of which could place reporting firms at a competitive disadvantage, should not be made available to the public.

During the past year, there has been a growing interest in and awareness of the impact of the Arab Boycott on American business. Disclosure of boycott-related reports will enable the American public to assess for itself the nature and impact of the Arab Boycott and to monitor the conduct of American companies.

I have concluded that this public disclosure will strengthen existing policy against the Arab Boycott of Israel without jeopardizing our vital interests in the Middle East. The action I am directing today should serve as a reaffirmation of our national policy of opposition to boycott actions against nations friendly to us.

GERALD R. FORD

[FR Doc.76-30174 Filed 10-8-76;5:29 am]

proposed rules

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 259]

[Release No. 35-19705; File No. 57-656]

ANNUAL REPORTS FOR PUBLIC UTILITY HOLDING COMPANIES

Proposed Amendments to Form

The Commission today invited public comments on proposed amendments to annual report Form U5S (17 CFR 259.5s) filed under the Public Utility Holding Company Act of 1935 ("1935 Act") pursuant to Rule 1(c) (17 CFR 250.1(c)) of the rules and regulations under the 1935 Act. If adopted, registered holding companies and their subsidiaries will be required to file annual reports in conformity with Form 10-K (17 CFR 249.310) under the Securities Exchange Act of 1934 ("1934 Act"), in addition to a modified Form U5S required for regulatory purposes under the 1935 Act.

BACKGROUND

STATUTORY AND OTHER PROVISIONS FOR SUBSTITUTE REPORTS

Section 14 of the 1935 Act authorizes the Commission to prescribe the form in which information required pursuant to the continuous disclosure provisions of that Act shall be set forth. The Commission promulgated Rule 1(c), which requires every holding company registered under section 5 of the 1935 Act of file an annual report on Form U5S on behalf of itself and its subsidiaries. The annual report is intended to supplement and keep current information contained in each holding company's registration statement filed on Form U5B (17 CFR 259.5b). Form U5S is primarily designed to meet the regulatory requirements of the 1935 Act. It requires a substantial volume of detailed information about subsidiaries, regardless of size, and data relating to the particular requirements of the 1935 Act. Fourteen holding companies, with consolidated assets at December 31, 1975, of $37.9 billion, currently file Form U5S.

On September 3, 1976 (Release No. 34-12769) (41 FR 39048), the Commission invited public comments on a proposal to rescind the annual report Form 12-K and to amend and revoke provisions of Rules 13, 14 and 15 (17 CFR 240.13, 17 CFR 240.14, 17 CFR 240.15) under the 1934 Act. That proposal, if adopted, will no longer permit issuers registered under section 12 of the 1934 Act to file copies of annual and other periodic reports submitted to other federal regulatory commissions as exhibits to Form 12-K and in lieu of the information specified in quarterly report Form 10-Q (17 CFR 249.308a). Instead, such issuers will be required to file annual reports on Form 10-K and quarterly reports on Form 10-Q.

Holding companies registered under the 1935 Act and their subsidiaries are similariy now excused from filing the separate annual report on Form 10-K, although they are subject to the quarterly reporting requirements of Form 10-Q. Form U5S is directed primarily to the regulatory purposes of the 1935 Act and, like the annual reports filed with other federal regulatory agencies, is not an adequate substitute for the report, on Form 10-K, which is directed to meet investors' needs under the 1934 Act. The reasons discussed at length in our proposal to rescind Form 12-K apply also to those public utility companies that file regulatory reports with this Commission under the 1935 Act.

The amendments to Form U5S proposed herein will be effected by deleting references to sections 13 and 15(d) of the 1934 Act and by making other necessary modifications. In addition, certain items of disclosure now required by Form U5S, which would repeat information reported in Form 10-K, will be eliminated. Appropriate changes will be made in the numbering of Form U5S to reflect the deletions.

OPERATION OF PROPOSAL

Registered holding companies and their subsidiaries now reporting on Form U5S in lieu of filing Form 10-K may continue to do so pending the adoption of the amendments proposed herein and in the Commission's release of September 3, 1976, which proposes the rescission of Form 12-K. The proposal herein is limited to modifications of Form U5S; no amendment to Rule 1(c) or any other Commission rule or regulation is necessary. No other reporting requirement generally applicable to registered holding companies and their subsidiaries, other than the annual reporting requirements of Form 10-K, will be affected by the proposed amendments to Form U5S.

The Commission hereby proposes for comment proposed amendments to Form U5S pursuant to sections 5(c) and 20(a) of the 1935 Act.

All interested persons are invited to submit their written views and comments on the foregoing proposals, in triplicate, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before November 1, 1976. Such communications should refer to File S7-656 and will be available for public inspection. The text of the proposed amendments is set forth below.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 5, 1976.

TEXT OF PROPOSED AMENDMENTS TO FORM U5S

Section 259.5s Form U5S, for annual reports filed under Section 5(c) of the Act, is proposed to be amended in the following manner.

1. The portion of the facing sheet referring to a filing pursuant to sections 13 or 15(d) of the Securities Exchange Act of 1934 shall be deleted.

2. General instructions 1(b) and 2(b) and the last sentence of instruction 2(c) shall be deleted. Instruction 1(a) shall be renumbered as instruction 1 and instructions 2(c) to 2(f) inclusive shall be renumbered as instructions 2(b) to 2(e).

3. Item 2, "Securities Registered on Exchanges," shall be deleted. The other items will not be renumbered at this time.

4. Item 8(b), "Holders of Capital Stock," shall be deleted and Item 8(a) renumbered as Item 8.

5. The clause "and under the Securities Exchange Act of 1934" shall be deleted from the instruction to Item 13.

6. The second sentence of instruction 1(b), of the Instructions as to Financial Statements, which now reads:

> The individual corporate and consolidated statements included in the consolidating statements, of the top registered holding company and of each other system company filing this report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 shall be audited in accordance with Regulation S-X.

will be amended to read:

> The individual corporate and consolidated statements included in the consolidating statements with respect to those members of the system that file annual reports on Form 10-K shall correspond to the financial statements so filed on Form 10-K.

7. The clause "except in the case of a system company filing this report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934" shall be deleted from the fourth sentence of said instruction 1(b).

8. Instruction 1(c) of the Instructions as to Financial Statements shall be amended to read:

> (c) There shall be included with the financial statements for each member company the schedules specified in Rule 5-04 of Regulation S-X, to the extent required by that regulation, except Schedules II,

III, IV, X, XVII, XVIII and XIX provided that any schedule of a subsidiary company may be omitted if the information required is included and separately identified in the consolidated schedules of its parent, or elsewhere in the financial statements or in the answers to any of the items of the Form.

Any required schedule may be incorporated by reference to any prior filing under any act administered by the Commission, to the extent permitted by Rule 24 (17 CFR 201.24) of the Commission's rules of practice. If the information required in any schedule of any system company is contained in any schedule or schedules of such company's report to the Federal Power Commission, duplicates of such schedules with appropriate references may be used to satisfy the requirements of this form.

9. Instruction 2 of the Instructions as to Exhibits shall be deleted.

[FR Doc.76-29920 Filed 10-12-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[30 CFR Part 11]

RESPIRATORY PROTECTIVE DEVICES

Proposed Amendments

CROSS REFERENCE: For a document dealing with this subject matter, see FR Doc. 76-29845, published under the Department of the Interior/Mining Enforcement and Safety Administration, in the proposed rule section of this issue.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 11]

RESPIRATORY PROTECTIVE DEVICES

Proposed Amendments

The Secretary of the Interior, through the Mining Enforcement and Safety Administration (MESA), and the Secretary of Health, Education, and Welfare, through the National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, conduct a testing and approval program for respirators used in occupationally hazardous atmospheres pursuant to regulations contained in 30 CFR Part 11 issued jointly by the Secretaries (37 FR 6244). Respirators approved under Part 11 are required to be used where necessary in workplaces in accordance with applicable MESA and Occupational Safety and Health Administration (OSHA) standards and regulations.

Notice is hereby given that the Secretaries propose new amendments to Part 11 as set forth below. Specifically, these amendments would (1) clarify the use of gas masks and chemical-cartridge respirators against gases and vapors with poor warning properties, (2) permit the use of Type A supplied-air respirators only in atmospheres not immediately dangerous to life or health, (3) provide new performance requirements for the approval of single-use gas and vapor chemical-cartridge respirators that are equivalent to the present performance requirements for chemical-cartridge respirators, (4) revise performance requirements for vinyl chloride chemical-cartridge respirators by reducing minimum service life from 2 hours to 90 minutes, and (5) provide for approval of single-use vinyl chloride respirators with performance requirements equivalent to the present performance requirements for vinyl chloride chemical-cartridge respirators. For the purposes of this amendment, a single-use gas and vapor chemical-cartridge respirator is one that is entirely discarded after excessive resistance or exhaustion.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed and data, views, and arguments relating to the proposed regulations may be submitted in writing, in triplicate, to the Regulations Officer, National Institute for Occupational Safety and Health, 5600 Fishers Lane (Park Bldg. 3-32), Rockville, MD 20852. All material received on or before November 12, 1976 will be considered before further action is taken on the proposal. All comments received in response to the proposal will be available for public inspection during normal business hours at the foregoing address.

It is proposed to make the amendments effective on the date of their republication in the FEDERAL REGISTER.

Dated: October 4, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

Dated: September 2, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 11, Subchapter B, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

1. Section 11.3 is amended by adding a new paragraph (kk) which reads:

§ 11.3 Definitions.

* * * * *

(kk) "Single-use Respirator" means a respirator that is entirely discarded after excessive resistance or exhaustion.

§ 11.90 [Amended]

2. In § 11.90, paragraph (b) is amended by revising footnote 4 to read as follows:

[4] Not for use against gases or vapors with poor warning properties (except where MESA or Occupational Safety and Health Administration standards permit such use for escape only from a specific gas or vapor) or those which generate high heats of reaction with sorbent material in the canister.

§ 11.110 [Amended]

3. Section 11.110, paragraphs (a) and (a)(1) are amended by deleting the words "hazardous atmospheres" and substituting "atmospheres not immediately dangerous to life or health" therefor.

4. Section 11.150 is amended by designating the introductory text appearing there as paragraph (a), revising the table and footnote 7, and adding a new paragraph (b). The revised and added provisions read as follows:

§ 11.150 Chemical cartridge respirators; description.

(a) * * *

Type of chemical cartridge respirator: [7]	*Maximum use concentration, parts per million*
Ammonia	300
Chlorine	10
Hydrogen chloride	50
Methyl amine	100
Organic vapor	[8] 1,000
Sulfur dioxide	50

[7] Not for use against gases or vapors with poor warning properties (except where MESA or Occupational Safety and Health Administration standards may permit such use for escape only from a specific gas or vapor) or those which generate high heats of reaction with sorbent material in the cartridge.

* * * * *

(b) Respirators described in paragraph (a) of this section may be of the replaceable cartridge type where only the cartridge(s) is replaced after excessive resistance or exhaustion, or of the single-use type where the entire respirator is discarded and replaced after excessive resistance or exhaustion.

5. Section 11.160 is amended by inserting the phrase "for replaceable cartridge respirators" between the words "Facepieces" and "shall" in paragraph (a) and adding a new paragraph (a-1) which reads:

§ 11.160 Head harnesses; minimum requirements.

* * * * *

(a-1) Facepieces for single-use chemical-cartridge respirators shall be equipped with adjustable head harnesses designed and constructed to provide adequate tension during use and an even distribution of pressure over the entire area in contact with the face.

* * * * *

6. Section 11.162-1 is amended by revising the table in paragraph (b) to read:

§ 11.162–1 Breathing resistance test; minimum requirements.

Maximum resistance

[Millimeter water column height]

Type of chemical-cartridge respirator	Inhalation		Exhalation
	Initial	Final [1]	
Replacement cartridge respirator:			
For gases, vapors, or gases and vapors	40	45	20
For gases, vapors, or gases and vapors, and dusts, fumes, and mists	50	70	20
For gases, vapors, or gases and vapors, and mists of paints, lacquers, and enamels	50	70	20
Single-use respirator with valves:			
For gases, vapors, or gases and vapors	20	25	20
For gases, vapors, or gases and vapors, and pneumoconiosis and fibrosis producing dusts	30	45	20
Single-use respirator without valves:			
For gases, vapors, or gases and vapors	15	20	[2]
For gases, vapors, or gases and vapors, and pneumoconiosis and fibrosis producing dusts	25	40	[2]

[1] Measured at end of service life specified in tables 11 and 11a.
[2] Same as inhalation.

§ 11.162–8 [Amended]

7. Section 11.162–8 is amended as follows:

a. Insert the phrase "of replaceable-cartridge respirators" between the words "tests" and "will" in the first sentence of paragraph (a).

b. Add a new paragraph (a–1) which reads:

* * * * *

(a–1) Bench tests of single-use respirators will be conducted on an apparatus with the applicable gas or vapor concentration at 50±5 percent relative humidity and 25±2.5°C cycled through the respirator by a breathing machine at the rate of 24 respirations per minute and a minute volume of 40 liters. Air exhaled through the respirator will be 35±2°C with 94±3 percent relative humidity. Air inhaled through the respirator will be sampled and analyzed for respirator leakage.

* * * * *

c. Insert the phrase ", or single-use respirators," between the words "cartridges" and "will" in paragraphs (c), (d), (e), (f), and (g).

d. In paragraph (d) change the table heading to read: "Type of cartridge or respirator:".

e. In paragraph (g), change the reference "Table 11" to "Tables 11 and 11a".

f. Revise the heading for Table 11 to read: "Table 11—Cartridge Bench Tests and Requirements for Replaceable-Cartridge Respirators" and change the column heading entitled "Flowrate" to read "Constant flowrate".

g. Insert a new Table 11a as follows:

TABLE 11a.—*Cartridge bench tests and requirements for single-use respirators*

(30 CFR Part 11, Subpart L, § 11.162-8)

Cartridge	Test condition	Test atmosphere		Minute volume (liters)	Number of tests	Penetration [1] (part per million)	Minimum life [2] (minutes)
		Gas or vapor	Concentration (parts per million				
Ammonia	As received	NH_3	1,000	40	3	50	80
Do	Equilibrated	NH_3	1,000	40	4	50	40
Chlorine	As recieved	Cl_2	500	40	3	5	56
Do	Equilibrated	Cl_2	500	40	4	5	28
Hydrogen chloride	As received	HCl	500	40	3	5	80
Do	Equilibrated	HCl	500	40	4	5	40
Methylamine	As received	CH_3NH_2	1,000	40	3	10	40
Do	Equilibrated	CH_3NH_2	1,000	40	4	10	20
Organic vapors	As received	CCl_4	1,000	40	3	5	80
Do	Equilibrated	CCl_4	1,000	40	4	5	40
Sulfur dioxide	As received	SO_2	500	40	3	5	48
Do	Equilibrated	SO_2	500	40	4	5	24

[1] Minimum life will be determined at the indicated penetration.
[2] Where a respirator is designed for respiratory protection against more than 1 type of gas or vapor, as for use in ammonia and in chlorine, the minimum life shall be one-half that shown for each type of gas or vapor. Where a respirator is designed for respiratory protection against more than 1 gas or vapor, as for use in chlorine and sulfur dioxide, the stated minimal life shall apply.

§ 11.203 [Amended]

8. Section 11.203 is amended as follows:

a. Revise paragraph (a) to read:

(a) Except for the tests prescribed in §§ 11.162–4 through 11.162–8, the minimum requirements and performance tests for chemical-cartridge respirators prescribed in Subpart L of this part are applicable to replaceable-cartridge and single-use vinyl chloride chemical-cartridge respirators.

* * * * *

b. In paragraph (b), insert the words "or single-use chemical-cartridge respirators" between the words "respirators" and "for" therein.

c. In paragraph (b)(2), insert the words "or single-use respirators" between the words "cartridges" and "will" therein.

d. In paragraph (b)(3), insert the words "or respirators" between the words "cartridges" and "will" therein.

e. Revise paragraphs (b)(4) and (b)(5) and add new paragraphs (b)(6) and (b)(7). The revised and added provisions read as follows:

(b) * * *

(4) The cartridges or pairs of cartridges for replaceable-cartridge respirators, equilibrated and stored as described in paragraphs (b)(1), (b)(2), and (b)(3) of this section, will be tested on an apparatus that allows the test atmosphere at 50±5 percent relative humidity and 25±5°C, to enter the cartridges or pairs of cartridges continuously at a concentration of 10 ppm vinyl chloride monomer at a total flowrate of 64 liters per minute.

(5) The maximum allowable penetration after 90 minutes testing of cartridges or pairs of cartridges for replaceable-cartridge respirators, according to paragraph (b)(4) of this section, shall not exceed 1 ppm vinyl chloride.

(6) The single-use respirators, equilibrated and stored as described in paragraphs (b)(2) and (b)(3) of this section, will be tested on an apparatus with 10 ppm chloride at 50±5 percent relative humidity and 25±2.5°C cycled through the respirator by a breathing machine at the rate of 24 respirations per minute at a minute volume of 40 liters. Air exhaled through the respirator will be 35±2°C with 94±3 percent relative humidity.

(7) The maximum allowable penetration after 144 minutes testing of respirators, according to paragraph (b)(6) of this section, shall not exceed 1 ppm vinyl chloride.

[FR Doc.76-29845 Filed 10-12-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Grade and Size Requirements

This notice invites written comment relative to a proposal that would continue Orange Regulation 75 (§ 905.564), Grapefruit Regulation 77 (§ 905.565), Tangerine Regulation 48 (§ 905.566), and Tangelo Regulation 48 (§ 905.567) through September 25, 1977. Such regulations were published in the September 27, 1976, issue of the FEDERAL REGISTER (41 F.R. 42177) and will expire on November 15, 1976, unless extended. The regulations specify grade and size requirements applicable to domestic and export shipments of Florida oranges, grapefruit, tangerines, and tangelos as set forth in the following table:

TABLE

Variety	Domestic regulations		Export regulations	
	Minimum grade	Minimum diameter in inches (count size in ½ bu. carton)	Minimum grade	Minimum diameter in inches (count size in ½ bu. carton)
Early-midseason oranges.	U.S. No. 1	2⁵⁄₁₆ (size 125)	U.S. No. 1	2⁵⁄₁₆ (size 163).
Navel oranges	U.S. No. 1 golden	do	U.S. No. 1 golden	Do.
Temple oranges	U.S. No. 1	do	U.S. No. 1	Do.
Murcott honey oranges.	Florida No. 1	2¹¹⁄₁₆ (size 120)	Florida No. 1	2⁸⁄₁₆ (size 150).
Valencia oranges	U.S. No. 1	2⁵⁄₁₆ (size 125)	U.S. No. 1	2⁵⁄₁₆ (size 163).
Seeded grapefruit	do	3¹³⁄₁₆ (size 40)	do	3⁹⁄₁₆ (size 48).
Seedless grapefruit	Improved No. 2	3⁹⁄₁₆ (size 48)	Improved No. 2	3⁵⁄₁₆ (size 64).
Tangerines	U.S. No. 1	2⁴⁄₁₆ (size 210)	U.S. No. 1	2³⁄₁₆ (size 246).
Tangelos	do	2⁵⁄₁₆ (size 125)	do	2⁵⁄₁₆ (size 163).

The proposed extension of the effective period of such regulations is designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

All persons who desire to submit written data, views, or arguments in connection with the proposed action should file the same, in guadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 28, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendments were proposed by the Growers Administrative Committee and Shippers Advisory Committee, established under said amended marketing agreement and order.

The proposed amendments reflect the committees' appraisal of the need for regulation of shipments of the specified varieties of oranges, grapefruit, tangerines, and tangelos during the period November 15, 1976, through September 25, 1977, based on the available supply and current and prospective market conditions. The amendments are designed to continue shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The proposed action is designed to maintain orderly marketing conditions by preventing the adverse effect on the market caused by shipment of lower-quality and smaller-size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed amendments are consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

The regulatory proposals are as follows:

Order 1. The provisions of § 905.564 (Orange Regulation 75; 41 FR 42177) are amended to read as follows:

§ 905.564 Orange Regulation 75.

(a) During the period November 15, 1976, through September 25, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance for such oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos: *Provided*, That such tolerance for such oranges shall be based only on those oranges in a lot which are of a size 2¹⁴⁄₁₆ inches in diameter or smaller;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance for Navel oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance for Temple oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2¹¹⁄₁₆ inches in diameter, except that a tolerance for Murcott Honey oranges smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1; and

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance for such oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos; *Provided*, That such tolerance for such oranges shall be based only on those oranges in a lot which are 2¹¹⁄₁₆ inches in diameter or smaller.

(b) During the period November 15, 1976, through September 25, 1977, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2¹⁄₁₆ inches in diameter, except that a tolerance for such oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than 2¹⁄₁₆ inches in diameter, except that a tolerance for Navel oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than 2¹⁄₁₆ inches in diameter, except that a tolerance for Temple oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance for Murcott Honey oranges smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States of Standards for Grades of Florida Tangerines;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1; and

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2$^{1}/_{16}$ inches in diameter, except that a tolerance for such oranges smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; Florida No. 1 grade for murcotts shall have the same meaning as provided in Rule No. 20–35.03 of the Regulations of the Florida Department of Citrus, and all other terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140–51.1180) or the revised United States Standards for Florida Tangerines (7 CFR 51.1810–51.1835).

2. The provisions of § 905.565 (Grapefruit Regulation 77; 41 FR 42177) are amended to read as follows:

§ 905.565 Grapefruit Regulation 77.

(a) During the period November 15, 1976, through September 25, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3$^{12}/_{16}$ inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit;

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

(b) During the period November 15, 1976, through September 25, 1977, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit;

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than 3$^{5}/_{16}$ inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, except Improved No. 2 grade, and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Grades of Florida Grapefruit (7 CFR 51.750–51.784).

3. The provisions of § 905.566 (Tangerine Regulation 48; 41 FR 42177) are amended to read as follows:

§ 905.566 Tangerine Regulation 48.

(a) During the period November 15, 1976, through September 25, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2$^{1}/_{16}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines.

(b) During the period November 15, 1976, through September 25, 1977, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2$^{1}/_{16}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Grades of Florida Tangerines (7 CFR 51.1810–51.1835).

4. The provisions of § 905.567 (Tangelo Regulation 48; 41 FR 42177) are amended to read as follows:

§ 905.567 Tangelo Regulation 48.

(a) During the period November 15, 1976, through September 25, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in the production area, which are of a size smaller than 2$^{9}/_{16}$ inches in diameter, except that a tolerance for tangelos smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos.

(b) During the period November 15, 1976, through September 25, 1977, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in the production area, which are of a size smaller than 2$^{1}/_{16}$ inches in diameter, except that a tolerance for tangelos smaller than such minimum diameter shall be permitted as specified in § 51.1152 of the United States Standards for Grades of Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140–51.1180).

Dated: October 6, 1975.

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

[FR Doc.76–29938 Filed 10–12–76;8:45 am]

[7 CFR Part 906]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Expenses and Fixing of Rate of Assessment for 1976–77 Fiscal Period and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of $727,000 and rate of assessment of $0.045 per 7/10-bushel carton or equivalent

quantity of oranges and grapefruit to support the activities of the Texas Valley Citrus Committee for the 1976–77 fiscal period under Marketing Order No. 906.

Consideration is being given to the following proposals submitted by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof.

(1) That expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1976, through July 31, 1977, will amount to $727,000.

(2) That there be fixed at $0.045 per 7/10-bushel carton or equivalent quantity of oranges and grapefruit the rate of assessment payable by each handler in accordance with § 906.34 of the aforesaid marketing agreement and order.

(3) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1976, be carried over as a reserve in accordance with § 906.35 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 28, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 6, 1976.

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

[FR Doc.76-29937 Filed 10-12-76;8:45 am]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY, TEX.

Proposed Minimum Grade and Size Requirements

This notice proposes minimum grade and size requirements for grapefruit grown in the Lower Rio Grande Valley in Texas for the period November 8, 1976, through November 6, 1977. The proposed requirements are designed to promote orderly marketing in the interest of producers and consumers.

The proposal would establish regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 28, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed grade and size regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of grapefruit from the production area is now in progress, and such shipments are regulated by grade and size through November 7, 1976, under § 906.357 Grapefruit Regulation 27 (40 F.R. 51178). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2, and be at least 3$\frac{5}{16}$ inches in diameter.

The proposed regulation, which would become effective November 8, 1976, is comparable to the one effective during the 1975–76 season. The proposed minimum size requirement of 3$\frac{9}{16}$ inches in diameter during the first part of the season is designed to delay harvest of smaller fruit until it reaches full size in late February. Then it is desirable to lower the minimum size requirement to 3$\frac{5}{16}$ inches as most of the fruit has reached its full size, as much of the larger sized fruit has been shipped, and as the available supplies of grapefruit have diminished.

The proposed action is necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of producers and consumers, and to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

Such proposal reads as follows:

§ 906.359 Grapefruit Regulation 28.

Order. (a) During the period November 8, 1976, through November 6, 1977, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2;

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3$\frac{9}{16}$ inches: *Provided*, That during the period February 21, 1977, through November 6, 1977, no handler shall handle any grapefruit of any variety, grown in the production area, which are smaller than pack size 112, as such size is specified in § 51.630 (c) of the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3$\frac{5}{16}$ inches;

(3) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) (7 CFR 51.620–51.653).

Dated: October 7, 1976.

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

[FR Doc.76-30014 Filed 10-12-76;8:45 am]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY, TEX.

Proposed Minimum Grade and Size Requirements

This notice proposes minimum grade and size requirements for oranges grown in the Lower Rio Grande Valley in Texas for the period November 8, 1976, through November 6, 1977. The proposed requirements are designed to promote orderly marketing in the interest of producers and consumers.

The proposal would establish regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture,

Washington, D.C. 20250, not later than October 28, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of oranges from the production area is now in progress, and such shipments are regulated by grade and size through November 7, 1976, under § 906.356 Orange Regulation 27 (40 FR 51177). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2, and be at least 2$^{6}/_{16}$ inches in diameter. The proposed grade and size requirements, which would become effective Novmber 8, 1976, are the same as the requirements currently in effect and are necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

Such proposal reads as follows:

§ 906.358 Orange Regulation 28.

Order. (a) During the period November 8, 1976, through November 6, 1977, no handler shall handle:

(1) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Any oranges of any variety, grown in the production area, which are smaller than pack size 288, as such size is specified in § 51.691(c) of the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall by 2$^{6}/_{16}$ inches;

(3) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any oranges of any variety, grown as aforesaid, unless such oranges meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.714).

Dated: October 7, 1976.

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

[FR Doc.76-30015 Filed 10-12-76;8:45 am]

[7 CFR Part 944]

IMPORTS OF GRAPEFRUIT

Proposed Minimum Grade and Size Requirements

This notice invites written comment relative to a proposed amendment that would continue Grapefruit Regulation 17 (§ 944.113; 41 FR 42181) through September 25, 1977. Said regulation is currently effective during the period September 27 through November 14, 1976. The regulation prescribes minimum grade and size requirements applicable to imported grapefruit as follows: Imported seeded grapefruit—U.S. No. 1 and 3$^{12}/_{16}$ inches in diameter; and imported seedless grapefruit—Improved No. 2 and 3$^{9}/_{16}$ inches in diameter. The requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 28, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Notice is hereby given that the Department is considering a proposal, as hereinafter set forth, which would regulate the importation of any grapefruit into the United States, pursuant to Part 944—Fruits, Import Regulations (7 CFR Part 944).

The proposal is as follows:

Order. The provisions of § 944.113 (grapefruit Regulation 17; 41 FR 42181) are amended to read as follows:

§ 944.113 Grapefruit Regulation 17.

(a) During the period November 15, 1976, through September 25, 1977, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of size not smaller than 3$^{12}/_{16}$ inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than 3 9/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United Standards for Florida Grapefruit.

("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

* * * * *

Dated: October 6, 1976.

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

[FR Doc.76-29936 Filed 10-12-76;8:45 am]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Proposed Amendment of Various Subparts

Notice is given of proposals to delete § 981.300 Operating reserve in Subpart—Budget of Expenses and Rate of Assessment (7 CFR 981.300; 981.326; 41 FR 37761), and to amend Subpart—Administrative Rules and Regulations (7 CFR 981.441—981.481) by deleting §§ 981.453 and 981.481 and revising §§ 981.450, 981.455, 981.467, 981.472, 981.473 and 981.474. The subparts are operative pursuant to the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 41 FR 26852; 27827), hereinafter collectively referred to as the "order," regulating the handling of almonds grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposals are based on a unanimous recommendation of the Admond Board of California.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than October 29, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The recent amendment of the order made several changes which require corresponding conforming changes in those subparts. It is proposed that §§ 981.300 and 981.481, which pertain to an operating reserve and to refund of assessments, be deleted since the amendment of § 981.81 makes these rules unnecessary. Also, § 981.453 would be delet-

ed since the corresponding order provision, § 981.53, has been deleted. Sections 981.450, 981.455, 981.467, 981.472, 981.473 and 981.474 would be revised.

The order now permits the kernelweight of almonds disposed by a handler for crushing into oil, or for poultry or animal feed, to be excluded from his receipts and exempted from reserve obligations and assessments, so long as the handler qualifies as, or delivers such almonds to, the exempt outlets. Prior to the order amendment, such exemption was given only after the end user of the almonds had disposed of them. Therefore, paragraph (c) of § 981.450, which deals with certification by the receiver (user), would be deleted. The remaining provisions in § 981.450 would be combined into one paragraph and revised to allow the exemption for deliveries to dealers in nut wastes, so long as the dealers are acceptable to the Board.

Section 981.455 requires interhandler transfers to be reported to the Board and prescribes the form to be used. Section 981.455 would be revised to reduce the amount of information, and the number of copies of the form, to be submitted.

The section would also be revised to restrict the amount of reserve credit one handler may transfer to another to the deficit of the transferee handler, and to prohibit transfer of reserve credit to satisfy a handler's inedible disposition obligation incurred pursuant to § 981.42 (a).

Section 981.467 would be amended by deleting provisions pertaining to the physical setaside of reserve, and by revising the provisions pertaining to the agency agreement for the disposition of reserve almonds.

Section 981.472 has been rewritten without substantive change to improve understanding of its provisions. Section 981.473 would be revised by deleting obsolete provisions, changing information required of handlers on redetermination reports, and making other changes in in the reporting requirements for greater flexibility.

Section 981.474(a), pertaining to shipments of almonds, would be revised to conform with the order changes with respect to the method of establishing salable and reserve percentages. Section 981.474(b) would be added to require submission by handlers of appropriate reports pertaining to exports. Section 981.474(c) would be added to cover reports of diversion to non-competitive outlets, and to permit the Board to waive the requirement to file a report for diversion of almonds to non-competive outlets which the Board has previously declared eligible for reserve credit.

Finally, "Control" would be deleted wherever it appears in those sections which under the proposal would be revised. The order amendment changed the name of the Board from the "Almond Control Board" to "Almond Board of California."

The proposals follow:

§ 981.300 [Deleted]

1. Delete § 981.300.

2. Revise § 981.450 to read as follows:

§ 981.450 Exempt dispositions.

As provided in § 981.450, any handler disposing of almonds for crushing into oil, or for poultry or animal feed, may have the kernel weight of these almonds excluded from his recipits, and exempt from reserve obligations and assessments, so long as the handler qualified as, or delivers such almonds to a crusher, a feeder, or dealer in nut waste; the crusher, feeder, or dealer are acceptable to the Board; each delivery is made directly to the crusher, feeder or dealer by June 30 of the crop year; and each delivery is certified to the Board by the handler on ABC Form 8.

§ 981.453 [Deleted]

3. Delete § 981.453.

4. Revise § 981.455 to read as follows:

§ 981.455 Interhandler transfers.

(a) *Transfers of almonds.* Interhandler transfers of almonds pursuant to § 981.55 shall be reported to the Board on ABC Form 7. The report shall contain the following information: (1) Date of transfer; (2) the names and plant locations of both the transferring and receiving handlers; (3) the variety of almonds transferred; (4) whether the almonds are shelled or unshelled; and (5) the name of the handler assuming reserve and assessment obligations on the almonds transferred. ABC Form 7 shall be signed by the transferring handler and by the receiving handler if the latter is assuming the obligation(s).

(b) *Transfers of reserve credits.* A handler may transfer reserve credits to another handler, but not in excess of the quantity needed by the receiving handler to cover his reserve obligation. The Board shall complete the transfer upon receipt of an ABC Form 11 executed by both handlers. No transfer of reserve credits shall be made to satisfy a handler's inedible disposition obligation incurred pursuant to § 981.42(a).

5. Revise § 981.467 to read as follows:

§ 981.467 Disposition in reserve outlets by handlers.

(a) *Agents of Board.* Beginning with July 1 of any crop year, a handler may become an agent of the Board pursuant to § 981.67 for the purpose of disposing of reserve almonds of such crop year in the authorized outlets. The agency shall be established upon a handler executing a reserve agreement (ABC Form 12), applicable to export or diversion, or both, containing terms and conditions specified by the Board.

(b) *Reserve credit.* Credit in satisfaction of a reserve obligation shall not exceed the accrued reserve obligation derived by applying the reserve percentage to the quantity of almonds received by a handler for his own account during the crop year. Disposition by an agent of the Board in eligible reserve outlets within a crop year in excess of his reserve obligation shall be held to be a disposition of salable almonds. Whenever such disposition has been inspected and certified, if required, and has complied with the terms, conditions, and documentation applicable to disposition of reserve almonds as determined by the Board, the disposition may be credited against any reserve obligation subsequently incurred by the handler during that crop year, or the credit may be transferred pursuant to § 981.455(b) to apply against the reserve obligation of another handler.

6. Revise § 981.472 to read as follows:

§ 981.472 Report of almonds received.

(a) Each handler shall report to the Board on ABC Form 1 the total pounds of almonds, unshelled and shelled, by varieties, received by him for his own account within any of the hereinafter prescribed reporting periods. * * *

(b) For the reporting periods July 1 through December 31 and January 1 through March 31, each handler shall submit a summary report to the Board, within 30 days after the end of the reporting period, which shall show the quantity of almonds received for the handler's own account by county of production and such varieties as may be requested by the Board.

7. Revise § 981.473 to read as follows:

§ 981.473 Redetermination reports.

Each handler shall furnish for use by the Board in redetermination of the kernel weight of almonds received for his own account and for marketing policy consideration, the information listed and described in this section. Such information shall be reported within the applicable times specified in § 981.73 on forms provided by the Board.

(a) *Handler carryover.* A report of the weight of all almonds, whether un-, shelled or shelled, wherever located, held by the handler for his own account, whether or not sold.

(b) *Reserve.* A report of all reserve almonds, net weight, which have been disposed of in the manner provided in §§ 981.66 and 981.67.

(c) *Delivered sales.* A report of salable almonds sold and delivered, showing the weight, and whether unshelled or shelled, except those disposed of pursuant to the requirements for reserve disposition, or to crushing or feed outlets, or used in almond products.

(d) *Almond products.* A report of all almonds used by the handler in the manufacture of any almond product as defined in § 981.15.

(e) *Transfers.* A report of almonds transferred to another handler showing the weight of each lot transferred and whether unshelled or shelled.

(f) *Undelivered sales.* A report of all almonds sold but not delivered, showing the weight of such almonds and whether they are unshelled or shelled.

8. Revise § 981.474 to read as follows: Report of shipments.

§ 981.474 Report of shipments.

(a) Each handler shall report all shipments of almonds, unshelled and shelled and by classification, on ABC Form 25. In support of this report, the handler shall file invoices on the shipments, or such other documentation as may be acceptable to the Board. Each such report shall be filed with the Board 5 business days after the close of each month of the crop year.

(b) At the time of each export sale, each handler shall report it to the Board on ABC Form 18 and upon delivery into export shall report this on ABC Form 19. If any export is not made directly by the handler, he shall send the ABC Form 19 to the broker-exporter and request him to make the report to the Board. These forms shall include the number and type of container, net weight, variety and whether unshelled or shelled, time of export and destination. In years of minimum export prices applicable to reserve almonds, ABC Form 19 shall include the grade and size, the inspection certificate number, the price and any terms defining the price.

(c) In any crop year when reserve almonds are diverted to noncompetitive outlets, such handler shall report his intentions to divert on ABC Form 13 and the completion of diversion on ABC Form 14. Upon notice to all handlers the Board may waive the requirements to file ABC Form 13 for diversion of almonds to noncompetitive outlets which the Board has previously declared eligible for reserve credit.

§ 981.481 [Deleted]

9. Delete § 981.481.

Dated: October 7, 1976.

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

[FR Doc.76-30016 Filed 10-12-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 91]

[OST Docket No. 47; Notice 76-13]

INTERNATIONAL AIR TRANSPORTATION FAIR COMPETITIVE PRACTICES

Determination, Collection and Disbursement

The purpose of this proposed amendment to Title 49 of the Code of Federal Regulations is to establish a new Part 91 setting forth the procedures the Department of Transportation (the Department) will follow in discharging its responsibilities under the International Air Transportation Fair Competitive Practices Act of 1974 (Pub. L. 93-623, 88 Stat. 2103, 49 U.S.C. 1159a and 1159b) (the Act) with respect to discriminatory and unfair competitive practices which may occur in international air transportation.

Under the Act, the Secretary of Transportation (Secretary) is charged with surveying the fees exacted from United States flag air carriers by foreign governments or other foreign entities in order to determine the reasonableness of those charges. Where the Secretary determines that such charges are unreasonably excessive or "otherwise discriminatory," he is to submit a report on the matter to the Secretary of State and the Civil Aeronautics Board. If the Secretary is subsequently informed by the Secretary of State that negotiations with the foreign country concerned have not resulted in the reduction of such charges or the elimination of such discriminations, he must then "determine compensating charges equal to such excessive or discriminatory charges" imposed by the foreign government or entity. Thereupon, under the statutory scheme, the Secretary of the Treasury is to collect the amount of compensatory charge computed by the Secretary as a condition to acceptance of the general declaration at the time aircraft of that foreign nation's air carriers land or takeoff from the United States. The funds thus collected will be held in a special account established by the Secretary of the Treasury and paid out to United States air carriers in such amounts as the Secretary certifies in accordance with these regulations.

In addition to his role in administering the collection and distribution of compensatory funds, the Secretary will, to the extent of his jurisdiction, keep under review all forms of discrimination or unfair competitive practices to which United States air carriers may be subjected in providing foreign air transportation services and will take appropriate actions to eliminate such forms of discrimination or unfair competitive practice found to exist.

In accordance with Section 3 of the Act which directs the Secretary to promulgate appropriate regulations, this proposed Part 91 assigns certain staff responsibilties to the Federal Aviation Administrator, and the Assistant Secretary for Policy Plans and International Affairs and the General Counsel of the Department. This part also sets forth the standards which will be used in determining whether a discrimination or unfair competitive practice within the perview of the Act exists. Finally, it outlines the method of computation and distribution of compensatory charges.

Part 91, as proposed, is designed to provide a flexible set of working guidelines and employs the mechanism of periodic estimates combined with periodic adjustments to minimize the administrative burden on all parties to which the Act applies. And since circumstances can be expected to differ from case to case, it is proposed that the specific format for application for reimbursement and the enumeration of particular items of proof required to accompany such application be left open to case by case determination and publication in the FEDERAL REGISTER.

In view of the possibility that later evidence may show that the total impact of certain practices of a foreign government or entity may not be as great as had been projected or that the compensatory charge levied was the result of a miscalculation, provision has been made for an air carrier of a foreign nation to recover amounts paid in excess of its proper liability under the Act.

One purpose of the proposed regulation is to place those liable to payment of compensatory charges on notice so that they may either gather evidence that the charges to be imposed are not justified under the Act or, to the extent the same time, an effort has been made to alert United States air carriers which may be entitled to reimbursement to the fact that they may be required to produce records showing the extent of excessive charges incurred and paid by them.

Accordingly, interested persons are invited to participate in this rulemaking by submitting written data, views, or comments. Communications should identify the regulatory docket number (see above) and should be submitted in quadruplicate (four copies) to the Docket Clerk, Office of the General Counsel, TCC, Attention: Docket No. 46, Department of Transportation, 400 7th Street, SW. Washington, D.C. 20590. Comments received by the closing date, below, will be given full consideration in formulating the final rule. Comments received after that date will be considered to the extent practicable. All comments received will be available for inspection and copying in the Office of the Assistant General Counsel for Operations and Legal Counsel, Room 10100, Nassif Building, 400 7th Street, SW., Washington, D.C., from 9:00 a.m. to 5:30 p.m. local time, Monday through Friday, except Federal holidays.

In consideration of the foregoing, it is proposed to establish a new Part 91 of Title 49 Code of Federal Regulations, to read as appears below.

Comment closing date: November 12, 1976.

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

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

PART 91—DISCRIMINATORY OR UNFAIR COMPETITIVE PRACTICES—EFFECTUATION OF THE INTERNATIONAL AIR TRANSPORTATION FAIR COMPETITIVE PRACTICES ACT OF 1974

Sec.
91.1 Purpose.
91.3 Investigations.
91.5 Findings and recommendations.
91.7 Determination of compensatory charges.
91.9 Distribution of compensatory funds.
91.11 Standards.

AUTHORITY: Secs. 2-3, 88 Stat. 2103; 49 U.S.C. 1159a and 1159b unless otherwise noted.

§ 91.1 Purpose.

The purpose of this part is to effectuate the provisions of sections 2 and 3 of the International Air Transportation Fair Competitive Practices Act of 1974 to the end that United States flag air carriers (United States air carriers) operating in foreign air transportation are protected from all forms of discrimination or unfair competitive practice, and are compensated for unreasonably excessive or otherwise discriminatory charges levied by foreign governments or other foreign entities for the use of airport airway or property.

§ 91.3 Investigations.

The Assistant Secretary for Policy, Plans and International Affairs (Assistant Secretary) in coordination with the General Counsel and the Federal Aviation Administrator (Administrator) shall, on the complaint of any United States flag carrier or on their own initiative, investigate instances of alleged discrimination or unfair competitive practices to which United States air carriers are subjected by a foreign government or other foreign entity. For the purpose of this part, discrimination or unfair competitive practices consist of excessive charges, operating restrictions or other practices of a foreign government or entity which have an unjustifiably or disproportionally unfavorable impact on United States air carriers.

§ 91.5 Findings and recommendations.

(a) Upon finding that a foreign government or entity discriminates against United States air carriers or causes such carriers to be subjected to unfair competitive practices, the Assistant Secretary in coordination with the General Counsel and the Administrator shall determine the extent of the discrimination or unfair competitive practices.

(b) Where the matter involves discriminatory user charges, the Assistant Secretary shall prepare a report and recommend that the Secretary promptly submit a report of the case to the Secretary of State and the Civil Aeronautics Board in accordance with section 11 of the International Aviation Facilities Act, 49 U.S.C. 1159a,

(c) Where the matter involves discrimination or unfair competitive practices, other than user charges, the Assistant Secretary shall recommend that the Secretary take such other action within the jurisdiction of the Department as is appropriate under the circumstances in accordance with 49 U.S.C. 1159(b),

(d) If the Secretary determines, after review of the report and recommendations made under paragraphs (b) or (c) of this section, that discrimination exists, the Secretary will:

(1) Submit a report on the matter to the Secretary of State and the Chairman of the Civil Aeronautics Board in accordance with 49 U.S.C. 1159a; or

(2) Take all appropriate actions within his jurisdiction in accordance with 49 U.S.C. 1159b.

§ 91.7 Determination of Compensatory Charges.

(a) Upon indication by the Secretary of State that the charges or discriminations have not been reduced or eliminated, the Secretary will direct the Assistant Secretary to compute the appropriate amount of compensatory charges.

(b) Upon approving the amount of compensatory charges computed under paragraph (a) of this section, the Secretary will notify the Secretary of State and the Secretary of the Treasury of his determination.

§ 91.9 Distribution of Compensatory Funds.

(a) On or after January 1 and July 1 of each year, each United State air carrier which has been subjected to discriminatory charges for which compensatory charges have been collected shall, upon compliance with paragraph (c) of this section, be entitled to pro rata reimbursement for discriminatory charges incurred to date, not to exceed the amount of discriminatory charges actually paid by that carrier.

(b) The Secretary will publish in the FEDERAL REGISTER, at least 30 days before U.S. carriers become entitled to reimbursement, a notice setting forth the procedures to be following in making claims for reimbursement. This notice will specify the form in which application shall be made and the specific items of proof, if any, to be submitted.

(c) On or after January 1 and July 1, each U.S. air carrier claiming a right to reimbursement shall apply for such reimbursement in accordance with the FEDERAL REGISTER notice referred to in paragraph (b) of this section.

(d) The Assistant Secretary shall, on the basis of the application and such other data as may be available, compute the amount to which each carrier is entitled.

(e) Upon approving the computation made by the Assistant Secretary, the Secretary will issue such certificate as will entitle each carrier to payment from the account maintained by the Secretary of the Treasury for this purpose.

(f) Foreign air carriers from which compensatory charges have been collected may apply for a refund by following the procedures prescribed in this section for U.S. air carriers in any case where it can be shown that the amount collected from them under this part was based on an error of fact or miscalculation.

§ 91.11 Standards.

(a) To minimize the burden on the United States, United States air carriers and foreign air carriers of implementing this part, estimates and periodic adjustments will be used to determine the amount of discrimination and compensatory charges therefor.

(b) For the purpose of determining the amount of excessive or discriminatory charges imposed upon U.S. carriers by entity,

(1) A service or use of airport or airway property includes, but is not limited to, fueling, food service, ticketing, baggage handling, cleaning or any services necessary and incidental to the conduct of a flight,

(2) A discriminatory or excessive fee includes, but is not limited to, one substantially above the cost of providing a service or any charge for a service that is substantially inferior to that which the U.S. air carrier could have provided for itself by contract or otherwise.

(c) In determining the amount of compensatory charges,

(1) The total amount of excessive or discriminatory charges levied against U.S. air carriers will be estimated, in dollars,

(2) The total volume of operations to the United States by air carriers of the nation concerned will be estimated for the succeeding six-month period,

(3) The total amount of excessive charges in subdivision (1) will be divided by the total volume of operations in subdivision (2), and

(4) The quotient thus computed will constitute the compensatory charge to be collected as a condition to acceptance of the general declaration at the time of landing or takeoff of such air carriers of the nation concerned.

[FR Doc.76-29995 Filed 10-12-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Navy

SECRETARY OF THE NAVY'S ADVISORY COMMITTEE ON NAVAL HISTORY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Secretary of the Navy's Advisory Committee on Naval History will meet on October 28, 1976, at 9:00 a.m., in room 4E442, the Pentagon, Washington, D.C.

The purpose of the meeting is to review the naval historical activities of the past eighteen months and to make comments and recommendations on these activities to the Secretary of the Navy.

Public attendance, depending on available space, may be limited to those persons who have given written notice at least 5 days prior to the meeting of their intention to attend.

Any person desiring information about the Secretary of the Navy's Advisory Committee on Naval History may write to the Director of Naval History, Building 220, Washington Navy Yard, Washington, D.C. 20374.

Dated: October 4, 1976.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy
Assistant Judge Advocate General (Civil Law).

[FR Doc.76-29906 Filed 10-12-76;8:45 am]

Office of the Secretary of Defense

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Meeting

Pursuant to Pub. L. 92-463 notice is hereby given that the next meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held November 14-18, 1976 in Washington, D.C. at the Hotel Washington, 15th and Pennsylvania Avenue, NW. and at the Pentagon.

Composed of 25 civilian women, DACOWITS meets twice each year to provide the Department of Defense with assistance and advice on matters relating to women in the Armed Forces, to interpret to the public the role of and the need for servicewomen and to encourage the acceptance of military service as a career opportunity.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meetings and discussions:

NOVEMBER 14—1 P.M.-6 P.M.

HOTEL WASHINGTON

(1) Executive Committee Meeting.
(2) Subcommittee Meeting.

NOVEMBER 15—8:30 A.M.-11:30 A.M.

THE PENTAGON

(1) History of the Women's Military Components.
(2) Results of DACOWITS Accomplishments last 25 years benefitting the women in the Armed Forces.
(3) Future Goal.
(4) Major Address—Future of the Military.

2:45-3:15 P.M.

HOTEL WASHINGTON

(1) National Guard and Reserve Components and Employer Support.
(2) ROTC Program.

NOVEMBER 16—8:30 A.M.-11:45 A.M.

HOTEL WASHINGTON

(1) Manpower Programs.
(2) U.S. Military Academy.
(3) U.S. Air Force Academy.
(4) Subcommittee Meeting.

NOVEMBER 17

FIELD TRIP TO U.S. NAVAL ACADEMY, ANNAPOLIS, MD.

NOVEMBER 18—8 A.M.-12 NOON

HOTEL WASHINGTON

General session

Members of the public will not be permitted to go on the field trip or attend the social functions. The following rules and regulations will govern the participation by members of the public at this meeting:

(1) All business sessions, to include Executive Committee sessions, will be open to the public.

(2) Since the Pentagon is closed to the general public, persons desiring to attend the session on Novembtr 15, 1976 in the Pentagon must notify the DACOWITS Secretariat (202) OXford 5-5153 by October 29, 1976 so that proper escorts to and from the meeting can be arranged.

(3) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(4) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify Lucille B. Dion, Consultant, DACOWITS Executive Secretary, OASD (Manpower and Reserve Affairs), Room 2C263, The Pentagon, Washington, D.C. 20301 by October 25, 1976.

(5) Length and number of oral presentations to be made will dependent on the number of requests received from the members of the public.

(6) Oral presentations by members of the public will be permitted only from 3:00 p.m. to 4:00 p.m. on November 14, 1976 before the full committee.

(7) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 30 copies of the presentation/statement by November 1, 1976.

(8) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(9) Members of the public will not be permitted to enter into the oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by members of the Committee.

(10) Members of the public will be permitted to orally question the schedule speakers if time allows after the official participants have asked questions and/or made comments.

(11) Questions from the public will not be accepted during the subcommittee sessions, the executive committee sessions or the final general session on Thursday, November 18, 1976.

Additional information regarding the Committee and/or this meeting may be obtained by contacting Lucille B. Dion, Consultant, DACOWITS Executive Secretary, OASD (M&RA), The Pentagon, Washington, D.C. 20301, telephone (202) OXford 5-5153.

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

[FR Doc.76-29976 Filed 10-12-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Proposed Withdrawal and Reservation of Lands; Correction

OCTOBER 4, 1976.

This is to correct FR Doc. 17780, Vol. 40, No. 132 published July 9, 1975, which contained omissions in the land description.

The Department of the Army has a continuing military requirement for natural resource lands at Fort Wainwright, Alaska and has filed an application, Fairbanks serial number F-020174, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for continued use as an impact range for testing weapons and for field training in an arctic environment.

The greatest part of the area is currently withdrawn by Public Land Order No. 5240 of July 14, 1972, which extended

the withdrawal made by the act of September 26, 1961, Pub. L. 87-326, 75 Stat. 686, until September 26, 1976, at which time the withdrawal expired. Congressional approval of the new withdrawal is required under the provisions of the act of February 28, 1958, 72 Stat. 27, Pub. L. 85-337.

On or before November 12, 1976 all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation 43 CFR 2351.4(c) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. 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 will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

FORT WAINWRIGHT MANEUVER AREA

TRACT A

A parcel of land situated approximately 20 miles southeast of Fairbanks, Fourth Judicial District, State of Alaska. Said parcel being all of the following unsurveyed townships and ranges:

T. 1 S., R. 3 E., Fairbanks Meridian,
Sec. 22, E½SE¼;
Secs. 23 and 24, S½;
Secs. 25, 26, 35, and 36, all;
Secs. 27 and 34, E½E½.
Containing 3,600 acres, more or less.

T. 1 S., R. 4 E., Fairbanks Meridian,
Secs. 19, 22, 23, and 24, S½;
Sec. 21, SE¼;
Secs. 25 to 36 inclusive, all.
Containing 9,120 acres, more or less.

T. 1 S., R. 5 E., Fairbanks Meridian,
Secs. 19 to 24 inclusive, S½;
Secs. 25 to 36 inclusive, all.
Containing 9,600 acres, more or less.

T. 1 S., R. 6 E., Fairbanks Meridian,
Secs. 19 to 22 inclusive, S½;
Secs. 27 to 34 inclusive, all.
Containing 6,400 acres, more or less.

T. 2 S., R. 3 E., Fairbanks Meridian,
Secs. 1, 2, 11, 12, and 25, all;
Secs. 3, 10, and 15, E½E½;
Sec. 14, N½, W½SW¼;
Sec. 22, E½NE¼, NE¼SE¼;
Sec. 23, W½NW¼, S½SE¼, NE¼SE¼;
Sec. 24, S½;
Sec. 26, E½, SW¼, S½NW¼, NE¼NW.
Containing 5,320 acres, more or less.

T. 2 S., R. 4 E., Fairbanks Meridian,
Secs. 1 to 16 inclusive, 21 to 30 inclusive, 34 to 36 inclusive, all;
Sec. 17, E½;
Sec. 19, S½;
Sec. 20, E½, SW¼.
Containing 19,680 acres, more or less.

T. 2 S., R. 5 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.

T. 2 S., R. 6 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.

T. 2 S., R. 7 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.

T. 2 S., R. 8 E., Fairbanks Meridian,
Secs. 6, 7, 18, 19, 30, and 31, all;
Secs. 5, 8, 17, 20, 29, and 32, W½, W½E½.
Containing 6,720 acres, more or less.

T. 3 S., R. 4 E., Fairbanks Meridian,
Secs. 1 to 3 inclusive, 10 to 15 inclusive, 22 to 27 inclusive, 34 to 36 inclusive, all.
Containing 11,520 acres, more or less.

T. 3 S., Range 5 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all. Excepting therefrom that parcel of land (Fairbanks Serial No. 012866) withdrawn by PLO No. 1345 dated October 16, 1956 as amended by PLO No. 1523 dated October 8, 1957.
Containing 22,078.58 acres, more or less.

T. 3 S., R. 6 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.

T. 3 S., R. 7 E., Fairbanks Meridian,
Secs. 1 to 36 inclusive, all.
Containing 23,040 acres, more or less.

T. 3 S., R. 8 E., Fairbanks Meridian,
Secs. 6, 7, 18, 19, 30, and 31, all;
Secs. 5, 8, 17, 20, 29, and 32, W½, W½E½.
Containing 6,720 acres, more or less.

T. 4 S., R. 4 E., Fairbanks Meridian,
Sec. 1, all;
Sec. 2, E½, NW¼, N½SW¼;
Sec. 3, NE¼, N½NW¼;
Sec. 12, NE¼, N½NW¼.
Containing 1,680 acres, more or less.

T. 4 S., R. 5 E., Fairbanks Meridian,
Secs. 1 to 6 inclusive, 8 to 15 inclusive, all;
Secs. 7 and 16, N½, SE¼, N½SW¼;
Sec. 17, NE¼, N½NW¼. Excepting therefrom that parcel of land (Fairbanks Serial No. 012867) withdrawn by PLO No. 1345 dated October 16, 1956 as amended by PLO No. 1523 dated October 8, 1957.
Containing 9,393.09 acres, more or less.

T. 4 S., R. 6 E., Fairbanks Meridian,
Secs. 1 to 18 inclusive, all.
Containing 11,520 acres, more or less.

T. 4 S., R. 7 E., Fairbanks Meridian,
Secs. 1 to 11 inclusive, 16 to 18 inclusive, all;
Sec. 12, N½, N½SW¼;
Sec. 14, N½NW¼, SW¼NW¼, NW¼NE¼;
Sec. 15, N½, N½SW¼, SW¼SW¼, NW¼SE¼.
Containing 10,000 acres, more or less.

T. 4 S., R. 8 E., Fairbanks Meridian,
Sec. 5, NW¼, W½NE¼, NW¼SW¼;
Sec. 6, all;
Sec. 7, N½NW¼.
Containing 1,000 acres, more or less.

The above described parcels of land contain 249,551.67 acres, more or less.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-29908 Filed 10-12-76;8:45 am]

[U-34290]

UTAH

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Company has applied for a 3 inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN

UTAH

T. 13 S., R. 21 E.,
Secs. 25, 26, and 27.
T. 13 S., R. 22 E.,
Secs. 30 to 33 inclusive.
T. 14 S., R. 22 E.,
Secs. 3 and 4.

The pipeline will convey gas from Texaco Government "AF" Well No. 1, Uintah County, Utah, which ascends out of Willow Creek Canyon, easterly to Jim's Reservoir Canyon, then heads southeasterly joining Seep Ridge and terminating at the junction of Mesa Pipeline.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Vernal District Manager, Bureau of Land Management, P.O. Box F, Vernal, Utah 84078.

PAUL L. HOWARD,
State Director.

OCTOBER 1, 1976.

[FR Doc.76-29904 Filed 10-12-76;8:45 am]

Fish and Wildlife Service

GILA TOPMINNOW

Emergency Exemption; Issuance

On September 27, 1976, a letter of exemption was issued to the Regional Director of Region 2, United States Fish and Wildlife Service authorizing certain emergency actions to enhance the survival of a population of Gila topminnow (*Poeciliopsis occidentalis*). The emergency actions necessary would be to remove the population of Gila topminnow from Leslie Creek in the event remaining pools become dry due to severe drought. A copy of the Letter of Exemption is herewith presented.

This emergency exemption is provided in accordance with Pub. L. 94-359 (90 STAT. 911) which provided certain

amendments to the Endangered Species Act of 1973.

Dated: October 7, 1976.

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

BUREAU OF SPORT FISHERIES AND WILDLIFE

TO: Regional Director, Region 2
FROM: Chief, Div. of Law Enforcement
SUBJECT: Letter of Exemption Authorizing the Holding of Gila Topminnow (Poeciliopsis occidentalis) at Dexter National Fish Hatchery

This exemption authorizes you to move the population of Gila topminnow from the remaining habitat of Leslie Creek, to the Dexter National Fish Hatchery.

This authority is granted in order to conduct activities designed to save the Leslie Creek population of Gila topminnow from extinction due to the present drought conditions of the area and pending danger of the remaining pools going dry. It is our understanding that the fish will be taken pursuant to the authority of permit No. PRT 8-238-C, issued to the Director, Arizona Game and Fish Department, and that the additional authority is needed by U.S. Fish and Wildlife Service personnel to receive the fish and subsequently hold them at Dexter National Fish Hatchery for scientific research and propagation purposes.

The exemption is given with the condition that a completed permit application be forwarded to the Washington Law Enforcement Permit Office without relay for further processing.

[FR Doc.76-29978 Filed 10-12-76;8:45 am]

[Docket No. Wash. 75-1]

WALRUS

Change in Alaska State Walrus Regulations

Notice is hereby given of a change in the Alaska State walrus regulations originally approved by the Director, United States Fish and Wildlife Service, on April 5, 1976.

The Alaska Fish and Game Code, 5 AAC 81.100, as approved on April 5, 1976, provided that "walrus may be hunted only with a rifle having a caliber of .264 (6.5mm) or larger (except .30-30 caliber rifles may not be used to take walrus."

The State has proposed to amend the above quoted phrase to read as follows: "walrus may be hunted only with a rifle having a caliber of .264 (6.5mm) or larger with a minimum length of the brass portion of the cartridge case of no less than 2⅛ (2.125) inches or 53.5mm (except that rifles chambered for the .300 Savage, .308 Winchester or a 45/70 may be used)".

After consultation with the Marine Mammal Commission, I have determined that this change is insignificant and does not affect the scope of the waiver of the moratorium on the taking of Pacific walrus. I hereby approve the change, effective on October 13, 1976.

A complete set of the State of Alaska walrus hunting regulations is available for inspection from 8:00 a.m. to 4:00 p.m. at 1612 K Street, N.W., Washington, D.C., suite 1200.

LYNN A. GREENWALT,
Director, U.S. Fish & Wildlife Service.

[FR Doc.76-29977 Filed 10-12-76;8:45 am]

National Park Service

H. I. FROSETH AND DAN FROSETH

Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with H. I. Froseth and Dan Froseth, partners doing business as Oak Bottom Marina, authorizing them to continue to provide concession facilities and services for the public at Oak Bottom and Brandy Creek Sites, Whiskeytown Lake, Whiskeytown National Recreation Area for a period of five (5) years from January 1, 1976, through December 31, 1980.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Whiskeytown National Recreation Area, P.O. Box 188, Whiskeytown, California, 96095.

The foregoing concessioners have performed their obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1975, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before November 12, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: September 28, 1976.

PHILIP O. STEWART,
Acting Associate Director, National Park Service.

[FR Doc.76-29980 Filed 10-12-76;8:45 am]

SOUTHWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southwest Regional Advisory Committee will be held at 8:30 a.m., C.D.T., November 8 and 9, 1976, at the Visitor Center at Chalmette National Historical Park, New Orleans, Louisiana.

The Southwest Regional Advisory Committee was established pursuant to Pub. L. 91-383 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 programs and problems pertinent to the Southwest Region of the National Park Service.

The members of the Southwest Regional Advisory Committee are:

Mr. Bob Burleson, Temple, Texas.
Dr. Neil Compton, Bentonville, Arkansas.
Mr. Ernie C. Deane, Fayetteville, Arkansas.
Dr. Bertha P. Dutton, Santa Fe, New Mexico.
Mr. Sam R. Powell, Tulsa, Oklahoma (Chairman).
Mr. J. R. Singleton, Austin, Texas.
Mrs. Roulhac Toledano, New Orleans, Louisiana.
Mr. Elo J. Urbanovsky, Lubbock, Texas.

Designated Federal Officer to attend the meeting is Joseph C. Rumberg, Jr., Regional Director, Southwest Region, National Park Service, or his designee.

The matters to be discussed at this meeting include:

1. Chalmette National Historical Park Master Plan.
2. Volunteer-In-Parks Program.
3. The National Park Service in Urban Parks.
4. How to Make the Advisory Committee Work.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may appear before the Committee or 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 Frank Mentzer, Assistant to the Regional Director, P.O. Box 728, National Park Service, Southwest Regional Office, Santa Fe, New Mexico, 87501, telephone Area Code 505 988-6375. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southwest Region.

Dated: September 29, 1976.

JOSEPH C. RUMBURG, Jr.,
Regional Director, Southwest Region, National Park Service.

[FR Doc.76-29981 Filed 10-12-76;8:45 am]

National Park Service

DESIGNATION OF OFFICERS OR EMPLOYEES

Delegation of Authority

Notice is hereby given of the designation of certain officers and employees of the National Park Service, Department of the Interior, to exercise the authorities provided by section 10(b) of the Act of October 7, 1976, for the purpose of maintaining law and order and protecting persons and property within areas of the National Park System. Such designation, pursuant to the policies and standards prescribed by the Department of the Interior in Chapter 2 of Part 446 of the Department Manual (Release No. 1706 dated December 20, 1974), is authorized by §10(b) of the Act of October 7, 1976, and is conferred by the Director, National Park Service, pursuant to the authority delegated by Chapter 1 of Part 245 of the Department Manual (Release No. 1667 dated August 16, 1974).

Officers and employees so designated are: (1) all officers of the United States Park Police and (2) all other employees of the National Park Service who possess law enforcement certification as specified by Department of the Interior and National Park Service regulations and guidelines. Each designee is authorized, when acting according to orders, instructions or policy, to exercise the authorities set forth in section 10(b) of the Act.

Immediate designation is required because section 10(a) of the Act repealed, all or in part, those portions of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as supplemented, relating to certain arrest authority relative to national military parks, the Act of March 3, 1905 (33 Stat. 872; 16 U.S.C. 10, 559), as amended, relating to arrest authority relative to laws and regulations applicable to national parks, the Act of March 2, 1933 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, and the Act of October 8, 1964 (78 Stat. 1041; 16 U.S.C. 460n-5), as amended, relating to arrest authority relative to the Lake Mead National Recreation Area, and substituted in lieu thereof the new authorities provided in section 10(b).

This designation shall take effect immediately.

Dated: October 8, 1976.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.76-30135 Filed 10-13-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MODOC NATIONAL FOREST GRAZING ADVISORY BOARD

Reports on Closed Meeting, Availability

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972) and OMB Circular A-63 of March 27, 1974, the Department of Agriculture's Modoc National Forest Grazing Advisory Board, which held a closed meeting in 1975, has prepared a report on the activities of that meeting. Copies of the report have been filed and are available for public inspection at two locations:

Library of Congress, Microform Reading Room, Room MB-140B, Main Building, 10 First Street, S.E., Washington, D.C.

Department of Agriculture, Office of Management and Finance, Room 115-A, Administration Building, 14th Street and Independence Avenue, S.W., Washington, D.C.

J. PAUL BOLDUC,
Assistant Secretary, for Administration.

OCTOBER 7, 1976.

[FR Doc.76-30017 Filed 10-12-76;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

MIDWEST HANDBAG CO.

Petition for Determination of Eligibility Under Section 251 of the Trade Act of 1974

A petition by Midwest Handbag Company, c/o Mr. Chester S. Laycob, 12364 B Shoreridge Court, Maryland Heights, Missouri 63034, a producer of ladies' handbags in St. Louis, was accepted for filing on October 6, 1976, under section 251 of the Trade Act of 1974. Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-29943 Filed 10-12-76;8:45 am]

Maritime Administration

DETERMINATION OF OPERATING-DIFFERENTIAL SUBSIDIES

Proposed Amendments to the Manual of Procedures, Extension of Time

In Doc. 76-28127, appearing in the FEDERAL REGISTER on September 24, 1976, (41 FR 41950) notice was given that the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board are considering minor changes to Parts Three, Four and Five of the Manual of General Procedures for Determining Operating-Differential Subsidy.

The time established for filing written comments on the proposed changes was not later than October 29, 1976.

Upon request of the American Institute of Merchant Shipping, good cause having been shown, the time for submission of written comments is hereby extended to November 12, 1976.

Dated: October 7, 1976.

By order of the Maritime Subsidy Board and the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-30012 Filed 10-12-76;8:45 am]

National Oceanic and Atmospheric Administration

GULF REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Gulf Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Gulf Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Alabama, West Coast of Florida, Louisiana, Mississippi and Texas. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This is the second organizational meeting of the Council. The meeting will be held Wednesday, Thursday, and Friday, November 3, 4 and 5, 1976, in the Pavilion Room of the Jacksonville Hilton, 565 South Main Street, Jacksonville, Florida. The meeting will convene at 9:00 a.m. and adjourn at approximately 5:00 p.m. each day.

Proposed Agenda:

1. Council Organization and Administration Procedures.
2. Technical Procedures Including Fishery Management Plan Development.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about October 27, 1976:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Blvd., St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be

permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: October 7, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc. 76-30071 Filed 10-12-76;8:45 am]

SOUTH ATLANTIC REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the South Atlantic Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The South Atlantic Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to East Coast of Florida, Georgia, North Carolina and South Carolina. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This is the second organizational meeting of the Council. The meeting will be held Wednesday, Thursday, and Friday, November 3, 4 and 5, 1976, in the Duval A B-C Rooms of the Jacksonville Hilton, 565 South Main Street, Jacksonville, Florida. The meeting will convene at 9:00 a.m. and adjourn at approximately 5:00 p.m. each day.

Proposed Agenda:

1. Council Organization and Administration Procedures.
2. Technical Procedures Including Fishery Management Plan Development.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about October 27, 1976:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Blvd., St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: October 7, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-30070 Filed 10-12-76;8:45 am]

MARINE TURTLE PROGRAM

Meeting

Notice is hereby given of a public meeting to discuss the National Marine Fisheries Service's Marine Turtle Program. The National Marine Fisheries Service is currently investigating the status of the habitat of marine turtles. Studies also are in progress concerning the taking of marine turtles incidental to commercial fishing operations, including the modification of shrimp trawls to reduce or eliminate the incidental catch. During the meeting, these and other related items will be discussed. The meeting will be held on Wednesday, October 27, 1976, in the Birchwood Room of the Holiday Inn, (Tampa Airport), 4500 West Cypress Street, Tampa, Florida.

The meeting will convene at 10:00 a.m. and adjoin at approximately 5:00 p.m.

Proposed Agenda:

1. Review of NMFS' Marine Turtle Program.
2. Future requirements.
3. Priority considerations.

The meeting is open to the public on a first-come, first-serve basis. There will be seating for approximately 50 persons. For further information concerning this meeting, interested members of the public should contact:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: October 8, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.30171 Filed 10-12-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on the Aging

SENIOR SERVICES COMMITTEE

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Council's Senior Services Committee will meet on October 26-27, 1976, from 9:30 a.m. to 4 p.m. in the Snow Room, Room 5150, HEW North Building, 330 Independence Ave., SW., Washington, D.C. The agenda will consist of: Recommendations for 1977 Council Work Plan; Review of Proposed Legislation and Review of Recommendations for Services to the Frail Elderly.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,
Executive Director, Federal Council on the Aging.

SEPTEMBER 30, 1976.

[FR Doc.76-29928 Filed 10-12-76;8:45 am]

Health Services Administration

MISSOURI PSRO AREA I

Results of Notification to Physicians Regarding Agreement To Designate Professional Standards Review Organization

On August 16, 1976, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Northwest Missouri PSRO designating it as the Professional Standards Review Organization for PSRO Area I of the State of Missouri, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.29.

Such notice was also published in three consecutive issues of the Kansas City Star & Times, St. Joseph News Press & Gazette, Sedalia Democrat, Marshall Democrat News, Maryville Daily Forum, Nevada Daily Mail, Constitution Tribune, and the Independence Examiner on August 16, 17, and 18, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area I of the State of Missouri of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Missouri who objects to the Secretary entering into an agreement with the Northwest Missouri PSRO on the grounds that such organization is not representative of doctors in PSRO Area I of the State of Missouri, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022 on or before September 15, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area I of the State of Missouri, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 per centum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area I of the State of Missouri have expressed timely objection to the Secretary entering into an agreement with the Northwest Missouri PSRO. Therefore, the Secretary will proceed to enter into an agreement with the Northwest Missouri PSRO designating it as the Professional Standards Review Organization for PSRO Area I of the State of Missouri.

Dated: October 5, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-29889 Filed 10-12-76;8:45 am]

NORTH DAKOTA

Results of Notification to Physicians Regarding Agreement To Designate Professional Standards Review Organization

On August 16, 1976, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with North Dakota Health Care Review designating it as the Professional Standards Review Organization for the State of North Dakota, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.38.

Such notice was also published in three consecutive issues of the Devil's Lake Journal, Dickinson Press, Bismark Tribune, Jamestown Sun, Minot Daily News, Fargo Forum, Valley City Times Record, Williston Daily Herald, and the Grand Forks Herald on August 16, 17, and 18, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in the State of North Dakota of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in the State of North Dakota who objects to the Secretary entering into an agreement with North Dakota Health Care Review on the grounds that such organization is not representative of doctors in the State of North Dakota, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022 on or before September 15, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in the State of North Dakota, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 per centum of the doctors engaged in the active practice of medicine or osteopathy in the State of North Dakota have expressed timely objection to the Secretary entering into an agreement with North Dakota Health Care Review. Therefore, the Secretary will proceed to enter into an agreement with North Dakota Health Care Review designating it as the Professional Standards Review Organization for the State of North Dakota.

Dated: October 5, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-29890 Filed 10-12-76;8:45 am]

INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1976:

Name: Interagency Committee on Emergency Medical Services.
Date and time: November 23, 1976, 9:00 a.m.
Place: Conference Rooms G and H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Open for entire meeting.

Purpose: The Committee evaluates the adequacy and technical soundness of all Federal programs and activities which relate to emergency medical services and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness among such Federal programs and activities and makes recommendations to the Secretary respecting the administration of grants and contracts under Title XII, including the making of regulations for the emergency medical systems program.

Agenda: The agenda will consist of: further discussion of items deferred for action at the last meeting, status of the extension legislation for Pub. L. 93-154 (The EMSS Act of 1973), including burn legislation, reports from the Work Groups of the IACEMS, consideration of a memorandum of understanding between DOT and HEW and emergency medical service projects.

The meeting is open to the public for observation. Anyone wishing to attend, obtain a roster of members, minutes of meeting, or other relevant information should contact John D. Reardon, Room 320, 6525 Belcrest Road, Hyattsville, Maryland 20782, Telephone (301) 436-6284. Public seating is limited to forty (40). Please contact at least 72 hours before the meeting.

Agenda items are subject to change as priorities dictate.

Dated: October 5, 1976.

ARTHUR SCHWARTZ,
Acting Associated
Administrator for Management.

[FR Doc.76-29915 Filed 10-12-76;8:45 am]

INDIAN HEALTH ADVISORY COMMITTEE

Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, The Annual Report for the following Health Services Administration committees has been filed with the Library of Congress:

Indian Health Advisory Committee
Maternal and Child Health Research Grants Review Committee
National Advisory Council on Health Manpower Shortage Areas

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 300 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-6791.

Dated: October 6, 1976.

ARTHUR SCHWARTZ,
Acting Associated
Administrator for Management.

[FR Doc.76-29916 Filed 10-12-76;8:45 am]

Office of the Secretary

SOCIAL SECURITY CONTRIBUTION AND BENEFIT BASE AND RETIREMENT

Test Exempt Amount for 1977

Pursuant to authority contained in sections 203(f)(8) and 230 of the Social Security Act (42 U.S.C. 403(f)(8) and 430), as amended by section 8(h) and (i) of Pub. L. 94-202, enacted January 2, 1976, I hereby determine and announce that the contribution and benefit base with respect to remuneration paid in, and taxable years beginning in 1977 shall be $16,500 and the monthly exempt amount under the retirement test shall be $250 with respect to taxable years ending in calendar year 1977.

There follows a statement of the actuarial bases employed in arriving at the amounts of $250 and $16,500 for the retirement test monthly exempt amount and the contribution and benefit base, respectively, for the calendar year 1977.

In determining each of the 1977 amounts, the law specifies a formula which automatically produces a mathematical result based upon reported statistics.

Section 203(f)(8) of the Social Security Act provides that the retirement test monthly exempt amount for 1977 shall be equal to the 1976 amount of $230 multiplied by the ratio of (1) the average amount, per employee, of the taxable wages of all employees reported under the program for the first calendar quarter of 1975 to (2) the average amount of such wages reported for the first calendar quarter of 1974. The section further provides that if the amount so determined is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

Similarly, section 230 of the Social Security Act provides that the contribution and benefit base for 1977 shall be equal to the 1976 amount of $15,300 multiplied by the ratio of (1) the average

amount, per employee, of the taxable wages of all employees reported under the program for the first calendar quarter of 1975 to (2) the average amount of such wages reported for the first calendar quarter of 1974. The section further provides that if the amount so determined is not a multiple of $300, it shall be rounded to the nearest multiple of $300.

The data used to make the necessary computations of such average taxable wages were derived from reports submitted to the Social Security Administration of taxable wages paid to employees by their employers. Each quarter, taxable wages are posted to the record of earnings of each individual employee for whom wages were reported. These records are referred to hereinafter as Summary Earnings Records. As the wages were posted to the Summary Earnings Records, the data were tabulated on a 100-percent basis to obtain the total amount of reported taxable wages and the total number of employees for whom such wages were reported. The tabulated data on taxable wages reported for the first calendar quarter of each year 1974 and 1975 were limited to those wages that were reported and posted to the Summary Earnings Records by the end of the quarterly updating operations completed in September of the same year.

About 71.1 million employees had taxable wages reported for the first calendar quarter of 1974 that were posted to the Summary Earnings Records by the end of September 1974, and the average amount of their taxable wages was $2,007.69 per employee. The corresponding number of employees and average amount of taxable wages for the first calendar quarter of 1975 were 70.6 million and $2,157.73, respectively. The ratio of average taxable wages reported for the first quarter of 1975 to average taxable wages reported for the first quarter of 1974 is therefore 1.074733.

Multiplying the 1976 retirement test monthly exempt amount of $230 by the ratio of 1.074733 produces the amount of $247.19, which must then be rounded to $250. Accordingly, the retirement test exempt amount for taxable years ending in calendar year 1977 is $250 on a monthly basis, or $3,000 on an annual basis.

Multiplying the 1976 contribution and benefit base of $15,300 by the ratio of 1.074733 produces the amount of $16,443.41, which must then be rounded to $16,500. Accordingly, the contribution and benefit base for remuneration paid in, and taxable years beginning in, calendar year 1977 is $16,500.

The following is an extension of the Table for Determining Primary Insurance Amount and Maximum Family Benefits provided in section 215(a) of the Social Security Act. This extension reflects the new higher average monthly wage and related benefit amounts now possible under the increased contribution and benefit amounts promulgated herein effective January 1977 in accordance with section 215(i) of the Social Security Act.

Table for determining primary insurance amount and maximum family benefits beginning January 1977

I		II	III		IV	V
Primary insurance benefit under 1939 Act, as modified. If an individual's primary insurance benefit (as determined under subsection (d)) is—		Primary insurance amount effective for June 1975. Or his primary insurance amount (as determined under subsection (c)) is—	Average monthly wage. Or his average monthly wage (as determined under subsection (b)) is—		Primary insurance amount. The amount referred to in the preceding paragraphs of this subsection shall be—	Maximum family benefits. And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
			$1,276	$1,280	$578.60	$1,012.60
			1,281	1,285	579.60	1,014.30
			1,286	1,290	580.60	1,016.10
			1,291	1,295	581.60	1,017.80
			1,296	1,300	582.60	1,019.60
			1,301	1,305	583.60	1,021.30
			1,306	1,310	584.60	1,023.10
			1,311	1,315	585.60	1,024.80
			1,316	1,320	586.60	1,026.60
			1,321	1,325	587.60	1,028.30
			1,326	1,330	588.60	1,030.10
			1,331	1,335	589.60	1,031.80
			1,336	1,340	590.60	1,033.60
			1,341	1,345	591.60	1,035.30
			1,346	1,350	592.60	1,037.10
			1,351	1,355	593.60	1,038.80
			1,356	1,360	594.60	1,040.60
			1,361	1,365	595.60	1,042.30
			1,366	1,370	596.60	1,044.10
			1,371	1,375	597.60	1,045.80

(Catalog of Federal Domestic Assistance Programs Nos. 13.802–5, and 13.807 Social Security Programs.)

Dated: October 7, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc.76-30029 Filed 10-12-76;8:45 am]

STUDENT FINANCIAL ASSISTANCE STUDY GROUP

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Student Financial Assistance Study Group to be held on Thursday, October 28, 1976 from 2:00 p.m. until 5:00 p.m. and on Friday, October 29, 1976 from 9:00 a.m. until 4:00 p.m. These meetings will be held in the HEW South Portal Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. The meeting room numbers will be posted in the lobby of the South Portal Building on October 28, 1976 and October 29, 1976.

The Student Financial Assistance Study Group was established by the Secretary of Health, Education, and Welfare on August 27, 1976, to advise on ways to implement more effectively and efficiently the Student Financial Assistance Programs administered by the Department.

The agenda items for these meetings include:

Swearing-in Ceremony.
Introductory Comments by Secretary and other officials.
Student Financial Assistance Study Group Charter.
Study Group Objectives.

Members of the public are invited to attend the meetings. Because of limited meeting accommodations, reservations are recommended. Persons wishing to attend should notify the Study Group Staff Director by mail at room 323H, 200 Independence Avenue, S.W., Washington, D.C. 20201 or by telephone at (202) 245-9855.

Persons wishing to present oral or written statements for consideration by the Study Group are encouraged to do so at public hearings which will be held for that purpose. Notice of the date, time, and location of the public hearings will be published in later issues of the FEDERAL REGISTER.

MARY JANE CALAIS,
Staff Director, Student Financial Assistance Study Group.

[FR Doc.76-30126 Filed 10-12-76;8:45 am]

Social and Rehabilitation Service

STATE ASSISTANCE EXPENDITURES

Promulgation of Federal Percentages and Federal Medical Assistance Percentages

The purpose of this notice is to promulgate Federal percentages and Federal medical asisstance percentages to be used in determining Federal financial participation in State assistance expenditures under Titles I, IV-A, X, XIV, XVI (AABD), and XIX of the Social Security Act for each of the 50 States, Puerto Rico, the District of Columbia, the Virgin Islands, and Guam, as specified in the Act, or as determined pursuant thereto on the basis of per capita income data specified therein.

The bases are section 1101(a)(8)(B) of the Act (42 U.S.C. 1301(a)(8)(B)) which provides for the determination and promulgation of Federal percentages and section 1905(b) of the Act (42 U.S.C. 1396(d)(b)) which provides for the determination and promulgation of Federal medical assistance percentages.

Under section 1118 of the Act, States with approved title XIX plans may claim Federal financial participation for ex-

penditures under approved State plans under titles I, IV–A, X, XIV or XVI either at the Federal percentage or the Federal medical assistance percentage, as set forth below. Claims at the medical assistance percentage may be made without regard to any maximum on the dollar amounts per recipient which may be counted under paragraphs (1) and (2) of sections 3(a), 403(a), 1003 (a), 1403 (a), and 1603(a).

The percentages promulgated are as follows:

(1) The percentages for the quarter beginning July 1, 1977 and ending September 30, 1977, shall be the same as published in the FEDERAL REGISTER on September 13, 1974, 39 FR 33019, for the period beginning July 1, 1975 and ending June 30, 1977.

(2) The percentages for each of the eight quarters beginning October 1, 1977 and ending September 30, 1979, shall be as listed below.

Federal percentage and Federal medical assistance percentage, effective Oct. 1, 1977–Sept. 30, 1979 (fiscal years 1978 and 1979)

State	Federal matching percentage—State financial assistance expenditures (Federal percentage)	Federal matching percentage—State medical assistance expenditures (Federal medical assistance percentage)
Alabama	65.00	72.58
Alaska	50.00	50.00
Arizona	56.46	60.81
Arkansas	65.00	72.06
California	50.00	50.00
Colorado	50.00	53.71
Connecticut	50.00	50.00
Delaware	50.00	50.00
District of Columbia	50.00	50.00
Florida	51.72	56.55
Georgia	62.02	65.82
Guam	50.00	50.00
Hawaii	50.00	50.00
Idaho	59.53	63.58
Illinois	50.00	50.00
Indiana	53.18	57.86
Iowa	50.00	51.96
Kansas	50.00	52.35
Kentucky	65.00	69.71
Louisiana	65.00	70.45
Maine	65.00	69.74
Maryland	50.00	50.00
Massachusetts	50.00	51.62
Michigan	50.00	50.00
Minnesota	50.29	55.26
Mississippi	65.00	78.09
Missouri	56.29	60.66
Montana	56.78	61.10
Nebraska	50.00	53.46
Nevada	50.00	50.00
New Hampshire	58.73	62.58
New Jersey	50.00	50.00
New Mexico	65.00	71.84
New York	50.00	50.00
North Carolina	64.23	67.81
North Dakota	50.00	50.71
Ohio	50.51	55.46
Oklahoma	61.58	65.42
Oregon	52.54	57.29
Pennsylvania	50.13	55.11
Puerto Rico	50.00	50.00
Rhode Island	52.22	57.00
South Carolina	65.00	71.93
South Dakota	59.78	63.80
Tennessee	65.00	68.88
Texas	56.29	60.66
Utah	65.00	68.98
Vermont	64.46	68.02
Virgin Islands	50.00	50.00
Virginia	52.24	57.01
Washington	50.00	51.64
West Virginia	65.00	70.16
Wisconsin	53.92	58.53
Wyoming	50.00	53.44

Dated: October 5, 1976.

M. KEITH WEIKEL,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.76-29871 Filed 10-12-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-366 FDAA-521-DR]

CALIFORNIA

Amendment to Notice of Major Disaster

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary of the Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on October 1, 1976, the President amended his major disaster declaration of September 21, 1976, as follows:

I hereby amend my September 21, 1976, declaration of a "major disaster" for the State of California to read as follows:

I have determined that the damage in certain areas of the State of California resulting from severe storms and flooding associated with Tropical Storm Kathleen, beginning about September 10, 1976, and from severe storms and flooding beginning about September 23, 1976, is of sufficient severitiy and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of California.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development, Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert C. Stevens, HUD Region IX, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of California to have been adversely affected by this declared major disaster:

The counties of:

Imperial Riverside
San Bernardino

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 1, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-29997 Filed 10-12-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

SPECIAL BRIDGE REPLACEMENT PROGRAM

Allocation of FY 1977 Funds With Redistribution Adjustments

Purpose. The purpose of this document is to publish an internal Federal Highway Administration Notice stating the allocation of bridge replacement funds.

This material is published as required by the order of the United States District Court for the District of Columbia in "National Wildlife Federation v. Brinegar", Civil Action No. 1269-73 (August 22, 1975).

Issued: September 30, 1976.

J. R. COUPAL, JR.,
Deputy Administrator.

FHWA NOTICE N 4510.53 (SEPT. 8, 1976)

ALLOCATION OF FY 1977 SPECIAL BRIDGE REPLACEMENT FUNDS

1. *Purpose.* To allocate bridge replacement funds authorized for FY 1977 by Section 202(5) of the Highway Safety Act of 1976.

2. *Cancellation.* This Notice cancels FHWA Notice N 4510.35, "Allocation of FY 1976 Special Bridge Replacement Funds with Redistribution Adjustments," dated August 8, 1975.[1] (40 FR 53950)

3. *Background.* This Notice makes allocation of fiscal year 1977 funds and also reflects the restoration of those funds which were redistributed to a few States during the transitional quarter in accordance with the provisions of the Bridge Division Chief's memorandum of May 25, 1976, to all Regional Administrators. The unobligated funds redistributed were from fiscal year 1976 and prior years.

4. *Allocation.* The attached table shows (1) the total allocations of FY 1976 and prior year bridge replacement funds as of the date of this Notice, including the adjustments made for redistribution during the transitional quarter, (2) the FY 1977 funds allocated by this Notice as adjusted to reflect restoration of the prior redistribution, (3) the total allocations including FY 1977 funds, and (4) for information only, the unadjusted allocation of FY 1977 funds.

5. *Availability.*

a. All of the funds shown in column (2) of the attachment will be available for obligation on October 1, 1976.

b. Obligation of the funds is subject to obligation control procedures in force for the fiscal year in which the funds are obligated. Bridge replacement funds al-

[1] These documents are available for inspection and copying at those locations stated in 49 CFR Part 7, Appendix D.

located to a State that are unobligated at the end of FY 1977 may be withdrawn permanently for redistribution.

c. Project selections for funding under this program shall be in accordance with Volume 6, Engineering and Traffic Operations; Chapter 7, Bridge, Structures and Hydraulics; Section 4, Safety; and Subsection 1, Special Bridge Replacement Program of the Federal-Aid Highway Program Manual dated August 7, 1974.[2]

Department of Transportation, Federal Highway Administration, special bridge replacement program, allocation of bridge replacement funds

State	Funds previously allocated	Fiscal year 1977 funds allocated by this notice [1]	Total allocations	Information—Unadjusted allocated fiscal year 1977 funds
	(1)	(2)	(3)	(4)
Alabama	$6,398,350	$981,978	$7,380,328	$1,956,978
Alaska	7,121,740	163,186	7,284,926	163,186
Arizona	2,833,174	312,228	3,145,412	376,052
Arkansas	5,495,818	2,135,366	7,631,184	2,135,366
California	19,766,061	2,761,270	22,527,331	4,505,120
Colorado	3,355,388	434,295	3,789,684	434,296
Connecticut	7,616,984	319,308	7,936,292	582,151
Delaware	4,358,595	3,059,355	7,397,950	3,039,355
District of Columbia	818,357	1,162,378	1,980,735	1,162,378
Florida	16,042,429	6,140,885	22,183,314	7,776,885
Georgia	8,682,916	1,004,807	9,687,723	2,237,807
Hawaii	2,359,397	6,739	2,346,136	156,739
Idaho	8,268,559	1,123,608	9,392,167	1,301,734
Illinois	34,984,598	11,269,718	46,254,316	17,185,468
Indiana	5,915,867	2,220,751	8,146,618	2,220,751
Iowa	6,233,059	5,494,606	11,727,665	3,494,606
Kansas	8,477,306	2,825,378	11,302,684	2,825,378
Kentucky	5,633,386	9,037,180	14,670,566	6,537,180
Louisiana	18,009,045	12,958,514	31,567,559	12,958,514
Maine	2,937,946	630,485	3,568,431	630,485
Maryland	8,579,095	1,256,512	9,835,607	1,949,858
Massachusetts	14,896,777	5,140,768	20,037,545	5,140,768
Michigan	12,574,037	1,267,704	13,842,641	1,267,704
Minnesota	9,538,170	8,960,665	18,498,835	3,044,915
Mississippi	5,327,946	14,857	5,342,803	666,307
Missouri	11,497,080	2,326,808	13,822,888	2,326,808
Montana	3,078,927	576,827	3,655,754	576,827
Nebraska	5,049,733	8,758,936	3,808,669	3,258,936
Nevada	2,734,656	753,804	3,488,460	753,804
New Hampshire	3,852,648	1,802,837	5,655,485	1,802,837
New Jersey	5,990,925	1,715,895	7,706,820	1,453,052
New Mexico	5,349,630	708,165	6,057,795	708,165
New York	21,786,663	17,153,796	38,940,459	18,360,450
North Carolina	9,074,848	10,970,000	20,044,848	10,970,000
North Dakota	3,271,404	5,223	3,276,627	335,320
Ohio	8,992,155	7,176,223	16,168,378	3,494,446
Oklahoma	8,824,976	1,451,942	10,276,918	1,901,942
Oregon	4,959,642	1,141,563	6,101,205	1,141,563
Pennsylvania	15,429,373	4,295,397	19,724,770	4,295,397
Puerto Rico	3,991,061	1,787,602	5,778,663	1,787,602
Rhode Island	1,917,205	763,265	2,680,470	763,265
South Carolina	5,283,990	1,951,304	7,235,294	2,503,304
South Dakota	5,576,205	3,432,253	9,008,458	3,432,353
Tennessee	4,991,175	1,801,911	6,793,086	1,818,521
Texas	23,770,686	1,046,189	24,816,875	4,584,019
Utah	5,854,402	46,762	5,901,164	46,762
Vermont	3,896,389	1,792,285	5,688,674	1,792,285
Virginia	22,717,749	5,163,572	27,881,321	5,163,572
Washington	25,318,295	3,522,798	28,841,093	3,522,798
West Virginia	10,550,542	9,679,804	20,250,346	9,679,804
Wisconsin	10,809,851	5,034,287	15,844,138	5,034,287
Wyoming	2,623,790	417,900	3,041,690	781,900
Total	464,000,000	175,950,000	639,950,000	175,950,000
Administration		4,050,000		4,050,000
Grand total		180,000,000		180,000,000

[1] Adjusted to reflect restoration of funds redistributed during transitional quarter. Effective Oct. 1

[FR Doc.76-29849 Filed 10-12-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28262]

AIR MIDWEST

Certification Proceeding; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on October 28, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

[2] See footnote [1]

Dated at Washington, D.C., October 5, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29983 Filed 10-12-76;8:45 am]

[Docket 28173]

ALLEGHENY AIRLINES, INC.

Subpart M Application (Buffalo-St. Louis)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on November 3, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William J. Madden.

Dated at Washington, D.C., October 5, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29982 Filed 10-12-76;8:45 am]

[Docket 29747]

AIR BVI LTD., ET AL.

Foreign Air Carrier Permit Investigation; Prehearing Conference

Foreign air carrier permit investigation; air BVI Limited, British Airways Board, British Caledonian Airways Limited, Cayman Airways Limited, LIAT (1974) Limited.

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 16, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William J. Madden.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before October 26, 1976, and the other parties on or before November 9, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29986 Filed 10-12-76;8:45 am]

[Dockets 24582 and 29132]

ALLEGHENY AIRLINES, INC. AND PIEDMONT AVIATION, INC.

Hearing

In the matter of Allegheny Airlines, Inc., Piedmont Aviation, Inc., Subpart M Proceeding (Cincinnati - Washington, D.C.).

Notice is hereby given, pursuant to the provision of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on November 10, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875

Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Katherine A. Kent.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29987 Filed 10-12-76;8:45 am]

[Docket 29708]

ARGO, S.A.

Charter Permit Application (Dominican Republic)

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on October 27, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Katherine A. Kent.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29985 Filed 10-12-76;8:45 am]

[Docket 29790]

DALLAS/FORT WORTH-WESTERN MEXICO ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on December 14, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William J. Madden.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before November 22, 1976, and the other parties on or before December 1, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29988 Filed 10-12-76;8:45 am]

[Docket 29110]

EAST AFRICAN AIRWAYS CORPORATION FOREIGN PERMIT RENEWAL

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 1, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Henry M. Switkay.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 21, 1976.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29989 Filed 10-12-76;8:45 am]

[Docket 29789]

HOUSTON/NEW ORLEANS-YUCATAN ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 23, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Henry M. Switkay.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before November 5, 1976, and the other parties on or before November 15, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29990 Filed 10-12-76;8:45 am]

[Docket 29357]

McGREGOR, SWIRE AIR SERVICES, LTD. (U.K.)

Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Janet D. Saxon to Administrative Law Judge Frank M. Whiting. Future communications should be addressed to Judge Whiting.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29991 Filed 10-12-76;8:45 am]

[Docket 26354]

NORTH CENTRAL AIRLINES, INC. (MILWAUKEE/DULUTH/SUPERIOR - WINNIPEG)

Certificate Application; Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 17, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Katherine A. Kent.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before November 3, 1976, and the other parties on or before November 10, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29992 Filed 10-12-76;8:45 am]

[Docket 29750]

PANDAIR FREIGHT LIMITED (U.K.) D/B/A PANDAIR FREIGHT, INC. (U.S.A.)

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Frank M. Whiting. Future communications should be addressed to Judge Whiting.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29993 Filed 10-12-76;8:45 am]

[Docket 23584]

TACA INTERNATIONAL AIRLINES, S.A. FOREIGN PERMIT AMENDMENT (EL SALVADOR)

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 8, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Henry H. Switkay.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29994 Filed 10-12-76;8:45 am]

[Docket 29318]

TRANS-MEDITERRANEAN AIRWAYS, S.A.L.

Foreign Permit Amendment and Renewal (Lebanon); Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on November 22, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William J. Madden.

Dated at Washington, D.C., October 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-29984 Filed 10-12-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

PAKISTAN

Announcing an Additional Official Authorized To Issue Visas for Cotton Textile Products Exported to the United States

OCTOBER 7, 1976.

On July 7, 1972, there was published in the FEDERAL REGISTER (37 FR 13365) a letter dated June 28, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Pakistan and exported from Pakistan for which the Government of Pakistan had not issued a visa. One of the requirements is that each visa include the signature of an official authorized by the Government of Pakistan to issue visas.

The purpose of this notice is to announce that at the request of the Government of Pakistan the name of Mr. Ejaz Ahmad is being added to the list of officials currently authorized to issue export visas. A complete list of those officials is published as an enclosure to the letter set forth below.

Accordingly, there is published below a letter of October 7, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that Mr. Ejaz Ahmad also be authorized to issue export visas for cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States.

Effective date: October 12, 1976.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commrece.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS.

October 7, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of June 28, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Pakistan, for which the Government of Pakistan had not issued an export visa. It also amends, but does not cancel, the directive of March 3, 1976 which included the names of Government of Pakistan officials authorized to issue export visas and certifications for exempt textile products.

Under the terms of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directives of June 28, 1972 and March 3, 1976 are hereby further amended to add the name of Mr. Ejaz Ahmad to the list of officials authorized to issue export visas for cotton textiles and cotton textile products, produced or manufactured in Pakistan. A complete list of officials currently so authorized is enclosed.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foregin affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

GOVERNMENT OF PAKISTAN OFFICIALS AUTHORIZED TO ISSUE EXPORT VISAS FOR COTTON TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Ejaz Ahmad
S. M. Anwar
Pir Mohammad Khan
Ghulam Mustafa
Sajjad Hussain Naqvi
Tariq Iqbal Puri
Abdul Ghaffar Qureshi
Mujib-ur-Rehman
S. A. Zaidi

[FR Doc.76-29944 Filed 10-12-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 76-7]

JULIUS BERGER & CO., INC. AND ROBERT BERGER

Prehearing Conference

In the Matter of Julius Berger & Co., Inc., a corporation, and Robert Berger, individually and as an officer of Julius Berger & Co., Inc.

The Commission's Staff, on August 23, 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 Children's Sleepwear (FF 3-71) and its implementing regulations (16 CFR 1615) by having manufactured, sold or delivered after sale, or shipped in commerce product, fabric or related material which fails to conform to the standard for the flammability of children's sleepwear size 0-6X.

In particular, Respondents are charged with *inter alia* (1) failing to conduct required prototype tests on seams and trim on polyester acetate robes produced by Respondent, (2) failing to maintain required written specification for construction of garments. These acts are alleged to be unlawful and constitute an unfair method of competition and an unfair and deceptive act or practice in commerce under Section 5 of the Federal Trade Commission Act, enforced by the Consumer Product Safety Commission under Section 30 of the Consumer Product Safety Act.

The Staff has 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 recall all garments which fail or did not undergo required testing from distributors, retailers and consumers.

On September 17, 1976, Respondents filed a general denial of the allegations in the Notice of Enforcement. Specifically Respondents assert that:

(1) Robert Berger is not a proper party to the proceeding.

(2) Consumer Product Safety Commission staff has no reason to believe that Respondents have violated the Flammable Fabrics Act.

(3) The Consumer Product Safety Commission has not acted in good faith and has discriminated against Respondents in an unlawful manner.

(4) The standard for children's sleepwear is unconstitutionally vague and application of the standard has been and is unconstitutional.

(5) Garments allegedly produced by Respondents conform with the Flammable Fabrics Act and its regulation.

(6) Respondents and duly authorized agents of the Commission entered into a settlement agreement, on which Respondents have relied, to their detriment. This settlement was repudiated by the Staff.

Respondents requested that the settlement agreement be certified to the Commission. This request was denied.

A prehearing conference for the purpose, *inter alia*, of defining the issues to be heard, providing for discovery of evidence and establishing the dates for the service of written testimony and exhibits and the time and place of hearing will be held Friday, October 22, 1976, 2:00 P.M., EST, in the Commission's New York Area Office, 6th Floor, 6 World Trade Center, Vesey Street, New York, New York 10048.

Memoranda addressed to the above items should be served on opposing counsel and this office by the close of business Thursday, October 21, 1976. The docket in this case is available in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., N.W., Washington, D.C. 20207. Any person desiring to become a party should contact the undersigned at (202) 634–7171.

Date: October 7, 1976.

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

[FR Doc.76-30002 Filed 10-12-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 629-7]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

Delegation to State of North Dakota

On December 23, 1971 (36 FR 24877), March 8, 1974 (39 FR 9808), August 6, 1974 (39 FR 33152), and September 23, 1975 (40 FR 43850), pursuant to section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations establishing standards of performance for eighteen (18) categories of new stationary sources. Additionally, on April 6, 1973 (38 FR 8820), May 3, 1974 (39 FR 15396), and October 14, 1975 (40 FR 48291), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for three (3) hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On May 26, 1976, Arthur A. Link, Governor of the State of North Dakota, submitted to the EPA, Region VIII Office a request for delegation of authority. Included in that request were procedures for NSPS and NESHAPS and information on available resources to implement such review. Included in that request were copies of the State of North Dakota regulations which incorporate with certain exceptions the Federal emission standards and testing procedures set forth in 40 CFR Parts 60 and 61. Also included were copies of State statutes which provide the State with the requisite authority to enforce the federally promulgated NSPS and NESHAPS. After a thorough review of that request, the Regional Administrator has determined that for the source categories set forth in paragraphs (A) and (B) of the following official letter to Arthur A. Link, Governor, State of North Dakota, delegation is appropriate subject to the conditions set forth in paragraphs (1) through (12) of that letter.

HON. ARTHUR A. LINK,
Governor of North Dakota,
State Capitol, Bismarck, N. Dak.

DEAR GOVERNOR LINK: This is in response to your letter of May 26, 1976, requesting delegation of authority for implementation and enforcement of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) for the eighteen NSPS categories and the NESHAPS Emission Standards set forth respectively in R23-25-12 and R23-25-13 of the Air Pollution Control Regulations of the State of North Dakota, to the North Dakota State Department of Health.

We have reviewed the pertinent statutes of the State of North Dakota and the rules and regulations of the North Dakota State Department of Health, and have determined that they provide an adequate and effective procedure for implementation and enforcement of NSPS and NESHAPS by the State of North Dakota. We have also reviewed the resources of the State of North Dakota and the North Dakota Department of Health, and have determined that they are adequate. Therefore, pursuant to sections 111 and 112 of the Clean Air Act, we hereby grant delegation of NSPS and NESHAPS to the State of North Dakota and the North Dakota Department of Health as follows:

A. New Source Performance Standards (NSPS): Authority to implement and enforce Standards of Performance for the following categories of New Stationary Sources located within the State: fossil-fuel-fired steam generators, incinerators, portland cement plants, nitric acid plants, sulfuric acid plants, asphalt concrete plants, petroleum refineries, storage vessels for petroleum liquids, secondary lead smelters, brass and bronze ingot production plants, iron and steel plants, sewage treatment plants, wet process phosphoric acid plants, super-phosphoric acid plants, diammonium phosphate plants, triple-super-phosphate plants, granular triple-super-phosphate plants, and electric arc furnaces.

B. National Emission Standards for Hazardous Air Pollutants (NESHAPS): Authority to implement and enforce Emission Standards for Hazardous Air Pollutants for the following emissions of pollutants within the State: asbestos, beryllium, beryllium rocket motor firing and mercury.

This delegation is based upon the following conditions:

1. Reports normally submitted to the Environmental Protection Agency (EPA) through program plan reporting will be expanded to contain pertinent information relating to the status of sources subject to 40 CFR Parts 60 and 61. As a minimum, the following information should be provided to EPA: the name, address, type and size of each facility subject to the standards, the compliance status of each facility with accompanying explanations of non-compliance where applicable, notice, of enforcement actions brought against facilities subject to 40 CFR Parts 60 and 61, surveillance actions undertaken for each facility, and the results of all reports relating to emissions data.

2. Enforcement of NSPS and NESHAPS in the State of North Dakota will be the primary responsibility of the State Department of Health. If the Department determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms of this granted authority, EPA will exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act, as amended, with respect to sources within the State of North Dakota subject to NSPS and NESHAPS.

3. Acceptance of this delegation of presently-promulgated NSPS and NESHAPS authority does not commit the State of North Dakota to accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's request of May 26, 1976.

4. The State may subdelegate its authority to implement and enforce the NSPS and NESHAPS to air pollution control authorities in North Dakota when such authorities have demonstrated that they have equivalent or more stringent programs in force. The State must notify EPA of such redelegation so that the appropriate address changes may be made in the FEDERAL REGISTER.

5. This enforcement authority to the State of North Dakota does not include the authority to implement and enforce NSPS and NESHAPS for sources owned and operated by the United States, which are located in the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 CFR Parts 60 and 61, or any State or local regulation.

6. The State of North Dakota will at no time grant a variance or waiver from compliance with R23-25-12 and R23-25-13 of the Air Pollution Control Regulations of the State of North Dakota. Should the State of North Dakota grant such a waiver, EPA will consider the source receiving relief to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to section 113 of the Clean Air Act, as amended. The granting of such relief by the State shall also constitute grounds for revocation of delegation by EPA.

7. If at any time there is a conflict between a State and a Federal regulation (40 CFR Parts 60 and 61), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

8. For NSPS and NESHAPS the State of North Dakota Department of Health will utilize the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations.

9. If the Regional Administrator of EPA determines that the State procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the North Dakota State Department of Health.

10. Information shall be made available to the public in accordance with 40 CFR 60.9 and 61.15. Any records, reports or information provided to, or otherwise obtained by, the State in accordance with the provisions of these Sections shall be made available to the designated representative of EPA upon request.

11. The North Dakota State Department of Health and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed and current regarding compliance status of the subject sources and interpretation of the regulations.

12. With respect to the NSPS for portland cement plants (40 CFR 60.60), the North Dakota regulation, R23-25-12.403(1) failed to provide for "finished product storage." Pending the adoption of a state regulation applicable to the subject source, EPA will exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act, as amended.

A notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in North Dakota should be submitted to the State of North Dakota, State Department of Health, State Capitol, Bismarck, North Dakota 58501. Any such reports which have been or may be received by EPA, Region VIII, will promptly be transmitted to the North Dakota Department of Health.

Since this delegation is effective upon the date of this letter, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within ten (10) days of the date of receipt of this letter, the State will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

JOHN A. GREEN,
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified Arthur A. Link, Governor of North Dakota, on August 30, 1976, that authority to implement and enforce New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) was delegated to the State of North Dakota.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region VIII Office, 1860 Lincoln Street, Denver, Colorado 80203.

Effective immediately, all reports required pursuant to the delegated New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPS), should not be submitted to the EPA, Region VIII Office but instead be submitted to the North Dakota State Department of Health at the following address: State of North Dakota, State Department of Health, State Capitol, Bismarck, North Dakota 58501.

Any such reports which have been or may be received by EPA, Region VIII, will be promptly transmitted to the North Dakota State Department of Health.

This notice is issued under authority of sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 7).

Dated: October 1, 1976.

JOHN A. GREEN,
Regional Administrator.

[FR Doc.76-30021 Filed 10-12-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

COMPUTER COMMUNICATIONS

Planning Conference

OCTOBER 4, 1976.

On November 8 and 9, 1976, the American Federation of Information Processing Societies (AFIPS) will present to the FCC Commissioners and staff a Future Planning Conference on the subject of computer communications technology. AFIPS is a federation of fifteen nonprofit scientific and educational societies composed of over 100,000 professionals in the information processing field.

At this planning conference, five technical experts will deliver papers on technical topics of current interest in the general field of computer communications technology and policy, and will be available to answer questions raised by the Commission and its staff on matters related to the papers. The conference will be open to the public, although participation will be limited to AFIPS and the Commission.

The AFIPS participants and the topics they will address are as follows:

1. A review of current demand for services, current technological capabilities, and regulatory problems associated therewith, presented by Lynn Hopewell, Chairman, IEEE Computer Society-Computer Communications Technical Committee and Senior Member of the Executive Staff, Computer Sciences Corporation.

2. A review of current marketplace needs, pricing trends, anl local distribution problems, presented by Alex Curran, Past Chairman of the International Federation for Information Processing (IFIP) Technical Committee on Computer Communications, and President, Bell Northern Research, Inc.

3. A survey of new research in computer communications, particularly those areas of development which may impact regulatory policy, presented by Vinton Cerf, Assistant Professor of Electrical Engineering, Stanford University.

4. A discussion of institutional constraints and other factors which inhibit the growth of new computer communications technologies, presented by Donald Dunn, Professor of Engineering Economics, Stanford University.

5. A discussion of possible future development of computer communications capability in the United States and causal relationships with FCC policies, presented by Keith Uncapher, Director, Information Sciences Institute, University of Southern California.

In order to assure that the rights of all parties to the new Computer Inquiry [1] are fully protected, a transcript of this conference will be entered into the record in Docket No. 20828. It is anticipated that the transcript will be entered into the record on or before the date for filing comments (January 10, 1977), so that parties may address any matters raised by this conference in their reply comments, due February 24, 1977. The Commission will not undertake to serve copies of the transcript on the parties.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-29965 Filed 10-12-76;8:45 am]

[1] In the Matter of Amendment of Section 64.702 of the Commission's Rules and Regulations, Docket No. 20828 (Notice of Inquiry and Proposed Rulemaking issued August 9, 1976, FCC 76-745).

[Docket No. 20918, 20919; File No. 3087-C5-P-72, 4753-C5-P-72]

EASTERN MICROWAVE, INC. AND SCHENECTADY CABLEVISION, INC.

Construction Permits in the Multipoint Distribution Service for a New Station at Albany, New York

Adopted: September 22, 1976.

Released: October 4, 1976.

1. The Commission has before it the above-referenced applications of Eastern Microwave, Incorporated (Eastern), filed on November 19, 1971 and Schenectady Cablevision, Inc. (Cable), filed on January 28, 1972. Both applications proposed Channel 1 operation in the Multipoint Distribution Service (MDS) in the Albany, New York area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of formal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Eastern, a wholly-owned subsidiary of Newhouse Broadcasting Corporation, holds MDS construction permits in nine cities, including Pittsfield, Massachusetts, Binghamton, Burlington, Elmira, Syracuse, Utica and Watertown, New York. In addition Newhouse Broadcasting has interests in broadcasting and cable system in Syracuse, Elmira, and Binghamton, New York. Schenectady has only the above-referenced MDS application on file.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. *Accordingly, it is hereby ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, and section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date and before an Administrative Law Judge to be specified by later order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience, and necessity. In making such a determina-

tion, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Albany, New York area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered,* That Eastern Microwave, Incorporated and Schenectady Cablevision, Inc. and the Chief, Common carrier Bureau, are made parties to this proceeding.

6. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of section 1.221 of the Commission's Rules.

JOSEPH A. MARINO,
Deputy Chief for Chief,
Common Carrier Bureau.

[FR Doc.76-29966 Filed 10-12-76;8:45 am]

[Docket No. 20933, File Nos. 7267-CM-P-71 and 50048-CM-P-75; Docket No. 20934, File Nos. 69-CM-P-72 and 50084-CM-P-75]

MICHIGAN TELE-COMMUNICATIONS SERVICES, INC. AND MICROBAND CORP. OF AMERICA

Construction Permits in the Multipoint Distribution Service for New Stations at Detroit and Pontiac, Michigan

Adopted: September 24, 1976.

Released: October 6, 1976.

1. The Commission has before it the captioned applications of Michigan Tele-Communications Services, Inc (MTS), filed on June 17, 1971 (File No. 7267-CM-P-71), and Microband Corporation of America (Microband), filed on July 8, 1971 (File No. 69-CM-P-72). Both applications propose Channel 1 operation in the Multipoint Distribution Service (MDS) in the Detroit, Michigan area, and thus are mutually exclusive and require comparative consideration. MTS filed a petition to deny Microband's application on September 24, 1971.[1] Microband filed an opposition on October 7, 1971, and MTS submitted its reply on October 8, 1971. MTS filed a "Further Petition to Deny" on October 15, 1971, to which Microband filed an opposition on October 28, 1971. Microband also filed a petition to deny MTS's application on July 27, 1971. MTS filed an opposition on August 16, 1971, to which Microband replied on August 26, 1971.

2. The Commission also has before it the applications of MTS, filed July 10, 1974, (File No. 50048-CM-P-75) and Microband filed March 26, 1975 (File No. 50084-CM-P-75).[2] Both Applications propose Channel 1 operation in the Pontiac, Michigan area, and are also mutually exclusive and require comparative consideration. No pleadings were filed with respect to the Pontiac applications. All four applications have been amended as a result of informal requests of the Commission staff for additional information.

3. Microband holds MDS licenses in nine cities, including Washington, D.C., Pittsburgh, Pennsylvania, and Milwaukee, Wisconsin, and has been granted construction permits in eleven other cities. MTS has construction permits in Muskegon, Bay City, Jackson, Kalamazoo, and Ann Arbor, Michigan.

4. MTS challenges the availability of Microband's tower site on the Penobscot Building. Microband subsequently submitted a letter dated October 18, 1971, from the Penobscot Building, Inc., which indicates the availability of space in that building for Microband. Recent staff inquiry confirms that space is still available.

5. MTS questions Microband's technical ability to adequately maintain its proposed service with three technicians and urges that the Commission make an inquiry as to what technical personnel will be available at each Microband facility. No substantial showing has been made to support the claim of technical inadequacy on the part of Microband for the proposed stations or at any of its currently licensed stations. Accordingly, we will not further consider MTS's unsupported allegation of technical inadequacy.

6. MTS also challenges Microband's ability to finance its several proposed MDS construction projects. However MTS does not detail the nature of the alleged inadequacy beyond stating that Microband's "financial showing contained in the application is not sufficient to support the enormous venture proposed". As we stated in American Television Relay, Inc., 11 FCC 2d 533, at 556, "* * * it is not necessary to consider all of [the applicant's] pending applications simultaneously to determine its ability to construct and operate any one proposed facility * * *. (A)t the time each proposal or set of applications is acted upon, the Commission will consider the financial resources of [the applicant] with regard to its then-existing obligations for construction and operation of authorized facilities as well as the cost of the new proposal." Microband's current assets (in excess of current liabilities) according to a balance sheet dated December 31, 1975 exceed $418,000, which is more than the estimated aggregate cost of the two proposed stations ($138,400). We find this adequate to show the financial qualification of Microband with respect to the captioned applications.[3]

7. Microband's petition to deny MTS's Detroit application alleges that MTS is not financially qualified, pointing out that Hercules Tube Products, Inc. (Hercules) does not have sufficient funds to meet its commitment to lend MTS $40,000 of the $58.000 necessary for construction. Mr. S. R. Ackers, President of MTS, subsequently disclosed other resources to finance the Detroit MDS station, but Microband challenged these assets, suggesting that his stocks would not be convertible to cash when needed. Ackers thereupon submitted letters of commitment from Bellevue Metal Hose Company and International Metal Hose Company offering to redeem Acker's stock (worth over $115,000) and an offer from Meilink Steel Safe Company to issue Ackers an accrued bonus of $40,000 on request. In light of the submissions, we find MTS financially qualified.

8. As noted above, Microband and MTS have filed these construction permit applications for both Detroit and Pontiac, Michigan, which are less than 30 miles apart. In analyzing potential interference in this service, we presume that a proposed station within 25 miles of another station would create harmful interference but that two stations located 50 miles apart would not. For proposed stations between 25 and 50 miles apart, the burden is on the applicants to show that there will be no harmful interference.[4] Both Microband and MTS have submitted engineering studies that reach contrary conclusions on the potential for harmful interference. Microband expects that ". . . the proposed Pontiac MDS operation will result in excessive co-channel interference levels in a large portion of the Detroit service area." MTS is of the opinion ". . . that no adverse mutual effects will result if (MTS) is granted its request . . ." (for a Pontiac construction permit). In view of these contradictory studies, we believe it appropriate to include an issue on the potential for harmful interference.

9. In view of the foregoing and other information contained in the captioned applications, we find that the applicants are legally, technically, financially and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine which of these applications should be granted.

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[1] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975).

[1] MTS's petition was filed 31 days after the period for filing petitions to deny expired. Therefore, pursuant to Rule Section 21.27(c), it will be treated as an informal objection.

[2] MTS's application appeared on the January 27, 1975 Public Notice. Microband's application was received on March 26, 1975, within the Rule Section 21.30(b) 60 day cut-off period.

[3] Although Microband has a number of other stations being built under construction permit, the Arthur Lipper Corporation submitted a letter dated October 11, 1972 committing up to $3,000,000 to Microband for construction and operation expenses. This amount clearly exceeds that necessary to complete construction of all current MDS projects.

[4] See Report and Order in Docket No. 19493, 45 F.C.C. 2d 616 (1974), and Rule Section 21.902(c)(1).

10. *Accordingly, it is hereby ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, and section 0.291 of the Commission's Rules, above-captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date and before an Administrative Law Judge to be specified by later order, to determine: (a) whether these MDS stations, as proposed or as may be amended or conditioned, can be operated on channel 1 in both Detroit and Pontiac without harmful interference and, if so, which application in each city should be granted in order to best serve the public interest, convenience, and necessity; or (b) if harmful interference would preclude simultaneous operation in both cities, which proposed station in which city best serve the public interest, convenience and necessity. In making such determinations, the following factors shall be considered:

(1) The potential for harmful interference between the proposed stations in Detroit and the proposed stations in Pontiac, Michigan;

(2) The relative merits of each proposal with respect to service area and efficient frequency use;

(3) The quality and reliability of the service proposed, including selection of equipment, site, subscriber security and maintenance;

(4) The charges, regulations and conditions of the service; and

(5) The managerial and entrepreneurial qualifications of the applicants.[5]

11. *It is further ordered,* That Michigan Tele-Communications Services, Inc., Microband Corporation of America, and the Chief, Common Carrier Bureau, are made parties to this proceeding.

12. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
JOSEPH A. MARINO,
Deputy Chief,
Common Carrier Bureau.

[FR Doc.76-29967 Filed 10-12-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NORTHERN ILLINOIS GAS CO.

Synthetic Natural Gas Feedstocks; Notice of Opportunity To Submit Written Comments and To Participate in Public Hearing on Petition for Assignment of Supplier and Base Period Use

The Federal Energy Administration (FEA) hereby gives notice that written comments will be received and a public hearing will be held regarding the August 1, 1976 petition of Northern Illinois Gas Company (NI-Gas), a synthetic natural gas (SNG) manufacturer, for the assignment of a supplier and base period use of propane, butane, natural gasoline, and naphtha for SNG feedstock use after March 31, 1977, pursuant to 10 CFR 211.29 and Special Rule No. 1 issued thereunder.

The volume of SNG feedstock requested is 16,259,500 barrels of propane, butane, natural gasoline and naphtha per year commencing April 1, 1977.

NI-Gas's Aux Sable SNG facility located near Morris, Illinois, is designed to produce SNG for 335 days of base loading service utilizing 4,064,875 barrels of feedstock per quarter for a total of 16,259,500 barrels of feedstock per year.

The petition requests the assignment of Atlantic Richfield Company as supplier for 1,396,125 barrels of naphtha; San Juan Oil Company as supplier for 1,738,000 barrels of propane, butane and natural gasoline; and UPG, Inc. as supplier for 930,750 barrels of butane and natural gasoline feedstock for each quarterly period corresponding to a base period.

NI-Gas is currently producing SNG from an allocation of propane, butane, natural gasoline and naphtha assigned to NI-Gas by FEA's Decision and Order dated February 5, 1976. The August 1, 1976 petition, if granted, would allow NI-Gas to continue operation of its Aux Sable SNG facility after March 31, 1977, in a manner consistent with the February 5, 1976 Order.

A file containing all information and data filed in conjunction with NI-Gas's petition, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 USC 552, is available for public inspection and copying at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Written comments regarding NI-Gas's petition will be accepted and considered if filed by November 5, 1976. Any person submitting written comments with respect to NI-Gas's petition should comply with the requirements of FEA's procedural regulations set forth at 10 CFR 205.33. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Federal Energy Administration, Room 6318, 2000 M Street, NW, Washington, D.C. 20461, Attention Mr. Finn Neilsen. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation, "Allocation of Feedstocks for Northern Illinois Gas Company's SNG Plant." Five copies should be submitted to FEA and one copy to Northern Illinois Gas Company, P.O. Box 190, Aurora, Illinois 60507, Attention Mr. George T. Jones.

FEA believes that factual disputes between interested parties respecting this petition are likely and that a public hearing on this petition will materially advance consideration of the issues involved. Therefore, a public hearing on NI-Gas's petition will be held beginning at 9:30 a.m., e.s.t., on November 10, 1976, in the Auditorium, Room 2105, 2000 M Street, NW., Washington, D.C., to receive comments from interested persons.

Any person who has an interest in the petition set forth above or who is a representative of a group or class of persons which has in interest in the petition, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., October 27, 1976. Such a request may be hand-delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be reached through October 29, 1976. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.s.t., October 29, 1976, and must submit 50 copies of his or her statement to the Allocation Regulations Development Office, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461 before 4:30 p.m., e.s.t., on November 9, 1976.

The FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., November 9, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the

[5] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 FCC 2d 626 (1975).

question in writing to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Additional public comment on all written and oral presentations received through November 10, 1976, will be permitted through November 24, 1976. Comments should be submitted to the Office of Product Allocations, Specialty Fuels Branch, Room 6318, 2000 M Street, NW., Washington, D.C. 20461, Attention Mr. Finn Neilsen. Persons submitting comments during this additional period must send five copies to FEA and one copy each to NI-Gas and to all persons who participated in the public hearings or who submitted written comments. A list of such persons will be made available for public viewing on November 11, 1976, at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The transcript of the public hearing will be available for public review at the FEA's Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Dated: October 7, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-29927 Filed 10-7-76;11:27 am]

FEDERAL MARITIME COMMISSION

MOORE-McCORMACK LINES, INC. AND PRUDENTIAL LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, 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 and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, NW. Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 2, 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 statment should be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Hubert F. Carr, Vice President, Secretary and General Counsel, Moore-McCormack Lines, Incorporated, 2 Broadway, New York, New York 10004.

Agreement No. 10262, between Moore-McCormack Lines, Incorporated (Mooremac) and Prudential Lines, Inc. (PLI), is an agency agreement whereby PLI appoints Mooremac to act as its general agent in Argentina, Brazil and Uruguay on the terms and conditions and to the extent set forth therein.

By Order of the Federal Maritime Commission.

Dated: October 7, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-30005 Filed 10-12-76;8:45 am]

STRAITS/NEW YORK CONFERENCE

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 26, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, 25 Broadway New York, New York 10004.

Agreement No. 6010-20, entered into by the member lines of the Straits/New York Conference, modifies the approved basic agreement by adding a new Article 15 thereto providing, essentially, that no party to the agreement shall be represented in Singapore, Port Swettenham and/or Penang by any agent engaged in the solicitation, booking, receipt, and/or documentation of cargoes without requiring such agent to agree not to represent, except as husbanding agent or chartering broker, any common, private or contract carrier in the trade at ports of loading other than carriers who are parties to Agreement No. 6010.

By Order of the Federal Maritime Commission.

Dated: October 7, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-30004 Filed 10-12-76;8:45 am]

[Docket No. 72-41; General Order 35]

TRUCK DETENTION AT THE PORT OF NEW YORK

Parties Responsible for Receipt and Settlement of Claims; Correction

In the Commission's Notice of Parties Responsible for Receipt and Settlement of Claims in this proceeding published September 21, 1976 [41 FR 41162] the reference to "Northwest Marine Terminal Co., Inc." should read "Northeast Marine Terminals, Inc."

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-30003 Filed 10-12-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74-61 (PGA76-4)]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets

OCTOBER 5, 1976.

Take notice that on September 27, 1976, Arkansas Louisiana Gas Company (ARKLA) tendered for filing Ninth Revised Sheet No. 4 in its Rate Schedule G-2, FPC Gas Tariff, First Revised Volume No. 1. 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 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29902 Filed 10-12-76;8:45 am]

[Docket No. RP72-122 (PGA 76-6)]

COLORADO INTERSTATE GAS CO.

Proposed Change in Rates

OCTOBER 5, 1976.

Take notice that Colorado Interstate Gas Company (CIG) on September 27, 1976, tendered for filing proposed changes in its FPC Gas Tariff; Second Revised Volume No. 1. The proposed change would increase the commodity rate under each of CIG's jurisdictional rate schedules by 15.35 cents per McF, the Company states.

CIG states that the filing is made pursuant to FPC Opinion No. 770 issued July 27, 1976, in Docket No. RM75-14 (as modified on September 22, 1976), and includes only increased purchased gas costs associated with the Opinion.

CIG respectfully requests that the instant filing be made effective on October 27, 1976.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies, states CIG.

Review of the filing indicates that the annual impact upon CIG's cost of service of producer rate increases attributable to Opinion No. 770, exclusive of surcharge, is $39,798,360. The surcharge amount is $10,759,149.

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, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29900 Filed 10-12-76;8:45 am]

[Docket No. CP76-536]

COLUMBIA GAS TRANSMISSION CORP. AND NATIONAL FUEL GAS SUPPLY CORP.

Application

OCTOBER 5, 1976.

Take notice that on September 24, 1976, Columbia Gas Transmission Corporation (Columbia Transmission), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and National Fuel Gas Supply Corporation (National Supply), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP76-536 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas for a limited term in accordance with the terms of an agreement dated August 9, 1976, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that National Supply made application for a certificate of public convenience and necessity in FPC Docket No. CP76-313, filed March 30, 1976, for authority to store 2,000,000 Mcf of natural gas for UGI Corporation, Gas Utility Division (UGI), which gas UGI has purchased from National Fuel Gas Distribution Corporation (National Distribution). The natural gas so stored was to be delivered to UGI in the period beginning November 1, 1976, and ending April 30, 1977, it is said.

Applicants request permission herein to deliver the natural gas so stored by an exchange of gas whereby National Supply would reduce its receipts from Columbia Transmission at Ellwood City, Beaver County, Pennsylvania, and Columbia Transmission would deliver the same volume to UGI at existing points of delivery from Columbia Transmission to UGI in eastern Pennsylvania. All volumes so exchanged would be billed by Columbia Transmission as if delivered to National Supply at Ellwood City, it is shown, and no charge for transportation would be made by Columbia Transmission.

The application indicates that the exchange outlined above would be a mutually agreeable daily quantity which would not exceed National Supply's daily entitlement from Columbia Transmission at the Ellwood City delivery point, nor would the total daily delivery to UGI exceed its total daily entitlement from Columbia Transmission, and would be on a best efforts basis.

It is stated that Applicants do not propose the construction of any additional facilities to effectuate the exchange of gas for which approval is herein requested.

Upon receipt of the authorization requested herein, Applicants would file the subject letter agreement as a rate schedule in their respective FPC Gas Tariffs, Volume 2, it is said.

Applicants assert that the proposed exchange would partially offset UGI's projected 1976-77 winter curtailment of its Priority 2 customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29899 Filed 10-12-76;8:45 am]

[Docket Nos. E-8947 and ER76-494]

DELMARVA POWER & LIGHT CO.

Conference

OCTOBER 1, 1976.

Take notice that on Novemer 3, 1976, Staff is convening an informal conference of all interested persons for the

purpose of discussing the issues in the above referenced dockets in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., at 10:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, and all of the jurisdictional customers.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29897 Filed 10-12-76;8:45 am]

[Docket Nos. RP72-155 and RP76-59 (PGA76-5)]

EL PASO NATURAL GAS CO.

Proposed Change in Rate Pursuant to Purchased Gas Cost Adjustments

OCTOBER 4, 1976.

Take notice that El Paso Natural Gas Company ("El Paso") on September 27, 1976, tendered for filing a notice of change in rates for jurisdictional gas service rendered to customers served by its interstate gas system. El Paso states that such service is rendered under rate schedules affected by and subject to El Paso's FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A.

El Paso states that on July 27, 1976, the Commission issued Opinion No. 770 and order at Docket No. RM75-14, prescribing new national rates for gas dedicated to interstate commerce on and after January 1, 1973, and for sales of gas from wells commenced and new dedications made to interstate commerce on and after January 1, 1975. El Paso states that Opinion No. 770, among other matters, permits jurisdictional pipeline companies having an effective Purchased Gas Adjustment Clause to file, on or before September 27, 1976, a one-time special PGAC rate increase, to become effective October 27, 1976, in order to track the increased producer rates prescribed by said Opinion.

El Paso states that the instant proposed notice of change in rates has been determined based upon: (i) Article 19, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in the General Terms and Conditions of El Paso's FPC Gas Tariff, Original Volume No. 1; (ii) the Purchased Gas Cost Adjustment Provision—Clean High Pressure Gas ("PGAC-CHPG"), contained in El Paso's FPC Gas Tariff, Original Volume No. 2A; (iii) the impact of Opinion No. 770 upon purchased gas costs; and (iv) the effect of the PGAC adjustment which was filed on August 23, 1976, and the effectiveness of which was deferred until October 27, 1976.

El Paso states that the proposed special PGAC adjustment aggregates an increase of 11.94¢ per Mcf and is comprised of annualized purchased gas cost increases precipitated by Opinion No. 770 equating to 8.90¢ per Mcf, plus a special surcharge adjustment of 2.59¢ per Mcf, representing an estimate of the unrecovered purchased gas costs to be accrued in Account 191 through October 26, 1976, attributable to Opinion No. 770 and including the 9 percent carrying charge permitted by the Commission's order issued September 23, 1976, at Docket No. RM75-14.[1] El Paso further states that based upon its sales volumes for the twelve (12) months ended June 30, 1976, the adjustment of 8.90¢ per Mcf attributable to annualized purchased gas cost increases will produce additional jurisdictional revenue of $98,395,847 annually and, based upon estimated jurisdictional sales volumes for the proposed recovery period commencing on October 27, 1976, and extending through September 30, 1977,[2] the special surcharge adjustment of 2.59¢ per Mcf will recover an estimated $22,233,706 of the unrecovered purchased gas costs, inclusive of carrying charge, attributable to Opinion No. 770 costs to be incurred by El Paso.

El Paso states that the proposed special PGAC-CHPG adjustment is an increase of 6.4477¢ per Mcf applicable to those special rate schedules contained in El Paso's Original Volume No. 2A tariff subject to the provisions of said PGAC-CHPG. El Paso further states that such adjustment is comprised to the increase in the weighted average purchased cost of clean, high-pressure gas precipitated by Option No. 770 equating to 5.5086¢ per Mcf, and a special surcharge adjustment of 0.9391¢ per Mcf, representing an estimate of the unrecovered purchased gas costs to be accrued in Account 191 through October 26, 1976, and incurred by El Paso up to the proposed effective date of the instant filing. El Paso states that based upon the sales volumes for the twelve months ended June 30, 1976, under the special rate schedules affected by the PGAC-CHPG, such increase of 5.5086¢ per Mcf will produce additional revenues of $57,368, and based upon the estimated gas sales volumes under the special rate schedules subject to the PGAC-CHPG for the proposed recovery period of October 27, 1976, through September 30, 1977, the special surcharge adjustment of 0.9391¢ per Mcf will recover an estimated $10,277 of the unrecovered gas costs, inclusive of carrying charge, attributable to Opinion No. 770 costs to be incurred by El Paso.

El Paso states that, on August 23, 1976, it concurrently filed its regularly scheduled PGAC notice of change[3] and a related motion at Docket No. RP72-155, seeking a one-time deviation from the regularly scheduled PGAC effective date of October 1, 1976, in order that the effectiveness of such PGAC be deferred until October 27, 1976, to coincide with the effective date of the instant filing. Such motion was granted by the Commission on September 23, 1976.[4] El Paso states that the adjustment to El Paso's rates resulting from the August 23, 1976, PGAC filing, was a net decrease in rates of 4.79¢ per Mcf. El Paso states that the instant filing reflects, as a result of Opinion No. 770, a net increase in rates of 11.49¢ per Mcf; however, the net decrease of 4.79¢ per Mcf under the PGAC filing of August 23, 1976, has been netted against the Opinion No. 770 increase of 11.49¢ per Mcf. Consequently, El Paso states that the overall net increase in rates proposed by its tendered tariff sheets, resulting from the two PGAC adjustments, is 6.70¢ per Mcf above El Paso's currently effective rates. El Paso further states that, similarly, the net increase in rates applicable to the PGAC-CHPG proposed by the instant filing, resulting from the two PGAC-CHPG adjustments, is 2.8121¢ per Mcf above the currently effective rates.

El Paso states that copies of the filing and attachments have been served upon all parties of record in Docket Nos. RP72-155 and RP76-59, and, otherwise, upon all affected customers and interested 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, 1.10). All such petitions or protests should be filed on or before October 15, 1976. Protests will be

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[1] El Paso states that in such order, the Commission modified ordering paragraph (D) of Opinion No. 770 by providing, inter alia, that the special surcharge be designed to recover estimated increased costs attributable to Opinion No. 770 incurred through October 26, 1976, over a twelve (12) month period with a nine percent (9%) carrying charge.

[2] El Paso states that as a matter of administrative convenience to its customers, it has determined the special surcharge rate based upon estimated jurisdictional sales volumes for the period October 27, 1976, through September 30, 1977, rather than the full twelve month recovery period prescribed by the Commission's September 23, 1976, order. In this manner, El Paso proposes to avoid two changes in rates during the month of October, 1977, resulting from the elimination of said special surcharge and a regularly scheduled PGAC adjustment on October 1, 1977. El Paso has requested waiver of the twelve month recovery period prescribed in the notice of change.

[3] Commission notice of El Paso's PGAC notice of rate change and related motion was issued on September 15, 1976, at Docket Nos. RP72-155 and RP76-59 (PGA76-4), according to El Paso.

[4] See Commission letter order issued September 23, 1976, at Docket No. RP72-155 (PGA76-4) according to El Paso.

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.76-29895 Filed 10-12-76;8:45]

[Docket Nos. CS76-186; No. CP76-117 and No. CP76-120]

JICARILLA APACHE TRIBE ET AL.

Findings and Order Issuing Small Producer Certificate To Cover Sale of Royalty Gas

OCTOBER 4, 1976.

In the matter of findings and order issuing small producer certificate to cover sale of royalty gas taken in kind subject to rate condition and dismissal as premature of pipeline applications for exchange, transportation and delivery of royalty gas for royalty owner's own use.

On October 6, 1975, the Jicarilla Apache Tribe (Tribe) filed in Docket No. CS76-186 for a small producer certificate to cover the sale to El Paso Natural Gas Company (El Paso) and Northwest Pipeline Corporation (Northwest) of royalty gas Tribe has elected to take in kind. No increase in supply or change in the present flow of gas is involved at this time. On October 6, 1975, as supplemented on April 9, 1976, in Docket Nos. CP76-117 and CP76-120, respectively, El Paso and Northwest filed applications for authorization to transport, deliver and exchange natural gas for the purpose of enabling Tribe ultimately to receive for its own use any or all of the royalty gas Tribe has elected to take in kind.

Tribe, as lessor, owns royalty interests (generally either ⅛ or ⅙) in wells located on Tribe's reservation in the San Juan Basin, Rio Arriba County, New Mexico.[1] Tribe's lease agreements contain the provision that Tribe, upon 30-days notice, may elect to take its royalty gas in kind in lieu of cash payment, and by resolution dated August 22, 1975, Tribe has elected to do so.

Tribe's goal is ultimately to use its royalty gas in various industrial and agricultural projects for the economic benefit of its members and the Tribe as a whole. Tribe states that many of its members live in severe poverty with inadequate housing and that with the advent of industrialization and the use of Tribe's royalty gas, some of these conditions can be corrected and the welfare of the Tribe members improved.

Tribe states that the main obstacle that has prevented it from using its royalty gas is that it does not own, nor could it afford, a gathering system to gather the gas from the wells and transport it to a single point on the reservation. Now, Tribe alleges that this obstacle has been surmounted through an arrangement with El Paso and Northwest. By a 20-year term Royalty Gas Gathering and Exchange Agreement dated September 4, 1975, El Paso and Northwest have agreed to transport, deliver and exchange Tribe's royalty gas by means of portions of El Paso's and Northwest's existing gathering systems located mainly on Tribal lands in Rio Arriba County. The Agreement provides for an initial gathering charge to Tribe of 6.61 cents per Mcf at 15.025 psia for volumes delivered to Tribe at a central point for its own use.

Applicants state that initially Tribe does not intend to utilize any royalty gas for its own consumption and the entire volume thereof will be purchased, on a pro rata basis, by El Paso and Northwest until Tribe elects to receive the royalty volumes. At such future time, only the excess royalty gas not delivered to Tribe is to be available for purchase by El Paso and Northwest. Applicants have not indicated specifically when Tribe will be prepared to take volumes for its own use.[2] The initial rate for volumes to be sold by Tribe is represented to be 51.0 cents per Mcf (14.73 psia), adjusted for Btu content and taxes.[3] Tribe's small producer application shows that it had no jurisdictional sales volumes for the preceding calendar year.

Applicants state that total production in 1973 from Tribe's reservation was 43,208,560 Mcf, with a total of 566,780,131 Mcf being produced from 1960 to 1973. Most of the production goes into interstate commerce through production or purchase by El Paso and Northwest. The remainder is sold to Southern Union Gas Company for intrastate distribution. The proposal involves 836 producing wells, 502 of which are connected to the gathering system of El Paso and 334 of which are connected to the gathering system of Northwest. Some of the wells are owned and operated by El Paso, some by Northwest and some by independent producers who sell their production to El Paso or Northwest.[4] Total volumes available to Tribe from the wells in 1974, had it exercised its option, would have been 1,509,198 Mcf attributable to El Paso and 1,980,192 Mcf attributable to Northwest. El Paso and Northwest have forecast that Tribe's interest in production would range, on an average day, from 3,500 Mcf in 1975 to 3,000 Mcf in 1978 for production attached to El Paso's system and from 4,300 Mcf in 1975 to 3,100 Mcf in to 1978 for production attached to Northwest's system.

El Paso proposes to construct and operate tap and measurement facilities at a point downstream of its Lindrith Field Plant in Rio Arriba County, New Mexico, at an estimated cost of $33,615, to be financed from funds on hand. El Paso states that it is requesting authorization for the facilities at this time, but does not intend to commence construction until such time as Tribe advises that it wishes to commence receipt of its royalty gas. Northwest will not require any addition facilities.

Since Tribe is not going to take volumes for its own use at this time, but will sell all royalty volumes to El Paso and Northwest, there will be no reduction in volumes dedicated to interstate commerce. Before Tribe may divert royalty volumes from the interstate market for its own use, Tribe must, of course, file for and receive Commission authorization to abandon service in accordance with Section 7(b) of the Natural Gas Act.[5]

By electing to take royalty gas in kind the Tribe is succeeding to the certificate obligations of the parties which committed the total gas supply (working interest gas and royalty gas) to interstate commerce. Thus Tribe must continue the flow of those committed natural gas volumes into interstate commerce under materially the same terms and conditions as required by the working interest owners' certificates. Moreover, Tribe's proposed sales of royalty gas attributable to working interests held by El Paso, Northwest and large producers cannot be made under a small producer certificate absent waiver of Section 157.40(c) of the Commission's Regulations under the Natural Gas Act.[6] However, the Commission has granted waiver of Section 157.40(c) to allow small producers to sell under their small producer certificates gas from acquired reserves developed by large producers, on the condition that the rates charged do not exceed the applicable ceiling rates for large producer sales. Therefore, waiver of Section 157.40(c) of the Regulations is granted to the extent necessary to permit such coverage, with the condition that Tribe is limited to the same rates which would apply if the gas were sold (or accounted for, with respect to pipeline production) by the respective working interest owners.[7]

El Paso's and Northwest's proposed exchange and transportation arrangement

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[1] The reservation covers about 742,000 acres.

[2] In a letter dated January 23, 1976, to El Paso and Northwest, copies of which were included in El Paso's and Northwest's April 9, 1976, supplements, Tribe stated that a feasibility study has been completed for a proposed anhydrous ammonia plant and that such a plant could be brought on stream approximately 18 months after El Paso and Northwest receive authorization to transport and deliver the volumes.

[3] Equal to the national rate for new gas at the time of filing of the application.

[4] El Paso and Northwest submitted computer printouts on April 9, 1976, that list over 45 independent producers (both large and small) selling gas to them.

[5] See Opinion No. 750 issued January 28, 1976 in Phillips Petroleum Company, Docket No. CI76-68.

[6] Section 157.40(c) states, in part: "Rate regulation as prescribed herein shall not apply to any jurisdictional sales made by a small producer where gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer."

[7] See "Order Denying Petition For Reconsideration" issued June 1, 1976, in Docket No. CI67-818, Gulf Oil Corporation.

would serve the purpose of delivering to Tribe at a central point those volumes of royalty gas Tribe elects to have diverted from interstate commerce for its own use. Since Tribe is apparently not ready to take delivery, and since abandonment authorization is a prerequisite to the implementation of the exchange and transportation arrangement, El Paso's and Northwest's applications are premature and are being dismissed without prejudice to an appropriate submittal at such time as Tribe files to obtain the requisite abandonment authorization.

El Paso has concurrently filed the Royalty Gas Gathering and Exchange Agreement dated September 4, 1975, among El Paso, Northwest and Tribe, as El Paso's Rate Schedule X-36 (Original Sheet Nos. 698 through 743) under its FPC Gas Tariff, Third Revised Volume No. 2. Pursuant to Section 154.51 of the Regulations, El Paso requests waiver of the notice requirement of Section 154.22 to permit the proposed rate schedule to take effect on the date of certificate authorization. Dismissal of El Paso's certificate application and the consequent rejection of the proposed rate schedule as ordered herein make the request for waiver moot.

Due notice of the application in Docket No. CS76-186 was given by publication in the Federal Register on November 10, 1975 (40 FR 52437). Due notice of the applications in Docket Nos. CP76-117 and CP76-120 was given by publication in the FEDERAL REGISTER on November 4, 1975, and appeared in the Federal Register at (40 FR 51231) and (40 FR 51233), respectively. Tribe filed petitions on November 10, 1975, to intervene in support of El Paso's and Northwest's proposals in Docket Nos. CP76-117 and CP76-120, respectively. Southern Union Gas Company filed a petition to intervene on November 10, 1975, in Docket No. CP76-120, not in opposition, but as an interested party. No protests, notices of or petitions to intervene in opposition were filed by the due dates of November 19, 1975 (CS76-186), November 11, 1975 (CP76-120), and November 12, 1975 (CP76-117).

By letters dated February 19 and June 4, 1976, the Commissioner of Indian Affairs, U.S. Department of the Interior, has expressed support of the Tribe in its endeavor and requests acceptance of Tribe's application and issuance of a small producer certificate.

At a hearing held on September 22, 1976, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds: (1) Applicant, the Jicarilla Apache Tribe, will be engaged in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and will be, therefore, a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sale of natural gas hereinbefore described as more fully described in the application in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sale by Tribe, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Tribe is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Tribe is not affiliated with a Natural gas pipeline company and Tribe's total jurisdictional sales on a nationwide basis were not in excess of 10,000,000 Mcf at 14.65 psia during the preceding calendar year. Tribe is therefore qualified to obtain a small producer certificate pursuant to Section 157.40 of our Regulations.

(5) The sale of natural gas by Tribe is required by the public convenience and necessity and a certificate therefor should be issued as thereinafter ordered and conditioned.

(6) It is appropriate that § 157.40(c) of the Regulations be waived to the extent necessary to permit the proposed sale by Tribe to be made under its small producer certificate being issued herein, subject to the rate limitations applicable to comparable sales by the related working interest owners.

(7) Participation by Tribe in Docket Nos. CP76-117 and CP76-120 and by Southern Union Gas Company in Docket No. CP76-120 may be in the public interest.

(8) Applicant, El Paso Natural Gas Company, a Delaware corporation having its principal place of business in El Paso, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of October 29, 1942, in Docket No. G-242 (3 FPC 851).

(9) Applicant, Northwest Pipeline Corporation, a Delaware corporation having its principal place of business in Salt Lake City, Utah, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of September 21, 1973, in Docket No. CP73-331 (50 FPC 825).

The Commission orders: (A) A small producer certificate of public convenience and necessity is issued to Tribe in Docket No. CS76-186, effective October 6, 1975, the date of filing of the application, upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Tribe, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully set forth in the application in this proceeding.

(B) The certificate granted in Ordering Paragraph (A) above is not transferable and shall be effective only so long as Tribe continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission, and particularly:

(1) The subject certificate shall be applicable only to small producers sales as defined in Section 157.40(a)(3) of the Regulations under the Natural Gas Act; and

(2) Tribe shall file annual statements pursuant to Section 154.104 of the Regulations under the Natural Gas Act.

(C) The certificate granted in Ordering Paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificate because Tribe no longer qualifies as a small producer or fails to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificate. Upon such termination, Tribe will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificate will still be effective as to sales already included thereunder.

(D) Section 157.40(c) of the Commission's Regulations is hereby waived to the extent necessary to permit the sale of royalty gas taken in kind, as hereinbefore described, to be made under Tribe's small producer certificate issued herein in Docket No. CS76-186, conditioned to the same rates at which the related working interest volumes could be sold (i.e., the rates for the royalty gas will depend upon whether the owner of each working interest to which the royalty is attributable is a small producer, a large producer or a pipeline producer (El Paso or Northwest)).

(E) Tribe is advised that with respect to any small producer sale made pursuant to the authorization herein, no volumes may be diverted from interstate commerce without Tribe first filing for and obtaining abandonment authorization in accordance with Section 7(b) of the Act and the Commission's Regulations thereunder.

(F) Pursuant to Order No. 539-B, Order Clarifying Prior Orders And Amending Section 157 Of The Commission's Regulations Under The Natural Gas Act, Docket No. RM76-8 (issued July 30, 1976), the Commission's Regulations were amended to include new Section 157.41, which requires the following language be inserted as a condition in all certificates of public convenience and necessity issued on or after July 30, 1976:

All persons making jurisdictional sales pursuant to the authority granted by this certificate are hereby given notice that the contractual obligations between the buyer and the seller are incorporated into the certificate obligations, and that the certificate is further conditioned to require that the seller shall observe the standard of a prudent operator to develop and maintain de-

liverability from reserves dedicated hereunder.

(G) El Paso's and Northwest's applications filed in Docket Nos. CP76-117 and CP76-120, respectively, are dismissed as premature, and El Paso's related proposed tariff filing is rejected without prejudice to the submittal of appropriate filings at such time as Tribe files an application to abandon service.

(H) Tribe in Docket Nos. CP76-117 and CP76-120 and by Southern Union Gas Company in Docket No. CP76-120 are permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That its participation shall be limited to matters affecting asserted rights and interests specifically set forth in Tribe's and Southern Union's petitions for leave to intervene; and *Provided, further,* That the admission of Tribe and Southern Union in the manner provided shall not be construed as recognition by the Commission that Tribe and Southern Union might be aggrieved because of any order or orders entered in this proceeding, and that Tribe and Southern Union agree to accept the record as it now stands.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-29802 Filed 10-12-76;8:45 am]

[Docket No. RP73-89 (PGA76-3)]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheet

OCTOBER 5, 1976.

Take notice that on September 27, 1976, Sea Robin Pipeline Company (Sea Robin) filed with the Federal Power Commission (Commission) Eleventh Revised Sheet No. 4 as a part of its FPC Gas Tariff, Original Volume No. 1, with a proposed effective date of October 27, 1976. According to the Company, the proposed tariff sheet reflects Sea Robin's purchased gas cost permitted under Commission Opinion No. 770.

Copies of the revised tariff sheet and supporting data are being mailed to all of Sea Robin's jurisdictional customers and interested state commission, Sea Robin states.

Review of the filing indicates that the annual impact upon Sea Robin's cost of service of producer rate increases attributable to Opinion No. 770, exclusive of surcharge, is $76,042,234. The surcharge amount is $20,064,146.

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 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29901 Filed 10-12-76;8:45 am]

[Docket Nos. RP76-22 and RP73-49 (PGA76-6a)]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

OCTOBER 4, 1976.

Take notice that on September 27, 1976, South Georgia Natural Gas Company (South Georgia) tendered for filing as a part of the Stipulation and Agreement filed on September 17, 1976, Third Revised Sheet No. 4 to First Revised Volume No. 1 of its FPC Gas Tariff.

South Georgia states that the above sheet represents a rate change under its PGA Clause and on the basis of the rates reflected in the Stipulation and Agreement filed September 17, 1976, for the purpose of tracking a rate increase filing made by Southern Natural Gas Company on September 27, 1976. South Georgia states that the instant filing will increase South Georgia's jurisdictional rates by $5,084,696. An effective date of October 27, 1976 is 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, 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. Prfotests 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.76-29894 Filed 10-12-76;8:45 am]

[Docket No. RP72-156 (PGA76-4)]

TEXAS GAS TRANSMISSION CORP.

Special One-Time PGA Filing To Track Gas Cost Increases

OCTOBER 5, 1976.

Take notice that on September 27, 1976, Texas Gas Transmission Corporation (Texas Gas) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Sixteenth Revised Sheet No. 7.

Texas Gas states the purpose of this filing is to make a special one-time purchased gas cost adjustment, as permitted under the Commission's Opinion No. 770 as modified by Order Modifying Opinion No. 770 issued September 22, 1976, in Docket No. RM75-14, to track increases in purchase gas costs attributable to the national rate.

The proposed effective date of the above tariff sheet is October 27, 1976.

Review of the filing indicates that the annual impact upon Texas Gas' cost of service of producer rate increases attributable to Opinion No. 770, exclusive of surcharge, is $70,287,616. The surcharge amount is $18,264,853.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 925 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 18, 1976. Protests will be sonsidered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29898 Filed 10-12-76;8:45 am]

[Docket No. CP76-529]

UNITED GAS PIPE LINE CO.

Application

OCTOBER 4, 1976.

Take notice that on September 20, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-529 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 The New Jersey Zinc Company (Zinc) from a point of receipt on its 30-inch North-South pipeline near mile post 177.5 in Section 9, Township 12 North, Range 2 East, Caldwell Parish, Louisiana, to mutually agreeable, existing points of interconnection where Applicant would redeliver the gas to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Zinc, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport up to 3,500 Mcf of gas per day to be produced from certain leases Zinc has acquired from Trident Oil and Gas Corporation, Bel Oil Corporation, Black Bayou Management Co. Inc., and six individuals. It is indicated that the gas would be produced from certain gas reserves in place, located in Townships 12 and 13, Range 1 East, Winn Parish, Louisiana, from the North Hickory Valley, Southeast Hickory Valley, South Hickory Valley, and Tanyard Creek Fields. It is said that Applicant would transport on an average day

3,000 Mcf and on an annual basis 912,500 Mcf, and would redeliver the gas for the account of Zinc to points of interconnection of Transco and Applicant near Victoria, Victoria County, Texas; near Cameron, Cameron Parish, Louisiana; at Egan Plant in Acadia Parish, Louisiana; near Gueydan, Acadia Parish, Louisiana; at Gibson Plant Nos. 1 and 2 in Terrebonne Parish, Louisiana; near Magnolia and Holmesville, Pike County, Mississippi; near Walthall, Walthall County, Mississippi; and at Harmony Plant, Clarke County, Mississippi.

Applicant proposes to charge a price equal to Applicant's average jurisdictional transmission cost of service in its northern rate zone as such may be determined by Applicant based upon rate filings made from time to time with the FPC less any amount included in such average jurisdictional cost of service which is attributable to gas consumed in the operation of Applicant's pipeline system, the current rate being 16.55 cents per Mcf at 14.73 psia. It is stated that Applicant would retain 1.5 percent of the volumes transported for gas used, lost, and unaccounted.

The application indicates that the gas to be transported under this agreement would be consumed for Priority 2 end use in Zinc's plant located in Palmerton, Pennsylvania. Zinc, a Division of Gulf & Western Industries, Inc., is one of the six primary zinc mining and smelting businesses in the United States and the Palmerton Plant is the second largest such facility in the United States. Applicant asserts that projected curtailment to less than 7,000 Mcf per day would result in curtailed production and physical damage to the plant's vertical retorts and refinery columns.

Applicant further maintains that the subject gas was not secured as part of Applicant's system gas supply because Zinc is unwilling to commit gas from its leases to Applicant for general system use.

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.76-29893 Filed 10-12-76;8:45 am]

[Docket No. RP72-133 (PGA76-4)]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

OCTOBER 5, 1976.

Take notice that on September 27, 1976, United Gas Pipe Line Company (United) filed with the Federal Power Commission (Commission) Thirty-Fourth Revised Sheet No. 4 as a part of its FPC Gas Tariff, First Revised Volume No. 1, with a proposed effective date of October 27, 1976. The proposed tariff sheet reflects United's purchased gas cost permitted under Commission Opinion No. 770, according to the Company.

Copies of the revised tariff sheet and supporting data are being mailed to all of United's jurisdictional customers and interested state commissions, the Company states.

Review of the filing indicates that the annual impact upon United's cost of service of producer rate increases attributable to Opinion No. 770, exclusive of surcharge, is $144,715,712. The surcharge amount is $31,009,940.

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 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-29896 Filed 10-12-76;8:45 am]

FEDERAL RESERVE SYSTEM

[H.2, 1976 No. 39]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending September 25, 1976

ACTIONS OF THE BOARD

The Board announced that Mrs. Leonor K. Sullivan of Missouri has agreed to chair the Federal Reserve's new Consumer Advisory Council authorized by Congress earlier this year. The Council will assist the Board in implementing the Consumer Credit Protection Act and will advise and consult with the Board on consumer-related matters.

Citizens and Southern Holding Company, Atlanta, Georgia, extension of time until December 30, 1976, within which to open for business the offices located in Albany, Columbus, and Rome, Georgia.[1]

Commercial Bankshares Corp., Adrian, Michigan, extension of time to November 1, 1976, within which to acquire the successor by consolidation to The Commercial Savings Bank, Adrian, Michigan.[1]

Ellis Banking Corporation, Bradenton, Florida, extension of time until January 15, 1977, within which to acquire American Bank of Fort Myers, Fort Myers, Florida.[1]

First United Bancorporation, Inc., Fort Worth, Texas, request for permission to retain 2,275 shares of University Bank stock, which were acquired in a fiduciary capacity by the trust department of The First National Bank of Fort Worth, Fort Worth, Texas, a wholly-owned subsidiary of First United.[1]

Citizens Bank of New Haven, New Haven, Missouri, to make an additional investment in bank premises.[1]

Farmers and Merchants State Bank, Fredericksburg, Virginia, to make an investment in bank premises.[1]

Paris Savings Bank, Paris, Missouri, to make an additional investment in bank premises.[1]

State Bank of Freeport, Freeport, Illinois, to make an investment in bank premises.[1]

Ann Arbor Bank and Trust Company, Ann Arbor, Michigan, extension of time to January 10, 1977, within which to establish a branch at the northwest corner of Main Street and Eisenhower Boulevard, Ann Arbor, Michigan.[1]

State Bank of Anoka, Anoka, Minnesota, extension of two months' time within which to establish a detached drive-up facility.[1]

First State Bank, Toms River, New Jersey, proposed acquisition by New Jersey National Bank, Trenton, New Jersey; report to the Comptroller of the Currency on competitive factors.[1]

Manhattan Savings Bank, New York, New York, proposed merger with Yonkers Savings Bank, Yonkers, New York; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

State Bank of North Jersey, Pine Brook, New Jersey; proposed acquisition by Citizens First National Bank of New Jersey, Ridgewood, New Jersey; report to the Comptroller of the Currency on competitive factors.[1]

Virginia National Bank, Norfolk, Virginia, proposed merger with Fairfax County National Bank, Falls Church, Virginia; report to the Comptroller of the Currency on competitive factors.[1]

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[1] Application processed on behalf of the Board of Governors under delegated authority.

NOTE: The H.2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Nassau Trust Company, Glen Cove, New York. Branch to be established at 1 Main Street, Kings Park, Suffolk County.[2]

Manufacturers Hanover Trust Company, New York, New York. Branch to be established at 500 Mamaroneck Avenue, City of White Plains, Westchester County.[2]

First Trust & Deposit Company, Syracuse, New York. Branch to be established at 1 Main Street, Kings Park, Suffolk County.[2]

Manufacturers Hanover Trust Company, New York, New York. Branch to be established at 46-22 Greenpoint Avenue, Queens.[2]

Metropolitan Bank, Tampa, Florida. Branch to be established at 4202 West Kennedy Boulevard.[2]

State Bank of Freeport, Freeport, Illinois. Branch to be established at the southeast corner of West and South Streets, Freeport.[2]

Citizens Bank of New Haven, New Haven, Missouri. Branch to be established on Miller Street near Highway 100 in New Haven, Franklin City.[2]

* * * * *

To Become a Member of the Federal Reserve System Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Independent Bankers Trust Company, San Rafael, California.[2]

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as Amended.

APPROVED

Bank of America, investment—additional in the Foreign Trade Bank of Iran, Teheran, Iran.

Citibank N A, investment—indirect additional investment in Dao Heng Bank Limited, Hong Kong.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Harlan National Company, Harlan, Iowa, for approval to acquire 98.2 per cent of the voting shares of The Harland National Bank, Harlan, Iowa.

Iola Bancshares, Inc., Iola, Kansas, for approval to acquire 87.6 percent of the voting shares of The Iola State Bank, Iola, Kansas.[2]

Lawrence Bancshares, Inc., Lawrence, Kansas, for approval to acquire an additional 61.9 percent of the voting shares of Lawrence National Bank and Trust Co., Lawrence, Kansas.

DENIED

First Wewoka Bancorporation, Inc., Wewoka, Oklahoma, for approval to acquire 80 percent or more of the voting shares of First National Bank in Wewoka, Wewoka, Oklahoma.

* * * * *

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

M & S Bancorp., Janesville, Wisconsin, for approval to acquire 98.83 per cent of the voting shares of Merchants Bank of Evansville, Evansville, Wisconsin.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURNED

Thirty-Six Ventures, Inc., Otterville, Missouri, notification of intent to continue to engage in *de novo* activities (the sale of credit life insurance and accident and health insurance) on the premises of The Bank of Otterville, Otterville, Missouri. (See notice of receipt on H. 2 No. 33) (8/24/76).[3]

PERMITTED

Walter E. Heller International Corporation, Chicago, Illinois, notification of intent to engage in *de novo* activities (commercial finance, factoring, rediscount, and leasing of personal property provided that at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than its full investment in the property over the term of the lease) in San Antonio, Texas, through a subsidiary of National Acceptance Company of America known as Texas Western Financial Corporation, San Antonio, Texas (9/24/76).[3]

First International Bancshares, Inc., Dallas, Texas, notification of intent to engage in *de novo* activities (making or acquiring, for its own account unsecured loans, loans secured by personal property, loans secured by mortgages, deeds of trust or mechanics and materialmen's liens on real estate including, but not limited to, interim construction financing; making or acquiring, for its own account consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses; making or acquiring, for its own account loans secured by assignments, notes, accounts, contracts, and other obligations, purchasing notes and other evidences of credit including commercial paper; issuing letters of credit and accepting drafts; acquiring participations in loans and other extentensions of credit and performing such incidental activities as are necessary to carry on the foregoing activities) at 1201 Elm Street, Dallas, Texas, through a subsidiary, First International Lending Corportion (9/24/76).[3]

Southwest Bancshares, Inc., Houston, Texas, notification of intent to engage in *de novo* activities (originating loans as principal, originating loans as agent, servicing loans for non-affiliated individuals, partnerships, and corporations; servicing loans for subsidiaries of Southwest Bancshares, Inc. and such other activities as may be incident to the business of a mortgage company) at 2901 West Loop South, Houston, Texas, through a subsidiary, Southwest Bancshares Mortgage Company (9/25/76) [3]

Seafirst Corporation, Seattle, Washington, notification of intent to engage in *de novo* activities (insurance agency activities in the sale of group and individual credit life, credit accident and health, and credit disability insurance, vendor's single-interest, and dual-interest insurance against loss of or damage to personal property all of which are related to an extension of credit Seafirst Corporation or a subsidiary) to be located at all branches and offices of Seattle First National Bank in the State of Washington, communities of Port Townsend and vicinity including Hadlock in Port Angeles and vicinity including Sequim, Forks, and Clallam Bay, through its subsidiary, Seafirst Insurance Services Corp. (formerly Spokane Eastern Company) (9/23/76).[3]

APPROVED

Citicorp, New York, New York, for approval to expand *de novo* activity of Gateway Life Insurance Company, Phoenix, Arizona, and thereby engage in the underwriting of credit life and health insurance in connection with extensions of credit by the holding company system.

Philadelphia National Corporation, Philadelphia, Pennsylvania, for approval to acquire all of the outstanding shares of Liberal Finance Company and Liberal Consumer Discount Company, both of Edwardsville, Pennsylvania.

Harlan National Company, Harlan, Iowa, for permission to acquire voting shares of Bank Insurance Agency, Harlan, Iowa.

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Manchester State Bank, Manchester, Connecticut. Branch to be established at Spencer Street, Manchester.

Nassau Trust Company, Glen Cove, New York. Branch to be established on the North West corner of the intersection of West Main Street and Spring Street in Oyster Bay, Nassau County.

The Liberty State Savings Bank, Liberty Center, Ohio. Branch to be established at 123 West Washington, Napoleon, Henry County.

The Central Trust Company of Canal Winchester, Canal Winchester, Ohio. Branch to be established at Waggoner Road and East Main Street, Reynoldsburg, Franklin County.

The Citizens Banking Company, Sandusky, Ohio. Branch to be established at 1907 East Perkins Avenue, Perkins Township, Erie County.

Trust Company of Georgia, Atlanta, Georgia. Branch to be established at 250 Piedmont Avenue, N.E.

Sun Bank of Ocala, Ocala, Florida. Branch to be established near the intersection of Silver Springs Boulevard and Northwest 36th Avenue, Ocala Marion County.

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To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

Mercantile National Bank at Dallas, branch—George Town, Grand Cayman, Cayman Islands.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

First Hanover Park Corporation, Chicago, Illinois, for approval to acquire 80.03 per cent of the voting shares of First State Bank & Trust Company of Hanover Park, Hanover Park, Illinois.

Santa Ana Bancorp., Inc., St. Ann, Missouri, for approval to acquire 80 per cent or more of the voting shares of Bank of St. Ann, St. Ann, Missouri.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

A & K, Inc., Minneapolis, Kansas, for approval to directly acquire 100 per cent of The Citizens Agency, Inc., Minneapolis, Kansas and to directly acquire 32 per cent or more of the voting shares of The Ottawa County Bank, Minneapolis, Kansas and indirectly acquire 61 per cent of the voting shares of The Ottawa County Bank, Minneapolis, Kansas.

Dorchester State Company, Dorchester, Nebraska, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Citizens State Bank, Dorchester, Nebraska.

Midwest Bancshares, Inc., Midwest City, Oklahoma, for approval to acquire 80 percent or more of the voting shares of Security Bank & Trust Company, Midwest City, Oklahoma.

* * * * *

To Retain Control of a Subsidiary of a Bank Holding Company Pursuant to Section 3(a)(2) of the Bank Holding Company Act of 1956.

First Bancorp, Inc., Corsicana, Texas, for approval to retain control as a subsidiary of First National Bank, Fairfield, Texas.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

Peoples Credit Co., Kansas City, Missouri, for approval to acquire 6100 additional shares of the voting shares of The Metropolitan Bank, Kansas City, Missouri.

Peoples Credit Co., Kansas City, Missouri, for approval to acquire 1350 additional shares of the voting shares of The Pleasant Hill Bank, Pleasant Hill, Missouri.

Texas Commerce Bancshares, Inc., Houston, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Bexar County National Bank of San Antonio, San Antonio, Texas.

* * * * *

To expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (consumer home equity lending secured by real estate, making loans for the account of others such as one-to-four family unit mortgage loans; the offering to sell of level (in the case of single payment loans) term life insurance to cover the outstanding balances of consumer credit transactions, singly or jointly, with their spouses or co-signers in the event of death; in regard to all credit related insurance sales, the establishment will not act as a general insurance agency and will otherwise comply with all applicable State insurance laws and regulations) from 2507 South State Street, Salt Lake City, Utah to Cottonwood Mall, 4835 Highland Drive, Salt Lake City, Utah and from 1015 South State Street, Orem, Utah to University Mall, Orem, Utah and also at 2085 West 3500 South, Granger, Utah and 432 West Main Street, Vernal, Utah, through Nationwide Financial Services Corporation and its subsidiary, Nationwide Financial Corporation of Utah (9/20/76).[3]

Bancshares of North Carolina, Inc., Raleigh, North Carolina, notification of intent to engage in *de novo* activities (assisting corporations in the selection of the type of retirement plan or plans (profit sharing, money-purchase pension, pension thrift, ESOP, etc.) that will best accomplish their goals and be within their economic means, assisting the corporation's legal counsel in designing the plan(s), periodically evaluating existing retirement plans to determine if they are meeting corporate investment goals and payout requirements, and assistance to plan administrators in maintaining plan participant records and in meeting the various regulatory reporting requirements under ERISA (Pension Reform Act)) at 3509 Haworth Drive, Raleigh, North Carolina, through a subsidiary, Qualified Plan Services, Inc. (9/20/76).[3]

First Wisconsin Corporation, Milwaukee, Wisconsin, notification of intent to engage in *de novo* activities (acting as an agent in the sale of credit life insurance and credit accident and sickness insurance in connection with extensions of charge card credit and check credit made by banking subsidiaries of First Wisconsin Corporation for the purpose of assuring repayment of such credit to the lending bank in the event of death or disability of the borrower) at 777 East Wisconsin Avenue, Milwaukee, Wisconsin, through its subsidiary, First Wisconsin Insurance Services, Inc. (9/20/76).[3]

Citizens Fidelity Corporation, Louisville, Kentucky, notification of intent to engage in *de novo* activities (leasing of personal property and equipment, and actng as agent, broker, or adviser in the leasing of such property) at Fidelity Federal Building, 401 Union Street, Nashville, Tennessee, through a subsidiary, Citizens Fidelity Leasing Corporation (9/22/76).[3]

Thirty-Six Venturers, Inc., Otterville, Missouri, notification of intent to continue to engage in *de novo* activities (the sale of credit life insurance and accident and health insurance) on the premises of The Bank of Otterville, Otterville, Missouri (9/3/76).[3]

* * * * *

REPORTS RECEIVED

Registration Statement Filed Pursuant to Section 12(g) of the Securities Exchange Act.

Princeton Bank and Trust Company, Princeton, West Virginia.

* * * * *

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, October 5, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29954 Filed 10-12-76;8:45 am]

BREN-MAR PROPERTIES, INC.

Order Approving Acquisition of Bank

Bren-Mar Properties, Inc., Columbia, Missouri ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to retain[1] an additional 1.5 percent, and to acquire an additional 48.5 percent, of the voting shares of First State Bank, Tishomingo, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a one-bank holding company, presently owns 31.6 percent of the shares of Bank.[2] Bank, with total deposits of approximately $10.3 million,[3] controls approximately 0.1 of one percent of the total deposits in commercial banks in Oklahoma and is the only bank in the relevant banking market which is approximated by the boundaries of Johnston County in south-central Oklahoma. Applicant proposes to acquire 485 shares or 48.5 percent of the shares of Bank from the family that controls Applicant and Bank and also requests permission to retain 15 shares of Bank that were acquired without prior approval of the Board. Because the Applicant's proposal involves the acquisition and retention of shares of a bank that it already controls consummation of the proposal would eliminate no existing or potential competition nor would it increase the concentration of banking resources. Thus competitive considerations are consistent with approval of the application.

The financial condition managerial resources and future prospects of Applicant and Bank are regarded as generally satisfactory and consistent with approval of the application. Although there will be no immediate change in the services or facilities of Bank as a result of consummation of the proposal considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. Therefore it is the Board's judgment that the proposal is consistent with the public interest and that the application should be approved.

On the basis of the record the application is approved for the reasons sum-

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[1] On August 20, 1973, applicant acquired 24 shares (2.4 percent) of Bank without prior Board approval. Applicant subsequently sold 10 of these shares on January 30, 1974. Applicant continues to retain the other 14 shares. On February 4, 1976, Applicant again acquired 1 additional share, without prior Board approval, which it also presently retains. In accordance with the Board's position with respect to violations of the Act, the Board has scrutinized the underlying facts surrounding the acquisitions of Bank's shares without prior Board approval. Upon an examination of all the facts of record, including commitments made by Applicant that will guard against violations of section 3 of the Act in the future, the Board does not believe that the circumstances surrounding the violations reflect so adversely on the managerial factors as to constitute grounds for denial of this application.

[2] Applicant, a family-owned company, is a "company covered in 1970," as defined in 2(b) of the Act and engages in the following activities under the exemption in 4(c)(ii) of the Act: (a) The rental of a commercial building in Hobbs, New Mexico, currently leased to the U.S. Postal Service, and (b) the rental of a one-unit apartment in New York City. Applicant also owns 20 shares (2 percent) of the Bank of Mountain View, Mountain View, Missouri, located approximately 330 air miles from Bank.

[3] All banking data are as of June 30, 1975.

See footnote [3] on p. 44895.

marized above. The transaction involving the acquisition of additional shares shall not be made (a) before the thirtieth calendar day following the effective date of this order nor (b) later than three months after the effective date of this order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective October 5, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29945 Filed 10-12-76;8:45 am]

CENTURY FINANCIAL CORPORATION OF MICHIGAN

Order Approving Acquisition

Century Financial Corporation of Michigan, Saginaw, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire shares of Century Life Insurance Company of Michigan, Phoenix, Arizona ("Company"), a company that will engage *de novo* in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's lending subsidiaries in the State of Michigan. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 31262). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the 16th largest banking organization in Michigan, controls two subsidiary banks with aggregate deposits of approximately $264.9 million, representing 0.9 per cent of the total deposits in commercial banks in the State.[1]

Company will engage *de novo* in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary banks. Company will be formed as an Arizona insurance corporation and will be qualified to underwrite insurance directly only in Arizona. Accordingly, the insurance sold by Applicant's subsidiary banks will be directly underwritten by an unaffiliated insurance company qualified to do business in Michigan, and will thereafter be assigned or ceded to Company under a reinsurance agreement. Since this proposal involves a *de novo* acquisition, consummation of the transaction would not have any adverse effects on existing or potential competition in any relevant market.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service. (12 CFR 225.4(a)(10) n. 7)

Applicant has stated that following consummation of the acquisition, Company will offer at reduced premiums the several types of credit insurance policies that it will reinsure. Company will offer credit life insurance at premium rates 3.3 percent below the statutory maximum allowable rates in Michigan. Applicant also proposes that Company will offer credit accident and health insurance at premium rates 5 percent below the maximum allowable rates, and level term single payment life insurance at premium rates 3.3 percent below the maximum allowable rates. The Board is of the view that Applicant's proposed reductions in insurance premiums are procompetitive and in the public interest.

Based upon the foregoing and other considerations reflected in the record, including a commitment by Applicant to maintain on a continuing basis the public benefits which the Board has found to be reasonably expected to result from this proposal and upon which the approval of this proposal is based, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to authority hereby delegated.

By order of the Board of Governors,[2] effective October 5, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29946 Filed 10-12-76;8:45 am]

DESERET BANCORP.

Order Approving Formation of Bank Holding Company

Deseret Bancorporation, Pleasant Grove, Utah, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1942(a)(1)) of formation of a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successors by merger to Bank of Pleasant Grove, Pleasant Grove, Utah; State Bank of Lehi, Lehi, Utah; Mountain View Bank, American Fork, Utah, existing banks; and Geneva State Bank of Orem, Orem, Utah, a proposed new bank. The banks into which the individual banks are to be merged have no significance except as a means to facilitate the acquisition of the voting shares of the banks. Accordingly, the proposed acquisition of shares of the successor organizations is treated herein as the proposed acquisition of the shares of the banks.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired. The Commissioner of Financial Institutions of the State of Utah has indicated that he has no objection to the proposal. The Federal Reserve Bank of San Francisco has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently-organized corporation formed for the purpose of becoming a bank holding company through the acquisition of controlling interests of banks. The proposed transaction involves the transfer of control of the banks from individuals to a corporation owned by the same individuals.

Bank of Pleasant Grove (deposits of $18.2 million), the twentieth largest bank in the State; State Bank of Lehi (deposits of $12.4 million), the twenty-sixth largest; and Mountain View Bank (deposits of $4.7 million), the forty-seventh largest [1], are all unit banks located in the Provo, Utah, banking markets [2]. Geneva State Bank of Orem, Orem, Utah, the proposed new bank, is also located in this banking market. Upon consummation of the transactions, Applicant would control 0.9 per cent of commercial banking deposits in the state.

The financial and managerial resources and future prospects of Appli-

[4] Voting for this action: Vice Chairman Gardner, and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

[1] All banking data are as of December 31, 1975.

[2] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

[1] Data as of June 30, 1976.

[2] The Provo RMA approximates Utah County.

cant and its proposed banking subsidiaries are regarded as generally satisfactory. In arriving at such conclusion, this Reserve Bank has relied in part on Applicant's commitment to increase the equity capital of Mountain View Bank by $100,000 within twelve months of consummation of the proposed transactions. Consequently, this Reserve Bank regards banking factors as being consistent with approval of the application.

Applicant proposes to add mortgage, trust and financial management services thus providing new and expanded services to the banks' customers. Accordingly, these considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Reserve Bank's judgment that consummation of the proposed transactions would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The acquisition shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of the order, and (c) Geneva State Bank of Orem, Orem, Utah, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Federal Reserve Bank of San Francisco, acting pursuant to delegated authority for the Board of Governors, effective September 29, 1976.

H. B. JAMISON,
Vice President.

[FR Doc.76-29947 Filed 10-12-76;8:45 am]

EXCHANGE BANCORP., INC.

Order Approving Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Security National Bank, Lee County (P.O. Fort Myers), Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twelfth largest banking organization in Florida, controls thirteen banks with aggregate deposits of $532.5 million, representing 2.1 per cent of the total deposits in commercial banks in the State.[1] Applicant's acquisition of Bank (deposits of $40.1 million) would not significantly increase Applicant's share of total commercial bank deposits in Florida.

Applicant is seeking to make its initial entry into the Lee County banking market (the relevant market) through acquisition of Bank, which is the fifth largest of thirteen banking organizations in the market, holding approximately 6 per cent of total market deposits. The four largest banking organizations in the market control about 77 per cent of the market's total deposits, with the largest controlling 32 per cent. Furthermore, competing in the market are three of Florida's four largest banking organizations. Applicant's closest subsidiary bank is located approximately 130 miles north of Bank in a separate banking market. Thus, it appears that no significant competition exists between Bank and any of Applicant's subsidiary banks. Although Applicant has the financial capability to enter the market de novo, Florida's new branching laws preclude such entry at this time. Moreover, entry into the relevant market by others is not foreclosed as four independent banks will remain as points of entry into the market. It appears that the proposed transaction would have no significant adverse effects on potential competition. Accordingly, based on the above and other facts of record, the Board has determined that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are generally satisfactory. Therefore, considerations relating to banking factors are consistent with approval of the application. Affiliation with Applicant should enable Bank to expand and improve its existing banking services. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as being consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

[1] All banking data are as of December 31, 1975, and reflect bank holding company formations and acquisitions approved through September 30, 1976.

By order of the Board of Governors,[2] effective October 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29948 Filed 10-12-76;8:45 am]

FIRST HANOVER PARK CORP.

Formation of Bank Holding Company

First Hanover Park Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80.03 per cent of the voting shares of First State Bank & Trust Company of Hanover Park, Hanover Park, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 28, 1976.

Board of Governors of the Federal Reserve System, October 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29949 Filed 10-12-76;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Alamo Heights National Bank, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 9, 1976.

Board of Governors of the Federal Reserve System, October 6, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29950 Filed 10-12-76;8:45 am]

[2] Voting for this action: Vice Chairman Gardner, and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

FROSTBANK CORP.

Order Approving Lending Activities of Main Plaza Corporation

FrostBank Corporation, San Antonio, Texas, a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and (§ 225.4(b)(2)) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to retain the lending activities engaged in by its wholly-owned subsidiary, Main Plaza Corporation, San Antonio, Texas ("Company"). Such activities, consisting of making or acquiring for its own account or for the account of others loans or extensions of credit, have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 29040). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the tenth largest banking organization in Texas, controls five banks with aggregate deposits of approximately $687 million, representing 0.5 per cent of the total deposits in commercial banks in the State.[1]

In acting on applications submitted pursuant to section 4(c)(8) of the Act, the Board analyzes an application to continue to engage in section 4(c)(8) activities by the same standards that it analyzes an application to acquire a company engaged in such activities. In addition, the Board analyzes the competitive effects of a proposal both at the time of the acquisition and at the time of application for retention. Company was formed on May 1, 1973, concurrently with the reorganization of Applicant's predecessor, Frost Realty Company, San Antonio, Texas ("Frost Realty"),[2] for the purpose of holding certain assets and engaging in certain activities of Frost Realty.[3] Included in the activities transferred to Company were the above-described lending activities. Since that transaction was essentially a reorganization of Applicant's existing nonbank lending activities, it does not appear to have had any significant adverse effects on competition at that time.

At present, Company's lending activities essentially involve making business loans in the San Antonio SMSA.[4] Such lending activities include making loans for interim construction, stock acquisition and short-term capital working needs. Company originated $5.3 million of such loans during 1975 and had $3.7 million of such loans outstanding as of December 31, 1975. Applicant's subsidiary banks also engage in making business loans and hold approximately $200 million of such loans, representing 29.2 percent of the total business loans held by the 45 banking organizations operating in the relevant market. In view of the relatively small size of Company's lending activities and the number of other competitors,[5] it does not appear that the retention of Company's lending activities by Applicant would have any significant adverse effects on existing or potential competition. At the same time, the retention of Company's lending activities by Applicant should provide benefits to the public by assuring customers of a continued and convenient source for such loans. Moreover, there is no evidence in the record indicating that the retention of Company's lending activities would lead to any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[6] effective October 5, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29951 Filed 10-12-76;8:45 am]

[1] All banking data are as of December 31, 1975.

[2] The reorganization of Frost Realty and formation of Company occurred without prior approval of the Board. However, the Board has examined the facts surrounding these transactions and believes that those facts do not call for denial of the application to retain the lending activities of Company.

[3] At the same time, Frost Realty transferred the assets of Data Processing Center, San Antonio, Texas, to Company. On November 12, 1973, the Board approved the application of Applicant to retain those assets and thereby continue to engage in performing financially-related data processing activities under section 4(c)(8) of the Board's Regulation Y (12 CFR § 225(a)(8)).

[4] The San Antonio SMSA approximates the relevant geographic market for purposes of analyzing the competitive effects of the subject application.

[5] It should be noted that other competitors include commercial finance companies, insurance companies and savings and loan associations located outside as well as inside the market area in addition to the market's banking organizations.

[6] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Bexar County National Bank of San Antonio, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 5, 1976.

Board of Governors of the Federal Reserve System, October 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29952 Filed 10-12-76;8:45 am]

MIDWEST BANCSHARES, INC.

Formation of Bank Holding Company

Midwest Bancshares, Inc., Midwest City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Security Bank & Trust Company, Midwest City, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 8, 1976.

Board of Governors of the Federal Reserve System, October 5, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-29953 Filed 10-12-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-57]

SECRETARY OF THE INTERIOR

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to perform all functions in connection with the leasing of 10,500 square feet of space and the land incidental to its use,

located on tribal land adjacent to the city of Anadarko, Oklahoma, for use by the Bureau of Indian Affairs, Anadarko Agency Office.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation shall expire 20 years from the effective date of the lease covering the space to be leased, or upon termination of the lease, whichever is earlier.

4. *Background.* This regulation reflects the delegation of authority that was granted to the Secretary of the Interior, by letter of January 28, 1976.

5. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of the Interior to perform all functions in connection with the leasing of approximately 10,500 square feet of space and land incidental to its use, located on tribal land adjacent to the city of Anadarko, Oklahoma, for use by the Bureau of Indian Affairs.

b. This delegation shall extend to leasing space under authority contained in section 210(h)(1) of the above cited Act (40 U.S.C. 490(h)(1)), for a firm period not to exceed 20 years.

c. The Secretary of the Interior may redelegate this authority to any official or employee of the Department of the Interior.

d. This authority shall be exercised in accordance with the limitations and requirements of the above cited Act, section 322 of the Act of June 30, 1932, (40 U.S.C. 278a), as amended, other applicable statutes and regulations, and the policies, procedures, and controls prescribed by the General Services Administration.

6. *Effect on other issuances.* This temporary regulation cancels the letter dated January 28, 1976, from the Administrator of General Services to the Secretary of the Interior, related to the above delegation.

JACK ECKERD,
Administrator of General Services.

OCTOBER 1, 1976.

[FR Doc.76-29909 Filed 10-12-76;8:45 am]

[Federal Property Management Reg.; Temporary Reg. G-29]

SECRETARY OF THE TREASURY

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Treasury to represent the shipper interests of the civilian agencies of the Federal Government in a motor carrier operating rights proceeding before the Interstate Commerce Commission.

2. *Effective date.* This regulation is effective July 1, 1976.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of the Treasury to represent the interests of the civilian agencies of the Federal Government before the Interstate Commerce Commission in a proceeding involving an application for operating authority by Purolator Security, Incorporated (Docket No. MC-114896 (Sub. No. 39TA)).

b. The Secretary of the Treasury may redelegate this authority to any officer, official, or employee of the Department of the Treasury.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

T. M. CHAMBERS,
Acting Administrator of General Services.

SEPTEMBER 27, 1976.

[FR Doc.76-29910 Filed 10-12-76;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold a special meeting on October 26, 1976, and if business of the Board requires, on October 27, 1976. The meeting on October 26 will be held at the National Credit Union Administration Training Center, Fourth Floor, 1111 18th Street, NW., Washington, D.C., commencing at 10:00 a.m. If the meeting is held over, the October 27 session will be held at the offices of the National Credit Union Administration, Room 4210, 2025 M Street, NW., Washington, D.C., commencing at 9:00 a.m.

The agenda for this meeting will consist of an update briefing of Administration activities. An opportunity will be afforded for the trade associations and other representatives to make presentations concerning matters of interest to the credit union movement.

The Board will consider the year-end report, and a discussion of legislative matters will be had.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Administration, Washington, D.C. 20456.

LORENA C. MATTHEWS,
Acting Administrator.

OCTOBER 7, 1976.

[FR Doc.76-29940 Filed 10-12-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR POLITICAL SCIENCE

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 Political Science.
Date and time: October 29, 1976—9 a.m. to 5 p.m.
Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Richard E. Dawson, Program Director, Political Science Program, Room 314, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4348.
Purpose of panel: To provide advice and recommendations concerning support for research in Political Science.
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. 522(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 Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

Dated: September 7, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-29919; Filed 10-12-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period September 20 through October 1, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

FEDERAL TRADE COMMISSION

System names:

(1) Assurances of Voluntary Compliance
(2) Automated Serials Routing System
(3) Clearance to Participate Applications and the Commission's Responses Thereto

(4) Consumer Complaint/Inquiry Files, Chicago Regional Office
(5) Contracts by Persons Outside the Commission Relating to Investigations or Cases
(6) Freedom of Information Act Request and Appeals from Other Than Governmental Agencies and the Commission's Responses Thereto
(7) Holders of Registered Identification Numbers

Report date: September 20, 1976.

Point of contact: Mr. Robert J. Lewis, Office of General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

DEPARTMENT OF TRANSPORTATION

System names:

(1) FAA Federal Air Marshall Program Management system
(2) FAA World Home Address System

Report date: September 23, 1976.

Point of contact: Mr. Lawrence R. Kelly, Jr., FAA Operational Privacy Act Coordinator, AMS–101, 800 Independence Avenue, SW., Washington, D.C. 20591.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

[FR Doc.76-30018 Filed 10-12-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

AMETEX CORP.

Suspension of Trading

OCTOBER 4, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Ametex Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3:15 p.m., e.d.t., on October 4, 1976 through October 13, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-29924 Filed 10-12-76;8:55 am]

[812-3980]

THE INTEREST INCOME TRUST, FIRST SERIES (AND SUBSEQUENT SERIES) AND PRESCOTT, BALL & TURBEN

Filing of Application for an Order of Exemption From Provisions

Notice is hereby given that The Interest Income Trust, First Series and subsequent Series (the "Fund" or "Funds"), registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, and its sponsor, Prescott, Ball & Turben (the "Sponsor") (hereinatfer the Sponsor and the Funds are sometimes collectively referred to as the "Applicants"), 900 National City Bank Building, Cleveland, Ohio 44114, filed an application on July 2, 1976, and amendments thereto on September 22, 1976, and October 1, 1976, pursuant to section 6(c) of the Act for an order of the Commission exempting the Funds from compliance with the initial net worth requirements of section 14(a) of the Act, exempting the frequency of the capital gains distributions of the Funds from the provisions of Rule 19b–1 under the Act and exempting the secondary market operations of the Sponsor and underwriters of the Funds from the provisions of Rule 22c–1. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Each of the Funds will be governed by a trust agreement (hereinafter called the "Trust Agreement") under which the Sponsor will act as such, State Street Bank and Trust Company will act as Trustee (hereinafter called the "Trustee") and an independent evaluating firm to be designated in the Trust Agreement will act as Evaluator (hereinafter called the "Evaluator"). Subject to compliance with the applicable provisions of the Trust Agreement relating to the Funds, one or more additional investment banking firms may act as Sponsors or underwriters in addition to Prescott, Ball & Turben, the public sale of units of beneficial interests (the "Units") in each of one or more trusts created under each Trust Agreement (the "Trusts") may be effected through the Sponsor as the sole underwriter or through an underwriting account, a different bank may act as Trustee in lieu of State Street Bank and Trust Company and the evaluating firm acting as Evaluator may change. The Trust Agreement for each Fund will contain standard terms and conditions of trust common to all Funds. The Sponsor will deposit into each Trust not less than $3,000,000 principal amount of debt obligations, issued primarily by corporations, preferred stocks of domestic corporations and contracts and funds for the purchase of certain such securities (hereinafter called the "Securities"), which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit, the Trustee will deliver to the Sponsor registered certificates for Units in the Trusts, which will be allocated among the Trusts in a Fund, if more than one, in proportion to the aggregate principal amount of Securities in each, representing in the aggregate entire ownership of a Fund. These Units are in turn to be offered for sale to the public by the Sponsor and the underwriters pursuant to the Agreement Among Underwriters entered into for each Fund by the Sponsor and the underwirters (the "Underwriting Agreement").

The Sponsor will accumulate Securities for the purpose of deposit in each of the Trusts. In selecting the Securities, the following factors will be of primary importance: (1) A rating of BBB or better by Standard & Poor's Corporation or Fitch Investors Service, Inc. or Baa or better by Moody's Investors Service, Inc.; (2) the yield and price of the Securities relative to other securities of comparable quality and maturity; and (3) diversification of the portfolio, taking into account the availability on the market of issues in various utility, banking, foreign governmental and industrial classifications which meet the quality, rating, yield and price criteria of a Fund. Each Trust will consist of the Securities, such securities as may continue to be held from time to time in exchange or substitution therefore, and accumulated and undistributed income.

Each Unit of a Trust will represent a fractional undivided interest in that Trust at approximately one Unit for each $1,000 principal amount of the Securities deposited. The numerator of the fractional interest represented will be 1; the denominator, the number of Units then in the particuar Trust. Units will be redeemable. In the event that any Units are redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by each Unit outstanding will be increased. Units will remain outstanding until redeemed or until the termination of the Trust Agreement with respect to a Trust. A Trust may be terminated in the event that the value of the Securities in a Trust falls below 20 percent of the aggregate principal amount of the Securities initially deposited in such Trust, either upon direction of the Sponsor to the Trustee or by the Trustee without such direction. There will be no provision in the Trust Agreements for the issuance of any Units of any Trust after the initial offering of Units and such activity will not take place (except to the extent that the secondary trading by the Sponsor or the underwriters in the Units is deemed the issuance of Units under the Securities Act of 1933).

Following the deposit of Securities for each Fund by the Sponsor with the Trustee, and following the declaration of effectiveness of the Registration Statement filed under the Securities Act of 1933 for that Fund and clearance by the Blue Sky authorities of the various states, the Sponsor and the underwriters will offer the Units of the Trust or Trusts, as the case may be, to the public at the Public Offering Price set forth in the Prospectus, plus accrued interest.

In connection with portfolio activity and supervision, the Sponsor may direct the Trustee to dispose of Securities upon default in payment of principal or interest, the failure to declare or pay an anticipated dividend, or the occurrence of other market or credit factors which in the opinion of the Sponsor would make the retention of such Securities in a Trust detrimental to the interests of the Unitholders, or if the disposition of such Securities is desirable in order to maintain the qualification of a Fund as a regulated investment company under the Internal Revenue Code. The Sponsor will also be authorized by the Trust Agreement to direct the Trustee to accept or

reject certain plans for the refunding or refinancing of any of the Securities. The Sponsor will further be authorized to instruct the Trustee to reinvest the proceeds of the sale of any of the Securities (to the extent that such proceeds are not required for the purposes of redemption of Units or did not result from Sponsor directed sales of Securities as a result of defaults in the payment of principal or interest, failure to declare or pay dividends or the occurrence of other market or credit factors), as well as moneys held by the Trustee to cover the purchase of Securities pursuant to contracts which have failed in substitute Securities which satisfy certain conditions specified in the Trust Agreement. These conditions are designed, in general, to insure that substitute Securities purchased for a Trust conform to the standards followed by the Sponsor in selecting the Securities initially deposited in a Trust.

Distributions of interest and dividends, capital gains from the proceeds of the maturity or redemption of Securities and amounts not reinvested as described above will be paid out, less applicable expenses, monthly on a pro rata basis to Unitholders.

While not obligated to do so, under the provisions of the Underwriting Agreement the Sponsor and the underwriters presently intend to maintain a market for Units of each Trust following the initial public offering period and continuously to offer to purchase such Units at prices, subject to change at any time, which are based upon the offering side evaluation of the Securities. The Sponsor or any underwriter may discontinue purchases of such Units at priced based on the offering side evaluation of Securities should the supply of such Units exceed demand, or for other business reasons.

While the Applicants anticipate the Units in most cases can be sold in the secondary market for an amount in excess of the redemption price, Units may be submitted to the Trustee for redemption at any time. In such event, the Trustee, if unable to dispose of said Units in the secondary market at a price equal to or in excess of the redemption price, may be required to liquidate certain of the Securities in the Trust. The tendering Unitholder will receive cash from the proceeds of such liquidation. Consistent with Rule 22c-1, the Unitholder would receive cash in an amount per Unit equal to the redemption price as determined as of the evaluation time on the day of receipt of such tender for redemption, or if not a business day, on the next business day following such tender.

SECTION 14(a)

Section 14(a) of the Act requires that a registered investment company, prior to making a public offering of its securities, have a net worth of at least $100,000, have previously made a public offering and at that time have had a net worth of $100,000 or have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of Section 14(a) in order that a public offering of Units of the Trusts as described above may be made. In connection with the requested exemption from Section 14(a), the Sponsor agrees (i) to refund or cause to be refunded, on demand and without deduction, all sales charges to purchasers of Units of any Trust from the Sponsor or from any underwriter or dealer participating in the distribution, and liquidate the Securities held in a Trust and distribute the proceeds thereof if, within 90 days from the time that the Registration Statement under the Securities Act of 1933 relating to the Units of such Trust has become effective, the net worth of the Trust shall be reduced to less than $100,000 or if such Trust or Fund shall have been terminated, (ii) to instruct the Trustee to terminate any Trust in the event that redemption by the Sponsor or underwriters of unsold Units results in such Trust having a net worth of less than $3,000,000; and (iii) in the event of termination for the reasons described in (ii) above, to refund or cause to be refunded, on demand and without reduction, all sales charges to purchasers of Units of such Trust from the Sponsor or from any underwriter or dealer participating in the distribution.

Rule 19b-1(a) provides in substance that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal, including any capital gains, and interest and dividends relating to each Trust will be made to Unitholders monthly. Distributions of principal constituting capital gains to Unitholders, may arise in the following instances: (1) An issuer might call or redeem Securities held in the portfolio; (2) Securities might be disposed of in order to maintain the qualification of a Fund as a regulated investment company under the Internal Revenue Code; and (3) Securities might be liquidated in order to provide the funds necessary to meet redemptions.

In support of the requested exemption, the application states that the dangers against which Rule 19b-1 is intended to guard do not exist in the situation at hand since neither the Funds nor the Sponsor has control over events which might trigger capital gains. In addition, it is alleged that the monthly interest and dividend distribution per Unit will be fairly constant within a specified range and any capital gains distributions will be clearly distinguished from interest and dividend distributions in the accompanying report by the Trustee to Unitholders. In order to comply with the literal requirements of the Rule, each Trust of a Fund would be forced to hold any monies constituting capital gains from the disposition of Securities until the end of its taxable year. The application states that such a practice would clearly be to the detriment of the Unitholders.

Paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gains dividends received from a regulated investment company within a reasonable time after receipt. Applicants assert that the purpose behind such provision is to avoid forcing a unit investment trust to accumulate distributable amounts received throughout the year and distribute them only at year end and that the operations of the Trusts will be consistent with the intended objectives of such provision.

RULE 22c-1

Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants seek an order exempting the secondary market operations of the Sponsor and the underwriters from the provisions of Rule 22c-1 under the Act. The application states that the underwriters will be bound by the provisions of the Underwriting Agreement to comply with the undertakings of the Sponsor in connection with secondary marketing operations. It is proposed to value Units of the Trusts, for repurchase and resale by the Sponsor and the underwriters in the secondary market, at prices computed on the last business day of each week, effective for all transactions made during the following week. The evaluation will be done by the Evaluator, who will also provide estimated evaluations on trading days in order to protect Unitholders and investors. In the case of a repurchase, if the Evaluator cannot state that the current bid side evaluation is not higher than or equal to the previous Friday's offering side evaluation, the Sponsor will order a new evaluation. In the case of a resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5.00 on a unit representing $1,000.00 principal amount of underlying securities) greater than the current offering price, a full evaluation will be ordered.

The application states that there are two purposes of Rule 22c-1: (1) To eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies occurring through the practice of redeeming or repurchasing securities at a price above their net asset value or selling securities at a price based upon a previously established net asset value which

permits a potential investor to take advantage of an upswing in the market by purchasing investment company shares at a net asset value which does not reflect the increase resulting from the market change and (2) to minimize speculative trading practices which so compromise registered investment companies as to be unfair to the holders of their outstanding securities.

Applicants assert that while the purposes for which Rule 22c–1 was adopted would not be served by its application to the Funds, the interests of investors might be significantly impaired by imposing upon them the cost of the determinations of net asset value required by Rule 22c–1.

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 29, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–29923 Filed 10–12–76;8:45 am]

[File No. 500–1]

NEOTEC CORP.

Suspension of Trading

OCTOBER 1, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Neotec Corporation being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10:13 a.m., e.d.t., on October 1, 1976 through October 10, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–29922 Filed 10–12–76;8:45 am]

[File No. SR–OCC–76–7]

OPTIONS CLEARING CORP.

Order Approving Rule Change Submitted To Permit Settlement of Exercised Option Contracts Through a Designated Clearing Corporation

On August 6, 1976, the Options Clearing Corporation ("OCC") 6150 Sears Tower, Chicago, Illinois 60606, submitted, pursuant to Rule 19b–4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change to permit each Clearing Member of OCC to effect settlements in respect of exercised option contracts through a clearing corporation designated by the Clearing Member for that purpose. The proposed rule change purports to apply to both call option and put option contracts.

In accordance with Section 19(b) of the Act and Rule 19b–4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (41 FR 35588, August 23, 1976), and the public was invited to submit comments until September 13, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34–12712, August 17, 1976. No letters of comment were received.

The Commission has reviewed the OCC submission and finds that the agreements, provisions and safeguards established by OCC are adequate for the protection of investors. Since exchange trading in listed put option contracts has not been approved by the Commission, the Commission is not at this time making any determination with respect to the proposed rule change insofar as it relates to put option contracts. Therefore, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies insofar as the proposed rule change relates to call option contracts.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR–OCC–76–7 be, and hereby is, approved insofar as it relates to call option contracts.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–29921 Filed 10–12–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

MAXIMUM INTEREST RATES

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans aproved by SBA on or after October 6, 1976, under Section 7 of the Small Business Act, as amended, and Section 502 of the Small Business Investment Act, as amended.

Effective October 6, 1976, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be ten percent (10%) per year, and the maximum rate on an immediate participation loan shall be nine percent (9%) per year. These maximum interest rates are one-half percent lower than those published in the FEDERAL REGISTER on July 1, 1976 (41 F.R. 27143), and shall remain in effect until notification of a change is issued by SBA.

The "SBA Optional Peg Rate" for the quarter-year beginning October 6, 1976, will be seven and three-fourths percent (7¾%) per year. This is an optional "peg" rate for use in connection with fluctuating-interest-rate loans made in participation with SBA.

This Notice is issued under 13 CFR 120.3(b)(2)(iv).

(Catalog of Federal Domestic Assistance Programs; No. 59.012 Small Business Loans; No. 59.013 State and Local Development Company Loans; No. 59.014 Coal Mine Health and Safety Loans; No. 59.017 Meat and Poultry Inspection Loans (Consumer Protection Loans); No. 59.018 Occupational Safety and Health Loans; No. 59.001 Displaced Business Loans; No. 59.003 Economic Opportunity Loans for Small Business).

Dated: October 1, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–29956; Filed 10–12–76;8:45 am]

[Application No. 01/01-5286]

UNITED VENTURE CAPITAL CORP.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by United Venture Corporation, Inc., (Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1976).

The officers and directors are as follows:

Richard E. Robidoux, President and Director, 560 Edgell Rd., Framingham, Massachusetts 01701.

Richard Robidoux II, Vice President and Director, 560 Edgell Rd., Framingham, Massachusetts 01701.

Robert E. MacAnn, Secretary/Treasury/Manager, 13 Birch Hill Road, Worcester, Massachusetts 01606.

Herbert Cohan, Director, 97 Aylesbury Rd., Worcester, Massachusetts 01609.

The Applicant will maintain its principal place of business at 495 Shrewsbury Street, Worcester, Massachusetts 06104. It will begin operations with $500,000 of private capital derived from the sale of 500 shares of common stock to Richard E. Robidoux.

As a small business investment company under section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in acordance with the Small Business Investment Act and the SBA rules and regulations.

Notice is hereby given that any person may, not later than October 28, 1976, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Worcester, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: October 5, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-29958 Filed 10-12-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review. Procedure and Hearing Rules, Station Committee on Educational Allowances that on October 29, 1976, at 1:00 p.m., the Portland, Oregon Regional Office Station Committee on Educational Allowances shall at Room 1476, Federal Building, 1220 S.W. 3rd, Portland, Oregon, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Franklin Institute of Sales, Portland, Oregon, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: October 5, 1976.

DONNA M. ARNDT,
Director, VA Regional Office, 1220 S.W. 3rd, Portland, Oregon 97204.

[FR Doc.76-29959 Filed 10-12-76;8:45 am]

STRUCTURAL SAFETY OF VETERANS ADMINISTRATION FACILITIES ADVISORY COMMITTEE

Meeting Cancellation

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463), the Veterans Administration announced in a notice published in the FEDERAL REGISTER of September 17, 1976 (41 FR 40240) a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities.

Notice is hereby given that the meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities, scheduled for October 15, 1976, has been cancelled.

Dated: October 6, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-29963 Filed 10-12-76;8:45 am]

COMMISSION OF FINE ARTS

MEETING

OCTOBER 12, 1976.

The Commission of Fine Arts will meet in open session on Thursday, October 28, 1976, at 10:00 a.m. in the Commission offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda or requests to submit a written or oral statement should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.76-30203 Filed 10-12-76;10:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COMMITTEE ON WOMEN TO THE SECRETARY OF LABOR

Meeting

It is hereby announced that a meeting will be held by the Advisory Committee on Women to the Secretary of Labor, established under Sec. 9(c) of the Federal Advisory Committee Act (Public Law 92-463).

The meeting will convene at 9:00 a.m. on October 27, 1976, in Conference Room N-4437 at the New Department of Labor Building, 200 Constitution Ave., NW., Washington, D.C. It will be reconvened at 9:00 a.m. on October 28, in the same conference room.

The agenda will include presentations and discussions of Department of Labor programs; issues of concern to women workers; review of agenda; statement of purpose; committee priorities; organization and procedures; developing of work program and priorities.

Members of the public are invited to attend the discussions. Any written data or views pertaining to the agenda must be received on or before October 20, 1976 by the Committee's executive secretary. Twenty-five duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Persons wishing to address the Committee members during the meeting should submit to the executive secretary no later than October 20, 1976, a request to be heard, stating the nature of their intended presentation and the amount of time needed. The chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the executive secretary should be addressed as follows:

Mercedes H. Flores, Executive Secretary, Advisory Committee on Women to the Secretary of Labor, Department of Labor, Room S-3002, 200 Constitution Ave., NW., Washington, D.C. 20210.

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

CARMEN R. MAYMI,
Director, Women's Bureau and Executive Chairperson, Advisory Committee on Women to the Secretary of Labor.

[FR Doc.76-30177 Filed 10-12-76;10:00 a.m.]

INTERSTATE COMMERCE COMMISSION

JAMES EDWARD MARTIN

Statement of Appointment

Pursuant to subsection 302(a), Part III, Executive Order No. 10647 (20 FR 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act for 1950, as amended, "the following information is furnished for publication in the FEDERAL REGISTER:

1. Name of appointee: James Edward Martin.

2. Name of employing agency: Interstate Commerce Commission.
3. Date of appointment: October 4, 1976.
4. Title of appointee's position: Consultant.
5. Name of appointe's private employer: Association of American Railroads.

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

GEORGE M. STAFFORD,
Chairman,
Interstate Commerce Commission.

[FR Doc.76-29907 Filed 10-12-76;8:45 am]

[Notice No. 167]

ASSIGNMENT OF HEARINGS

OCTOBER 7, 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 herings 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-9083, Burwell Ray Gallop, d/b/a Gallop Bus Company, Twin City Coach Company, Inc., Superior Bus Service, Incorporated, d/b/a Travelines United, and Stewart Tours, Incorporated, d/b/a Stewart Tours—Investigation and Revocation of Certification and License and MC-C-9233, *Carolina Coach Company* v. *H. M. White Bus Seervice, et al.*, now being assigned December 14, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117574 (Sub-No. 273), Daily Express, Inc., now assigned October 13, 1976, at Washington, D.C. is canceled and application dismissed.

MC 140330 (Sub-1), R. C. Van Lines, Inc. now assigned October 27, 1976 at Atlanta, Georgia and will be held in Room 305, 1252 West Peachtree Street N.W.

MC 134922 (Sub-162), B. J. McAdams, Inc. now assigned October 28, 1976 at Atlanta, Georgia and will be held in Room 305, 1252 West Peachtree Street N.W.

MC 121684 (Sub-2), Orlando Transit Company now assigned November 1, 1976 at Orlando, Florida and will be held at the Carlton House, 6515 International Drive.

MC 110563 (Sub-169), Coldway Food Express, Inc. now assigned November 1, 1976, at New York, New York and will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 133841 (Sub-2), Dan Barclay, Inc. now assigned November 3, 1976 at New York, New York and will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 117940 (Sub-174), Nationwide Carriers, Inc. now assigned November 4, 1976 at New York, New York and will be held in room F-2220, Federal Building, 26 Federal Plaza.

MC 110563 (Sub-No. 173), Coldway Food Express, Inc. now assigned November 5, 1976 at New York, New York and will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 107295 (Sub-821), Pre-Fab Transit Co. now assigned November 2, 1976 at New York, New York and will be held in Room F-2220, Federal Building, 26 Federal Plaza.

No. 36325, Radioactive Materials, Special Train Service, Nationwide now assigned November 2, 1976, at Washington, D.C., is postponed to November 3, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30009 Filed 10-12-76;8:45 am]

[Notice No. 134]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 7, 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 8744 (Sub-No. 11TA), filed September 29, 1976. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., 910 Grant St., P.O. Box 1160, Bluefield, W. Va. 24701. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Bluefield, W. Va., on the one hand, and, on the other, points in Boone County, W. Va., and those points in Floyd, Harlan, Letcher, Martin, and Pikes Counties, Ky Applicant intends to tack its existing authority with MC 8744 Sub-No. 8. Applicant also intends to interline at Bluefield, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 7 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 examinted at the field office named below. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 24784 (Sub-No. 6TA), filed September 22, 1976. Applicant: BARRY, INC., 463 South Water St., Olathe, Kans. 66061. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing cement and coatings, caulking and glazing compounds, wood preservatives, and sound deadeners* (except in bulk), from the plantsite and/or storage facilities of Southwest Grease & Oil Co. (Kansas City), Inc., at or near Olathe, Kans., to points in Missouri, for 180 days. Supporting shipper: Southwest Grease & Oil Co. (Kansas City), Inc., 1400 S. Harrison, P.O. Box 1974, Olathe, Kans. 66061. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 52460 (Sub-No. 178TA), filed September 21, 1976. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, Okla., 74107. Applicant's representative: Steve Cipich, P.O. Box 9637, Tulsa, Okla. 74107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, gasoline and diesel fuel additives, advertising matter, and such other commodities* as are distributed by marketers of petroleum products (except in bulk), from Port Arthur, Tex., to points in Louisiana on and south of U.S. Highway 190, for 180 days. Supporting shipper: Texaco, Inc., 1111 Rusk, Houston, Tex. 77052. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 61231 (Sub-No. 95TA), filed September 30, 1976. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, and couplings, connectors and accessories for pipe* (except iron or steel pipe), from the plantsite of Armco Steel Corporation, at or near Springfield, Ill., to points in Iowa, Kansas, Missouri and Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Sup-

porting shipper: Armco Steel Corporation, 7000 Roberts St., Kansas City, Mo. 64125. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5k8 Federal Bldg., Des Moines, Iowa 50309.

No. MC 69397 (Sub-No. 23TA), filed September 28, 1976. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, U.S. Route 13, Pocomoke City, Md. 21851. Applicant's representative: Wilmer B. Jill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Philadelphia, Pa., to points in North Carolina, on and east of U.S. Highway No. 1, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: C. Schmidt & Sons, Inc., 127 Edward St., Philadelphia, Pa. 19123. Send protests to: Interstate Commerce Commission, 12th and Constitution Ave., NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 105375 (Sub-No. 64TA), filed September 22, 1976. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Ave., Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of N–REN Corporation, located near Dillworth, Minn., to points in North Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: N–REN Corporation, 256 McCullough St., Cincinnati, Ohio 45226. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Comission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 105813 (Sub-No. 215TA), filed September 29, 1976. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, 1759 S.W. 12th St., Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes, and sauerkraut*, all requiring movement in refrigerated (not including commodities in bulk, in tank vehicles), from the plantsite of Claussen Pickle Co. (a wholly owned subsidiary of Oscar Mayer & Co., Inc.), at or near Wodstock, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, restricted to traffic orginating at the above-named origin and destined to the states named, and further restricted against movement of products in bulk, in tank vehicles, for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Ave., Madison, Wis. 53704. Send protests to: G. H. Fauss, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 105813 (Sub-No. 216TA), filed September 30, 1976. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, 1759 S.W. 12th St., Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 S. Pulaski Road, Chicago, Ill. 60629. 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 Seeleyville, Ind., to points in Alabama, Georgia, Florida, South Carolina and North Carolina, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 109540 (Sub-No. 36TA), filed September 30, 1976. Applicant: YEARY TRANSFER COMPANY, INC., 2171 Christian Road, Lexington, Ky. 40501. Applicant's representative: Chandler L. Van Orman, Southern Bldg., 15th & H Sts., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, supplies and equipment* used in the marketing, packing, storing, processing or handling of unmanufactured tobacco (except commodities in bulk, in tank vehicles, and commodities which because of their size or weight require the use of special equipment or handling), and *unmanufactured tobacco or empty tobacco containers*, when moving in the same vehicle and at the same time with the above-described commodities; Between: (1) Conway, Darlington, Dillon, Hemingway, Kingstree, Lake City, Lamar, Loris, Mullins, Pamplico and Timmonsville, S.C.; Alma, Baxley, Clackshear, Claxton, Hazelhurst, Metter, Statesboro, Swainsboro, Vidalia and Waycross, Ga.; Brookneal, Chase City, Clarksville, Danville, Kenbridge, Lawrenceville, Martinsville, Petersburg, Rocky Mount, South Boston and South Hill, Va.; Danville, Hopkinsville, Lebanon, Lexington, London, Maysville, Owensboro, Paducah and Somerset, Ky.; Huntington, W. Va., on the one hand, and, on the other, Rocky Mount and Durham, N.C.; (2) Ripley, Ohio, on the one hand, and, on the other, Lexington, Ky.; and Winston-Salem, N.C.; and (3) Sparta and Springfield, Tenn., on the one hand, and, on the other, Brook Cove, Winston-Salem and Davie, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: C. Larry Singletary, Traffic Analyst, R. J. Reynolds Tobacco Co., P.O. Box 2959, Winston-Salem, N.C. 27102. George Outlaw, Traffic Manager, Liggett & Myers Tobacco Co., 4100 Roxboro Road, Durham, N.C. 28202. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 111401 (Sub-No. 470TA), filed October 1, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Baton Rouge, La., to Des Moines, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Exxon Company, U.S.A., P.O. Box 2180, Houston, Tex. 77001. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 114045 (Sub-No. 450TA), filed September 29, 1976. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. 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 Seeleyville, Ind., to points in Oklahoma, Texas, New Mexico, Arizona, California, Oregon and Washington, for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 114569 (Sub-No. 149TA), filed September 30, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (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* (except animal feed and animal feed ingredients, hides and commodities in bulk), from the plantsite and storage facilities of Minden Beef Company, at or near Minden, Nebr., to New York City, Endicott, Mt. Kisco and Waterford, N.Y.; Hartford, East Hartford and Danbury, Conn.; South Kearney, N.J.; Allentown, Pa.; and Landover, Md., and their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Minden Beef Co., Box 70, Minden, Nebr. 68959. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., 228 Walnut St., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 115233 (Sub-No. 121TA), filed September 29, 1976. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's

representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Lancaster County, Pa., to points in North Carolina and Florida, for 180 days. Supporting shipper: Baum's Bologna, Inc., P.O. Box 407, Elizabethtown, Pa. 17022. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 115331 (Sub-No. 417TA), filed September 29, 1976. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Ave., East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, in tank vehicles, from Cairo, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee and Wisconsin, for 180 days. Supporting shipper: Bunge Corporation, 300 Southwest Blvd., Kansas City, Kans. 66103. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 115669 (Sub-No. 159TA), filed October 1, 1976. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, 101 West Edgar St., Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, from Muscatine, Iowa, to points in Illinois and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thomas D. Donis, Traffic Manager, Grain Processing Corporation, 1600 Oregon St., Muscatine, Iowa 52761. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 116073 (Sub-No. 335TA), filed October 1, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Maine Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, *and buildings*, from Caldwell, Idaho, to points in Alaska, Idaho, Oregon, Washington, Montana, Nevada and Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kit Manufacturing Company, P.O. Box 250, Caldwell, Idaho 83605. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commisison, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 117765 (Sub-No. 214TA), filed October 1, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers (except meat, meat products, meat by-products, dairy products and articles distributed by meat packing houses), from the plantsite and facilities of Beaver Valley Canning Company, Grimes, Reinbeck and Storm Lake, Iowa, to points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma and Texas, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Beaver Valley Canning Company, 512 N. Main, Grimes, Iowa 50111. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 123255 (Sub-No. 86TA), filed September 29, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys, athletic goods, gymnastic goods, and sporting goods*, from Ashland, Ohio, to points in Connecticut, Illinois, Indiana, Massachusetts, New Jersey and New York, for 180 days. Supporting shipper: The National Latex Products Co., Fourth St., Ashland, Ohio 44805. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 124821 (Sub-No. 21TA), filed September 30, 1976. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Ave., Old Forge, Pa. 18518. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Ransom and Laflin, Pa., to Solon, Ohio; Fort Wayne, Ind.; and Grand Rapids, Livonia and East Lansing, Mich., for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Support shipper: Potlatch Corporation, Ransom, Pa. 18653. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 125544 (Sub-No. 5TA), filed September 30, 1976. Applicant: LESTER M. HAYS, 803 West Mulberry, Carlinville, Ill. 62626. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk cartons*, for the account of Prairie Farms Dairy, Inc., from Sikeston, Mo., to Des Moines, Iowa, under a continuing contract with Prairie Farms Dairy, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: F. A. Gourley, General Manager Vice-President, Prairie Farms Dairy, Inc., P.O. Box 499, Carlinville, Ill. 62626. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commision, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 134477 (Sub-No. 122TA), filed September 30, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, from the plantsite and storage facilities of Armour and Company, at or near South St. Paul, Minn., to Arlington, Dallas, Fort Worth, Garland, Houston and San Antonio, Tex., for 180 days. Supporting shipper: Armour Food Co., Greyhound Tower, Phoenix, Ariz. 85007. 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 134922 (Sub-No. 198TA), filed October 1, 1976. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mail boxes, metal posts, metal work benches, and legs and metal tool racks*, from the plantsite of Steel City Corp., at or near Youngstown, Ohio, to Portland, Oreg.; Phoenix, Ariz.; and Sacramento, Calif., for 180 days. Supporting shipper: Steel City Corporation, 190–200 N. Meridian Road, Youngstown, Ohio 44501. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72001.

No. MC 140014 (Sub-No. 2TA), filed September 30, 1976. Applicant: RICHARD A. TAZER, doing business as RICHARL A. TAZER TRUCKING, Issaquah, Wash. 98027. Applicant's representative: Henry C. Winters, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products;* and (2) *Equipment, materials and supplies* used and useful in the production and distribution of dairy products, under a continuing contract with Consolidated Dairy Products Company of Seattle, Wash., between points in California, Oregon and Washington, for 180 days. Supporting shipper: Consolidated Dairy Products Company, 635 Elliott Ave., West, Seattle, Wash. 98119. Send protests to: L. D. Boone, Transpor-

tation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 140553 (Sub-No. 1TA), filed September 30, 1976. Applicant: ROGERS TRUCK LINE, INC., P.O. Box 336, Webster City, Iowa 50595. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. 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 packinghouse* as described in Section A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Hygrade Food Products Corporation, at or near Storm Lake and Cherokee, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania and Virginia, for 180 days. Supporting shipper: Hygrade Food Products Corporation, P.O. Box 4771, Detroit, Mich., 48219. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 141135 (Sub-No. 3TA), filed September 30, 1976. Applicant: VARRA ENTERPRISES, INC., Rte. 2, Box 640, Broomfield, Colo. 80020. Applicant's representative: Pasquale Varra (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica and fractor prop* (frac sand), in bulk, in dump trucks, from Houck, Ariz.; Farmington, N. Mex.; Enid, Lindsay and Woodward, Okla.; Borger and Perryton, Tex., to Commerce City and Brighton, Colo., for 180 days. Supporting shippers: The Western Company of North America, P.O. Box 1018, Brighton, Colo. 80601. Dowell, Division of Dow Chemical, 5400 N. Colorado Blvd., Commerce City, Colo. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 141622 (Sub-No. 2 TA), filed September 21, 1976. Applicant: H&W CARRIERS, INC., Box 73, Camargo, Ill. 61919. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast and pre-stressed concrete products*, for the account of LaBarge, Inc., Concrete Products Div., from the plantsites of LaBarge, Inc., Concrete Products Div., at or near Charleston and Champaign, Ill., to points in Indiana, Iowa, Kentucky, Missouri and Wisconsin, under a continuing contract with LaBarge, Inc., for 180 days. Supporting shipper: Eugene L. LaBarge, President, LaBarge, Inc., 20 S. 4th St., St. Louis, Mo. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 142060 (Sub-No. 2TA), filed September 28, 1976. Applicant: NASH TRUCKS, INC., Box 158, Altamont, Kans. 67330. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon paper*, from Parsons, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas and Wisconsin, under a continuing contract with Southwest Carbon Paper Manufacturing Co., for 180 days. Supporting shipper: Southwest Carbon Paper Manufacturing Co., P.O. Box 891, Parsons, Kans. 67357. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101A Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 142110 (Sub-No. 2TA), filed September 30, 1976. Applicant: CHARLES WOODROW LAURAMORE, Route 1, Box 188, Glen Saint Mary, Fla. 32040. Applicant's representative: Charles Woodrow Lauramore (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings, and sawdust*, from Clay County, Fla., to Saint Marys, Ga., under a continuing contract with Gilman Paper Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gilman Paper Company, P.O. Box 520, St. Marys, Ga. 31558. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 142486TA, filed September 30, 1976. Applicant: L & P PRODUCE, INC., 178 East Grand River, Ionia, Mich. 48846. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt*, from Reed City, Mich., to Denver, Colo. and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Michigan Brands Food Company, 304 E. Hammon St., Otsego, Mich. 49078. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 142487TA, filed September 30, 1976. Applicant: J. & K. K., INC., 3026 Shelby Road, Lynnwood, Wash. 98036. Applicant's representative: James T. Hohnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles and trim*, from points in Washington, to points in Idaho, Oregon, California, Arizona and Nevada, for 180 days. Supporting shippers: Stanley Metcalf Shake Co., Box 48; Metcalf Bros. Shake Co., P.O. Box 689; and D & G Shake Co., P.O. Box 21, Amanda Park, Wash. 98526. B & J Shake Co., Route 1, Box 55, Humptulips, Wash. 98552. Hickam Shake Co., Clearwater Star Route 1, Box 1971, Forks, Wash. 98331. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 142488TA, filed September 30, 1976. Applicant: HANKE TRUCKING, INC., 626 Hillside Road, Colgate, Wis. 53017. Applicant's representative: Judith A. Hanke (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers wet grains and brewers grain feed mix commodities* (Maltlage), in bulk, from Milwaukee, Wis., and/or Murphy Products Co., Inc.'s Maltlage plant near Burlington, Wis., to points in Illinois, (certain northern counties) and Iowa (certain eastern counties), under a continuing contract with Murphy Products Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Murphy Products Co., Inc., 124 S. Dodge St., Burlington, Wis. Send protests to: Gail Daugherty, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 142489TA, filed October 1, 1976. Applicant: THOMAS DISTRIBUTING COMPANY, 1768 13th St., S.E., Salem, Oreg. 97302. Applicant's representative: Lon Thomas, 3816 Seneca, S.E., Salem, Oreg. 97302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products* from St. Helens, Oreg., and Vancouver, Wash., to Los Angeles, Calif., for the account of Moore Business Forms, Inc.-Pacific Division under a continuing contract with Moore Business Forms, Inc.-Pacific Division, for 180 days. Supporting shipper: Moore Business Forms, Inc.-Pacific Division, P.O. Box 5252, Eastmont Station, Oakland, Calif. 94605. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30010 Filed 10-12-76;8:45 am]

[Notice No. 47]

MOTOR CARRIER TRANSFER PROCEEDINGS

Application

OCTOBER 12, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under § 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76768. By application filed October 6, 1976, SANTA CLAUS ASSOCIATED TRUCKING LTD., 1105 N. Market Street, Wilmington, DE., 19801, seeks temporary authority to lease the

operating rights of TAYLOR SERVICES, INC., dba ULTRA SPECIAL EXPRESS, P.O. Box 190, Farmingdale, N.J., 07727, under section 210a(b). The transfer to SANTA CLAUS ASSOCIATED TRUCKING LTD., of the operating rights of TAYLOR SERVICES, INC., dba ULTRA SPECIAL EXPRESS, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30007 Filed 10-12-76;8:45 am]

[Notice No. 43]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 12, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a (b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76763. By application filed October 4, 1976, A. E. MORRIS HAULING, INC., Route 3, Box 252-A, Virgilina, VA., 24598, seeks temporary authority to lease the operating rights of A. E. MORRIS, dba A. E. MORRIS CONTRACT HAULING, Route 3, Box 252-A, Virgilina, VA., 24598, under section 210a (b). The transfer to A. E. MORRIS HAULING, INC., of the operating rights of A. E. MORRIS, dba A. E. MORRIS CONTRACTING HAULING, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30008 Filed 10-12-76;8:45 am]

federal register

WEDNESDAY, OCTOBER 13, 1976

PART II:

ENVIRONMENTAL PROTECTION AGENCY

■

ONSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

Interim Final Rule Making
and Proposed Rule Making

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 629-2]

PART 435—ONSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The regulation set forth below amends Part 435—oil and gas extraction point source category and will be applicable to existing sources for the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E) and the stripper subcategory (Subpart F) of the oil and gas extraction point source category pursuant to sections 301, and 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311 and 1314 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources and pretreatment for new sources. Economic analysis indicates unacceptable economic impacts would result from the application of the technologies which have now been evaluated for the stripper subcategory. Moreover, this subcategory constitutes only .1-.3% of the industry based on production and thus pollutant loads are very small in relation to those contributed by the other subcategories in this category. Accordingly, limitations for the stripper subcategory are being reserved pending study of other, less capital-intensive, control technologies. A description and discussion of this legal authority is contained in Appendix A to this preamble.

The oil and gas extraction point source category was first studied to determine whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material source, product produced, process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. The control and treatment technologies existing within each segment were identified in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the techologies. This information was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions. A substantial summary of the method of study, the several factors considered in subcategorization and the conclusions reached are set forth as Appendix B to this preamble.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and will be available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., S.W., Washington, D.C., at all EPA regional offices, and at State water pollution control offices in the very near future. A notice of its availability will be published in the FEDERAL REGISTER. A supplementary analysis prepared for EPA of the possible economic effects of the regulation will also be available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

Prior to this publication, many agencies and groups were consulted and given the opportunity to participate in the development of these limitations, guidelines and standards. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. A summary of these comments and the Agency's response and consideration of these is contained in Appendix C to this preamble.

The Agency has made a study of the costs and economic and inflationary impacts of this regulation. It is estimated that the capital cost of complying with the limitations based on the best practicable control technology currently available will be $44.38-$57.78 million, the additional capital cost of complying with regulations based on the best available control technology economically achievable will be $45.38 million. The total annual operating costs for these requirements based on best practicable control technology currently available is estimated to be $8.05-$10.76 million and the additional annual operating costs for the requirements based on best available technology economically achievable is estimated to be $3.7 million. The investment and operating costs for a new source are expected to be similar to the costs for an existing source though investment requirements may be somewhat lower since prior planning would alleviate the costs of acquiring additional space that some existing sources must cope with. These costs and the resultant economic and inflationary impact are briefly discussed in Appendix B to this preamble and are substantially detailed in the economic analysis document. It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train et* al. (Cv. No. 1609-73) which requires the promulgation of regulations for this industry category no later than September 1, 1976. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 60 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC § 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation.

In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, S.W., Washington D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

At the date of preparation of this notice the "Development Document" is not yet printed. When it becomes available a notice of its availability will be published in the FEDERAL REGISTER. All comments received within sixty days of publication of that notice of availability or this notice whichever is later will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with this interim final regulation.

In consideration of the foregoing, 40 CFR Part 435 is hereby amended as set forth below.

Dated: September 29, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 435 is amended by adding the following sections:

Subpart C—Onshore Subcategory

Sec.
435.30 Applicability; description of the onshore subcategory.
435.31 Specialized definition.
435.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart D—Coastal Subcategory

435.40 Applicability; description of the coastal subcategory.
435.41 Specialized definition.
435.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart E—Beneficial Use Subcategory

Sec.
435.50 Applicability; description of the beneficial use subcategory.
435.51 Specialized definition.
435.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart F—Stripper Subcategory

435.60 Applicability; description of the stripper subcategory.
435.61 Specialized definition.
435.62 [Reserved]

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and 307(c), Federal Water Pollution Control Act, As Amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart C—Onshore Subcategory

§ 435.30 Applicability; description of the onshore subcategory.

The provisions of this subpart are applicable to the onshore facilities engaged in the production, field exploration, drilling, well completion, and well treatment in the oil and gas extraction industry. This subpart is not applicable to those onshore facilities defined in subparts D, E, and F.

§ 435.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "onshore" shall mean all land and water areas landward from the inner boundary of the territorial seas as defined in 40 CFR 125.1(gg)—(including the Great Lakes).

§ 435.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of facility, raw materials, production processes, product produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of waste water pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (i.e., produced water, drilling muds, drill cuttings, and produced sand).

Subpart D—Coastal Subcategory

§ 435.40 Applicability; description of the coastal subcategory.

The provisions of this subpart are applicable to coastal facilities engaged in the production, field exploration, drilling, well completion, and well treatment in the oil and gas extraction industry.

§ 435.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR shall apply to this subpart.

(b) The term "M10" shall mean those coastal facilities continuously manned by ten (10) or more persons.

(c) The term "M9IM" shall mean those coastal facilities continuously manned by nine (9) or less persons or intermittently manned by any number of persons.

(d) The term "coastal" shall mean all land and water areas landward from the inner boundary of the territorial seas as defined in 40 CFR 125.1(gg) and bounded on the inland side by the line defined by the inner boundary of the territorial seas a defined above eastward of the point defined by 89°45' W. Longi-

tude and 29°46′ N. Latitude and continuing as follows west of that point:

Direction to West Longitude	*Direction to North Latitude*
West, 89°48′	North, 29°50′.
West, 90°12′	North, 30°06′.
West, 90°20′	South, 29°35′.
West, 90°35′	South, 29°30′.
West, 90°43′	South 29°25′.
West, 90°57′	North, 29°32′.
West, 91°02′	North, 29°40′.
West, 91°14′	South, 29°32′.
West, 91°27′	North, 29°37′.
West, 91°33′	North, 29°46′.
West, 91°46′	North, 29°50′.
West, 91°50′	North, 29°55′.
West, 91°56′	South, 29°50′.
West, 92°10′	South, 29°44′.
West, 92°55′	North, 29°46′.
West, 93°15′	North, 30°14′.
West, 93°49′	South, 30°07′.
West, 94°03′	South, 30°03′.
West, 94°10′	South, 30°00′.
West, 94°20′	South, 29°53′.
West, 95°00′	South, 29°35′.
West, 95°13′	South, 29°28′.
East, 95°08′	South, 29°15′.
West, 95°11′	South, 29°08′.
West, 95°22′	South, 28°56′.
West, 95°30′	South, 28°55′.
West, 95°33′	South, 28°49′.
West, 95°40′	South, 28°47′.
West, 96°42′	South, 28°41′.
East, 96°40′	South, 28°28′.
West, 96°54′	South, 28°20′.
West, 97°03′	South, 28°13′.
West, 97°15′	South, 27°58′.
West, 97°40′	South, 27°45′.
West, 97°46′	South, 27°28′.
West, 97°51′	South 27°22′.
East, 97°46′	South, 27°14′.
East, 97°30′	South 26°30′.
East, 97°26′	South, 26°11′.

East to 97°19′ W., Longitude and Southward to the U.S.-Mexican border. Along all boundaries of the territorial seas as defined in 40 CFR 124.1 (gg) except the Gulf of Mexico, the term "coastal" is not defined.

§ 435.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of facility, raw materials, production processes, product produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent limitations

[In milligrams per liter]

Pollutant parameter Waste source	Oil and grease: Maximum for any 1 day	Oil and grease: Average of daily values for 30 consecutive days shall not exceed—	Residual chlorine minimum for any 1 day
Produced water	72	48	
Deck drainage	72	48	
Drilling muds	(1)	(1)	
Drill cuttings	(1)	(1)	
Well treatment	(1)	(1)	
Sanitary-M10			[2] 1
M9IM[3]			
Domestic[3] produced sand	(1)	(1)	

[1] No discharge of free oil.
[2] Minimum of 1 mg/l and maintained as close to this concentration as possible.
[3] There shall be no floating solids as a result of the discharge of these wastes.

Subpart E—Beneficial Use Subcategory

§ 435.50 Applicability; description of the beneficial use subcategory.

The provisions of this subpart are applicable to the onshore facilities for which the produced water has a beneficial use when discharged to navigable waters. These facilities are engaged in the production, drilling, well completion, and well treatment in the oil and gas extraction industry.

§ 435.51 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "onshore" shall mean all land and water areas landward from the inner boundary of the territorial seas as defined in 40 CFR 125.1 (gg)—(including the Great Lakes).

(c) The term "beneficial use" shall mean that the produced water is of good enough quality to be used for livestock watering or other agricultural uses and is being put to such use.

§ 435.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of facility, raw materials, production processes, product produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) There shall be no discharge of waste water pollutants into navigable waters from any source (other than produced water) associated with production, field exploration, drilling, well completion, or well treatment (i.e., drilling muds, drill cuttings, and produced sands).

(2) Produced water discharges shall not exceed the following limitation:

Effluent characteristic:	*limitation Effluent*
Oil and grease	45 mg/l [1]

[1] Maximum for any 1 day.

(b) The discharger must show beneficial use of the produced water being discharged to qualify for this subpart.

Subpart F—Stripper Subcategory

§ 435.60 Applicability; description of the stripper subcategory.

The provisions of this subpart are applicable to the onshore facilities which produce less than 10 barrels per calendar day of crude oil and are operating at the maximum feasible rate of production and in accord with recognized conservation practices. These facilities are engaged in production and well treatment in the oil and gas extraction industry.

§ 435.61 Specialized definitions.

For the purpose of this subpart: (a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "onshore" shall mean all land and water areas landward from the inner boundary of the territorial seas as defined in 40 CFR 125.1(gg) (including the Great Lakes).

§ 435.62 [Reserved]

APPENDIX A

LEGAL AUTHORITY

(1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F) of the oil and gas extraction point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category" provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. The regulation proposed herein sets forth the standards of performance applicable to new sources for the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E) and the stripper subcategory (Subpart F) of the oil and gas extraction point source category.

(3) Pretreatment for existing sources and for new sources.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements which may not be fulfilled by this interim final regulation.

APPENDIX B

TECHNICAL SUMMARY AND BASIS FOR REGULATIONS

This Appendix summarizes the basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for both new and existing sources.

(1) General methodology. The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material production, product produced, process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-process and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F), of the oil and gas extraction point source category.

(i) Categorization. For the purpose of studying waste treatment and effluent limitations the onshore segment of the oil and gas extraction point source category was divided into four discrete subcategories. These subcategories were primarily based on consideration of (1) geographic location; (2) type of facility; (3) waste water characteristics and treatability; (4) waste water volume; and (5) economic impact and costs. These considerations are outlined in the Development Document for Interim Final Effluent Limitations and Guidelines for the Oil and Gas Extraction Point Source Category. These subcategories are defined as:

(1) Subpart C—Onshore Subcategory. This subcategory includes those onshore facilities engaged in the production, field exploration, drilling, well completion, and well treatment of the oil and gas extraction industry. Excluded from the subpart are those facilities as defined in subparts D, E, and F.

(2) Subpart D—Coastal Subcategory. This subcategory includes those coastal facilities engaged in the production, field exploration,

drilling, well completion, and well treatment of the oil and gas extraction industry.

(3) Subpart E—Beneficial Use Subcategory. This subcategory includes those onshore facilities with produced water discharges that have a beneficial use.

(4) Subpart F—Stripper Subcategory. This subcategory includes those onshore facilities which produce less than 10 barrels per calendar day of crude oil.

(ii) Waste characteristics.

The major pollutant parameters in the waste waters resulting from the oil and gas extraction industry are oil and grease, residual chlorine, floating solids, and dissolved solids. The water insoluble hydrocarbons and free floating emulsified oils in the waste water will effect the aquatic flora and fauna by interfering with oxygen transfer, coating bottom fauna and fish spawning grounds, damaging the plumage and coats of water fowl and animals, by adhering to the gills of fish, and by causing taste and toxicity problems. Thus, due to the significant impact of oil and grease upon aquatic systems and existence of technologically and economically viable treatment systems, effluent limitations have been developed to control this pollutant parameter. Residual chlorine concentrations are directly correlatable to fecal coliform bacterial counts in the sanitary wastes generated by coastal facilities. Fecal coliform bacteria concentrations serve as an indication of the pathogenetic potential of water resulting from the disposal of human wastes. Compliance with residual chlorine limitations is readily achieved through the proper control of waste water chlorinators. Floating solids are primarily the result of discharges from domestic and sanitary wastes from manned and intermittently manned coastal facilities. These pollutants may settle to form detrimental deposits or they may continue to float and produce objectionable odors. The technologies and "good-housekeeping" practices necessary to control floating solids are readily available. Dissolved solids effect the palatability of water and may have a laxative effect when ingested. Stresses resulting from salinity shocks, anamalous ion ratio and strange buffer systems leave few organisms capable of adapting to brine dominated systems.

Interim final effluent limitation guidelines achievable through the application of the best practicable control technology currently available are established below to control each of the above pollutants. No limitations have been established for several other existing waste water pollutants because: they occur in insignificant quantities; the technology is not presently available to control the pollutant discharge; the benefit derived from removal of the pollutants does not justify the high treatment costs; or available data indicate they are normally reduced incidentally with the removal or reduction of a limited pollutant parameter.

(iii) Origin of waste water pollutants in the onshore segment of the oil and gas extraction category.

(1) Subpart C—Onshore Subcategory. The waste waters generated in this subcategory are the result of several different sources. These sources are: produced water; drilling muds; drill cuttings; well treatment and produced sands. Produced waters are those waste waters generated when the natural oil-water or gas-water interfaces within the oil-gas bearing formations are disrupted. Drilling muds are those materials used to maintain hydrostatic pressure control in the well, lubricate the drilling bit, remove drill cuttings from the well, or stabilize the walls of the well during drilling or workover. Drill cuttings wastes contain metallic and mineral particles resulting from drilling into subsurface geologic formations. Drill cuttings are brought to the surface of the well with the drilling muds and then separated from the muds. Well treatment wastes result from acidizing and hydraulic fracturing to improve oil recovery. Produced sands wastes consist of the slurried particles used in hydraulic fracturing and of the accumulated formation sands generated during production.

(2) Subpart D—Coastal Subcategory. The waste waters generated in this subcategory are the result of eight separate sources. These sources are: produced water; deck drainage; drilling muds; drill cuttings; well treatment; sanitary; domestic; and produced sands. Produced waters are those waste waters generated when the natural oil-water or gas-water interfaces within the oil-gas bearing formations are disrupted. Deck drainage includes all waste resulting from platform washings, deck washings, and run-off from curbs, gutters, and drains including drip pans and work areas. Drilling muds are those materials used to maintain hydrostatic pressure control in the well, lubricate the drilling bit, remove drill cuttings from the well, or stabilize the walls of the well during drilling or workover. Drill cuttings wastes contain metallic and mineral particles resulting from drilling into subsurface geologic formations. Drill cuttings are brought to the surface of the well with the drilling muds and then separated from the muds. Well treatment wastes result from acidizing and hydraulic fracturing to improve oil recovery. Sanitary wastes include human body wastes discharged from toilets and urinals on board the platforms. Domestic wastes are those wastes discharged from sinks, showers, laundries, and galleys. Produced sands wastes consist of the slurried particles used in hydraulic fracturing and of the accumulated formation sands generated during production.

(3) Subpart E—Beneficial Use Subcategory. The waste water pollutant sources for this subcategory are the same as those outlined for the onshore subcategory.

(4) Subpart F—Stripper Subcategory. The waste water pollutant sources for this subcategory are the same as those outlined for the onshore subcategory.

(iv) Treatment and control technology.

Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available.

The major source of waste waters generated by offshore facilities are produced waters. These produced waters account for 0 to 99 percent of the total volume of fluids produced. This extreme fluctuation of flow volumes of produced waters is dependent on natural phenomena and is not subject to process controls. Consequently, the effluent limitations guidelines for the onshore segment of the oil and gas extraction industry are concentration-based as opposed to a mass per unit production basis.

(1) Treatment in the Onshore Subcategory. For those wastes originating from produced water sources best practicable control technology is no discharge of pollutants. The technology used to achieve this will vary with the type of production and location of the facility. In arid and semi-arid areas evaporation ponds may be best suited. If pressure maintenance in the formation is being carried out by water injection, all or part of the produced water may be used for that purpose. The third alternate will be subsurface disposal, injection to a salt water aquifer. The method of disposal of drilling muds, drill cuttings, well treatment wastes and produced sands is to be land disposal so as not to reach navigable waterways.

(2) Treatment in the Coastal Subcategory. Several technologies have been identified as the best practicable control technology currently available. The determination of which technology is to be applied to meet these interim final limitations is dependent upon the source of the waste water within this subcategory. For those waste waters originating from produced water sources or deck drainage sources, any of the following treatment technologies may be employed to achieve these interim final limitations: gas flotation; parallel plate coalescers; loose or fibrous media filter systems; or gravity separation. The drilling muds and drill cuttings may be discharged if they are water based and their discharge does not result in free oil on the surface waters. Muds and cuttings that are oil based may not be discharged. Well treatment waste waters are typically combined with other waste streams entering the waste water treatment system. This waste may not be discharged without treatment. Sanitary wastes from platforms manned continously by ten or more personel will be required to maintain a residual chlorine concentration as close to 1 mg/l as possible. This is easily achieved by the introduction of either dry or gaseous chlorine in flow dependent amounts. Sanitary wastes from platforms manned by 9 or less persons or from platforms that are intermittently manned must prevent the discharge of floating solids. This may be accomplished by the use of screening devices, shredders or similar devices. Produced sand wastes must be treated by solvent washes or other oil removal processes to prevent the discharge of free oil to surface waters or disposed of onshore.

Oil and gas extraction facilities in this subcategory may have the option of piping their waste waters to onshore treatment facilities. In many cases this method of treating wastes will be preferable to treatment on the facility.

The best available technology economically achievable limitations and the new source performance standards will require no discharge of waste water pollutants to navigable waters for wastes generated by produced waters sources of this subcategory. This will generally require subsurface disposal technologies. In those cases where the produced waters are needed for pressure maintenance the produced waters may be reinjected into the original formation. If the produced waters are either incompatible or are not needed they must be injected into formations other than their place of origin. When deep-well injection is chosen as the method of disposal adequate precautions must be taken to prevent the horizontal or vertical migration of pollutants. Alternative technologies include discharge to lined pits, ponds, or reservoirs for evaporation, and disposal by commercial waste collectors.

(3) Treatment in the Beneficial Use Subcategory. Best practicable control technology, best available technology and new sources performance standards for the disposal of drilling muds, drill cuttings, well treatment wastes, and produced sand for this subcategory is the same as for the onshore subcategory.

Several technologies have been identified as the best practicable control technology currently available: (1) ponds; (2) flotation cells; (3) filters; and (4) combinations of the previous three. Best available technology and new source performance standards are based on the same technology and carry the same limits. Future technological improvements and/or operating experience may require modifications of these limits at a later date.

(4) Treatment in the Stripper Subcategory. The various technologies shown for the above subcategories will all cause severe eco-

nomic impact for the facilities in this subcategory. This results from the limited future life of these facilities for which to amortize capital costs. Evaluation is continuing into less capital intensive alternates, such as contract hauling.

Solid waste control must be considered. Best practicable control technology as known today, requires disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to insure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

The application of best practicable control technology currently available results in no additional solid waste disposal problems, since current industry practice results in proper disposal of solid wastes.

(v) Cost estimates for control of waste water pollutants.

The costs for providing in-plant controls are largely those associated with capital investment for process and equipment modifications. The capital investment costs for compliance with the 1977 limitations for the subcategories of the oil and gas extraction point source category added by this regulation range from approximately $44.38–$57.78 million. The operating and maintenance costs associated with these capital costs are estimated to vary from $8.05–$10.76 million.

The costs associated with treatment to comply with 1983 limitations will require an estimated $45.38 million of capital investment and an estimated $3.65 million increase in annual operation and maintenance cost.

(vi) Energy requirements and nonwater quality environmental impacts.

Energy requirements for subcategories C, D, E, and F of this industrial category are approximately 52,000 KWH/day. This is approximately equal to 163 barrels of crude oil per day or 0.002% of the total crude oil produced from facilities in these subcategories.

These energy requirements are due primarily to the need for additional power generation equipment in subcategories D (coastal subcategory) and E (beneficial use subcategory). The energy requirements will generally be consumed in the form of diesel fuel.

The application of best practicable control technology will result in a negligible net energy loss. This results from the recovery of approximately 1 barrel of crude oil which would otherwise be discharged for every barrel of diesel oil expended for power generation.

The energy requirements for compliance with best available technology economically achievable are estimated to be approximately 383 barrels of crude oil per day or 118,000 KHW per day.

A minimal impact is expected for solid waste disposal from the facilities in subcategories C, D, E, and F. The collection of oily sand, silt and clays from the addition of desanding units, where appropriate, will generate a possible need for additional land disposal sites. There are no known radioactive substances used in the industry other than as integral components of instruments, such as well-logging instruments. Therefore, no radiation problems are expected. Noise levels will not be increased except in those cases where additional power generating equipment must be added to the facility. The only possible source of air pollution would result from the above mentioned power generation equipment.

(vii) Economic impact analysis.

Economic and Inflationary Impact Analysis

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by agencies of the Executive Branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated. The Administrator has established criteria for inflationary impact statements and those relevant here require regulatory actions where (1) additional national annualized costs of compliance, including capital charges (interest and depreciation), will total $100 million within any calendar year by the attainment date, if applicable, or within five years of implementation, and (2) total additional cost of production of any major product is more than 5% of the selling price of the product. The criteria regarding cost of production are exceeded because of regulations. Because they are major products, the Agency certifies that the inflationary impact has been considered in formulating these regulations and has prepared an inflationary impact statement contained in the report, "Economic Impact of Interim Final Effluent Guidelines—Onshore Oil and Gas Extraction Industry". Although the inflationary impact has been certified, we estimate that the cost for the coastal segment is actually significantly lower, and further analysis is being conducted.

There are three subparts of the on-shore petroleum and gas extraction point source category covered by these regulations:

(1) On-Shore wells located on land that produce ten or more barrels of oil per day (Onshore)

(2) Platform wells located in coastal waters that fall inside of the Chapman Line (Coastal)

(3) On-Shore wells located on land that use effluent waste water for beneficial use as defined by the individual state laws (Beneficial Use).

Internal costs have been defined as the costs faced by the industry itself in terms of the investment and operating costs of pollution abatement necessary to meet interim final and proposed effluent guidelines. Table I summarizes estimates of these costs. For existing operations, the 1977 standard will require an estimated $44.38–$57.78 million for investment and an estimated $8.05–$10.76 million initial increase in annual operations costs; the 1983 Guidelines are estimated to require an additional $45.38 million of investment and $3.65 million initial increase in annual operating costs.

The annual operating costs per barrel of oil produced are $.08/barrel for beneficial use production and between $.04/barrel and $.07/barrel for on land production. For coastal facilities, the costs average $.03/barrel for BPT and $.06/barrel for BAT.

External costs are assessed in terms of the effect which the increase in internal costs will have on prices, employment, communities, international trade, closures of existing well completions, and production. Prices of oil are regulated, which makes a projection of price increases that might be expected given these increases in investment requirements and operating costs, difficult. Prices for the industry's output are controlled by the U.S. Government.

Tables II and III summarize the estimates of the effect of increased investment requirements and operating costs regarding lost production and abandoned wells. In the states which presently allow discharge only for beneficial use .42% to .71% (90 to 153 wells) of existing well completions could be abandoned. In states with regulations on land wells, it is not expected that any wells will be abandoned but for coastal wells, .06% (84 wells) of existing completions in those states are expected to be abandoned as a result of 1977 guidelines and .85% (300 wells) as a result of 1983 guidelines.

For existing sources in beneficial use states, the loss of potential production is estimated between .38% and .64% (.479 to .814 million barrels per year) for existing sources for onshore platform wells, the potential production loss is .01% for 1977 (.161 million barrels per year) and .16% for 1983 (1.539 million barrels per year). For existing sources of inland wells, there is very little expected loss of potential production, as there are no expected closures.

The following three tables sum up the impact of the interim final regulations. Because of the fact that prices for oil are controlled by the government, the best measure of impact in this case is loss of potential production. This represents a better measure than well closures since many abandoned completions are already near the end of their producing life. No other significant economic effects (i.e., effects on employment, communities, or balance of trade) are anticipated.

TABLE 1.—*Internal costs: Range of likely costs to existing sources assuming producers absorb all costs*

[Millions of 1975 dollars]

	1977		1983	
	Investment	Operating	Investment	Operating
Total	−$44.38	−$8.056	$45.38	$3.653
	57.78	10.762		
Beneficial use	−12.86	−2.620		
	21.86	4.464		
Coastal	13.92	1.986	45.38	3.653
Onshore	−17.60	−3.430		
	22.00	4.312		

NOTE.—Initial increase in before-tax operating costs.

TABLE 2.—*Loss in annual potential production: Range of likely impact on existing sources assuming producers absorb all costs*

	Percent loss in production	Quantity loss of production (millions of barrels)
Beneficial use	0.38–0.65	0.479–0.814
Coastal:		
1977	.01	.161
1983	.16	1.539
Onshore	0	0

NOTE.—Percent loss in production represents loss from total amount being produced in that subcategory.

TABLE 3.—*Completions abandoned: Range of likely impact on existing sources assuming producers absorb all costs*

	Percent abandoned	Number abandoned
Beneficial use	0.42–0.71	90–153
Coastal:		
1977	.06	84
1983	.25	300
Onshore	0	0

NOTE.—Percent abandoned represents abandonment of wells in that specific subcategory.

APPENDIX C

SUMMARY OF PUBLIC PARTICIPATION

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards for the oil and gas extraction category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Exxon Chemical Corporation; (4) Nalco Chemical Company; (5) Phillips Petroleum Company; (6) Oil Operators, Inc.; (7) Sun Oil Company; (8) Petrolite Corporation; (9) Envirotech Corporation; (10) Pollution Control Engineering, Inc.; (11) Marathon Oil Company; (12) Mobil Oil Company; (13) Champlain Petroleum Company; (14) Brown & Root, Inc.; (15) Western Oil & Gas Association; (16) American Society of Mechanical Engineers; (17) The Conservation Foundation; (18) Businessmen for the Public Interest; (19) Environmental Defense Fund, Inc.; (20) Natural Resources Defense Council; (21) American Society for Civil Engineers; (22) Water Pollution Control Federation; (23) National Wildlife Federation; and (24) Kimberly Clark Corporation; (25) Offshore Operators Committee; (26) Exxon Company, U.S.A.; (27) American Petroleum Institute; (28) American Oil Company; (29) Atlantic Richfield Company; (30) Chevron Oil Company; (31) Continental Oil Company; (32) Gulf Oil Company; (33) Noble Drilling Company; (34) Rheem Superior; (35) Shell Oil Company; (36) Texaco, Inc.; (37) United States Filter; (38) Union Filter Company; (39) WEMCO.

The following responded with comments: Effluent Standards and Water Quality Information Advisory Committee; State of Wyoming; Exxon Chemical Company; North Carolina Department of Natural and Economic Resources State of Wyoming, Game and Fish Dept.; National Wildlife Federation; Commonwealth of Pennsylvania; Colorado Department of Health; Minnesota Pollution Control Agency; Cheyenne High Plains Audubon Society; Powder River Basin Resource Council; State of Wyoming, State Engineers Office; Wyoming Department of Agriculture; Wyoming League of Women Voters; Texas Mid-Continent Oil and Gas Association; American Petroleum Institute; Offshore Operators Committee; Marathon Oil Company; Mid-Continent Oil and Gas Association, Inc. Mississippi—Alabama Division; Atlantic Richfield Company; League of Women Voters, Cheyenne, Wyoming; Getty Oil Company; State of Nevada, Department of Conservation and Natural Resources; Illinois Environmental Protection Agency; Texas Mid-Continent Oil and Gas Association; Wyoming Environmental Institute; State of Michigan, Department of Natural Resources; L.U. Sheep Company; City of Worland, Wyoming; U.S. Dept. of the Interior; U.S. Department of Commerce; and Ohio Oil and Gas Association.

The more significant issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) Many commenters stated that the no discharge requirement for onshore oil and gas production should not be universal and that discharge of low TDS produced waters when used for cattle watering, irrigation, etc. should be excluded.

The discharge to surface waters of treated produced water is being allowed by this regulation, if it can be shown to the satisfaction of the permit issuing agency that this discharge is put to some beneficial use, such as cattle watering, or irrigation in water short areas.

(2) Several commenters argued that the daily and 30 day average limits of 87 and 57 mg/l of oil and grease were too high. It was suggested that the Wyoming standard of 10 mg/l should be used.

The limitations for discharged produced waters have been changed from the draft report. They are based on actual operating data using the freon-gravimetric analysis. The use of non-standard analytical methods (separation of extracted sulfur from the oil) are being used to achieve the 10 mg/l in Wyoming. Once enough data is collected using an EPA approved standard method for the determination of sulfur in freon extracted material, the regulation will be reexamined and new limits set based on that method.

(3) Some commenters suggested that tidally effected inland coastal waters, marshes, and wetlands should be considered offshore discharges and therefore be allowed to discharge.

The new coastal subcategory now covers the dischargers located in inland coastal waterways. This subcategory covers the areas of existing discharges into tidally effected areas, and these discharges will be allowed to continue. Within the area covered by this subcategory, there will be cases where, because of water quality consideration, no discharge will be allowed. It is important that each discharge in this subcategory be scrutinized carefully for potential environmental impact prior to issuance of the individual permits.

(4) Two commenters assumed that no discharge of pollutants meant the disposal of produced water to the producing horizon only.

Where no discharge of pollutants is required, it means no discharge to surface waters. The means of disposal (i.e. return of the producing horizon, disposal to another horizon, evaporation, etc.) is within the discretion of the individual discharger. Whatever means are chosen, must however meet any other applicable regulations, such as required under the Safe Water Drinking Act.

(5) Several commenters questioned the validity of the costs that EPA prepared to determine the impact of these regulations.

The relatively poor quality of the cost estimates for onshore compliance that appeared in the draft report was recognized by EPA. As a result, the past several months have been spent preparing a totally new set of costs and production profiles. These are now based on actual cost figures and were prepared on a region by region basis.

(6) A commenter stated that the cost of subsurface disposal will cause abandonment of low volume producers.

The cost of this regulation and the potential impact was carefully considered. This consideration was one of the criteria behind the final subcategorization. The limitations for the Stripper Subcategory have been temporarily reserved pending further investigation of alternates to single site disposal, which would result in a large percent of closings. The alternate under consideration is the pooling of wastes from multiple facilities. This might be accomplished through cooperative ventures or contract hauling to central disposal sites. The Agency requests comments and any available information on these alternates.

(7) Some commenters supplied information about the problems of taste and odor caused by produced water discharges, even when these wastes were low in TDS and were considered beneficial use discharges.

In order to qualify for the beneficial use subcategory it will be necessary that the discharge is in fact needed for cattle watering, irrigation, etc. Even if beneficial use can be shown, the discharge is still subject to further regulation resulting from the violation of applicable water quality standards.

(8) One commenter asked that consideration be given to setting limits for additional parameters such as BOD.

In those subcategories where discharge of pollutants will be allowed the only parameter limit on produced water discharges will be oil and grease (freon extractable). One reason for this is that there is no known treatment technology available for removal of parameters such as BOD that are less costly than subsurface disposal. Therefore, if it is necessary to limit other parameters for water quality purposes no discharge of pollutants is the only viable alternate.

[FR Doc.76-29883 Filed 10-12-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 435]

[FRL 629-3]

ONSHORE SEGMENT OF THE OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

Effluent Limitations and Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On September 15, 1975, EPA promulgated a regulation adding Part 435 to Chapter 40 of the Code of Federal Regulations (40 FR 42578). That regulation established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the offshore segment of the oil and gas extraction point source category. The regulation proposed below will amend 40 CFR Part 435 oil and gas extraction point source category by adding thereto the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F) pursuant to §§ 301, 304(b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316 (b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). A description and discussion of this legal authority is contained in Appendix A to this preamble.

A substantial summary of the method of study, the several factors considered in subcategorization and the conclusions reached are set forth in the preamble to the interim final regulation amendments for the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F) of the oil and gas extraction point source category which are being promulgated simultaneously with publication of this proposed regulation. The information being promulgated simultaneously with this proposed regulation is incorporated herein by reference.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and will be available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., SW., Washington, D.C., at all EPA regional offices, and at State water pollution control offices in the very near future. A notice of its availability will be published in the FEDERAL REGISTER. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation will also be available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 1-5653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards setting actions and was provided with detailed background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material may be made available in an alternate format.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Industry Point Source Category" contains information available to the Agency concerning the major environmental effects of the regulation proposed below, including:

(1) The pollutants presently discharged into the Nation's waterways by facilities in the oil and gas extraction point source category and the degree of pollution reduction obtainable from implementation of the proposed guidelines and standards (see particularly Sections IV, V, VI, IX, X, and XI);

(2) the anticipated effects of the proposed regulation on other aspects of the environment including air, solid waste disposal and land use, and noise (see particular Section VIII); and

(3) options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction which are proposed (see particularly Sections VI, VII, and VIII).

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, OIL AND GAS EXTRACTION INDUSTRY" contains an estimate of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation on prices, production levels, employment, communities in which onshore plants are located, and international trade. In addition, the Development Document describes, in Section VIII, the cost and energy consumption implications of the proposed regulations.

The two reports described above in the aggrgate exceed 200 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of the comments received and the Agency's response to them. As has been indicated, both documents are available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

A full listing of participants and discussion of comments and responses is included in the interim final regulation amendments for the oil and gas extraction point source category being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an

effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

At the date of preparation of this notice the "Development Document" is not yet printed. When it becomes available a notice of its availability will be published in the FEDERAL REGISTER. All comments received within sixty days of publication of that notice of availability or this notice whichever is later will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: September 29, 1976.

RUSSELL E. TRAIN,
Administrator.

Part 435 is amended by adding the following sections:

Subpart C—Onshore Subcategory

Sec.
435.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
435.34 [Reserved]
435.35 Standards of performance for new sources.
435.36 Pretreatment standards for new sources.

Subpart D—Coastal Subcategory

435.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
435.44 [Reserved]
435.45 Standards of performance for new sources.
435.46 Pretreatment standards for new sources.

Subpart E—Beneficial Use Subcategory

435.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
435.54 [Reserved]
435.55 Standards of performance for new sources.
435.56 Pretreatment standards for new sources.

Subpart F—Stripper Subcategory

435.63 [Reserved]
435.64 [Reserved]
435.65 [Reserved]
435.66 Pretreatment standards for new sources.

AUTHORITY: Sections 301, 304 (b) and (c), 306(b) and 307(c), Federal Water Pollution Control Act, As Amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq., Pub. L. 92-500.

Subpart C—Onshore Subcategory

§ 435.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) There shall be no discharge of waste water pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (i.e., produced water, drilling muds, drill cuttings, and produced sand).

§ 435.34 [Reserved]

§ 435.35 Standards of performance for new sources.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) There shall be no discharge of waste water pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (i.e., produced water, drilling muds, drill cuttings, and produced sand).

§ 435.36 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the onshore subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

Subpart D—Coastal Subcategory

§ 435.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations

[In milligrams per liter]

Pollutant parameter—waste source	Oil and grease: Maximum for any 1 day	Oil and grease: Average of daily values for 30 consecutive days shall not exceed—	Residual chlorine—minimum for any 1 day
Deck drainage	72	48	----
Drilling muds	(1)	(1)	----
Drill cuttings	(1)	(1)	----
Well treatment	(1)	(1)	----
Sanitary—M10			[2] 1
M9fM [3]			
Domestic [3] produced sand	(1)	(1)	----
Produced water	No discharge of waste water pollutants to navigable waters.[4]		

[1] No discharge of free oil.
[2] Minimum of 1 mg/l and maintained as close to this concentration as possible.
[3] There shall be no floating solids as a result of the discharge of these wastes.
[4] In the event that a permit under sec. 1421(b)(2) of the Safe Drinking Water Act is refused and there is no other reasonable means of disposal available that would comply with the BATEA standard for State waters, then the BATEA standard for Federal waters shall apply.

§ 435.44 [Reserved]

§ 435.45 Standard of performance for new sources.

(a) The following limitations establish the quantity or quality of pollutants or pollutants properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent limitations

[In milligrams per liter]

Pollutant parameter—waste source	Oil and grease: Maximum for any 1 day	Oil and grease: Average of daily values for 30 consecutive days shall not exceed—	Residual chlorine—minimum for any 1 day
Deck drainage	72	48	
Drilling muds	(1)	(1)	
Drill cuttings	(1)	(1)	
Well treatment	(1)	(1)	
Sanitary-M10			(2)[1]
M91M [3]			
Domestic [3] produced sand	(1)	(1)	
Produced water	No discharge of waste water pollutants to navigable waters.[4]		

[1] No discharge of free oil.
[2] Minimum of 1 mg/l and maintained as close to this concentration as possible.
[3] There shall be no floating solids as a result of the discharge of these wastes.
[4] In the event that a permit under sec. 1421(b)(2) of the Safe Drinking Water Act is refused and there is no other reasonable means of disposal available that would comply with the BATEA standard for State waters, then BATEA standard for Federal waters shall apply.

§ 435.46 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the coastal subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source susbject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

Subpart E—Beneficial Use Subcategory

§ 435.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(1) There shall be no discharge of waste water pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (i.e., produced water, drilling muds, drill cuttings, and produced sand).

(2) Produced Water discharges shall not exceed the following limitation:

Effluent characteristic:	*Effluent limitation*
Oil and grease	45 mg/l.[1]

[1] Maximum for any 1 day.

§ 435.54 [Reserved]

§ 435.55 Standards of performance for new sources.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(1) There shall be no discharge of waste water pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (i.e., produced water, drilling muds, drill cuttings, and produced sand).

(2) Produced water discharges shall not exceed the following limitation:

Effluent characteristic:	*Effluent limitation*
Oil and grease	45 mg/l [1]

[1] Maximum for any 1 day.

(b) The discharger must show beneficial use of the produced water being discharged to qualify for this subpart.

(b) The discharger must show beneficial use of the produced water being discharged to quality for this subpart.

§ 435.56 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the beneficial use subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD 5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

Subpart F—Stripper Subcategory

§ 435.63 [Reserved]
§ 435.64 [Reserved]
§ 435.65 [Reserved]

§ 435.66 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the stripper subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	*Pretreatment standard*
BOD 5	No limitation.
TSS	Do.
pH	Do.
Oil and grease	100 mg/l.

APPENDIX A

LEGAL AUTHORITY

(1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other

than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonably further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F) of the oil and gas extraction point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Oil and Gas Extraction Point Source Category" provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(B) of the Act. On September 15, 1975 a notice appeared in the FEDERAL REGISTER titled "Addition to the List of Categories of Sources" (40 FR 42596). This notice added the oil and gas extraction point source category to those categories listed in 306(b)(1)(A) of the Act. The regulation proposed herein sets forth the standards of performance applicable to new sources for the onshore Subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E) and the stripper subcategory (Subpart F) of the oil and gas extraction point source category.

(3) Pretreatment for existing sources and for new souces.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. However, due cause is found to set aside for this regulation the applicability of that portion of 40 CFR 128.133 requiring the Agency to propose pretreatment standards concerning the application of effluent limitations to pretreatment at the time such effluent limitations are promulgated. The Agency may establish pretreatment standards for existing sources within the oil and gas extraction point source category at a future date.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 435.36, 435.46, 435.56 and 435.66, proposed below, provide pretreatment standards for new sources within the onshore subcategory (Subpart C), the coastal subcategory (Subpart D), the beneficial use subcategory (Subpart E), and the stripper subcategory (Subpart F) of the oil and gas extraction point source category.

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federal register

WEDNESDAY, OCTOBER 13, 1976

PART III:

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

■

COMMON CARRIERS BY RAILROAD

Regulations Governing Proposed Transactions Submitted to Secretary of Transportation

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 268]

[FRA Economic Doc. 5; Notice 1]

COMMON CARRIERS BY RAILROAD

Regulations Governing Proposed Transactions Submitted to Secretary of Transportation

Section 403 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94–210 ("the RRRRA") added a new paragraph (3) to section 5 of the Interstate Commerce Act, 49 U.S.C. 5 ("the Act"). New sections 5(3)(a) and (f) of the Act authorize common carriers by railroad in the period prior to December 31, 1981, to submit to the Secretary of Transportation ("the Secretary") for his evalutaion, railroad merger and consolidation (hereinafter collectively referred to as "consolidation") proposals. The Secretary has delegated his powers and duties under this section of the RRRRA to the Administrator of the Federal Railroad Administration ("the Administrator").

The Administrator is considering the adoption of regulations governing the procedures to be used by railroads in submitting consolidation proposals to the Administrator under section 5(3)(f) of the Act.

PROVISION OF SECTION 5(3)

Section 5(3)(f) of the Act requires the Administrator, in connection with any consolidation proposal submitted to the FRA under section 5(3), to publish in the FEDERAL REGISTER a notice summarizing the proposed transaction, to conduct an informal public hearing on the proposal and to study the proposal with respect to the following nine factors:

(A) The needs of rail transportation in the geographical area affected;

(B) The effect of such proposed transaction on the retention and promotion of competition in the provision of rail and other transportation services in the geographical area affected;

(C) The environmental impact of such proposed transaction and of alternative choices of action;

(D) The effect of such proposed transaction on employment;

(E) The cost of rehabilitation and modernization of track, equipment, and other facilities, with a comparison of the potential savings or losses from other possible choices of action;

(F) The rationalization of the rail system;

(G) The impact of such proposed transaction on shippers, consumers, and railroad employees;

(H) The effect of such proposed transaction on the communities in the geographical areas affected and on the geographical areas contiguous to such areas; and

(I) Whether such proposed transaction will improve rail service * * *. Section 5(3)(f)(iv).

Six months after submitting a consolidation proposal to the Administrator for evaluation under section 5(3)(f), the railroads may transmit the proposal to the Interstate Commerce Commission ("Commission") for approval (Section 5(3)(b)(ii)). Section 5(3)(b)(i) provides that the Administrator also may, with the consent of the parties to the transaction, propose the transaction to the Commission. Within 10 days after an application is submitted to the Commission pursuant to section 5(3) the Administrator is required to submit a report to the Commission setting forth the results of his study under section 5(3)(f)(iv), and the Commission is directed to give "due weight and consideration" to the report in determining whether the transaction is "in the public interest". Sections 5(3)(f) and (g).

In order for the Administrator to carry out his responsibilities under section 5(3)(f) of the Act within the statutory time frame, it is essential that proposals which are submitted to the Administrator be complete and that they address each of the nine concerns specified in section 5(3)(f)(iv) of the Act. It is for this reason that the Administrator proposes to issue regulations governing the content and format carriers should follow in preparing consolidation proposals to be submitted to the Administrator.

COORDINATING DOT'S SECTION 5(3) REGULATIONS WITH THE INTERSTATE COMMERCE COMMISSION'S PROPOSED CONSOLIDATION REGULATIONS

On May 23, 1976 the Commission instituted, by a Notice of Proposed Rulemaking and Order ("NPRO"), a proceeding to revise its current consolidation regulations to implement sections 402 and 403 of the RRRRA ("Railroad Consolidation Procedures", Ex Parte No. 282 (Sub-No. 1), 41 Fed. Reg. 21481 et seq.).

The Department of Transportation ("DOT") is aware that publication of its own set of regulations under section 5(3) of the Act might impose an additional and possibly unnecessary burden on the rail industry if its regulations differ in material respects from the regulations ultimately adopted by the Commission. Such a burden should and can be avoided if the Commission and DOT work together to develop regulations which are as nearly uniform as possible but which allow each agency to carry out its respective functions. With this in mind, DOT submitted comments in the Ex Parte No. 282 (Sub-No. 1) proceeding to suggest ways in which the Commission's NPRO could be restructured to meet better the needs of both the Commission and DOT. To facilitate further the development of uniform consolidation regulations DOT has, in developing its own regulations, attempted to incorporate the substantive provisions of the Commission's NPRO with the exception of those portions of the NPRO with which we took issue in our written comments.

The Department's comments in Ex Parte No. 282 (Sub-No. 1) expressed certain concerns with the organization of and information requested by the NPRO.

A. CLASSIFICATION, FOR PURPOSES OF DATA FILING REQUIREMENTS, OF RAIL CONSOLIDATION APPLICATIONS

Our first concern with the NPRO was the way in which it divided consolidation transactions into categories of greater or lesser significance for purposes of data filing requirements. The NPRO would require the most significant and "controversial" applications to be accompanied by the fullest presentation of information. We agree with this concept. We disagree, however, with the way in which the Commission would define the most significant proposed transactions. The Commission suggested that the "most significant" category should include (1) all applications filed under section 5(3) of the Act, (2) applications involving at least one class I railroad, and (3) applications involving trackage rights or joint use of rail lines which involve 100 or more miles. Applications involving trackage rights or joint use of facilities are hereinafter collectively referred to as "joint use applications".

DOT, on the other hand, does not assume that all section 5(3) applications will be significant or controversial or that every application involving a class I and a class II railroad will require the submission of all the information needed when two or more class I railroads are involved. With this in mind, DOT believes that the proper categorization of applications, for the purpose of data filing requirements, should be as follows:

(1) Applications involving two or more class I railroads;

(2) Applications involving either one class I and one or more Class II railroads, or two or more class II railroads; and

(3) Applicants involving trackage rights or joint use of rail facilities (regardless of the class of the railroad involved).

Submission of the highest level of detail should be required for a transaction falling into the first category and correspondingly less detail for transactions falling into the second and third categories.

There are several reasons for distinguishing between applications involving only class I railroads and those in which a class II railroad is involved. First, class II railroads, by definition, are small carriers usually serving shippers over a very limited geographical area and dependent on one or several railroads with whom they interchange to complete traffic movements. A consolidation of two class II railroads, or of a class I and class II railroad, could have an effect on competition if such a consolidation resulted in a change in the pattern of traffic interchange. Normally however, because of the localized nature of class II carriers, the information required to evaluate the effect of the proposed transaction on such interchanges need not to be as extensive as in the case of a proposed consolidation of two class I railroads.

Second, a class I railroad is less likely to be financially burdened by assuming the outstanding obligations of a railroad of class II size. Third, consolidation of two class II carriers poses financial ques-

tions which are easier to evaluate than those involved in the case of consolidations of larger companies merely because of the simpler corporate structure of such small firms. Less complete financial information would thus in many cases, be adequate to evaluate such proposed consolidations.

Finally, if a simplified consolidation procedure is not developed to handle applications falling within category two, consolidations involving small railroads could be precluded simply because of the large cost of filing the necessary material to support such a proposal. This disincentive could result in deterioration of service which could be avoided if an abbreviated filing procedure were available.

The reason for distinguishing joint use applications from other categories of consolidation applications is that joint use agreements generally result in the maintenance of or increase in competition. Hence there are fewer anticompetitive implications than in other consolidation transactions. Similarly, the financial considerations associated with joint use applications are far simpler than in the case of other consolidations since the only financial questions revolve around who pays how much for the use of the lines or facilities involved.

B. EFFECTS OF INTERMODAL COMPETITION

DOT's second concern with the Commission's NPRO is that it placed too much emphasis on the effects of proposed consolidations on intramodal rail competition and failed to consider sufficiently the effects on intermodal competition. Given the overall decline in the rail share of most transportation markets and the strong competition which railroads face from other modes, the preservation of intramodal rail competition has lost the controlling significance it once had. The extensive present and potential future intermodal competition faced by the railroads was recognized by Congress in enacting the RRRRA.[1]

Given the increasing significance of intermodal competition, DOT believes that applicants should be required to assess, to the best of their ability, the extent of intermodal, as well as intramodal, competition which they face both before and after the proposed consolidation.

C. THE USEFULNESS OF REPORTS PREPARED PURSUANT TO SECTIONS 503, 504 AND 901 OF THE RRRRA

DOT's third major concern with the NPRO was that it failed to require applicants to cross-reference and analyze the reports required and now being prepared in accordance with RRRRA sections 503 (classification and designation of the rail transportation system), 504 (analysis of the rail industry's facilities rehabilitation and improvement needs) and 901 (comprehensive study of the rail system) as such reports relate to the applications under consideration.

Section 101(a) of the RRRRA provides that one of the means by which the revitalization of the rail industry is to be accomplished is through "necessary studies", such as those mandated by sections 503, 504 and 901. This Congressional concern with studies of the rail system also influenced the provisions of Title IV of the RRRRA (dealing with mergers and consolidations). As the Senate Report emphasized, a major deficiency in existing consolidation procedures which the Congress was concerned with remedying was the lack of any overall planning process in connection with the consideration of particular proposals (Senate Report at 17–18).

DOT believes that the reports prepared under sections 503, 504 and 901, together with studies prepared pursuant to sections 401 and 403 of the RRRRA, can and should be used to provide not only DOT, but the Commission as well, with a national railroad transportation policy foundation upon which decisions on particular consolidation proposals can be based. For this reason all applicants shall be required to analyze their proposals in the context of the findings or facts contained in the reports prepared under sections 503, 504, and 901.

D. DIFFERENT STANDARDS FOR REVIEW UNDER SECTIONS 5 (2) AND (3) OF THE ACT

DOT is concerned that the Commission's NPRO failed to develop a public interest standard of review which recognized the differences between proceedings conducted pursuant to sections 5 (2) and (3) of the Act. Section 5(2)(c) of the Act specifies four factors (although the Commission can consider others) which must be considered in determining whether a consolidation proposal is consistent with the public interest. Section 5(3)(f)(iv) lists nine concerns which have a bearing on whether such a proposal is in the public interest. The NPRO placed primary emphasis on the considerations listed in section 5(2)(c) and failed to consider certain of the factors listed in section 5(3)(f)(iv). DOT believes that the public interest test for use in proceedings under both sections 5 (2) and (3) should incorporate the considerations listed in both sections 5(2)(c) and 5(3)(f)(iv). The only difference in the test for sections 5 (2) and (3) proceedings would be the recognition that unlike sectio.. 5(2) proceedings, the Commission is to review each application submitted pursuant to section 5(3) on its own merits without concerning itself with inconsistent applications or petitions for inclusion.[2]

E. NEED FOR A NARRATIVE DISCUSSION AND FOR REARRANGEMENT OF THE PROPOSED EXHIBITS

Finally, DOT believes the Commission's NPRO sections dealing with the information request of the applicants should be reorganized. Given the strict statutory time frames for interested persons to submit comments, conflicting applications and petitions for inclusion (in the case of section 5(2) proceedings) as well as for completion of the evidentiary proceedings and rendering of the Commission's decisions, it is important that applications be not only thorough in their presentation of relevant data but that they also be easily understandable. DOT believes that a narrative presentation supplemented by attached exhibits would allow interested parties to comprehend and respond more quickly to proposed consolidation transactions than does the format contained in the NPRO.

PURPOSE OF PROPOSED SECTION 5(3) REGULATIONS

The remainder of this notice contains the procedures which we propose for the submission of consolidation proposals to the Administrator under section 5(3). The procedures address the issues discussed above as well as the format and content of future proposals.

As previously noted, once a consolidation proposal has been evaluated by the Administrator it must be submitted to and approved by the Commission before it can be consummated. Given this, DOT has attempted to pattern the substantive contents of its proposed regulations after the proposed regulations issued by the Commission in Ex Parte No. 282 (Sub-No. 1). Whenever the provisions of DOT's regulations differ in substance from those of the Commission the changes are so indicated and a brief explanation provided. Due to the great similarity between the two sets of proposed regulations, we do not feel that there will be any inflationary impact resulting from DOT's regulations and, therefore, no inflationary impact statement has been prepared. We urge the Commission, in drafting its final consolidation regulations, to evaluate the areas in which the two sets of proposed regulations differ and resolve the conflict wherever possible. DOT, in turn, in developing our final consolidation regulations, will continue to consider the Commission's final regulations.

DOT recognizes that for some applicants and for some consolidation proposals, the proposed regulations may require information or depth of detail that may prove to be impossible to provide or unnecessary. For this reason, provision is made for a waiver or modification of the requirements of the proposed regulations.

We encourage public participation in the development of these regulations. Any interested person or organization may participate by submitting written data, views, or comments to the Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received on or before November 12, 1976, will be considered by the Federal Railroad Administration before taking final action on the proposed regulations. All comments received will be available for examination at any time during regular

[1] S. Rep. No. 94–499, 94th Cong., 1st Sess. 2–4, and 11 (1975) (hereinafter referred to as the "Senate Report"), H.R. Rep. No. 94–725, 94th Cong., 1st Sess. 138 (1975).

[2] Report of the Committee on Conference on S. 2718, S. Rep. No. 94–595, 94th Cong., 2nd Sess. 175 (1976).

working hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. The proposals contained in this notice may be changed in light of the comments received and in light of the final regulations issued by the Commission in Ex Parte No. 282 (Sub-No. 1).

In consideration of the foregoing, it is proposed to amend Chapter II of Title 49 of the Code of Federal Regulations by adding a new Part 268 as follows:

PART 268—REGULATIONS GOVERNING FORMAT AND CONTENT OF MERGER AND CONSOLIDATION PROPOSALS SUBMITTED TO THE FEDERAL RAILROAD ADMINISTRATOR FOR EVALUATION UNDER SECTION 5(3)(f) OF THE INTERSTATE COMMERCE ACT

Sec.
268.1 Applicability.
268.3 Definitions.
268.5 Eligibility.
268.7 Form and content of application.
268.9 Application procedure.
268.11 Access to information.
268.13 Waivers and modifications.

AUTHORITY: Sec. 5(3), Interstate Commerce Act, 49 U.S.C. 5(3)(f); the Department of Transportation Act, 49 U.S.C. 1651 et seq., Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(u).

§ 268.1 Applicability.

This part prescribes the guidelines and procedures governing merger and consolidation proposals submitted to the Federal Railroad Administrator for evaluation pursuant to section 5(3)(f) of the Interstate Commerce Act.

§ 268.3 Definitions.

As used in this part:

(a) "Act" means the Interstate Commerce Act, 49 U.S.C. 1 et seq.

(b) "Administrator" means the Federal Railroad Administrator, or the designee of the Administrator.

(c) "Applicant" means any railroad or railroads submitting a merger or consolidation proposal for evaluation pursuant to this part.

(d) "Category 1 applications" means, for purposes of data filing requirements, applications involving two or more class I railroads.

(e) "Category 2 applications" means, for purposes of data filing requirements, applications involving either one class I and one or more class II railroads, or two or more class II railroads.

(f) "Category 3 applications" means, for purposes of data filing requirements, applications involving trackage rights or the use of rail facilities (regardless of the class of railroads involved).

(g) "Commission" means the Interstate Commerce Commission.

(h) "Consolidation" means all transactions subject to section 5 of the Act, including control, merger, leases, acquisitions, coordination projects and trackage rights transactions.

(i) "Control" shall bear the same meaning as the definition of that term in section 1(3)(b) of Part I of the Act.

(j) "Form R–1" and "Form R–2" refer to the Commission's Uniform System of Accounts for class I and class II railroads, respectively, in use as of October 1976. However, the information required in this part requires use of whatever Uniform System of Accounts for Railroads is in effect on the date of filing the application.

(k) "Including" means including but not limited to.

(l) "Railroad" means a common carrier by railroad as defined in section 1(3) of Part I of the Act.

(m) "RRRRA" means the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94R210.

(n) "Transferee" means any or all of the following persons as the context requires: The acquiring corporation (in a control proceeding), the surviving corporation (in a merger proceeding), the resulting corporation (in a consolidation), the lessee (in a lease), or the purchaser (in an acquisition).

(c) "Transferor" means any or all of the following persons as the context requires: The corporation being acquired (in a control proceeding), the merging corporation (in a merger proceeding), all corporations to be consolidated (in a consolidation), the lessor (in a lease), or the seller (in a purchase).

§ 268.5 Eligibility.

Any railroad may, in the period prior to December 31, 1981, submit to the Administrator a consolidation proposal for evaluation pursuant to this part.

§ 268.7 Form and content of consolidation proposals.

(a) Each application shall contain two volumes: Volume I containing a narrative discussion of the proposed transaction by chapters and volume II containing the supporting exhibits in corresponding chapters.

(b) Each application, unless otherwise indicated, shall include, in the order indicated and identified by applicable volume and chapter number, and by reference to the section number and letters used in this part, the following information:

(1) A front cover to volume I listing—

(i) The full and correct name of the applicant;

(ii) The nature of the transaction (e.g., merger, cotrol, coordination project, trackage rights, etc.); and

(iii) If a consolidation or merger is proposed, the name of the resulting company.

(2) An inside front cover to volume I listing—

(i) The business address of the applicant (street and number, city, county, state and zip code);

(ii) The name, title, business address and telephone number of the officer or offices to whom correspondence with respect to the application should be addressed; and

(iii) The name, business address and phone number of the applicant's attorney.

(3) In Chapter I of Volume I and, if needed, in Volume II, a summary describing the applicant, including the following information:

(i) Identification of applicant, showing—

(A) Whether applicant is an individual, firm, partnership, corporation, company, association, joint stock company, trustee, receiver, assignee, or other personal representative, and trade name or style, if any, under which applicant is doing business;

(B) Whether applicant is a carrier subject to Part I of the Act; and

(C) Whether applicant or any subsidiary is affiliated with a motor or water carrier subject to the Act; also the following information with respect to rail, motor or water operations, where applicable: The date of the certificate, permit, or temporary authority; and the number of the Commission's docket assigned to the application upon which such certificate, permit, or temporary authority was issued or granted; or if application to engage in interstate or foreign commerce has been made but is still pending, the date of the application and the docket number.

(ii) If applicant is a corporation—

(A) Date and place of incorporation and;

(B) Name and business address of all directors;

(C) Name, title and business address of all officers; and

(D) Name and business address of the 10 principal stockholders as of last record date and their respective holdings.

(iii) If applicant is a partnership—

(A) Date and place of partnership formation; and

(B) Name and business address of all present partners, including limited or silent partners and their respective interests.

(iv) If applicant is an association or form of organization other than a corporation—

(A) Date and place of organization;

(B) Full description of the nature and objectives of the organization;

(C) Name, title and business address of officers and directors or trustees;

(D) Name and business address of applicant's 10 principal stockholders or owners.

(v) With respect to paragraph (b)(3)(ii) through (iii) of this section, if applicant is incorporated or organized under the laws of, or authorized to operate in, more than one State, Territory, or Federal District, give all pertinent facts as to such incorporation, organization, or authorization;

(vi) If applicant is a trustee, receiver, assignee, or personal representative of the real party in interest—

(A) The name and address of the court, if any, under the direction of which applicant is acting;

(B) Nature of the proceedings, if any, in which applicant was appointed;

(C) With respect to the real party in interest, the information required under paragraphs (b)(3)(ii), (iii) or (iv) of this section, whichever is applicable.

(vii) If paragraphs (b)(3)(ii), (iii), (iv) and (v) of this section are not ap-

plicable, indicate identity, structure, statutory or charter powers;

(viii) If applicant is not a carrier, the type of business in which it is engaged, the length of time so engaged, and particulars of its present activities which are or may be related to transportation subject to the Act;

(ix) Whether applicant is controlled by any other corporation or corporations, and, if so, the name(s) of the controlling corporation(s), the form of control, whether sole or joint, direct or indirect, and its extent;

(x) The measure of control or ownership, if any, now exercised by applicant over any other carrier subject to the Act, or over the properties of such carrier;

(xi) If applicant, or the real party in interest, is part of a system or group of corporations or other persons, the relationship of the applicant, or of the real party in interest, to the members of such system or group, including the form and extent of such relationship, direct or indirect;

(xii) Whether there are any intercorporate relationships, not disclosed in responses to prior instructions, through holding companies, ownership of securities, or otherwise, direct or indirect, between applicant and any carrier or person affiliated with applicant and any carrier or person affiliated with any carrier, at the time of making the application; if so, the nature and extent of such relationship; and, if applicant owns securities of a carrier corporation or corporations subject to the Act, the name of the corporation, a description of securities, the par value of each class of securities held, and the percentage of total ownership;

(xiii) Whether applicant or any of its affiliates has officers or directors in common with any other applicant or its affiliates; and, if so, a reference to the Commission's order or orders, if any, authorizing the holding of such positions in common, with the names of such officers or directors and the position held in each corporation;

(xiv) In Exhibit A, one or more of the following documents as may be appropriate:

(A) One copy each of the charter or articles of incorporation, and the bylaws and amendment thereof, of each applicant, duly certified by the appropriate officer;

(B) A properly authenticated copy of the articles of partnership, if any, of each partnership which is a party to the transaction;

(C) A properly authenticated copy of the articles of association, trust agreement, or other similar document of each association or other form of organization, except a corporation, which is a party to the transaction;

(D) A properly authenticated copy of the order of the court or instrument appointing each trustee, receiver assignee, or personal representative which is a party to the transaction; and

(E) If paragraph (b)(3)(xiv) (A), (B), (C) and (D) of this section are not applicable, submit appropriate organizational or authorizing document or indicate why none is available or necessary.

(xv) In Exhibit B a copy of all resolutions of directors of the applicant authenticated by a proper executive officer authorizing the proposed transaction and, where applicable, the submission of the application to the Administrator for evaluation pursuant to section 5(3) of the Act; and, if the charter or bylaws of the applicant require approval of the stockholders, a copy of the resolution of stockholders authorizing the proposed transaction and application if the resolution has been adopted at the time of filing of the application and, if not, it shall be submitted as soon thereafter as feasible;[3] all such resolutions to be accompanied by sufficient transcripts of the minutes of meetings of the stockholders or directors of the applicant to show the number of shares entitled to vote, the number of shares voted for and against the resolutions, and the number of shares/votes required to adopt the resolutions;

(xvi) In Exhibit C, a copy of all resolutions of stockholders or directors of the applicant, or duly authorized committee thereof, authenticated by a proper executive officer of the applicant, designating by name and for that purpose the executive officer by whom the application is signed and verified; and filed on behalf of the applicant;

(xvii) In Exhibit D, if applicant is an organization other than a corporation, documentary evidence showing authorization and designation of the individual or individuals signing, verifying and filing on behalf of the applicant;

(xviii) In Exhibit E, if a trustee, receiver, assignee, or personal representative of the real party in interest is an applicant, a certified copy of the order, if any, of the court having jurisdiction, authorizing the contemplated action;

(xix) In Exhibit F, opinion of counsel of applicant that the transaction described in the application meets the requirements of the law and these regulations and will be legally authorized and valid if approved by the Commission, with specific reference to any specially pertinent provisions of applicant's charter or articles of incorporation; and

(xx) In Exhibit G, a general or key map indicating clearly, in separate color, or otherwise on a suitable scale not smaller than 20 miles to the inch, the line or lines of each applicant, parts of the line or lines of each applicant in their true relation to each other, short-line connections, other rail lines in the territory and the principal geographic points of the region transversed. There shall also be furnished three copies of the map, unbound, for the use of the Administrator;

[3] The NPRO requires that a copy of the resolution of the stockholders authorizing the proposed transaction and the filing of an application accompany the application. This requirement was not adopted since obtaining of stockholders approval is often delayed to coincide with regular annual meetings of stockholders.

(xxi) The State or States in which any part of the property of the applicant involved is situated.

(4) In Chapter 2 of Volume I and, if needed, Volume II, a summary describing the proposed transaction, the new situation which would result if the transaction is consummated, the environmental impact of the proposed transaction, and the public interest factors involved, including the following information:

(i) The nature of the transaction;

(ii) A brief description of the line (or lines) of railroad involved in the transaction, the principal points of interchange, including city or county and State location, termini and approximate distance in miles;

(iii) A brief geographical description (including as applicable, route descriptions) of (A) operations sought to be performed and (B) other operations presently performed;

(iv) Briefly, the terms and conditions of the contract or agreement pursuant to which the proposed transaction is to be effected, including the manner in which the parties propose to consummate the transaction and the consideration, in money or otherwise, to be paid by the applicant;

(v) Information and data with respect to the environmental impact of the proposed transaction and of alternative choices of action prepared in accordance with the regulations in Part 1108 of this title of the Code of Federal Regulations; and

(vi) Facts and circumstances relied upon to show that the proposed transaction is within the scope of section 5(3) of the Act, will be consistent with the public interest and will otherwise be within the requirements of section 5, particularly:[4]

(A) To explain and support adequately the financial consideration involved in the proposed transaction, including an explanation of economies, if any, to be effected in operations, and increases, if any, in traffic, revenues, earnings available for fixed charges, and net earnings before Federal taxes, expected to result from the consummation of the proposed transaction;

(B) To establish that the increase, if any, of total fixed charges resulting from the proposed transaction would not be excessive in relation to earnings;

(C) To establish that any guaranty or assumption of payment of dividends or fixed charges contemplated in the transaction is not inconsistent with the public interest;

(D) To establish that the transaction will be consistent with the needs of rail transportation in the geographical area affected;

(E) To show the effect of such proposed transaction on the retention and promotion of competition in the provision of rail and other transportation

[4] Requirements (A) through (K) are not contained in the NPRO but are concerns which section 5(3)(f)(iv) of the Act requires be considered by the Administrator in evaluating consolidation proposals.

services in the geographical area affected;

(F) To show the effect of such proposed transaction on employment in the geographical areas affected by the transaction;

(G) To show the cost of rehabilitation and modernization of track, equipment, and other facilities associated with the proposed transaction with a comparison of the potential savings or losses from other possible choices of action;

(H) To show the effect of the proposed transaction on the achievement of a more efficient or adequate rail system;

(I) To show the effect of the proposed transaction on shippers, consumers, and railroad employees;

(J) To show the effect of the proposed transaction on the communities in the geographical areas affected and on the geographical areas contiguous to such areas; and

(K) To show whether the proposed transaction will improve rail services. (In the event full responses to the items listed above are contained elsewhere in the application, the required responses to these items should be brief and an appropriate reference to the portion of the application where the response is fully discussed should be made.)

(5) In Chapter 3 of Volumes I and II, a discussion of the economic background of the applicant's territory [5] and of the economic effects of the proposed transaction including (the provisions of subdivision (i) of this subparagraph are optional in the cases of applications falling in categories 2 and 3) [6] the following information:

(i) A summary (with supporting exhibits in Volume II) of historical economic growth (or stagnation or decline) and the level of economic activity, in the most recent 25 years [7] in the applicant's territory by—

(A) Type of output, such as manufacturing, extractive, agricultural and wholesale and retail trade; and

(B) Levels of employment and earnings.

(ii) A summary analysis (with supporting exhibits in Volume II) of the impact of the proposed consolidation on economic growth (or stagnation or decline) and levels of economic activity in the applicant's territory, including the following information:

(A) The applicant's best estimate (including the basis therefor) of the effect of the transaction on employment (other than railroad employment) in the communities affected by the transaction, including the number of jobs and amounts of wages (including multiplier effects) to be lost;[8]

(B) The applicant's best estimate (including the basis therefor) of the impact of the proposed transaction on shippers and consumers, including a listing of shippers and receivers who would lose service, gain improved service, or have alternative transportation available;[8] and

(C) The applicant's best estimate (including the basis therefor) of any other economic effects of the proposed transaction on the communities in geographical areas contiguous to the affected area.[8]

(iii) An explanation of the methods, procedures and data used in preparing the analyses specified in subdivisions (i) and (ii) of this subparagraph.

(iv) In preparing the analyses specified in subdivisions (i) and (ii) of this subparagraph, the applicant—

(A) May but is not required to present standard economic and demographic historical series on population, employment, income, and other trends reasonably related to section 5(3)(f)(iv) of the Act and projections to present the probable directions of such series both with and without the proposed transaction. (Applicants and others are referred to a publication entitled Statistical Services of the United States Government, put out by the U.S. Office of Management and Budget and which is available from the Superintendent of Documents, Washington, D.C. 20402 (stock number 041-001-00100-0; price $3.40, as of October of 1976).); or

(B) May but is not required to present macroeconomic analyses such as those prepared by the method generally referred to as "input-output analysis", with projections of probable future directions both with and without the proposed transaction; or

(C) May present analyses prepared by any other method developed by applicant, with projections of the probable future directions with and without the proposed transaction.

(v) Submissions which compare the economy and demography of the applicant's territory with the national economy and demography shall take into account the fact that the territorial data are included in the national data and furnish national data adjusted to exclude the territorial data. (This requirement also applies to Chapter 4.)

(6) In Chapter 4 of Volumes I and II, a discussion and analysis of transportation demand and of competition among the various modes including (the provisions subdivisions (i) through (v) of this subparagraph are optional in the case of applications falling in categories 2 and 3) the following information: [9]

(i) An analysis relating the applicant's traffic for the most recent 25 years to output in the affected territory (as presented in Chapter 3) with a view to showing whether the applicant's share of the total output carried has increased, decreased or remained the same;

(ii) An analysis comparing the applicant's share of the output in the territory affected with the railroad industry's share of national output for the most recent 25 years with a view to showing whether the applicant has done better than, the same as or worse than the national railroad industry in obtaining and keeping traffic in the face of competition;

(iii) The applicant's best estimate of growth (or stagnation or decline) of each transportation mode (including private carriage) measured by ton-miles, tonnage and freight revenues, for the United States as a whole and in relation to the applicant's respective territory for the most recent 25 years;

(iv) The applicant's best estimate of its relative percentage of the transportation market in the affected regions during the past 25 years measured by percentage of total ton-miles, tonnage and freight revenues both with respect to total transportation services and to the percentage of transportation services provided by all railroads operating in such regions;

(v) The growth (or stagnation or decline) in revenues tonnage or ton-miles of each of the applicant's ten leading commodities (or a lesser or greater number) amounting to 85 percent of the applicant's total traffic for the most recent 10 years;

(vi) An identification of the railroads competing with the applicant and the applicant's best estimate of tonnage, ton-miles and freight revenues of such carriers;

(vii) The needs of rail transportation in the geographical area affected;

(ix) The effect of the proposed transaction on the retention and promotion of competition in the provision of rail and other transportation services in the geographical area affected, including the applicant's best estimate of the percentage of traffic handled by competitors, if any, which applicants could reasonably expect to attract as a result of the proposed transaction;

(x) An explanation of the methods and procedures used in making estimates and projections; [10]

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[5] The NPRO did not require the submission of any evidence pertaining to the past level of economic activity in the applicant's territory. The demand for transportation services in general, and for railroad services in particular, is closely related to the level of economic activity. In order to analyze effectively a particular consolidation proposal it is necessary to understand the economy of the territory on which the applicant operates (i.e. whether it is expanding, contracting or remaining steady).

[6] See the preamble for the discussion of the distinction, for data submission purposes of different categories of application.

[7] If no data is available for the first year in this 25 year period, the applicant shall use the earliest available data-collection year in preparing this summary.

[8] Requirements (A) through (C) are not covered by the NPRO but are areas of concern which must be examined pursuant to section 5(3)(f)(iv).

[9] These information requests are not covered by the NPRO. As noted in the preamble, given the increasing significance of intermodal competition it is essential that applicants be required to assess, to the best of their ability, the extent of intermodal, as well as intramodal, competition which they face both before and after the proposed consolidation.

[10] Submissions which present freight revenue may impute freight revenue to private carriage and the applicant shall furnish an explanation of the method of estimating imputed freight revenue.

(7) In Chapter 5 of Volumes I and II, an analysis of the marketing and traffic aspects of the proposed transaction, including (subdivisions (i), (ii), and (iii) of this subparagraphs are optional in the case of category 3 applications) the following information:

(i) In Exhibit H the following data with respect to the applicant:

(A) Revenue carload and gross-ton miles [11] per year, density charts which shall contain a map showing principal lines (those handling 5,000 or more revenue carloads or 5 percent of total revenue carloads, whichever is smaller, annually) and respective densities, expressed in the annual number of revenue carloads and gross ton-miles per year, in each direction, in segments of such lines between major freight yards and terminals, including major interchange points, using the corporate or political subdivision name of the points shown as well as the railroad station name. The mileage of such segment of line should be shown on the chart. Data shown in the density charts shall be for the latest available three calendar years preceding the filing of the application;

(B) Revenue carload interchange data between applicant and connecting line-haul railroads for the latest three calendar years preceding the filing of the application should be set forth in tables showing: [12]

(1) Area of origin and originating railroad;

(2) Intermediate bridge railroads, if any, traversed enroute to applicant's lines;

(3) Entry point and interchange between the railroads involved in the consolidation;

(4) Interchange points with bridge or terminal railroads; and

(5) Area of final destination and terminating railroad.[13]

(ii) In Exhibit I, the following data:

(A) A table showing the applicant's revenue freight traffic, indicating by year, for the 10-year period preceding filing of the application, the number of local, interline originated, interline terminated, overhead, total carloads, total revenue tons, revenue ton-miles, and total freight revenue;

(B) A table showing commodity group tonnage at the two-digit level of the Standard Transportation Commodity Code (STCC) as a percentage of total tonnage for the 10-year period preceding filing of the application, indicating by year the various commodity groups, the tonnage attributable to each group, and the percentage of that group tonnage as it relates to total tonnage; and

(C) A table showing commodity group revenue (at the two-digit level of the STCC) as a percentage of total revenue, for the 10-year period preceding filing of the application, indicating by year the various commodity groups, the revenues attributable to each group, and the percentage of that group revenue as it related to total revenue.

(iii) In Exhibit J a traffic study detailing estimated gains and losses in traffic and revenues expected to result from the consummation of the proposed transaction. This exhibit is not required in applications involving the acquisition of a line of railroad where the line to be acquired has been authorized by the Commission to be abandoned or the line to be acquired connects with no carrier other than the applicant.[14] The traffic studies shall be prepared in conformity with the following instructions:

(A) The period covered by the traffic studies shall be the latest three calendar years preceding the filing of the application; [15]

(B) The traffic studies shall be based upon all data available to applicant and shall be in the format of the Interline Freight Revenue Settlement Abstract or the revenue waybills. All data for the movements relied upon in the traffic study shall be reproduced together with all other information relied upon in determining the gains or losses in traffic and revenue. The amount of such gains or losses shall be shown for each movement abstract on which a gain or loss has been determined.[16] The initials of the person or persons making the determinations shall be shown on all abstracts. Only two copies of the abstract to the study movement shall be filed with the original application.

(C) A conformed copy of such abstract shall be maintained at applicant's principal place of business and shall be made available, upon direction by the Administrator, to interested parties. Copies of the abstract need not be included as part of the exhibits to the copies of the application furnished to the Administrator;

(D) Standardized geographic railroad accounting code locations (e.g., Freight Station Accounting, Code, Rule 260 Junction Code) as well as data, commodity and quantitative information (e.g., tonnage, revenue, etc.) for each traffic shipment on the applicant must be provided. The information should also be made available on computer medium in the following format: [17]

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[11] Since one of the standard units for measuring traffic today is ton-miles applicants should be required to report density in not only revenue carloads but also in gross ton-miles.

[12] The data can be aggregated if aggregation does not obscure the general origin and routing of the traffic. Gateways annually handling 5,000 or more revenue carloads or 5 percent of total revenue carloads, whichever is smaller, should be specifically identified. Where two or more gateways are contiguous or nearly contiguous, they should be totaled (as examples, Dallas-Ft. Worth, Minneapolis-St. Paul, Omaha-Council Bluffs, etc.).

[13] Subsection (B) consolidates interchange data requested in several places in the NPRO.

[14] This exemption is somewhat broader than that provided in the NPRO which limited the exemption to cases involving the acquisition of a line of railroad by a class II railroad from a class I or class II railroad where the line to be acquired has been authorized by the Commission to be abandoned. The broader exemption is provided because we believe that no information is needed with respect to the cases covered.

[15] This differs from the NPRO in that three years of traffic data rather than one year is required to reduce the effect in the data of short-term fluctuations in the economy.

[16] The NPRO requires complete data shown on waybills covering the movement. Since waybills are not always available to intermediate carriers, the language in the NPRO has been discarded in favor of that suggested by the AAR in its comments in the Ex Parte No. 282 (Sub-No. 1) proceedings.

[17] This differs from the NPRO in that complete traffic data on computerized tape is required so that conclusions drawn on consolidation costs and benefits can be analyzed in detail. A standarized format of the data is required so that standard programs can be developed to assure consistent analysis of various consolidation proposals. The 100 percent sample which we are requesting makes totally unnecessary any information on a judgment sample. We have, therefore, not incorporated the provisions of the NPRO relating to traffic studies utilizing probability sampling techniques.

(1) FIELD NAME	STARTING POSITION	LENGTH	(2) TYPE	DESCRIPTION
Submitting Railroad	1	3	N	Railroad Code (AAR Standard)
Waybill Day (3)	4	2	N	01 - 31
Waybill Month (4)	6	2	N	01 - 12
Waybill Year (4)	8	2	N	Appropriate Year (e.g. 76)
Traffic Class	10	1	A	L=Local; F=Forwarded; R=Received; O=Overhead
Originating Railroad	11	3	N	Railroad Code (AAR Standard)
Originating Station	14	5	N	Freight Station Accounting Code (AAR Standard)
Terminating Railroad	19	3	N	Railroad Code (AAR Standard)
Terminating Station	22	5	N	Freight Station Accounting Code (AAR Standard)
Received From Railroad	27	3	N	Railroad Code (AAR Standard)
Junction On	30	5	A	Abbreviation (AAR Standard Rule 260)
Forwarded To Railroad	35	3	N	Railroad Code (AAR Standard)
Junction Off	38	5	A	Abbreviation (AAR Standard Rule 260)
Commodity	43	7	N	Standard Transportation Commodity Code (AAR Standard
Number of Carloads	50	5	N	Quantitative in Units
Net Tons	55	6	N	Quantitative in Units
Proportional Revenue	61	6	N	Quantitative in Dollars
Total Freight Revenue	67	6	N	Quantitative in Dollars
TOFC/COFC Indicator	73	1	N	0=Not TOFC/COFC; 1=TOFC/COFC
Transit Indicator	74	1	N	0=Not Transit; 1=Transit

(1) Insert blank (s)
(2) A = Alphanumeric
B = Numeric
(3) If interline abstracts are used, insert code "99".
(4) If interline abstracts are used, these items refer to settlement date.

Tape specifications: Standard Label (IBM/360/70-05) or unlabelled
800 BPI/1600 BPI
EBCDIC or ANSC11 coding convention
Record Length=74
Blocksize=7400

(E) The traffic study shall include the written instructions, if any, for determining the amount of gains. All instances where those instructions were not followed but were subordinated to other unwritten instructions shall be clearly shown, together with references in each instance to the appropriate movement set forth in the abstract of movements under section § 268.7(b)(7)(i) (Exhibit J). Applicants shall furnish the unwritten instructions and the reasons for the deviation.

(8) In Chapter 6 of Volumes I and II, an analysis of the operational aspects of the proposed transaction including the following:

(i) In Exhibit K (applicable only to applications in categories 1 and 2) a complete description of the existing operating plan and the proposed plan for operations affected by the transaction. This exhibit shall include projected data based upon completion of the proposed transaction giving existing traffic levels. Specifically, the following aspects of the operating plan should be described:

(A) The existing patterns of service on the properties including principal routes and general categories of traffic and the estimated effect of the projected operating plan as indicated by the proposed principal routes, proposed consolidations of mainline operations, and the anticipated traffic density and traffic mix on all main and secondary lines in the system;

(B) The basic operating and train blocking plan of the system, including the identification of system classification yards, and the anticipated workload of such yards, supported by a proposed blocking plan based on projected origin-destination traffic data and the identification of road crew districts and interdivisional runs;[18]

(C) The location of existing shops and repair facilities, an identification of major installations to be discontinued or added and a description of the system repair function of each remaining facility;

(D) If commuter or other passenger services are operated over the lines of applicant, detail any impact anticipated on such services, including delays which may be occasioned because a line is scheduled to handle increased traffic due to route consolidation;

(E) If application to abandon a line or discontinue a service are contemplated, a full descritpion of such lines or services and the reasons for the contemplated abandonment or discontinuance;

(F) A summary table showing the equipment owned and leased by the applicant indicating by year for the 10-year period preceding filing of the applicant, the amount of rolling stock by type and their aggregate capacity, the amount of locomotives and maintenance-of-way equipment and the total amount of rolling stock, locomotives and maintenance-of-way equipment owned and leased;

(G) The equipment requirements of the proposed system, including locomotives, rolling stock by type, and maintenance-of-way equipment; plans for acquisition and retirement of equipment; and projected improvements in equipment utilization together with an explanation of the operating or route changes that will cause such improvements;

(H) The extent to which deferred maintenance or delayed capital improvements apply to any road or equipment involved and the schedule for eliminating such deferrals. Also, details of system rehabilitation and upgrading plans including proposed yard and terminal modifications, together with an estimate of anticipated service improvements or operating economics associated with such projects; and

(I) The operating costs of the current and proposed plans and a detailed analysis of all changes representing significant operating economics.

(ii) In Exhibit L (applicable only to applications in category 3) data, projected for at least 3 years following the consummation of the proposed transaction, describing the following aspects of the operating plan:

(A) Any significant changes in patterns of service;

(B) Traffic level and density on lines proposed for joint operations;

(C) Impact on the use of yards or shop facilities and any necessary modifications to yards or terminals;

(D) Impact on commuter or other passenger service operated over a line which is to be downgraded or operated on a consolidated basis;

(E) Operating economies; and

(F) Any associated discontinuances or abandonments.

(iii) The estimated cost of rehabilitation and modernization of the track, equipment and other facilities involved in the proposed transaction, with a comparison of the potential savings or losses from other possible choices of action. In addressing this point, applicants should analyze the proposed transaction in the context of the informational findings or facts contained in the reports prepared by the Secretary pursuant to sections 504 and 901 of the RRRRA. If applicant has applied or intends to apply for financial assistance under Title V of the RRRRA, full details should be provided regarding the nature, amount and purpose of such assistance, and the steps which have taken to secure such financial assistance;[19] and

(iv) The rationalization of the rail system resulting from the proposed transaction. In addressing this point applicants should analyze the proposed transaction in light of the line classification and designations made by the Secretary pursuant to section 503 of the RRRRA.[19]

(9) In Chapter 7 of Volumes I and II, a discussion of the financial condition of

[18] The information regarding employees was not asked for in the NPRO but is necessary to assess the labor aspects of the proposed transaction.

[19] The NPRO does not contain any reference to sections 503, 504, 901 or Title V of the RRRRA. The need for the requested material pertaining to the RRRRA is discussed in the preamble.

the applicant and a forecast of the effects on that condition of the proposed transaction, including (this chapter is optional in the case of category 3 applications) the following information:

(i) In Exhibit M a properly authenticated copy of the applicant's annual report, if any, to stockholders or shareholders for each of the five calendar or fiscal years preceding the filing of the application;

(ii) The policy and practice followed by the applicant with respect to reserves for depreciation and similar reserves, including rates by classes of property;

(iii) In Exhibit N balance sheets of the following:

(A) Transferee on a corporate entity basis;

(B) Transferee's parent company on a corporate entity basis;

(C) Transferee and subsidiaries on a consolidated basis;

(D) Transferor on a corporate entity basis;

(E) Transferor's parent on a corporate entity basis;[20]

(F) Transferor and subsidiaries on a consolidated basis; and

(G) Each subsidiary of transferee and of transferor on a corporate entity basis.

All statements requested in (A)–(G) of this subdivision shall show the latest available date, going back no further than six months prior to the filing of the application, and shall be in account form and detailed as required in schedule 200 of the Commission's Annual Report R–1 or R–2, as appropriate.

(H) A spread sheet showing for both the transferor and the transferee comparative balance sheet accounts as of December 31 for each of the five years preceding the year in which the application is filed, in account form and detail as required in schedule 200 of Annual Report R–1 or R–2, as appropriate;[21]

(I) Where the transaction involves a proceeding other than a control a *pro forma* balance sheet statement giving effect to the proposed transaction as of the date of the balance sheets required in (A)–(G) of this subdivision. The pro forma balance sheet statement shall be presented in columnar form showing in the first column the balance of transferee on a corporate entity basis, in the second column a balance sheet of transferor, on a corporate entity basis, in the third column pro forma adjustments and eliminations and in the fourth column, transferee's balance sheet "giving effect" to consummation of the proposed transaction. Each adjustment and elimination shall be properly footnoted and fully explained;

(J) Where the transaction involves a control, a pro forma balance sheet of the acquiring carrier as of the date of the balance sheets required in (A)–(G) of this subdivision; and

(k) *Pro forma* statement of changes in financial position of the transferor and transferee for the first year following the filing of the application, both before and after giving effect to the proposed transaction. All assumptions shall be noted.[22]

(iv) In Exhibit 0, income statements, of the following:

(A) Transferee and subsidiaries on a consolidated basis;

(B) Transferee's parent company on a corporate entity basis;

(C) Transferor and subsidiaries on a consolidated basis; and

(D) Transferor's parent company on a corporate entity basis.

All statements requested in (A)–(B) of this subdivision are to be for each of the three calendar years immediately preceding filing of the application. They shall include (*1*) for the most recent calendar year the months or quarters then available,[23] and (2) for the current year the months for which the figures are available (up to the date of the latest balance sheet), and shall be in account form similar to that required in column (a) of schedule 300 of Annual Report R–1 or R–2, as appropriate.

(E) Where the transaction involves a proceeding other than a control transfer, a *pro forma* income statement showing transferee's estimate of revenues, expenses and net income for the first three years following consummation of the transaction. The *pro forma* data shall be presented in columns, the first column showing transferee's actual income statement on a corporate entity basis for the latest available period extended to a 12 month period, the second column a simillar income statement for the transferor, the third column forecasted adjustments to the combined revenues, expenses and net income to reflect increases or decreases anticipated under the unified operation and the fourth column a compilation of the first three columns into a pro forma income statement forecasting operations during the year following consummation. The adjustments are to be supported by a statement explaining the basis used in determining the estimated changes in revenues, expenses and net income appearing in the third column;

(F) Where the transaction involves a control transfer, a *pro forma* income statement showing transferor's and transferee's best estimate (and the basis therefor) of revenues, expenses and net income for the first three years following consummation of the transaction prepared in columnar form prescribed above; and

(G) Transferor's and transferee's statement of changes in financial position for the current year, up to the date of the latest balance sheet, and a forecast of changes in financial position for each carrier (if a merger or consolidation, the surviving or resulting corporation) for the three years following consummation of the proposed transaction, the form and content of these statements to be constructed in accordance with schedule 309, Statement of Changes in Financial Position required in the Annual Report R–1 for Class I Railroads.

(10) In Chapter 8 of Volumes I and II, a discussion of the financial considerations involved in the proposed transaction, including the following information:

(i) The amount of applicant's outstanding capital stock, by classes, the par value or stated value of each share, its voting rights, if any, the total number of stockholders or record, and the voting rights of all security holders;

(ii) The terms and conditions of the contract or agreement pursuant to which the proposed transaction is to be effected, including the manner in which it is proposed to consummate the transaction and the consideration, in money or otherwise, to be paid by applicant;

(iii) Whether there is any financial or other relationship, direct or indirect, at the present time between applicant and other parties and affiliates involved in the proposed transaction; and, if so, a full explanation of such relationship;

(iv) Whether the property involved in the proposed transaction includes all the property of the applicant and, if not, describe what property is not included in the proposed transaction;

(v) Value of each of the properties involved in the proposed transaction as found by the Commission or if such value has not been found by the Commission, as independently appraised for the purposes of the proposed transaction; and, separately, the net cost of additions and betterments made after the date of valuation or appraisals;

(vi) The market value of any securities acquired or proposed to be acquired in the proposed transaction; or, if there is no ascertainable market value, the estimated value, giving the basis of the estimate;

(vii) If any of the property covered by the application is encumbered and applicant has agreed to assume obligation or liability with respect thereto—

(A) A description of the property encumbered; and

(B) Amount of encumbrance and full description thereof, including maturity, interest rate, and other terms and conditions;

(viii) If a consolidation or merger is proposed, the capitalization proposed for the company resulting from the consolidation or merger; and, separately, the amount and character of capital stock and other securities to be issued;

(ix) Facts and circumstances relied upon to show that the guarantee or assumption of payment of dividends or fixed charges, if any, contemplated in

[20] The information contained in (E) is in addition to the information contained in the NPRO. It is needed because in its absence railroad data only might be submitted without explicitly showing material impact of the transaction on the Transferor's parent.

[21] This balance sheet request is not contained in the NPRO. For analytical purposes, the information provided by income statements would be incomplete without balance sheets for comparable years.

[22] This requirement is not found in NPRO but is needed, for comparison purposes and determining the effects of the proposed transaction.

[23] The NPRO requires data for the "immediately preceeding three calendar years" for statements requested in items (A)–(D). This would preclude the filing of applications within the first several months of the year during which data for the preceding year are not available. In order to overcome this problem the additional language in the sentence was added.

the transaction is consistent with the public interest;

(x) Particulars of applicant's long-term debt for each of the past five fiscal years plus a one year forecast in form and detail required in schedules 218 and 219 of Annual Report R–1 or schedules 670, 695, 702, 901 and 902 of Annual Report R–2, as appropriate;[24]

(xi) Particulars as to capital stock for each of the past five fiscal years plus a one year forecast in form and detail as required in schedules 228, 229 and 230 of Annual Report R–1 or schedule 690 in R–2, as appropriate;[25]

(xii) A price to earning ratio of applicant's stock for each of the past five years (high, low, average), or that of the applicant's holding company, where applicable.[26]

(11) In Chapter 9 of Volumes I and II, a discussion of the effect of the proposed transaction on the applicant's employees including the following information:

(i) A copy of any agreement or agreements with employee organizations entered into as a result of the proposed transaction;

(ii) A breakdown of the number of jobs by craft, which under the proposed transaction are to be abolished, transferred or created at each point, and point or points to which jobs will be transferred and the number of such jobs;

(iii) For each of the job changes in subdivision (ii) of this subparagraph the cost or savings to applicant in accomplishing such changes, broken down for each of the three years following consummation of the proposed transaction;

(iv) The approximate date(s) on which each job abolition, transfer, or creation (set forth under subdivision (ii) of this subparagraph above) is to be effectuated, and indicating, where appropriate, any implementing agreement which is necessary before such job changes are to be put into effect;

(v) For all applicant's employees not covered under the Railroad Retirement Act, a list of the pension plans currently in effect, with an indication of whether they are funded or not, the extent of any unfunded liability, and the time required to bring the plans to a fully funded level; [27] and

(vi) An estimate of the total costs of labor protection associated with the proposed transaction.[27]

§ 268.9 Application procedure.

(a) The original application shall bear the date of execution, be signed by or on behalf of the applicant, and shall bear the corporate seal in the case of an applicant which is a corporation. Execution shall be by all partners if a partnership, unless satisfactory evidence is furnished of the authority of a partner to bind the partnership, or if a corporation, an association or other similar form of organization, by its president or other executive officer having knowledge of the matters therein set forth. Persons signing the application on behalf of the applicant shall also sign a certificate in form as follows:

_____ certifies that [he][she]
(Name of official)
is the _____ of the _____,
(Title of official) (Name of applicant)
authorized on the part of the applicant to sign and file with the Administrator this application; that the consent of all parties whose consent is required, by law or by binding commitment of the applicant, in order to make this application has been given; that [he][she] has carefully examined all of the statements contained in such application relating to the aforesaid _____; that [he][she] has
(Name of applicant)
knowledge of the matters set forth therein and that all such statements made and matters set forth therein are true and correct to the best of [his][her] knowledge, information, and belief.

_____
(Name of official)

_____
(Date)

(b) There shall be made a part of the original application the following certificate by the Chief Financial Officer or equivalent officer of the applicant:

_____ certifies that [he][she] is
(Name of officer)
_____ of _____; that
(Title of officer) (Name of applicant)
[he][she] has supervision over the books of account and other financial records of the applicant and has control over the manner in which they are kept; that such accounts are maintained in good faith in accordance with the effective accounting and other orders of the Interstate Commerce Commission; that [he][she] has examined the financial statements and supporting schedules included in this application and to the best of [his][her] knowledge and belief these statements accurately reflect the accounts as stated in the books of account; and that other than the matters set forth in the exceptions attached to such statements, those financial statements and supporting schedules represent a true and complete statement of the financial position of the applicant and that there are no undisclosed assets, liabilities, commitments to purchase property or securities, other commitments, litigation in the courts, contingent rental agreements, or other contingent transactions which might materially affect the financial position of the applicant.

_____
(Name of official)

_____
(Date)

(c) The original application and supporting papers, including any data deem relevant by the applicant which is not specifically requested by this part, and ten copies thereof for the use of the Administration shall be filed with the Associate Administrator for Policy and Program Development of the Federal Railroad Administration, 400 Seventh Street SW., Washington D.C. 20590. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, except to the extent otherwise provided in this part, but the signature on the copies may be stamped or typed.

(d) Applicant should also be prepared to furnish extra copies to the Administrator upon request.

(e) The applicant shall submit such additional information to support its application as the Administrator may request.

(f) The administrator reserves the right to reject those applications which do not conform to the regulations prescribed herein regarding the form, content and documentation. Upon the filing of an application, the Administrator will review the submitted application and determine whether it conforms with all applicable regulations. If the application is incomplete, or otherwise defective, the Administrator may reject said application by written notice to the applicant, specifying the reasons for the rejection, within 30 days from the date of filing of the application. Thereafter a revised application may be submitted, and the Administrator will determine whether the resubmitted application conforms with all prescribed regulations. The resubmission or refiling of an application shall be considered a de novo filing for the purpose of computation of the time period prescribed in section 5(3) of the Act: *Provided,* That such resubmitted application is deemed complete.

§ 268.11 Access to information.[28]

If an applicant wishes any information submitted in an application or supplement thereto not be released by the Administrator upon request from a member of the public, the applicant must so state and must set forth the reasons why such information should not be released, including particulars as to any competitive harm which could result from release of such information. If that information is adequate, the Administrator will keep such information confidential as permitted by law.

§ 268.13 Waiver or modification.

The Administrator, upon good cause shown, may waive or modify any requirement of this part, or make any additional requirements deemed necessary.

Dated: October 7, 1976.

ASAPH H. HALL,
Administrator, Federal Railroad Administration.

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[24] This request is not contained in the NPRO. It supplements information contained in the statement of changes in financial position as it shows interest requirements and long-term debt particulars which can be significant in assessing the proposed transaction.

[25] This request is also not contained in the NPRO. It provides information about dividends paid, stock splits, and changes in par of capital stock the absence of which may distort the historical financial record of the participants to the proposed transaction.

[26] This request is not contained in the NPRO. It is important in that it provides evidence of the relative market value of the participants to the proposed transaction.

[27] The information requested in subdivisions (v) and (vi) of this subparagraph was not requested in the NPRO. This information is needed to fully evaluate the costs and savings which will result from the proposed transaction.

[28] This provision is not contained in the NPRO. The provision merely states the criteria which must be established before information can be kept confidential under the Freedom of Information Act.

[FR Doc.76–30019 Filed 10–12–76;8:45 am]

federal register

WEDNESDAY, OCTOBER 13, 1976

PART IV:

OFFICE OF MANAGEMENT AND BUDGET

■

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

October 1976

OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

October 1976

OCTOBER 7, 1976.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C. 20510

DEAR MR. PRESIDENT: In accordance with Executive Order 11845, I am transmitting the cumulative report required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with that Act, the report is also being transmitted to the House and will be published in the FEDERAL REGISTER.

Sincerely yours,

PAUL H. O'NEILL,
Acting Director.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (P.L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of October 1, 1976, of the 4 rescissions and 33 deferrals contained in the first three special messages transmitted to the Congress for fiscal year 1977. These messages were transmitted to the Congress on July 29, September 22, and October 1, 1976.

RESCISSIONS (TABLE A AND ATTACHMENT A)

Three rescissions totaling $89.1 million in FY 1977 budget authority are presently pending before the Congress. The Department of the Interior and Related Agencies Appropriation Act of 1977 rescinded $132.9 million in unobligated balances of contract authority ($13.9 million for the Bureau of Land Management, Public lands development roads and trails and $119.0 million for the National Park Service, Road construction) and $39.8 million of contract authorization (Forest Service, Forest roads and trails). Table A summarizes the status of rescissions proposed by the President as of October 1, 1976. Attachment A shows the history and status of each rescission proposed for fiscal year 1977.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of October 1, 1976, $634.7 million in 1977 budget authority was being deferred from obligation and another $123.7 million in 1977 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President. Attachment B shows the history and status of each deferral proposed during fiscal year 1977.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on the rescissions covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Tuesday, August 3, 1976 (Vol. 41, No. 150, Part VI).
Thursday, September 23, 1976 (Vol. 41, No. 188, Part III).

PAUL H. O'NEILL,
Acting Director.

TABLE A

STATUS OF 1977 RESCISSION PROPOSALS

	Amount (in millions of dollars)
Rescissions proposed by the President.....	134.1
Accepted by the Congress.....	---
Rejected by the Congress.....	45.0
Pending before the Congress:	
(Special Message #2, transmitted September 22, 1976).....	89.1

* *

TABLE B

STATUS OF 1977 DEFERRALS

	Amount (in millions of dollars)
Deferrals proposed by the President.....	761.7
Routine Executive releases.....	3.2
Overturned by the Congress.....	---
Currently before the Congress.....	758.5 1/

1/ Includes $123.7 million of outlays in two Treasury deferrals -- D77-26 and D77-27.

ATTACHMENT A

STATUS OF RESCISSIONS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

As of October 1, 1976

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Defense-Civil							
Corps of Engineers-Civil:							
Revolving fund	R77-2	6,600	09-22-76				
Department of the Interior							
Bureau of Mines:							
Helium fund	R77-3	47,500	09-22-76				
Department of Transportation							
Federal Highway Administration:							
Highway crossing Federal projects	R77-4	35,000	09-22-76			1/	1/
Other Independent Agencies							
Legal Services Corporation:							
Payment to the Legal Services Corporation	R77-1	[45,000] 2/	07-29-76			45,000	10-01-76
TOTAL		89,100				45,000	

1/ These funds were released October 1, 1976. A supplementary report withdrawing the proposed rescission will be transmitted to the Congress.
2/ These funds were not withheld during the 45-day Congressional consideration period.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 10-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Emergency Refugee and Migration Assistance Fund	D77-1		8,640	10-01-76					8,640
TOTAL			8,640						8,640

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 10-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Foreign Agricultural Service									
Salaries and expenses (Special foreign currency program)	D77-2		1,610	10-01-76					1,610
Agricultural Stabilization and Conservation Service									
Commodity credit corporation administrative expenses	D77-3		2,919	10-01-76					2,919
Forest Service									
Expenses, brush disposal	D77-4		22,321	10-01-76					22,321
Licensee programs	D77-5		146	10-01-76					146
TOTAL			26,996						26,996

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
National Oceanic and Atmospheric Administration									
Promote and develop fishery products and research pertaining to American fisheries	D77-6		1,771	10-01-76					1,771
Fisheries loan fund	D77-7		5,799	10-01-76					5,799
Offshore shrimp fisheries fund	D77-8		59	10-01-76					59
Fishermen's guaranty fund	D77-9		356	10-01-76					356
TOTAL			7,985						7,985

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 10-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Military contruction, all services	D77-10		76,483	10-01-76					76,483
TOTAL			76,483						76,483

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 10-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Panama Canal									
Canal Zone Government: Capital outlay	D77-11		146	10-01-76					146
Miscellaneous Accounts									
Wildlife conservation, etc., military reservations	D77-12		363	10-01-76					363
TOTAL			509						509

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76.
Office of the Assistant Secretary for Health									
Scientific activities overseas (Special foreign current program)	D77-13		1,113	10-01-76					1,113
Office of Education									
Higher education	D77-14		31,702	10-01-76					31,702
Social Security Administration									
Limitation on construction	D77-15		17,272	10-01-76					17,272
TOTAL			50,087						50,087

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Bureau of Land Management									
Oregon and California grant lands	D77-16		5,426	10-01-76					5,426
Bureau of Outdoor Reclamation									
Land and water conservation fund	D77-17		30,000	10-01-76					30,000
National Park Service									
Road construction	D77-18		3,245	10-01-76					
				10-01-76	-3,245				0
Geological Survey									
Payment from proceeds, sale of water	D77-19		30	10-01-76					30
Bureau of Mines									
Drainage of anthracite mines	D77-20		3,525	10-01-76					3,525
TOTAL			42,226		-3,245				38,981

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Federal Prison System:									
Buildings and facilities	D77-21		1,900	10-01-76					1,900
TOTAL			1,900						1,900

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	Releases Resulting From Subsequent Actions Taken by: House	Releases Resulting From Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 10-01-76
Administration of Foreign Affairs									
Acquisition, operation, and maintenance of buildings abroad	D77-22		14,225	10-01-76					14,225
TOTAL			14,225						14,225

STATUS OF DEFERRALS

B-10

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 10-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Coast Guard									
Acquisition, construction and improvements	D77-23		22,581	10-01-76					22,581
Federal Aviation Administration									
Civil supersonic aircraft development termination	D77-24		464	10-01-76					464
Facilities and equipment (Airport and airway trust fund)	D77-25		276,101	10-01-76					276,101
TOTAL			299,146						299,146

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Office of the Secretary									
State and local government fiscal assistance trust fund	D77-26		113,732	1/10-01-76					113,732 1/
State and local government fiscal assistance trust fund	D77-27		10,000	1/10-01-76					10,000 1/
State and local government fiscal assistance trust fund	D77-28		81,500	10-01-76					81,500
TOTAL			81,500BA 123,732O						81,500BA 123,732O

1/ Outlays only.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

B-12

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 10-01-76
		Superseded	Current		OMB/Agency	House	Senate		
Rare Silver Dollar Program	D77-29		1,709	10-01-76					1,709
TOTAL			1,709						1,709

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-76
Foreign Claims Settlement Commission									
Payment of Vietnam prisoner of war claims	D77-30		10,833	10-01-76					10,833
American Revolution Bicentennial Administration									
Salaries and expenses	D77-31		1,346	10-01-76					1,346
Interstate Commerce Commission									
Payment for directed rail service	D77-32		13,700	10-01-76					10,700
National Commission on the Observance of International Women's Year									
Salaries and expenses	D77-33		680	10-01-76					680
TOTAL			26,559						26,559
TOTAL, ALL DEFERRALS			637,965BA 123,732O		-3,245				634,720BA 123,732O

[FR Doc.76-30099 Filed 10-8-76;2:55 am]

federal register

WEDNESDAY, OCTOBER 13, 1976

PART V:

NATIONAL CREDIT UNION ADMINISTRATION

■

PRIVACY ACT OF 1974

Systems of Records

NATIONAL CREDIT UNION ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4), the National Credit Union Administration hereby publishes the systems of records as currently maintained by the agency. The systems were originally published at pages 47426 through 47434 of the October 8, 1975, edition of the Federal Register, and were proposed for amendment at pages 30308 through 30317 of the July 22, 1976, issue of the Federal Register.

The July 22, 1976, proposed changes were made for clarification purposes only and were of a nonsubstantive nature. Certain clarifications did involve revisions of routine use language, however, and thus it was thought advisable to provide a public comment period, in accordance with section 3(e)(11) of the Privacy Act. That period expired on August 23, 1976.

The only comments received were from NCUA component offices and were of a nonsubstantive, corrective nature.

Based upon those comments, the July 22, 1976, proposal is revised as follows:

(1) The "Policies and Practices" portion of System NCUA-1 is revised by deleting the words "separate, locked room" and inserting, in lieu thereof, the words "locked file cabinet."

(2) The "Policies and Practices" portion of System NCUA-2 is revised by deleting the words "separate, locked room" and inserting, in lieu thereof, the words "locked safe."

(3) The "System Location" portion of the System NCUA-6 is revised by deleting the addresses for NCUA's Region IV and Region VI Regional Offices and inserting, in lieu thereof, the following addresses:

IV.
NCUA Region IV Regional Office
New Federal Building
234 N. Summit St., Room 704
Toledo, Ohio 43604
Phone: (419) 259-7511

VI.
NCUA Region VI Regional Office
Two Embarcadero Center
Suite 1830
San Francisco, California 94111
Phone: (415) 556-6277

(4) The "System Location" portion of System NCUA-7 is revised by deleting the words "Management and Planning" and inserting, in lieu thereof, the words "Fiscal Affairs."

(5) The "Categories of Individuals" portion of System NCUA-7 is revised by deleting the words "who are members of a minority group."

(6) The "Routine Uses" portion of System NCUA-7 is revised by deleting the word "statistically" and inserting, in lieu thereof, the word "statistical."

(7) The "Policies and Practices" portion of System NCUA-7 is revised by deleting the words "data management division of the Office of Research and Analysis" and inserting, in lieu thereof, the words "Information Systems Division of the Office of Fiscal Affairs."

(8) The "Routine Uses" portion of System NCUA-10 is revised by adding the following language immediately after the first full sentence thereof: "Information is used in selecting designees to fill vacancies in NCUA's professional staff."

(9) The "System Manager" portion of System NCUA-10 is revised by deleting the words "Inspection and Audit" and inserting, in lieu thereof, the words "Management and Planning."

(10) The "System Location" and "System Manager" portions of System NCUA-14 are both revised by deleting the language "Room 103" and inserting, in lieu thereof, the language "Room 704."

(11) The "System Location" and "System Manager" portions of System NCUA-16 are both revised by deleting the numeral "2" immediately preceding the words "Embarcadero Center" and inserting the word "Two" in its place, and by deleting the language "Room 1800" and inserting the language "Suite 1830" in its place.

(12) The "Policies and Practices" and "System Manager" portions of System NCUA-19 are both revised by deleting the words "Data Management" and inserting, in lieu thereof, the words "Information Systems."

(13) The "Record Source Categories" portion of System NCUA-19 is revised by deleting the word "employee" the second time it appears therein and by deleting the comma following said word and by deleting the words "and supervisors" and inserting, in lieu thereof, the words "or Regional Office Manager."

Accordingly, upon consideration of the comments received and with the above changes, the July 22, 1976, proposed revision of the National Credit Union Administration's "Notice of Existence and Character of Systems of Records" is adopted, effective immediately, except for the above stated revisions of "Routine Uses" portions, which will take effect thirty days from this date.

C. Austin Montgomery,
Administrator.

September 30, 1976.

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

TABLE OF CONTENTS

List of System Names

NCUA-1

System name: Equal Employment Opportunity Grievance and Discrimination
Complaint Records, NCUA.

System location: National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA personnel who have filed a grievance or formal complaint of discrimination under the Equal Employment Opportunity Act.

Categories of records in the system: Reports made by supervisors, EEO counselors; formal letters advising of receipt of discrimination complaint/grievance; notices of final agency decision; formal requests to and responses from CSC for complaints examiner.

Authority for maintenance of the system: Executive Order N. 11478, Aug. 8, 1969, 34 F.R. 12985.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Formal or informal settlement of discrimination complaints/grievances. Disclosure may be

made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained in the form of paper hard copy. Retrievability—system is indexed by name. Safeguards—records are maintained in locked file cabinet, accessible only to the Security Officer and his designated assistants. Retention and disposal—in accordance with GSA regulations, the complaint file is retained seven years, duplicates or copies are retained one year and background information not needed in the complaint file is disposed of or returned to the originator after three years.

System manager(s) and address: Security Officer

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual who has filed grievance/complaint, supervisors of individual, EEO counselors.

NCUA-2

System name: Federal Employee Security Investigations Containing Adverse Information, NCUA.

System location: National Credit Union Administration

2025 M Street, NW.
Room 3202
Washington, DC 20456

Categories of individuals covered by the system: NCUA employees on whom a routine CSC security investigation has been conducted, the results of which contain adverse information.

Categories of records in the system: May consist of police records and/or information on moral character, integrity or loyalty to the United States.

Authority for maintenance of the system: Records maintained pursuant to Civil Service Commission requirements. Separate notice is published due to separate maintenance of these records which has been effected to provide extraordinary safeguards against unwarranted access and disclosures.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are reviewed by the NCUA Security Officer, and if determined to be of substantive nature, they are forwarded to the Administrator, NCUA, for whatever action, if any, is deemed necessary. Referral of relevant information in this system may be made, as a routine use, to any appropriate agency or official in the course of an employment or security clearance investigation, or to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law, rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—paper hard copy. Retrievability—system is indexed by name. Safeguards—records maintained in a locked safe accessible only to the Security Officer and his designated assistants. Records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—once disposition, if any, has been made, a record is maintained until the individual whom it concerns has left the employ of NCUA, whereupon it is either returned to the originating agency or destroyed.

System manager(s) and address: Security Officer

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Bureau of Personnel Investigations

Civil Service Commission
Federal Bureau of Investigations

Systems exempted from certain provisions of the act: In addition to any exemption to which this system is subjected by Notices published by or regulations promulgated by the Civil Service Commission, the system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosures would reveal a source who furnished information under an express promise of confidentiality, or, prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-3

System name: Intergovernmental Personnel Act Records, NCUA.

System location: Division of Training

National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC 20456

Categories of individuals covered by the system: Participants in Intergovernmental Personnel Act Conferences and Mobility Assignments.

Categories of records in the system: Required Civil Service Commission Report.

Authority for maintenance of the system: 5 U.S.C. 4101, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To carry out joint Federal-State programs, and make reporting internally and to the Civil Service Commission. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—records are stored in file cabinets in secured offices of the Division of Training. Retention and disposal—records are purged annually for those employees no longer participating in the program.

System manager(s) and address: Director, Division of Training

National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, supervisors of the individual and Civil Service Commission.

NCUA-4

System name: Investigative Reports Involving Possible Felonies and/or Violations of Federal Credit Union Act.

System location: National Credit Union Administration

2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Credit union employees who have misused or are suspected of having misused their trust in the credit union, with subsequent investigation and/or prosecution. Also, records may be maintained concerning credit union members involved or suspected of involvement in felonies or infractions under the Federal Credit Union Act, and records are maintained on robberies, burglaries and other crimes against credit unions. Information in this system only rarely includes names or other identities for suspected perpetrators.

Categories of records in the system: Investigative reports relating to possible felonies and violations of the Federal Credit Union Act (embezzlements, improper allocation of credit union funds, etc.).

Authority for maintenance of the system: 12 U.S.C. 1766, 1789.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine disposition to be made, if any, of information contained in investigative reports. Referral of information in this system may be made, as a routine use, to any appropriate agency or official in the course of an employment or security clearance investigation, to any appropriate agency or official in the course of collection of an outstanding claim, to any appropriate agency, official, court, magistrate, or administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential

violation of any civil or criminal law or rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are maintained on paper hard copy. Retrievability—system is indexed by credit union name. Safeguards—records are maintained in a separate locked room accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—after records have served the operational needs of NCUA and after disposition of the subject matter of the records, they are returned to the originating agency or destroyed.

System manager(s) and address: Security Officer

National Credit Union Administration
2025 M Street, NW.
Room 3202
Washington, DC 20456

Notification procedure: Same as above, subject to exemption discussed below.

Record access procedures: Same as above, subject to exemption discussed below.

Contesting record procedures: Same as above, subject to exemption discussed below.

Record source categories: Federal Bureau of Investigation, investigative branches of the three armed services of the Department of Defense.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

NCUA-5

System name: Acquired Assets and Share Payouts Records System, NCUA.

System location: Office of Fiscal Affairs

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Members of liquidating federally-insured credit unions

Categories of records in the system: Share and account balances, personal data regarding income and debts, payment history.

Authority for maintenance of the system: 12 U.S.C. 1787.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data used for payment of insurance claims to shareholders in liquidating federally-insured credit unions, for use in the collection of outstanding loans, which may include, inter alia, referral of information to the General Accounting Officer or the Department of Justice, and generally for all purposes necessary to wind up the affairs of the closed credit union and carry out all appropriate liquidation related functions of NCUA, including referral of necessary information to facilitate a purchase of its assets by NCUA or sale to a third party, before or after such purchase, referral of noncredit information to outside address locaters, and referral of information to a surety company in pursuit of a fidelity bond claim. Referral of information in this system may also be made, as a routine use, to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—information is initially compiled on data conversion sheets prepared by NCUA examiners acting as on-site liquidators. That data is stored on computer tape, from which loan registers may be prepared and furnished to NCUA regional offices or prospective purchasers of the assets of closed credit unions. In addition to data stored on computer tape, data conversion sheets, loan registers, essential share and loan documents and members' filed claim forms are maintained on paper hard copy. Copies of share and loan documents, incoming payments and loan portfolios may also be maintained on microfilm copy. Retrievability—indexed by name of member and closed insured credit union. Safeguards—records are maintained in secured offices of the National Credit Union Administration's Division of Financial Management. Retention and disposal—information is disposed of after ten years retention.

System manager(s) and address: Assistant Administrator for Fiscal Affairs

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above. Written inquiries should include name of inquirer, name of closed insured credit union of which inquirer was a member, and share and loan account numbers, if known, in addition to any requirements set by 12 CFR Part 720, Subpart B.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, outside address locaters and share and loan account files of the liquidating credit union of which the individual was a member.

NCUA-6

System name: Member Account Records of Federally Insured Credit Unions

Closed for Involuntary Liquidation, NCUA.

System location: Records within this system of records are located at one of the National Credit Union Administration Regional Offices as indicated below for a period of time necessary to answer inquiries of credit union members and transfer share and loan records and information to NCUA's Division of Financial Management, Washington, DC, or an outside purchaser. After such time, the remaining records are transferred for storage to one of twelve General Services Administration records storage centers.

I. NCUA Region I Regional Office State Street South Building, Room 3E 1776 Heritage Drive Boston, Massachusetts 02171 Phone: (617) 223-6807

Records of a federally-insured credit union which has been closed for liquidation, and for which the Administrator, NCUA, serves as liquidating agent, are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of such credit union was located within one of the following states or territories: Connecticut, Maine, Massachusetts, New Hampshire, New York, Puerto Rico, Rhode Island, Virgin Islands, Vermont.

II. NCUA Region II Regional Office
Federal Building
228 Walnut St., Box 926
Harrisburg, Pennsylvania 17108
Phone: (717) 782-4595

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located within one of the following states: District of Columbia, Delaware, Maryland, New Jersey, Pennsylvania.

III. NCUA Region III Regional Office
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309
Phone: (404) 526-3127

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as a liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located within one of the following states or territories: Alabama, Panama Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, Virginia, South Carolina, West Virginia.

IV. NCUA Region IV Regional Office
New Federal Building
234 N. Summit St., Room 704
Toledo, Ohio 43604
Phone: (419) 259-7511

Records of a liquidating, federally-insured credit union for which the Administratorc NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of such credit union was located within one of the following states: Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, Wisconsin.

V. NCUA Region V Regional Office
515 Congress Avenue
Suite 1400
Austin, Texas 78701
Phone: (512) 397-5131

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located in one the following states: Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Utah, Wyoming.

VI. NCUA Region VI Regional Office
Two Embarcadero Center
Suite 1830
San Francisco, California 94111
Phone: (415) 556-6277

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located within one of the following states or territories: Alaska, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Arizona.

Categories of individuals covered by the system: Records in this system of records are maintained only on those individuals who were members of a federally-insured credit union closed for liquidation and for which the Administrator, NCUA, served as liquidating agent pursuant to 12 U.S.C. 1787. Records in this system are subject to the provisions of the Privacy Act only upon completion of the liquidation of a closed federally-insured credit union and cancellation of the charter thereof. Prior to such time, records of a closed insured credit union which are held by the Administrator, NCUA, only in his capacity as liquidating agent for the closed credit union are not 'agency records' within the meaning of the Privacy Act, and thus the provisions of the Act have no applicability. Prior to charter cancellation, however, records or information may be transmitted from this system into another NCUA system of records, such as NCUA System 5—Acquired Assets and Share Payouts Records System, and in such a case, the records as contained in the second system will be considered agency records to the extent that they are maintained for purpose other than attributable to functions of the liquidating agent (e.g., for share insurance payout purposes, collection of purchased assets, etc.).

Categories of records in the system: Records on individuals within this system of records contain information concerning an individual's membership in and share and loan transactions with the credit union which has been closed for liquidation. Such information is maintained in the following forms: membership card, individual share and loan ledgers, and promissory notes and extension agreements, if any. As further explained above, in the 'Categories of individuals. . .' portion of this descriptive system notice, records of a closed insured credit union are generally subject to the provisions of the Privacy Act only upon completion of the liquidation of the credit union and cancellation of the charter thereof.

Authority for maintenance of the system: Sections 120(b) and 207 of the Federal Credit Union Act (12 U.S.C. 1766(b), 1787).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information and records in this system of records are used to close out the affairs of liquidating federally-insured credit unions, including (i) referral of information to credit union members, the NCUA Loan Management System, and any purchasers, or prospective purchasers, of the closed credit union's assets, in the interest of payment of insured share accounts and sale of assets of the credit union, or collection on loans purchased by the National Credit Union Share Insurance Fund, (ii) referral of information to the credit union's surety in pursuit of fidelity bond claims, (iii) referral of relevant information to any appropriate agency or official in the course of collection of a claim of the United States, and (iv) referral of relevant information to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order, or in the course of enforcement of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. While it is the Administrator of the National Credit Union Administration's full intent to comply with the spirit of the Privacy Act with regard to records maintained within this described system, it should again be noted, as discussed above in the 'Categories of Individuals' portion of this notice, that the provisions of the Privacy Act of 1974, including a limitation of routine uses to those described herein, do not technically apply to the records until they become 'agency' records, i.e., until such time as they are transferred to another system within NCUA or at such time as they escheat to NCUA upon cancellation of the charter of a closed credit union.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records on individual credit union members in this system of records are maintained on member account documents as compiled by individual credit unions prior to entering liquidation. These documents may include, but are not necessarily limited to, membership cards, individual share and loan ledgers, notes, security documents and extension agreements. Retrievability—member records are generally ordered or indexed by member name or account number. Safeguards—records within this system of records are maintained under the control of a designated agent for the liquidating agent who makes only such disclosures from the records as are necessary or requisite to enable the Administrator, NCUA, to carry out his responsibilities under the Federal Credit Union Act, 12 U.S.C. 1751, . Retention and disposal—the records are maintained in a National Credit Union Administration Regional Office as indicated under the Location section of this notice, for a period necessary to answer inquiries of credit union members and transfer appropriate share and loan information to the NCUA Loan Management System, Washington, DC. After such time the records are transferred for permanent storage to one of twelve General Services Administration records storage centers.

System manager(s) and address: The system managers for this system of records are the six National Credit Union Administration Regional Directors located at the business addresses set forth in the Location section of this notice.

Notification procedure: An individual may determine whether the records of a closed credit union within this system include records pertaining to him (her) by addressing an inquiry to the appropriate Regional Director at the address set forth in the Location section of this notice, i.e., an individual inquiry should be addressed to the Regional Director whose Regional Office has jurisdiction over federally-insured credit unions operating in the state of location of the main office of the closed credit union which the inquirer was a member of. A jurisdictional breakdown of states is provided in the Location section of this notice. Inquiries should contain the name of the inquirer, the name of the credit union closed for liquidation pursuant to 12 U.S.C. 1787 which the inquirer was a member of, and the credit union account number of the inquirer, if known, in addition to any requirements set by 12 CFR Part 720, Subpart B.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The sole sources of the information in this system of records are the member-related files and accounting records of federally-insured credit unions which have been closed for liquidation and for which the Administrator, NCUA, or his designee, serves as liquidating agent.

NCUA-7

System name: Minority Group Designator System (MGD), NCUA.

System location: Office of Fiscal Affairs

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Employees of NCUA.

Categories of records in the system: Statistical Employment Information on all NCUA employees by race, national origin and gender based on visual identification.

Authority for maintenance of the system: 5 U.S.C. 4101, et seq., 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Minority identification is used for composite statistical purposes only. Reports are produced for use of NCUA (Affirmative Action Plan, Internal Evaluations) or Civil Service Commission, Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are in the form of computer printouts (Mag tapes). Retrievability—information from computer runs can be obtained in various forms, e.g., in alphabetical order by name, or by employee number or type. Safeguards—data processing facility is located in the Information Systems Division of the Office of Fiscal Affairs. The data for the MGD system is coded, and access to the code is limited to a small number of people: regional office managers, EEO Directors, and the Division of Personnel (one DOP staff member). Retention and disposal—minority identification information is immediately erased from the computer once the individual leaves the employ of NCUA.

System manager(s) and address: Director, Equal Employment Opportunity

National Credit Union Administration
2025 M Street, NW
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Visual identification is made by Division of Personnel official in the central office and by office managers in the regions.

NCUA-8

System name: New Examiner Training Files, NCUA.

System location: National Credit Union Administration

Division of Training
1111 18th Street, NW.
Room 400
Washington, DC 20456

Categories of individuals covered by the system: NCUA examiners—entry level to one year on staff.

Categories of records in the system: Biweekly training reports, training progress reports, on-job trainers' evaluations of classroom training, trainees' evaluations of training program.

Authority for maintenance of the system: 5 U.S.C. 4101, .

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine retention or termination after 23 weeks on job. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—by employee name. Safeguards—maintained in metal file cabinets in secured offices of Division of Training. Retention and disposal—records are purged annually for those employees no longer participating in the program.

System manager(s) and address: Director, Division of Training

National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, on-job trainers, supervisors, Civil Service Commission.

NCUA-9

System name: Payroll Records System, NCUA.

System location: Office of Fiscal Affairs

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456
General Services Administration
Region VI
Kansas City, Missouri

Categories of individuals covered by the system: Employees of NCUA.

Categories of records in the system: Salary and related payroll data, including time and attendance information.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To make all necessary and appropriate financial reporting analysis and planning involving disclosures both intraagency and tto the General Services Administration, and generally to insure proper conpensation to all NCUA employees. Also, to document time worked and provide a record of attendance to support payment of salaries, use of annual and sick leave and nonpayed leave. Record of attendance is also maintained for information of superviser in supervising the employee. Users of the time and attendance information include the office's timekeeper, the supervisor, the payroll officer and the GSA Payroll Processing Branch in Kansas City, Missouri. Further, information in this system is used to make reportings to state and local taxing authorities. Finally, disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—computer tape, paper hard copy, microfilm. Retrievability—by name or social security number. Safeguards—maintained in secured offices, access by written authorization only. Retention and disposal—in accordance with GSA policy.

System manager(s) and address: Primary ;

Payroll Officer
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456
Secondary ;
Timekeepers
National Credit Union Administration
Central Office and
Regional Offices

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual whom the record concerns, Civil Service Commission, General Services Administration. Also, time and attendance information is prepared by the timekeeper in a given employee's office.

NCUA-10

System name: Promotion Qualification Ranking List of Career NCUA

Examiners, by Pay Grade, NCUA.

System location: Office of Personnel

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA employees at the level of GS-12 and above.

Categories of records in the system: List of names,in promotion priority order, and rating sheets.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used intraagency only. Users may include the Administrator, NCUA, and all Assistant Administrators and Regional Directors. Information is used in selecting designees to fill vacancies in NCUA's professional staff. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—paper hard copy.

Retrievability—alphabetical or by promotion priority. Safeguards—maintained in secured office. Access by authorized users only. Retention and disposal—List is updated annually or as directed by the Administrator, NCUA. Superseded list is destroyed.

System manager(s) and address: Assistant Administrator for Management and Planning

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Eavaluation reports, employee personnel files, and Assistant Administrator and Regional Directors comments and recommendations.

NCUA-11

System name: Region I Regional Office Staff Development/Correspondence

Records, NCUA.

System location: Region I Regional Office

National Credit Union Administration
State Street South Building
Room 3E
1776 Heritage Drive
Boston, Massachusetts 02171

Categories of individuals covered by the system: NCUA Region I Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information, information concerning training, work performance, suggestions, awards, and travel vouchers, and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluations by superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability-indexed by name. Safeguards—physical security consists of maintaining records in metal file cabinets within secured of ices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of at least one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region I Regional Office
National Credit Union Administration
State Street South Building
Room 3E
1776 Heritage Drive
Boston, Massachusetts 02171

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual may encounter in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-12

System name: Region II Regional Office Staff Development/Correspond—

ence Records, NCUA.

System location: Region II Regional Office

National Credit Union Administration
Federal Building
228 Walnut Street, Box 926
Harrisburg, Pennsylvania 17108

Categories of individuals covered by the system: NCUA Region II Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region II Regional Office
National Credit Union Administration
Federal Building
228 Walnut Street, Box 926
Harrisburg, Pennsylvania 17108

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-13

System name: Region III Regional Office Staff Development/Correspond—

ence Records, NCUA.

System location: Region III Regional Office

National Credit Union Administration
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309

Categories of individuals covered by the system: NCUA Region III Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region III Regional Office
National Credit Union Administration
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-14

System name: Region IV Regional Office Staff Development/Correspond—

ence Records, NCUA.

System location: Region IV Regional Office

National Credit Union Administration
New Federal Building
234 North Summit Street
Room 704
Toledo, Ohio 43604

Categories of individuals covered by the system: NCUA Region IV Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region IV Regional Office
National Credit Union Administration
New Federal Building
234 North Summit Street
Room 704
Toledo, Ohio 43604

Notification procedure: Regional Director. Same address as above.

Record access procedures: Rebional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-15

System name: Region V Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region V Regional Office

National Credit Union Administration
515 Congress Avenue
Suite 1400
Austin, Texas 78701

Categories of individuals covered by the system: NCUA Region V Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material

is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region V Regional Office
National Credit Union Administration
515 Congress Avenue
Suite 1400
Austin, Texas 78701

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-16

System name: Region VI Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region VI Regional Office

National Credit Union Administration
Two Embarcadero Center
Suite 1830
San Francisco, California 94111

Categories of individuals covered by the system: NCUA Region VI Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region VI Regional Office
National Credit Union Administration
Two Embarcadero Center
Suite 1830
San Francisco, California 94111

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-17

System name: Security Clearance of Records Concerning NCUA Personnel Who Occupy Critical Sensitive Positions.

System location: Office of Management and Planning

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA personnel who occupy critical sensitive positions in the Agency, including the Security Officer and his designated assistants.

Categories of records in the system: Background investigations on individuals to determine appropriateness for security clearance. Information consists chiefly of records of interviews conducted by Civil Service Commission and Federal Bureau of Investigation officials with parties acquainted with the individual under investigation. Questions are geared to character, integrity and loyalty to the United States.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To facilitate a determination as to appropriateness for security clearance. Referral of relevant information in this system may be made, as a routine use, to any appropriate agency or official in the course of an employment of security clearance investigation or to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are in the form of paper hard copy. Retrievability—system is indexed by name. Safeguards—records are maintained in a separate, locked room accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—records are maintained until the individual leaves the employ of NCUA, whereupon they are returned to the originating agency.

System manager(s) and address: Security Officer

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Federal Bureau of Investigation, Bureau of Personnel Investigation (Civil Service Commission), Central Intelligence Agency.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosure would reveal a source who furnished information under an express promise of confidentiality, or, prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-18

System name: Trusteed Account Records System, NCUA.

System location: Division of Financial Management

Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Members of liquidating federally-insured credit unions.

Categories of records in the system: Share balances and last known addresses of individuals by whom or on whose behalf insured share account payout claims have been filed.

Authority for maintenance of the system: 12 U.S.C. 1787.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used to ensure proper payment of all trusteed account funds. Signature cards and account records are also maintained on microfiche copy. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are maintained on computer printout forms. Information in the system is also stored on computer tape by a private contractor pursuant to an agreement which provides that the information will remain confidential. Retrievability—by individual name, credit union name or a combination thereof. Safeguards—records are sotred in secured offices. Retention and disposal—records are maintained until processing of claims is completed.

System manager(s) and address: Director, Division of Financial Management

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Files of federally-insured credit unions which are closed for liquidation.

NCUA-19

System name: Verified Employee Mailing List, NCUA.

System location: National Credit Union Administration

2025 M Street, NW.
Washington, DC 20456
Contractor's Address:
Mail America
Bumpy Oak Road
Bryan's Road, Maryland

Categories of individuals covered by the system: NCUA Employees.

Categories of records in the system: Name, address, telephone number, birthday, ethnic and sex codes, GS grade, employee type, employee identification number. Contractor is provided a tape containing all employees' names, addresses, employee numbers, regions and GS grades.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To produce mailing labels and make reportings to the EEO Director and other NCUA employees with an official need for a listing of NCUA employees, such as the ranking panel, Assistant Administrators, etc. Also, to generate an NCUA telephone directory for distribution to all NCUA employees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—computer disc 3330. Retrievability—by employee identification number. Safeguards—SCL decks available only to three persons in Division of Information Systems, and terminal is maintained in a room which is secured by a padlock after hours. Retention and disposal—information is maintained on active, retired and deceased employees for an indefinite period.

System manager(s) and address: Director, Division of Information Systems

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: NCUA form 1042 completed for each new employee by personnel staff or Regional Office Manager. Form 1051 completed by same to report changes.

NCUA-20

System name: Travel System, NCUA.

System location: Division of Financial Management

Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: All professional and semi-professional NCUA employees who have performed travel in the course of performing their duty and have been reimbursed for the expense of such travel.

Categories of records in the system: Travel Advance Cards (SF 1038), Travel Vouchers (SF 1012), Reimbursement for COS Expenses (NCUA 1302), Authorization of Moving and Related Travel Expenses for COS (NCUA 1301), Travel Orders (NCUA 1500), Suspension Statements (NCUA 1311).

Authority for maintenance of the system: 5 U.S.C. Chapter 57 (as amended), Executive Order 11609 of July 22, 1971, and Executive Order 11012 of March 27, 1962. 5 U.S.C. 4101, Federal Travel Regulation, FPMR 101-7 Chapter 2, Section 6.3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide documentary support for disbursement of funds for the purpose of reimbursing employees for expenses incurred in travel in performance of their duties. Users of the information—first and second line supervisors, NCUA accounting staff and budgeting staff. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are stored in paper hard copy form. Retrievability—records are retrievable alphabetically by surname. Safeguards—maintained in secured offices. Retention and disposal—records are kept on-site in DFM until the annual GAO audit is completed after which records are sent to a Federal Records Center for storage for a minimum of three years.

System manager(s) and address: Accounting Officer

Division of Financial Management
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Records are prepared by the individual whom the record concerns.

[FR Doc.76-29547 Filed 10-4-76;8:45 am]

federal register

WEDNESDAY, OCTOBER 13, 1976

PART VI:

DEPARTMENT OF AGRICULTURE

Office of the Secretary

■

PRIVACY ACT OF 1974

Systems of Records

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
PRIVACY ACT OF 1974
Notice of Systems of Records

Notice is hereby given of a new records system maintained by the Marketing Division of the Office of the General Counsel within the Department of Agricluture (USDA), and required to be published in the Federal Register and in annual compilation form pursuant to the provisions of the Privacy Act of 1974 (P.L. 93-579).

Although this Act requires only that the portion of each system which describes the "routine uses" of that system be published for public comment, USDA invites such comment on all portions of each notice. This notice will be adopted as set forth below, without further publication, unless modified by a subsequent notice as a result of comments received from the public.

Interested persons may submit written comments on this proposed notice to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before the thirtieth day following publication of this notice. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 12th Street and Independence Avenue, SW., Washington, D.C. 20250.

Dated: October 1, 1976.

Earl L. Butz,
Secretary.

USDA/OGC-76

System name: Administrative proceedings brought pursuant to the Beef Research and Information Act and court cases in which the Government is plaintiff and court cases in which the Government is defendant brought pursuant to the Beef Research and Information Act, USDA/OGC.

System location:

Office of the General Counsel
Marketing Division
USDA
Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government or individuals regulated by the subject Act who file a petition with the Secretary pursuant to the authority of the subject Act or individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 94 P.L. 294; 7 U.S.C. 2901 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate record centers in accordance with such directives.

System manager(s) and address:

Director
Marketing Division
OGC, USDA
Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Records Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

Systems exempted from certain provisions of the act: The portions of this system which involve records pertaining to administrative proceeding brought by the Department or court cases in which the Government is plaintiff have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) because they consist of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

[FR Doc.76-29600 Filed 10-12-76;8:45 am]