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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
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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	HEW/FDA			HEW/FDA

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

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

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

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rules and regulations

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

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Title 4—Accounts

CHAPTER I—GENERAL ACCOUNTING OFFICE

SUBCHAPTER D—TRANSPORTATION

PART 56—JOINT REGULATIONS FOR ADVANCE PAYMENT OF CHARGES FOR TRANSPORTATION SERVICES FURNISHED THE UNITED STATES

Revision

Pub. L. 93–604 amended section 322 of the Transportation Act of 1940, as amended, 49 U.S.C. 66, by deleting from subsection (a) the authority of the Comptroller General and the Secretary of the Treasury to promulgate joint regulations establishing standards for payment of charges for transportation services furnished for the account of the United States prior to audit or settlement by the General Accounting Office. However, Pub. L. 93–604 continued their authority to promulgate joint standards for payment prior to completion of services. Part 56 is therefore being revised to continue the standards for making payment prior to the Government's confirmation of satisfactory completion of transportation services.

In accord with 5 U.S.C. 553, notice and public procedure thereon are unnecessary since these regulations involve only rules of agency procedure and practice.

Accordingly, Part 56 is revised in entirety to read as follows:

Sec.
56.1 Prescription of standards.
56.2 Payment prior to Government confirmation of satisfactory performance.
56.3 Bonding requirements.

AUTHORITY: Sec. 1(b), 86 Stat. 1163, 1164, as amended by sec. 201, 88 Stat. 1969; (49 U.S.C. 66(c)).

§ 56.1 Prescription of standards.

The regulations in this part are issued jointly by the Comptroller General of the United States and the Secretary of the Treasury under the provisions of 49 U.S.C. 66(c) which authorizes payment of charges for transportation services to carriers or forwarders in advance of the completion of services without regard to section 3648 of the Revised Statutes, 31 U.S.C. 529: *Provided*, The carrier or forwarder has issued the usual ticket, receipt, bill of lading or equivalent document covering the service involved. Regulations prescribed by the head of an agency in implementation of this part will be reviewed by the General Accounting Office as a part of its audit of the agency's activities.

§ 56.2 Payment prior to Government confirmation of satisfactory performance.

Where a carrier or forwarder has issued the usual ticket, receipt, bill of lading or equivalent document, and subject to limitations prescribed by the Administrator, General Services Administration, or his designee, administrative procedures may provide for payment of bills for charges for transportation services furnished for the account of the United States prior to Government confirmation of the satisfactory completion of such services except those bills presented by:

(a) An assignee bank or financial institution under the authority of 31 U.S.C. 203 and 41 U.S.C. 15;

(b) Payees who are in bankruptcy proceedings or are subject to the control of a receiver, trustee, or other similar representative;

(c) Payees who consistently fail to refund overcharges without assertion of substantial defenses or other valid reasons when notified by the General Services Administration or any other interested Government agency;

(d) Payees who without good cause fail to make timely disposition or settlement of loss or damage or other claims asserted by agencies of the United States;

(e) Payees owing substantial sums of money to the United States concerning which no adequate arrangements for settlement have been made;

(f) Payees in such bad financial condition as to justify a determination that the Government's best interests require consideration of special payment rules for their account;

(g) Payees who do business with the United States infrequently and who previously have not been administratively approved for payment upon presentation of bills;

(h) Any other person or business organization determined administratively for valid reasons to be ineligible for payment unless after review of the facts and in the absence of objection by the United States General Accounting Office it is determined administratively that the best interests of the United States will not be jeopardized by such payment.

§ 56.3 Bonding requirements.

Whenever the head of an agency of the United States or his designee determines in any particular case that a bond (or other form of guarantee or assurance) of an acceptable surety is essential for the account of any particular carrier or forwarder in order to protect the interests of the United States where payments are to be made prior to Government confirmation of the satisfactory completion of transportation services a bond may be required and held by the agency making such requirement. The bond shall be for such amount as in the discretion of the responsible Government officers is necessary for the protection of the Government's best interests but shall not exceed $10,000 unless the head of the agency or his designee certifies that a bond for a higher amount is justified in the circumstances.

WILLIAM E. SIMON,
Secretary of the Treasury.

ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.76-36150 Filed 12-8-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

General Bonding Provisions, Market Agency, Dealer and Packer Bonds

On September 17, 1976, notice was published (41 FR 40162) of proposed amendments to §§ 201.27 through 201.34 (9 CFR 201.27 through 201.34) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Any person who wished to submit written data, views, or arguments concerning the proposed amendments was invited to do so. The time for submitting such data, views, or arguments expired on November 16, 1976.

Comments were received and filed by the Hearing Clerk from 146 persons. Upon a review of these comments it has been determined that there were 10 duplicate filings, 5 documents filed with no comment, and 3 documents filed that did not pertain to the proposed rulemaking. Therefore, only a total of 128 comments related to the proposed rulemaking and have received consideration.

Comments were received from 14 State Departments of Agriculture, other branches of state governments, and banks favoring the proposed regulations without reservation. Favorable comments were also received from 25 national, state and local farm, feeder, and producer groups and organizations having total memberships of over 4,000,000. Thirteen other comments were received from packers, livestock exchanges, and pro-

ducers or livestock trade organizations generally favoring the proposed packer bonding regulations, but each of these commentators made specific recommendations for some modifications in the regulations.

One packer expressed some confusion about whether there is a limitation on the amount of fully negotiable obligations of the United States that could be under a trust fund agreement, under § 201.27(b) of the proposed regulations. There is no limitation on the amount of such obligations that may be under such a bond equivalent; nor is there any limit on the amount of savings certificates or certificates of deposit, or deposits in savings accounts, that may be under such a bond equivalent, so long as all of such savings certificates, certificates of deposit and accounts are fully insured under the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC); in order to make sure that the fund is fully protected, if a market agency, dealer, or packer wishes its bond equivalent to include savings certificates or certificates of deposit or savings accounts, it may have to obtain them from several banks or savings and loan firms or establish accounts with several banks and savings and loans firms. All such savings certificates, certificates of deposits or accounts, whether they be with one or numerous institutions, and also obligations of the United States, may be under one trust fund agreement.

One commentator suggested a modification in the proposed regulations to accomplish the transfer of funds now pledged under a trust agreement required under state law over to a trust agreement as is required under the Packers and Stockyards Act. We do not believe that such a regulation is possible as the trust agreements filed to satisfy state statutes are subject to state law and they do contain certain provisions regarding the release of collateral pledged thereunder that must be complied with. Rather than to promulgate a questionable regulation to accomplish this change over from a trust agreement currently required under state law to that as is required under the Federal statute, the Packers and Stockyards Administration will work closely with the various packers and state agencies to perfect a rider or endorsement that may be attached to a state trust agreement which will transfer the funds pledged thereunder to a Packers and Stockyards form of trust agreement in such a manner so as not to cause a lapse or overlap in coverage or so as not to jeopardize the interests of any potential claimant under either the state or Packers and Stockyards Act trust agreement.

One packer trade organization and two large packers suggested that the proposed rulemaking be modified to permit packers who purchase livestock 6 days each week to compute their bond requirement on such basis rather than on a 5 day week as proposed. If this were done, it would increase the average number of business days from 260 to 312 and would increase the divisor used in determining the total bond requirement, 2 days average business, from 130 to 156. Upon checking into this matter, it has been determined that there are a very limited number of packers who purchase livestock 6 days each week. In addition, some of those packers that do purchase livestock 6 days each week do not have their general offices open on Saturdays and as a result do not pay for Saturday purchases until the following Monday. Also, it has been determined that to use a divisor of 156 instead of 130 as proposed would not make any appreciable change in the bond requirement of subject packers. For example, if a packer firm purchased livestock valued at $50,000,000 annually, it would have to have a bond in the amount of $385,000 if the divisor were 130, and a bond in the amount of $325,000 if the divisor were 156. Because of the above-mentioned factors the Packers and Stockyards Administration does not believe a separate and distinct formula for the limited number of packers who may purchase livestock 6 days each week is warranted at this time.

Five commentators filed suggestions for modifications in our proposed regulations requesting that this agency consider computing packer bonds so that a full three-days average purchase be covered rather than the two-days average as proposed. Such requests have been made based on the proposition that the greater volume of some packers' purchases at terminal markets are made on the first three days of each week. In addition, these commentators have suggested that we consider accepting the bonds now required of packers by the various livestock exchanges located at large terminal markets as partial satisfaction of the Federal bond requirement and that a separate bond covering off-market purchases, be required of each such packer for the remainder of our total bond requirement.

Some of the livestock exchanges have, in our opinion, misinterpreted the provisions of section 410 of the Packers and Stockyards Act, in that they have voiced an objection to our proposed packer bonding requirements on the ground that section 410 of the Act precludes exchanges from continuing their bond requirements for packers who make livestock purchasers from exchange members.

The suggestion for the full three-day coverage has been carefully considered and it has been decided that it will not be adopted because of the fact that section 201.30(g) of the proposed regulations gives the Secretary authority to require bonds of market agencies, dealers and packers based on seasonal or irregular business operations. We believe that this section of proposed regulations will adequately cover any subject person who may buy on a seasonal or irregular basis.

In addition, we have considered the suggestions relative to the acceptance of exchange bonds in partial satisfaction of our total bond requirement and it has been determined that such suggestions will not be adopted due to the fact that some packers have several such bonds in effect and the coverage afforded under such bonds is limited to purchases made at the specific terminal markets or auction markets named as beneficiaries therein. In addition, if this suggestion were accepted and made a part of our bonding regulations for packers, it would only be fair to extend the consideration to any other seller of livestock who may desire to require such limited bonds of packers as a condition of sale of livestock to the packers. This could result in numerous bonds being filed by each packer limiting coverage to specific markets, feedlots, and individuals, thus creating a situation we believe could not be controlled by this agency and in the event of a financial failure of a packer, it would lead to numerous court actions involving many different parties creating problems that would take great lengths of time to resolve. Also, acceptance of those limited bonds required by livestock exchanges, if accepted as partial fulfillment of the Federal bonding regulations, would work to the disadvantage of all parties who are nonmembers of the livestock exchanges. In the event that a packer failed with two bonds in effect, one naming the exchange as beneficiary and one covering purchases from other sources, the exchange members would call upon both bonds, but nonmembers of the exchange would be limited to protection only under the bond written without the limitation clause. This could result in the exchange members making a greater percent of recovery of their losses than nonmembers. This in itself would be discriminatory and, of course, should not be permitted as each valid claimant should participate equally in the proceeds of the bond provided by the subject party. In addition, it has been a policy of the Packers and Stockyards Administration not to accept a surety bond or bond equivalent which limits the coverage thereunder to a specific market or party. Bonds required under the Act and regulations are based on the total volume of business transacted by the subject party and all sellers of livestock who do business with the bonded party are entitled to protection afforded by the subject party's bond or bond equivalent.

With respect to section 410 of the Packers and Stockyards Act, this section of the statute applies only the packer bonding laws of states, territories of the United States, subdivisions thereof and the District of Columbia. The preemptive provision contained in this section of the statute does not preclude livestock exchanges or other sellers of livestock from requiring bonds of packers or other buyers of livestock with whom they do business. In view of this, no further amendment will be made in the proposed regulations.

Two packer organizations and 72 packers filed comments opposing the proposed packer bonding regulations. A majority

of the comments received from this latter mentioned group voiced opposition to the proposed regulations on the grounds that such regulations discriminate against small packers and, that some packers may not be in a position to obtain bonds. A further review of the transcript of the hearings, and the reports issued by the Committee on Agriculture and Forestry (Senate), Committee on Agriculture (House), and the Conference Report, Joint Explanatory Statement of the Committee of Conference, on the Bill which became Pub. L. 94-410, discloses that both the House and Senate carefully considered whether the bonding and trust provisions of the statute should apply to small packers.

After considerable debate, it was decided that small packers purchasing livestock valued at $500,000 or less annually should be exempt from those provisions. Following is an excerpt from page 3 of the Conference Report of August 4, 1976.

AMENDMENT NO. 1—SMALL PACKERS EXEMPT FROM BONDING

The House bill amends the Act of July 12, 1943, 7 U.S.C. 204, to extend to packers the discretionary authority of the Secretary of Agriculture (presently applicable only to market agencies and dealers) to require reasonable bonds. However, the bill exempts from this requirement those packers whose average annual purchases do not exceed $1,000,000.

The Senate amendment retains this provision but reduces from $1,000,000 to $500,000 the level of average annual livestock purchases below which a packer must fall in order to qualify for the exemption.

The House receded.

With respect to the contention that some packers may not qualify for surety bonds this agency has determined that 31.82% of all subject packers will be required to have minimum bonds of $10,000; 44.29% will have bonds ranging from $15,000 to $100,000; 18.11% will be required to have bonds ranging from $100,000 to $500,000; only 3% will be required to have bonds ranging from $500,000 to $1,000,000; the remaining 2.78% of the subject packers will be required to have bonds in excess of $1,000,000. The proposed packer bonding regulations have been discussed with members of the surety industry and we have been advised that many of the approved surety companies are definitely interested in writing bonds for packers. In addition, we were advised that no great problems could be visualized with regard to packers qualifying for bonds. Some surety representatives present at the meeting did state that those packers found to be insolvent or in questionable financial condition could not hope to qualify for bonds without proper outside indemnitorship arrangements. On the basis of the information before this agency it has been determined that the proposed bonding regulations will not be discriminatory against small packers and that financially responsible packers should not have any difficulty in obtaining commercial bonds from approved surety companies if proper application for such bonds is made, appropriate financial statements filed, and appropriate indemnitor agreements are arranged.

Four commentators requested extensions of time of 30 and 90 days. They contend that additional time is needed so that surety companies may establish underwriting requirements and premium schedules for packer bonds. We have been assured by some surety companies that they are in the process of establishing underwriting requirements and that they should soon be ready for distribution to their agents. In addition, the surety companies have indicated that they do not intend to establish premiums and complete their underwriting requirements until our regulations have been promulgated to be certain the sureties know what the requirements will be. So that the surety industry may have ample time to establish underwriting requirements and premium schedules and so that the packing industry will have ample time in which to comply, we will go forward with the publication of the final rulemaking, but will make the regulations effective 60 days after publication rather than 30 days as originally planned.

Accordingly, the proposed regulations are issued without change and set forth below.

GENERAL BONDING PROVISIONS

§ 201.27 Underwriter; equivalent in lieu of bonds; standard forms.

(a) The surety on bonds maintained under the regulations in this part shall be a surety company (1) which is currently approved by the United States Treasury Department for bonds executed to the United States, and (2) which has not failed or refused to satisfy its legal obligations under bonds issued under said regulations.

(b) A bond equivalent may be filed in lieu of a bond. A bond equivalent shall be in the form of a trust fund agreement based on funds actually deposited and readily convertible to currency in the amount required by § 201.30. Such funds shall be invested or deposited, in the name of a trustee as set forth in § 201.32, in: (1) Fully negotiable obligations of the United States, or (2) deposits or accounts fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, but no more of such funds shall be invested or deposited in any one such institution, than is so insured. The provisions of §§ 201.27 through 201.38 shall be applicable to such trust fund agreements.

(c) The following forms of a bond and trust fund agreement are suggested for use in connection with the filing of bonds or bond equivalents as required by these regulations:

Bond No. _____

BOND REQUIRED OF LIVESTOCK MARKET AGENCIES, DEALERS AND PACKERS UNDER THE PACKERS AND STOCKYARDS ACT, 1921, AS AMENDED

Know All Men by These Presents, that we _____ of _____ as Principal, and _____ as Surety, are held and firmly bound unto _____

_____

(Trustee need not be named unless required by State, principal, or surety)

(or his successors in official position, if any) as Trustee for all persons who may be damaged through the breach of this bond, as Obligee, in the aggregate sum of _____ Dollars ($ _____), lawful money of the United States of America, for the payment whereof to the Obligee we bind ourselves, our heirs, executors, administrators, successors and assigns jointly and severally by these presents.

Signed, sealed and dated this ____ day of _____, 19____.

Now, Therefore, the Condition of this Bond is such that:

APPLICABLE IF PRINCIPAL SELLS ON COMMISSION

(1) If the said Principal shall pay when due to the person or persons entitled thereto the gross amount, less lawful charges, for which all livestock is sold for the accounts of others by said Principal.

APPLICABLE IF PRINCIPAL BUYS ON COMMISSION OR AS A DEALER

(2) If the said Principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said Principal for his own account or for the accounts of others, and if the said Principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the accounts of others.

APPLICABLE IF OTHERS CLEAR THROUGH PRINCIPAL

(3) If the said Principal, acting as a clearing agency responsible for the financial obligations of other registrants engaged in buying livestock, viz.: (insert here the names of such other registrants as they appear in the application for registration).

or if such other registrants, shall (1) pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by such other registrants for their own account or for the accounts of others and (2) safely keep and properly disburse all funds coming into the hands of such Principal or such other registrants for the purpose of paying for livestock purchased for the accounts of others.

APPLICABLE IF PRINCIPAL BUYS AS A PACKER

(4) If the said Principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said Principal for his own account,

then this bond shall be null and void, otherwise to remain in full force and virtue, subject to the following terms, conditions, and limitations:

(a) This bond shall apply only to transactions occurring on or at any time after the date hereof, and before the effective date of termination hereof as hereinafter provided.

(b) Payment by the Surety to a claimant or to the Trustee in settlement of one or more claims shall discharge the Surety as to those claims and shall reduce the penal sum of this bond to the extent of such payment or payments.

(c) Any person damaged by failure of the Principal to comply with any condition clause of this bond, may maintain suit in his own name to recover on this bond even though such person is not a party named in this bond. The Trustee may maintain suit in his own name, the recovery to be made for the use of the persons damaged. Principal and Surety hereby waive every defense, if any there be, based on the fact that any

person damaged or in whose name a suit shall be brought, is not a party or privy to this bond.

(d) Any claim for recovery on this bond must be filed in writing with either the Surety, or the Trustee if one is named, or the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, and whichever of these parties receives such a claim shall notify the other such party or parties at the earliest practicable date. All claims must be filed within 120 days of the date of the transaction on which claim is made. Suit thereon shall not be commenced in less than 180 or more than 547 days (which is approximately 18 months) from the date of the transaction on which the claim is based.

(e) The Administrator, Packers and Stockyards Administration, United States Department of Agriculture, is authorized to designate a Trustee to represent all claimants under this bond if (1) any claim is filed or any action is required to recover damages for breach of any condition of this bond, and if (2) a Trustee is not designated herein or the Trustee designated herein fails or is unable to act or serve.

(f) The Surety shall not be liable to pay any claim for recovery on this bond if it is not filed in writing within 120 days from the date of the transaction on which the claim is based, or if suit thereon is commenced less than 180 or more than 547 days (which is approximately 18 months) from the date of the transaction on which the claim is based.

(g) The proceeds of this bond shall not be used to pay fees, salaries, or expenses for legal representation of the Surety or the Principal.

(h) The term "person" as used in this bond shall be construed to mean and include both singular and plural, corporations, partnerships, associations, individuals, and the heirs, executors, administrators, successors, or assigns thereof.

(i) The acts, omissions or failures of authorized agents or representatives of said Principal or persons whom said Principal shall knowingly permit to represent themselves as acting for said Principal shall be taken and construed to be the acts, omissions, or failures of said Principal and to be within the protection of this bond to the same extent and in the same manner as if they were the personal acts of said Principal.

(j) Termination of the clearance of a registrant under condition clause 3 of this bond may be accomplished by issuance of a rider or endorsement by the Surety herein deducting the name of the clearee. Termination of the clearance shall become effective thirty (30) days after the date of receipt of the rider or endorsement by the Administrator, Packers and Stockyards Administration, Washington, D.C.

(k) This bond may be terminated by either party hereto delivering written notice of termination to the other party and the Administrator of the Packers and Stockyards Administration at Washington, D.C., at least thirty (30) days prior to the effective date of such termination. In the event that the Surety named herein writes a new bond to replace this bond for the same Principal named herein, the 30-day termination provision will be waived, and this bond will become terminated as of the effective date of the replacement bond. Immediately upon filing of a claim for recovery on this bond, unless the Surety believes that such claim is frivolous, the Surety shall cause termination of this bond in accordance with this paragraph.

(l) A fully executed duplicate of this bond and of any endorsement, amendment, rider, or other attachment hereto, shall be filed with the Area Supervisor, Packers and Stockyards Administration, for the area in which the Principal resides or has his or its principal place of business.

(m) Conditions _____ and _____ were deleted prior to execution and are not a part hereof.

In Witness Whereof the parties hereto have executed this bond under their seals on the day and date appearing herein.

_____ (Seal)
(Principal)

By _____

_____ (Seal)
(Surety)

By _____

_____
(Trustee—if named)

TRUST FUND AGREEMENT IN LIEU OF BOND REQUIRED OF LIVESTOCK MARKET AGENCIES, DEALERS AND PACKERS UNDER THE PACKERS AND STOCKYARDS ACT, 1921, AS AMENDED

Whereas, the provisions of the Packers and Stockyards Act, 1921, as amended and supplemented, and the regulations of the Secretary of Agriculture issued pursuant thereto, require a good and sufficient surety bond or its equivalent of all market agencies, dealers and packers as defined in the Packers and Stockyards Act to cover their obligations as such; and

Whereas, _____ hereinafter known as the Principal, is engaged in business as a market agency, dealer or packer as defined in the Packers and Stockyards Act.

Now, Therefore, the sum of _____ dollars ($ _____), invested as follows: _____ is hereby deposited by _____

_____
(Name of Principal)

with _____

_____ as Trustee,
(Name and address of Trustee)

for the following purposes and subject to the following conditions:

APPLICABLE IF PRINCIPAL SELLS ON COMMISSION

(1) If the said Principal shall pay when due to the person or persons entitled thereto the gross amount, less lawful charges, for which all livestock is sold for the accounts of others by said Principal.

APPLICABLE IF PRINCIPAL SELLS ON COMMISSION OR AS A DEALER

(2) If the said Principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said Principal for his own account or for the accounts of others, and if the said Principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the accounts of others.

APPLICABLE IF OTHERS CLEAR THROUGH PRINCIPAL

(3) If the said Principal, acting as a clearing agency responsible for the financial obligations of other registrants engaged in buying livestock, viz.: (insert here the names of such other registrants as they appear in the application for registration), or if such other registrants, shall (1) pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by such other registrants for their own account or for the accounts of others and (2) safely keep and properly disburse all funds coming into the hands of such Principal or such other registrants for the purpose of paying for livestock purchased for the accounts of others.

APPLICABLE IF PRINCIPAL BUYS AS A PACKER

(4) If the said Principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said Principal for his own account then this fund shall not be liable; but if there shall be any defaults, failures, or neglects under any one or more of said conditions, then this fund shall be liable, subject to the following terms, conditions and limitations:

(a) This trust fund agreement shall apply only to transactions occurring on or at any time after the date hereof, and before the effective date of termination hereof as hereinafter provided.

(b) Payment by the Trustee to a claimant in settlement of one or more claims shall discharge the Trustee as to those claims and shall reduce the amount of this fund to the extent of such payment or payments.

(c) Any person damaged by failure of the Principal to comply with any condition clause of this agreement, may maintain suit in his own name to recover on this agreement even though such person is not a party named in this agreement. Principal and Trustee hereby waive every defense, if any there be, based on the fact that any person damaged or in whose name a suit shall be brought, is not a party or privy to this agreement.

(d) Any claim for recovery on this agreement must be filed in writing with either the Trustee or the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, and whichever of these parties receive such a claim shall notify the other such party at the earliest practicable date. All claims must be filed within 120 days of the date of the transaction on which claim is made. Suit thereon shall not be commenced in less than 180 or more than 547 days (which is approximately 18 months) from the date of the transaction on which the claim is based.

(e) The Administrator, Packers and Stockyards Administration, United States Department of Agriculture, is authorized to designate a person to act as Trustee under this agreement if the Trustee designated herein fails or is unable to act or serve. In the event of such designation by the Administrator, all assets of the trust fund to which this agreement refers, shall be paid over to the person so designated by the Administrator.

(f) The Trustee shall not be liable to pay any claim for recovery on this agreement if it is not filed in writing within 120 days from the date of the transaction on which the claim is based, or if suit thereon is commenced less than 180 or more than 547 days (which is approximately 18 months) from the date of the transaction on which the claim is based.

(g) The trust fund shall not be used to pay fees, salaries, or expenses, for legal representation of the Principal.

(h) The term "person" as used in this agreement shall be construed to mean and include both singular and plural, corporations, partnerships, associations, individuals, and the heirs, executors, administrators, successors, or assigns therof.

(i) The acts, omissions, or failures of authorized agents or representatives of said Principal or persons whom said Principal shall knowingly permit to represent themselves as acting for said Principal shall be taken and construed to be the acts, omissions, or failures of said Principal and to be within the protection of this agreement to the same extent and in the same manner as if they were the personal acts of said Principal.

(j) Termination of the clearance of a registrant under condition clause 3 of this trust fund agreement may be accomplished by

issuance of a rider deducting the name of the clearee. Termination of the clearance shall become effective thirty days after the date of receipt of the rider by the Administrator, Packers and Stockyards Administration, Washington, D.C.

(k) This agreement may be terminated by either party hereto delivering written notice of termination to the other party and the Administrator of the Packers and Stockyards Administration at Washington, D.C., at least 30 days prior to the effective date of such termination. In no case shall the funds deposited with the Trustee herein be returned to the Principal until a Trust Fund Agreement Special Report Form P&SA–5, has been submitted by the Principal to the *Administrator of the Packers and Stockyards Administration* certifying that all obligations arising under the conditions of this agreement prior to the effective date of its termination have been discharged and authorization for the release of the funds has been received from the Administrator. Immediately upon filing of a claim for recovery on this agreement, unless the Trustee believes that such claim is frivolous, the Trustee shall cause termination of this agreement in accordance with this paragraph.

(l) The interest or dividends accruing on the above described bonds or other securities are to be delivered by the Trustee to _____

_____

hereby accepts the trust hereunder and agrees that it will hold all the bonds or other securities herein described, under the above agreement.

(m) A fully executed duplicate of this agreement, and of any endorsement, amendment, rider, or other attachment hereto, shall be filed with the Area Supervisor, Packers and Stockyards Administration, for the area in which the Principal resides or has his or its principal place of business.

(n) The securities pledged by the Principal under this agreement may be disbursed to known valid claimant by the Trustee after he has been presented with a sworn proof of claim form and other papers to support such claims. In the event that claims filed against this agreement exceed the penal sum of the securities pledged hereunder, the securities shall be prorated to the known valid claimants by the Trustee. The Trustee named herein shall determine the total amount of claims prior to disbursing any portion of the securities pledged under this trust fund agreement.

(o) Conditions _____ and _____ were deleted prior to execution and are not part hereof.

This Trust Fund Agreement Shall Become Effective On The ____ day of _____, 19__.

I accept the obligations as Trustee:

_____ (Seal)

(Signature of Trustee)

_____ (Seal)

(Signature of Principal)

§ 201.28 Duplicates of bonds or equivalents to be filed with Area Supervisor.

Fully executed duplicates of bonds or trust fund agreements maintained under the regulations in this part, and duplicates of all endorsements, amendments, riders, indemnity agreements, and other attachments thereto, shall be filed with the Area Supervisor for the area in which the registrant, licensee, or packer or person applying for registration or a license resides, or in the case of a corporation, where the corporation has its home office: *Provided*, That if such registrant, licensee, or packer or person does not engage in business in such area, the foregoing documents shall be filed with the Area Supervisor for the area in which the registrant's, licensee's, or packer's or person's principal place of business is located.

MARKET AGENCY, DEALER AND PACKER BONDS

§ 201.29 Market agencies, packers and dealers required to file and maintain bonds.

(a) Every market agency and dealer, except packer buyers registered as dealers to purchase livestock for slaughter only, shall execute and maintain, or cause to be executed and maintained, a reasonable bond to secure the performance of obligations incurred as such market agency or dealer, and no market agency or dealer shall conduct his operations unless there is on file and in effect a bond complying with the regulations in this part.

(b) Every market agency buying on a commission basis, and every dealer buying for his own account or for the accounts of others shall file and maintain a bond to secure the performance of his buying obligations, such bond to contain condition clause No. 2 as set forth in § 201.31(b) of the regulations. If a registrant operates as both a market agency buying on a commission basis and as a dealer, only one bond to cover both buying operations need be filed. Any person operating as a market agency selling on a commission basis and as a market agency buying on a commission basis or as a dealer, shall file and maintain separate bonds to cover his selling and buying operations. The bond maintained for his selling operations shall contain condition clause No. 1 set forth in § 201.31(a) of these regulations and the bond for his buying operations shall contain condition clause No. 2 of § 201.31(b) of the regulations in this part.

(c) Each market agency and dealer whose buying operations are cleared by another market agency shall be named as clearee in the bond filed and maintained by the market agency registered to provide clearing services. Each market agency selling livestock on an agency basis shall file and maintain its own bond: *Provided*, That any market agency selling livestock which was named prior to September 1, 1957, as clearee in the bond filed and maintained by a market agency registered to provide clearing services may continue to be named as a clearee in the bond filed by such market agency.

(d) Every packer purchasing livestock, directly or through an affiliate or employee or a wholly-owned subsidiary, except those packers whose average annual purchases do not exceed $500,000, shall execute, file, and maintain a reasonable bond to secure the performance of its obligations incurred in the purchase of livestock, such bond to contain condition clause No. 4 as set forth in § 201.31(d) of the regulations in this part. No such packer shall purchase livestock unless there is on file and in effect a bond complying with the regulations in this part. In the event a packer maintains a wholly-owned subsidiary or affiliate to conduct its livestock buying, the wholly-owned subsidiary or affiliate shall be registered as a packer buyer for its parent packer firm and the required bond shall be maintained by the parent packer firm.

§ 201.30 Amount of market agency, dealer and packer bonds.

(a) Except as hereinafter otherwise provided, the amount of each bond of a market agency or dealer shall be not less than the next multiple of $2,000 above the average amount of sales of livestock by a market agency, or purchases of livestock by a person buying livestock as a market agency or dealer, or both, during a period equivalent to 2 business days based on the total number of business days, and the total amount of such transactions in the preceding 12 months, or in such substantial part thereof in which such market agency or dealer did business, if any: *Provided*, That bonds above $26,000 shall be not less than the next multiple of $5,000 above the average amount of sales of livestock by a market agency or purchases of livestock by a person buying livestock as a market agency or dealer, or both, computed as set out in this section. For the purpose of this computation, 260 shall be deemed the number of business days in any year. When the principal part of the livestock handled by a market agency selling livestock on a commission basis is sold at public auction, the amount of the bond shall be not less than the next multiple of $2,000 for those bonds of $26,000 or less and the next multiple of $5,000 for those bonds in excess of $26,000, above an amount determined by dividing the total value of the livestock sold by the market agency during the preceding 12 months, or such substantial part thereof as the market agency was engaged in business, by the actual number of auction sales at which livestock was sold by the market agency, but in no instance shall the divisor be greater than 130. When the amount of a bond for any market agency or dealer, calculated as hereinbefore specified, exceeds $50,000, the amount of the bond need not exceed $50,000 plus 10 percent of the excess, unless the Administrator has reason to believe a bond in such amount to be inadequate pursuant to paragraph (f) of this section.

(b) In no case shall a bond covering the buying operations of a market agency or dealer be less than $5,000, or such higher amount as may be required to comply with the laws of any State.

(c) In no case shall a bond covering the selling operations of a market agency be less than $10,000, or such higher amount as may be required to comply with the laws of any State.

(d) In no case shall the amount of bond filed by a market agency acting in the capacity of a clearing agency be less than $10,000, or the sum of the bonds

computed in accordance with this section, whichever is greater: *Provided*, That in computing the amount of such bonds the provisions of paragraph (a) of this section relating to the maximum amount of bonds shall apply to the aggregate bond so determined rather than to the individual bonds of the clearees.

(e) The amount of each bond covering the livestock buying operations of a packer shall be not less than $10,000. Every such bond shall be not less than the next highest multiple of $5,000 above the average amount of purchases of livestock during a period equivalent to 2 full business days based on the total amount of such purchases in the preceding 12 months, or in such substantial part thereof in which the packer did business. For purposes of this computation, 260 shall be deemed the number of business days in any year.

(f) If a person applying for registration as a market agency or dealer has been engaged in the business of handling livestock in such capacity prior to the date of the application, the value of the livestock so handled, if representative of his future operations, shall be used in computing the amount of bond. If the applicant for registration is a successor in business to a registrant formerly subject to these regulations, the bond of such applicant shall be in an amount not less than that required of the prior registrant, unless otherwise determined by the Administrator. If a person commences purchasing livestock as a packer and that person is a successor in business to a packer formerly subject to these regulations, the bond of such successor packer shall be in an amount not less than that required of the prior packer, unless otherwise determined by the Administrator.

(g) Whenever the Administrator has reason to believe that any bond filed or maintained under the regulations in this part is inadequate to secure the performance of the obligations of the market agency, dealer or packer covered by such bond, he shall notify the market agency, dealer or packer to adjust such bond to meet the requirements of this section or, if such bond is inadequate because of the volume of business conducted on a seasonal or otherwise irregular basis, to meet such requirements as may be determined by the Administrator to be reasonable based upon such seasonal or irregular operation.

§ 201.31 Conditions in market agency, dealer and packer bonds.

Each market agency, dealer and packer bond shall contain conditions applicable to the activity or activities in which the person or persons named as principal or clearees in the bond propose to engage, which conditions shall be as follows or in terms to provide equivalent protection:

(a) *Condition Clause No. 1: When the principal sells livestock for the accounts of others.* If the said principal shall pay when due to the person or persons entitled thereto the gross amount, less lawful charges, for which all livestock is sold for the accounts of others by said principal.

(b) *Condition Clause No. 2: When the principal buys livestock for his own account or for the accounts of others.* If the said principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said principal for his own account or for the acounts of others, and if the said principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the accounts of others.

(c) *Condition Clause No. 3: When the principal clears other registrants buying livestock and thus is responsible for the obligations of such other registrants.* If the said principal, acting as a clearing agency responsible for the financial obligations of other registrants engaged in buying livestock, viz: (Insert here the names of such other registrants as they appear in the application for registration), or if such other registrants, shall (1) pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by such other registrants for their own account or for the accounts of others; and (2) safely keep and properly disburse all funds coming into the hands of such principal or such other registrants for the purpose of paying for livestock purchased for the accounts of others.

(d) *Condition Clause No. 4: When the principal buys livestock for his own account as a packer.* If the said principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said principal for his own account.

(e) *When the principal clears other registrants selling livestock and thus is responsible for the obligations of such other registrants.* The condition clauses now in effect in bonds written prior to September 1, 1957, naming market agencies selling livestock on commission as clearees shall remain the same until such bonds are terminated or modified to delete such selling agency clearees.

§ 201.32 Trustee in market agency, dealer and packer bonds.

Bonds may be in favor of a trustee who shall be a financially responsible, disinterested person satisfactory to the Administrator. State officials, secretaries or other officers of livestock exchanges or of similar trade associations, attorneys at law, banks and trust companies, or their officers, are deemed suitable trustees. If a trustee is not designated in the bond and action is taken to recover damages for breach of any condition thereof, the Administrator shall designate a person to act as trustee. In those States in which a State official is required by statute to act or has agreed to act as trustee, such official shall be designated by the Administrator as trustee when a designation by the Administrator becomes necessary.

§ 201.33 Persons damaged may maintain suit; filing and notification of claims; time limitations; legal expenses.

Each bond and each trust fund agreement filed pursuant to the regulations in this part shall contain provisions that:

(a) Any person damaged by failure of the principal to comply with any condition clause of the bond or trust fund agreement may maintain suit to recover on the bond or trust fund agreement even though such person is not a party named in the bond or trust fund agreement;

(b) Any claim for recovery on the bond or trust fund agreement must be filed in writing with either the surety, if any, or the trustee, if any, or the Administrator, and whichever of these parties receives such a claim shall notify the other such party or parties at the earliest practicable date;

(c) The Administrator is authorized to designate a trustee pursuant to § 201.32;

(d) The surety on the bond, or the trust fund, as the case may be, shall not be liable to pay any claim if it is not filed in writing within 120 days from the date of the transaction on which the claim is based, or if suit thereon is commenced less than 180 or more than 547 days (which is approximately 18 months) from the date of the transaction on which the claim is based;

(e) The proceeds of the bond, or the trust fund, as the case may be, shall not be used to pay fees, salaries, or expenses, for legal representation of the surety or the principal.

§ 201.34 Termination of market agency, dealer and packer bonds.

(a) Each bond shall contain a provision requiring that, prior to terminating such bond, at least 30 days' notice in writing shall be given to the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, by the party terminating the bond. Such provision may state that in the event the surety named therein writes a replacement bond for the same principal, the 30-day notice requirement may be waived and the bond will be terminated as of the effective date of the replacement bond.

(b) Each bond filed by a market agency who clears other registrants who are named in the bond shall contain a provision requiring that, prior to terminating the bond coverage of any clearee named therein, at least 30 days' notice in writing shall be given to the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, by the surety. Such written notice shall be in the form of a rider or endorsement to be attached to the bond of the clearing agency.

These amendments shall become effective February 7, 1977.

Done at Washington, D.C., December 3, 1976.

(Sec. 407, 42 Stat. 169, 7 U.S.C. 228(a); and sec. 1, 57 Stat. 422, as amended September 13, 1976, 7 U.S.C. 204; 7 CFR 2.17, 2.54.)

GLENN G. BIERMAN,
Acting Administrator, Packers and Stockyards Administration.

[FR Doc.76-36177 Filed 12-8-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket R-0064]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Miscellaneous Changes

The Secretary of the Board of Governors has approved several technical and conforming amendments to the Board's Rules Regarding Delegation of Authority.

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date are not followed in connection with the adoption of these amendments because the changes involved are procedural in nature and do not constitute substantive rules subject to the requirements of such section.

Effective December 2, 1976 Part 265 is amended as follows:

1. The last sentence of § 265.1 is amended to read as follows:

§ 265.1 Delegation of functions generally.

* * * A delegee may submit any matter to the Board for determination if the delegee considers such submission appropriate because of the importance or complexity of the matter.

2. § 265.1a is amended as follows:

§ 265.1a Specific functions delegated to Board Members.

(a) The Committee on Federal Reserve Bank Activities * * *

(1) To approve or disapprove: * * *

(ii) In connection with year-end salary reviews:

(A) The salary of any officer of a Federal Reserve Bank at the level of Senior Vice President (Salary Group A), excluding the Manager of the System Open Market Account; and

(B) the salary of any General Auditor of a Federal Reserve Bank.

* * * * *

(5) To approve or disapprove: amendments to the Guidelines for Health Insurance Coverage prescribed by the Board of Governors for officers and employees of Federal Reserve Banks and their branches. * * *

* * * * *

(7) To approve or disapprove: * * *

(iii) * * * (The initial two-hundred fifty thousand dollars ($250,000) may be committed solely by the Director of the Division of Federal Reserve Bank Operations pursuant to § 265.2(d)(2)).

(8) * * * (The amount which the Committee may approve is in addition to any amounts approved by the Director of the Division of Federal Reserve Bank Examinations and Budgets pursuant to § 265.2(j)(3)).

3. Section 265.2(a) and the introductory sentence of § 265.2(b) are amended as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

(a) The Secretary of the Board (or, in the Secretary's absence, the Acting Secretary) is authorized: * * *

(14) Under the provisions of section 6621 of the Internal Revenue Code (26 U.S.C. 6621), to determine and report to the Secretary of the Treasury or the Secretary's delegate, the average predominant prime rate quoted by commercial banks to large businesses.

* * * * *

(b) The General Counsel of the Board (or, in the General Counsel's absence, the Acting General Counsel) is authorized:

* * * * *

§ 265.2 [Amended]

4. Section 265.2(c) is amended as follows:

* * * * *

(c) The Director of the Division of Banking Supervision and Regulation (or in the Director's absence, the Acting Director) is authorized:

* * * * *

(14) Under the twelfth paragraph of section 13 of the Federal Reserve Act (39 Stat. 754), to permit any member bank to accept drafts or bills of exchange drawn upon it for the purpose of furnishing dollar exchange.

* * * * *

5. Paragraph 265.2(d) is amended by deleting paragraph (3), transferring paragraphs (2), (4), and (6) to 265.2(j), and redesignating paragraph (5) as paragraph (2). As amended § 265.2(d) reads as follows:

* * * * *

(d) The Director of the Division of Federal Reserve Bank Operations (or in the Director's absence, the Acting Director) is authorized:

(1) Under the provisions of the sixteenth paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 304), to classify member banks for the purposes of electing Federal Reserve Bank class A and class B directors, giving consideration to

(i) the statutory requirement that each of the three groups shall consist as nearly as may be of banks of similar capitalization, and

(ii) the desirability that every member bank have the opportunity to vote for a class A or a class B director at least once every three years.

(2) To approve or disapprove proposed remodeling or renovation of existing Reserve Bank or Branch buildings or additions to such buildings where the cost of such remodeling, renovation or addition will be in excess of one hundred thousand dollars ($100,000), provided that the cost of each project approved by the Director may not be in excess of two hundred and fifty thousand dollars ($250,000).

6. The introductory sentence of § 265.2 (e) is amended as follows:

* * * * *

(e) The Director of the Division of Personnel (or, in the Director's absence, the Acting Director) is authorized:

* * * * *

7. (a) In § 265.2(f)(1) the reference to § 208.8 is renumbered § 208.9.

(b) In § 265.2(f)(14) the reference to § 208.10(c) is renumbered § 208.11(c).

(c) In § 265.2(f)(16) the reference to § 208.9(a) is renumbered § 208.10(a).

8. § 265.2(f)(22)(vii) is amended as follows:

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district or under paragraph (25) as to its officers, or under paragraph (33) as to its own facilities:

* * * * *

(22) Under the provisions of section 3 (a)(1) of the Bank Holding Company Act (12 U.S.C. 1842), to approve the formation of a bank holding company through the acquisition by a company of a controlling interest in the voting shares of one or more banks, if all of the following conditions are met:

* * * * *

(vii) the Reserve Bank determines that the managerial and financial resources, including the equity to debt relationships, of Applicant, its existing subsidiaries * * *

* * * * *

9. The introductory sentences of § 265.2 (g) and (i) are amended as follows:

* * * * *

(g) The Director of the Division of International Finance (or, in the Director's absence, the Acting Director) is authorized * * *

* * * * *

(i) The Secretary of the Federal Open Market Committee (or, in the Secretary's absence, the Deputy Secretary) is authorized * * *

10. Paragraph 265.2(h) is amended by revising the introductory sentence, to read as follows:

* * * * *

(h) The Director of Division of Consumer Affairs (or, in the Director's absence, the Acting Director) is authorized:

* * * * *

11. A new § 265.2(j) is added to read as follows:

* * * * *

(j) The Director of the Division of Federal Reserve Bank Examinations and Budgets (or, in the Director's absence, the Acting Director) is authorized:

(1) Under the provisions of the third paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 413), to apportion credit among the Reserve Banks for unfit notes that are destroyed, giving con-

sideration to the net number of notes of each denomination that were issued by each Reserve Bank during the preceding calendar year.

(2) Under the provisions of §§ 216.5 (b), 216.5(d), and 216.6 of this chapter (Regulation P), with respect to Federal Reserve Banks and branches:

(i) to require reports on security devices;

(ii) to require special reports; and

(iii) to determine, in view of the provisions of §§ 216.3 and 216.4, whether security devices and procedures are deficient in meeting the requirements of Part 216, to determine whether such requirements should be varied in the circumstances of a particular banking office, and to require corrective action.

(3) To approve or disapprove supplementary budget requests and special incentive programs to improve operations or reduce costs, provided that the Board has previously approved the budget of the requesting Reserve Bank and provided that the supplemental request adheres to the Board's general expense guidelines and such guidelines as the Board may have imposed in approving the Reserve Bank's budget and provided that the amount approved by the Director may not exceed in any budgetary year one hundred thousand dollars ($100,000) for each Reserve Bank and seven hundred and fifty thousand dollars ($750,000) for all Reserve Banks in the System.

12. § 265.3 is amended by revising the first and last sentences to read as follows:

§ 265.3 Review of action at delegated level.

Any action taken at a delegated level shall be subject to review by the Board only if such review is required by a member of the Board either on the member's own initiative or on the basis of a petition for review by any person claiming to be adversely affected by the action. * * * Upon receipt of such notice, such person shall not proceed further in reliance upon such action until such person is notified of the outcome of review thereof.

Board of Governors of the Federal Reserve System, December 2, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-36186 Filed 12-8-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15855; Amdt. Nos. 1-25; 107-2; 121-131]

AIRCRAFT SECURITY

Release of Information

• *Purpose.* The purpose of this amendment to Part 1 and the Addition of new Part 191 of the Federal Aviation Regulations is to implement section 316(d)(2) of Federal Aviation Act of 1958, which was added by the Air Transportation Security Act of 1974. The purpose of the amendments to Parts 107 and 121 of the Federal Aviation Regulations is to make editorial changes to conform those parts to the change in Part 1. •

Interested persons have been afforded an opportunity to participate in the making of these regulations by a notice of proposed rulemaking (Notice 76-14) issued on June 18, 1976, and published in the FEDERAL REGISTER on June 28, 1976 (41 FR 26579). Due consideration has been given to all comments presented in response to that notice.

A total of five comments were received in response to the notice. Two of the comments supported the proposals without qualification. While two other comments were in general agreement with the proposals, one requested certain assurances and the other recommended certain changes. The remaining comment opposed the proposals.

One commentator requested assurances that the prohibition on the release of information would not be imposed when there is a direct or indirect effect on the airport operator's security requirements or awareness. The FAA recognizes that from time to time certain information may be of value to an individual airport operator in implementing security programs, and while the FAA cannot give assurances in the form requested by the commentator, the FAA can state that it will disclose information consistent with the requirements of the Act and the regulations in Part 191.

One commentator urged that the proposals be broadened to apply to the security programs which were voluntarily adopted by business aviation enterprises not involved in common carriage. However, the applicability of the proposed new Part 191 is established by section 316(d) of the Federal Aviation Act of 1958, which applies only to common carriage operations.

The one commentator which submitted negative comments directed its comments to two main points, i.e., the listing of records in § 191.3(b), and the absence of a regulatory provision for release of "nonconfidential information which is reasonably segregable from confidential information." With respect to the listing of records, the commentator was concerned that the listing would lead to rigid application of a nondisclosure policy regarding the types of records listed in § 191.3(b). The FAA believes that the commentator has misunderstood the regulations which were proposed. The listing of records does not mean that disclosure would be prohibited without the finding required under § 191.5 by the Director, Civil Aviation Security Service or his designee. The FAA believes that it is clear from the regulation as a whole that no blanket prohibition on disclosure is intended and that each request will be considered individually.

The commentator's second point concerned the absence of what the commentator described as a regulatory provision for "release of nonconfidential information which is reasonably segregable from confidential information." As a preliminary observation, it should be noted the records and information which can be withheld are those meeting the criteria set forth in § 191.5 irrespective of whether or not they are confidential. While the Freedom of Information Act provides in part, that "any reasonable segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection," there is no similar requirement in the amendments to the Federal Aviation Act effected by the Air Transportation Security Act of 1974. In response to the comment the FAA points out that section 316(d)(2) of the Federal Aviation Act states that the Administrator has power to prescribe regulations under section 316(d)(2) "Notwithstanding section 552 of title 5, United States Code, relating to freedom of information * * *." However, to the extent that the commentator's suggestion advocates that there should be disclosure of information within a record if it is determined that the information can be disclosed, the FAA agrees with the commentator. Consequently, a § 191.7 is added to provide for disclosure of information in a record if the Director, Civil Aviation Security Service or his designee determines it can be disclosed under § 191.5 even though it is determined that the record also contains other information the disclosure of which is prohibited. Since § 191.7 is relaxatory it is included with these amendments.

As stated in Notice 76-14, a new definition of "intrastate air transportation" would be added to § 1.1 of the Federal Aviation Regulations. The addition of this definition is not intended to limit the applicability of § 121.7 of the Federal Aviation Regulations. Consequently, the title of § 121.7 is revised by these amendments to delete the word "intrastate." In addition, since §§ 107.1(a), 107.(5)(a)(1) and (2), 107.5(b), and 121.538(a) contain references to "intrastate common carriage covered by § 121.7", conforming editorial changes are made to delete the word "intrastate" wherever it appears in those sections.

Since the amendments to Parts 107 and 121 of the Federal Aviation Regulations are editorial and impose no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists for making them effective in less than 30 days.

Since the adoption of the amendment to § 1.1 and of new Part 191 is necessary to implement section 316(d)(2) of the Federal Aviation Act of 1958, which was added by the Air Transportation Security Act of 1974, and there is an urgent need to make them effective at the earliest possible date, I find that good cause exists for making them effective in less than 30 days.

(Secs. 313(a), 316(d)(2), 601, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1357(d)(2), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, Parts 1, 107, and 121 of the Federal Avi-

ation Regulations and Chapter I, Subchapter K of Title 14 of the Code of Federal Regulations are amended, effective December 9, 1976, as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

1. By adding a new definition to § 1.1 between the definition of "Interstate air transportation" and the definition "Kite" to read as follows:

§ 1.1 **General definitions.**

* * * * *

"Intrastate air transportation" means the carriage of persons or property as a common carrier for compensation or hire, by turbojet-powered aircraft capable of carrying thirty or more persons, wholly within the same State of the United States.

* * * * *

PART 107—AIRPORT SECURITY

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§§ 107.1 and 107.5 [Amended]

2. By amending §§ 107.1(a), 107.5(a)(1) and (2), 107.5(b), and 121.538(a), to delete the word "intrastate" where it appears in those sections.

3. By revising the title of § 121.7 to read as follows:

§ 121.7 **Common carriage by commercial operator.**

* * * * *

PART 191—WITHHOLDING SECURITY INFORMATION FROM DISCLOSURE UNDER THE AIR TRANSPORTATION SECURITY ACT OF 1974

4. By adding a new Part 191 to Subchapter K to read as follows:

Sec.
191.1 Applicability.
191.3 Records and information withheld.
191.5 When disclosure of information is prohibited.
191.7 Records containing both available and unavailable information.

AUTHORITY: Secs. 313(a), 316(d)(2), 601, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1357(d)(2), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

§ 191.1 **Applicability.**

(a) This part implements section 316(d)(2) of the Federal Aviation Act of 1958 (49 U.S.C. 1357(d)(2)) and governs the release of any record, and any information contained therein, in the possession of the FAA which has been obtained or developed in the conduct of research and development activities to develop, modify, test, and evaluate systems, procedures, facilities, and devices to protect persons and property aboard aircraft in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy.

(b) For the purposes of this part, "record" includes any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved.

§ 191.3 **Records and information withheld.**

(a) Notwithstanding 5 U.S.C. 552, the records described in § 191.1(a) are not made available for public inspection or copying nor is any information contained in those records released to the public when disclosure thereof is prohibited by the Director, FAA Civil Aviation Security Service or his designee.

(b) Records subject to paragraph (a) of this section include, but are not limited to, those containing information which pertains to:

(1) Any hijacker profile.
(2) Any profile used in baggage screening.
(3) The security program of any airport.
(4) The security program of any air carrier.
(5) Any device for the detection of any explosive or incendiary device or weapon.
(6) Any device for protection against, or detection of, cargo theft.
(7) Any contingency security plan.
(8) Any security communications equipment and procedures.
(9) Any threat of sabotage, terrorism or air piracy.

§ 191.5 **When disclosure of information is prohibited.**

The Director, FAA Civil Aviation Security Service or his designee prohibits disclosure of a record and information contained therein under § 191.3 if in his opinion it would:

(a) Constitute an unwarranted invasion of personal privacy (including, but not limited to, information contained in any personnel, medical, or similar file);

(b) Reveal trade secrets or privileged or confidential commercial or financial information obtained from any person; or

(c) Be detrimental to the safety of persons traveling in air transportation or intrastate air transportation.

§ 191.7 **Records containing both available information.**

If a record contains information that the Director, Civil Aviation Security Service or his designee determines cannot be disclosed under this part, but also contains information that can be disclosed, the latter information will be provided for public inspection and copying.

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

Issued in Washington, D.C. on November 29, 1976.

J. W. COCHRAN,
Acting Administrator.

[FR Doc.76-36128 Filed 12-8-76;8:45 am]

[Docket No. 76-EA-48; Amdt. 39-2784]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Vertol Aircraft

On page 36511 of the FEDERAL REGISTER for August 30, 1976, the Federal Aviation Administration published a proposed rule which would require the inspection and alteration if necessary of the main rotor blades of the Boeing Vertol type 107-II helicopters.

Interested parties were given 30 days after publication in which to submit written data or views. Columbia Helicopters, Inc., opined that no directive is necessary. In view of the air safety problem, however, a rule is required to assure compliance.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published.

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

This amendment is effective December 10, 1976.

Issued in Jamaica, N.Y., on November 26, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

BOEING VERTOL: Applies to Boeing Vertol Model 107-11 Helicopters Certified in all Categories.

Compliance required as follows:

To detect corrosion which could lead to cracking of the main rotor blade spars accomplish the following within the next 60 days unless already accomplished within the past 34 months and every 36 months thereafter.

(a) Inspect for corrosion, and alter if necessary, main rotor blades P/N's 107R1202 and SK24790 series in accordance with Boeing Vertol Company Service Bulletin No. 107-333 (R-1) dated July 1, 1976, Section 2 "Accomplishment Instructions" or Boeing Vertol Company Service Bulletin No. 107-334 dated October 29, 1976, Section 2 "Accomplishment Instructions" or equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) If spar corrosion exceeds the limits in either of the above service bulletins or those approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, replace the main rotor blade with one that has been inspected and altered if necessary, in accordance with one of the above service bulletins and/or an acceptable equivalent procedure.

[FR Doc.76-36127 Filed 12-8-76;8:45 am]

(Airworthiness Docket No. 76-SW-52; Amdt. 39-2773)

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206L Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the tension-torsion straps, P/N 206-011-127-1, every 1200 hours on

Bell Model 206L helicopters was published in 41 FR 43742.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Model 206L helicopters, equipped with main rotor blade tension-torsion straps, P/N 206-011-127-1, certificated in all categories.

Compliance required as indicated.

(a) For straps with less than 1050 hours' total time in service on the effective date of this AD, remove and replace both straps P/N 206-011-127-1 prior to attaining 1200 hours' total time in service, in accordance with the Model 206L Maintenance and Overhaul Instructions or in accordance with equivalent FAA approved instructions.

(b) For straps with 1050 hours' or more total time in service on the effective date of this AD, remove and replace both straps P/N 206-011-127-1 within the next 150 hours' time in service, unless already accomplished, in accordance with the Model 206L Maintenance and Overhaul Instructions or in accordance with equivalent FAA approved instructions.

(c) The retirement time of the tension-torsion straps, P/N206-011-127-1 is reduced from 2400 hours to 1200 hours by this AD.

(Bell Helicopter Textron Service Bulletin No. 206L-76-3 dated August 13, 1976, pertains to this subject.)

This amendment becomes effective January 3, 1977.

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

Issued in Fort Worth, Texas, on November 23, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-35991 Filed 12-8-76;8:45 am]

[Airworthiness Docket No. 76-SW-41; Amdt. 39-2782]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A, 206B, 206A-1, and 206B-1 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the tension-torsion straps, P/N 206-010-105-3, every 1200 hours and replacement of associated inboard strap fittings with a new, 100 percent shot-peened fitting on Bell Model 206A, 206B, 206A-1, and 206B-1 helicopters was published in 41 FR 43742.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One letter was received from an operator that objected to the reduction in service life on the straps from 2400 hours to 1200 hours and replacement of the fittings since he has had no problems with the straps or the fittings. However, since there has been a reported failure of a main rotor blade tension-torsion strap on a Bell Model 206B that resulted in loss of the main rotor blade, the agency, in the interest of safety, will issue the airworthiness directive as proposed.

In consideration of the foregoing, and pursuant to the authority delegated to me by the administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters, equipped with main rotor blade tension-torsion straps, P/N 206-010-105-3, certificated in all categories.

Compliance required as indicated.

(a) For straps with less than 1050 hours' total time in service on the effective date of this AD, accomplish the following prior to attaining 1200 hours' total time in service.

(1) Remove both straps, P/N 206-010-105-3, and remove associated inboard strap fittings, P/N 206-010-155-11 and -15, if installed.

(2) Install straps, P/N 206-010-105-3, and inboard strap fittings, P/N 206-011-140-1, in accordance with the Model 206 Maintenance and Overhaul Instructions or in accordance with equivalent FAA approved instructions.

(b) For straps with 1050 hours' or more total time in service on the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD within the next 150 hours' time in service unless already accomplished.

(c) The retirement time of the tension-torsion straps, P/N 206-010-105-3, is reduced from 2400 hours to 1200 hours by this AD and the inboard strap fittings, P/N 206-010-155-11 and -15, must be removed from service as noted in paragraph (a)(1) of this AD.

(Bell Helicopter Textron Service Bulletin No. 206-76-7, dated August 13, 1976, pertains to this subject.)

This amendment becomes effective January 3, 1977.

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

Issued in Fort Worth, Texas, on November 23, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-35992 Filed 12-7-76;8:45 am]

[Docket No. 76-EA-73; Amdt. 39-786]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-36 type airplanes.

As a result of fatigue testing on subject airplane, it has been determined that a life limit should be placed upon the wing main spar lower bolt. Since this conclusion applies to other similar type airplanes, an airworthiness directive is being issued which will require replacement of the bolt.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 3913 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive as follows:

PIPER: Applies to all Piper Model PA-36-285 aircraft certificated in all categories

To prevent possible hazards in flight associated with fatigue damage to the wing main spar lower bolt, accomplish paragraph (a) upon or before the attainment of 2000 hours in service or within the next 100 hours in service after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 2000 hours in service.

(a) Replace the wing main spar lower bolt in accordance with the instructions paragraph in Piper Kit No. 761 058 or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(Piper Service Bulletin No. 501 refers to this subject.)

This amendment is effective December 13, 1976.

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

Issued in Jamaica, N.Y., on November 29, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-35996 Filed 12-8-76;8:45 am]

[Docket No. 76-NW-24-AD; Amendment 39-2785]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Series Airplanes

Amendment 39-1767 (38 FR 20818), AD 74-01-01, as amended by Amendment 39-1957 (39 FR 32901) requires inspections of the wing front spar upper chord for cracks from front spar stations 108 to 198 on Boeing Model 737 series airplanes. Inspections are required at intervals not to exceed 1000 hours unless repair angles are installed on the aft side of the chord and the upper wing skin is shot peened in accordance with Boeing Service Bulletin No. 737-57-1081. If these modifications are accomplished, the inspections may be conducted at intervals not to exceed 2500 hours. After issuing Amendment 39-1957, cracks were found in the front spar upper chord on two airplanes on which the repair angle installation and shot peening had been accomplished. The cracking was attributed to stress corrosion resulting from clamp-up during installation of the repair angles. It is believed that improper shimming and fit of the angles to the chord contributed to the problem. Revision 4 to the service bulletin covers installation of new contoured repair angles. Therefore, the AD is being amended to require additional inspections of all airplanes on which the repair was incorporated. Also, the AD is being amended to permit the use of wa-

ter displacing and corrosion preventive compounds meeting Boeing Material Specification (BMS) 3-23 as an alternate to LPS-3.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39-1767 (38 FR 20818), AD 74-01-01, as amended by Amendment 39-1957 (39 FR 32901) is amended as follows:

1. By adding the wording "or BMS 3-23" after the word "LPS-3" in paragraphs (A) (2) and (A) (3).

2. By striking out the wording "Revision 2" from paragraph (A), (B) and (C) and adding the wording "Revision 4" in place thereof.

3. By striking out the last sentence from paragraph (C).

4. By replacing the wording of paragraph (F) with the following: "On all airplanes which have had the nesting repair angles installed in accordance with Boeing Service Bulletin No. 737-57-1081, or later FAA approved revisions issued prior to Revision 4, visually inspect the wing front spar upper chord forward surface from front spar station 108 to 198 for cracks in accordance with the service bulletin within the next 250 hours from the effective date of this amendment unless already accomplished. If no cracks are detected apply a coating of LPS-3 or BMS 3-23 to the area and reinspect in accordance with paragraph (A) (3)."

5. By adding the following new paragraph (G): "Installation of the repair (or preventive modification) angles in accordance with Boeing Service Bulletin No. 737-57-1081, Revision 4, or later FAA approved revisions, constitutes terminating action from this AD."

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a) (1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective December 20, 1976.

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

Issued in Seattle, Washington, November 29, 1976.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

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

[FR Doc.76-35995 Filed 12-8-76;8:45 am]

[Airworthiness Docket No. 76-WE-22-AD; Amdt. 39-2783]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385 Series Airplanes

There has been a burst type failure of the landing gear alternate brake/alternate landing gear down accumulator on the Model L-1011-385 series airplane. The failure occurred during a maintenance check after the hydraulic system had been shut down. The accumulator piston was propelled upward after the accumulator barrel section ruptured causing overhead damage in the hydraulic service center compartment. The main portion of the accumulator body was torn loose from its support and was propelled downward through the lower fuselage skin. This failure can result in gradual loss of cabin pressure, disruption of two hydraulic systems, and a hazard to ground personnel present in or near the hydraulic service center.

The accumulator barrel section failed due to stress corrosion along the circumference at the upper end adjacent to the cap retainer ring. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an ultrasonic inspection of all Lockheed P/N 672273-101 (Bendix P/N 3186608) and Lockheed P/N 672273-103 (Bendix P/N 3186608-2) accumulators.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED-CALIFORNIA. Applies to Lockheed Model L-1011-385 series airplanes certificated in all categories.

Compliance required within the next 300 hours time in service after the effective date of this A.D., unless already accomplished.

To prevent a possible burst type failure of the landing gear alternate brake/alternate landing gear down accumulator, accomplish the following:

(a) Inspect all accumulators Lockheed P/N 672273-101 (Bendix P/N 3186608) and Lockheed P/N 672273-103 (Bendix P/N 3186608-2) for signs of stress corrosion using ultrasonic inspection procedures in accordance with Lockheed Alert Service Bulletin 093-32-A121, dated November 11, 1976, or later FAA-approved revisions.

(b) If signs of stress corrosion are found during the inspection required by paragraph (a), before further flight, either

(1) Remove and replace the affected accumulator with a serviceable accumulator of the same part number; or

(2) Remove the affected accumulator and accomplish the following actions in accordance with the Lockheed Alert Service Bulletin 093-32-A121, dated November 11, 1976, or later FAA-approved revisions:

(i) Cap pneumatic and hydraulic lines.

(ii) Install landing gear alternate brake/alternate landing gear down accumulator inoperative placard in cockpit.

(iii) Incorporate FAA-approved Appendix 11 dated November 17, 1976, or later FAA-approved revisions, in the FAA-approved AFM, LR 25925. Appendix 11 provides special procedures for operation of the L-1011 with the landing gear alternate brake/alternate landing gear down accumulator removed.

(c) Equivalent inspections and/or modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective December 10, 1976.

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

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

Issued in Los Angeles, California on November 26, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.76-35996 Filed 12-8-76;8:45 am]

[Airspace Docket No. 76-RM-25]

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

Alteration of Controlled Airspace

On October 15, 1976, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (41 FR 46875) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would delete the Glasgow, Montana, (Glasgow AFB) control zone and alter the Glasgow, Montana, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 GMT, February 24, 1977.

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

Issued in Aurora, Colorado, on November 29, 1976.

M. M. MARTIN,
Director, Rocky Mountain Region.

§ 71.171 [Amended]

In § 71.171 (41 FR 355) delete the control zone description for Glasgow, Montana (Glasgow AFB).

§ 71.181 [Amended]

In § 71.181 (41 FR 440) amend the description of the Glasgow, Montana, transition area to read as follows:

That airspace extending upward from 700 feet above the surface within a 9 mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.), and that airspace extending upward from 1,200 feet above the surface within 11 miles southwest and 12 miles northeast of the Glasgow VOR 126° radial, extending from the VOR to 22½ miles southeast of the VOR; within 11 miles southwest and 12 miles northeast of the Glasgow VOR 306° radial, extending from the VOR to 11 miles northwest of the VOR; within 12 miles southwest and 7½ miles northeast of the Glasgow VOR 326° radial extending from the VOR to 22½ miles northwest of the VOR.

[FR Doc.76-35997 Filed 12-8-76;8:45 am]

[Airspace Docket No. 76-CE-14]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Pittsburg, Kansas, transition area.

The Pittsburg, Kansas, RBN has been relocated on the Municipal Airport from latitude 37°26'35" N., longitude 94°43'52" W. to latitude 37°26'32" W., longitude 94°43'35" W. Accordingly, it is necessary to change the description of the transition area to reflect the new coordinates and action is taken herein to incorporate this change. This alteration does not involve the designation of any additional airspace.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the change may be accomplished by Final Rule Action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 Gmt, February 24, 1977, as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (41 FR 440), the following transition area is amended to read:

PITTSBURG, KANSAS

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Atkinson Municipal Airport (latitude 37°26'48" N, longitude 94°43'50" W); and within 3 miles each side of the 346° true bearing from Pittsburg, Kansas, RBN (latitude 37°26'32" N, longitude 94°43'35" W); extending from the 6.5 mile radius to 8 miles NNW of the Pittsburg, Kansas, RBN.

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

[1] Map filed as part of original.

Issued in Kansas City, Missouri, on November 22, 1976.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc.76-35994 Filed 12-8-76;8:45 am]

[Airspace Docket No. 76-EA-81]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Lancaster, Pa. control zone (41 FR 397).

The hours of the Lancaster Tower are being extended from 0700–2300 to 0630–2330. This will require extension of the hours of operation of the control zone.

In view of the minimal amount of extension, this amendment will not impose additional burden on any person and thus notice and public procedure hereon are unnecessary and reason exists for making the amendment effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective December 9, 1976, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to amend the description of the Lancaster, Pennsylvania Control Zone by deleting, "This Control Zone is effective from 0700 to 2300 hours, local time, daily." and by substituting therefor, "This Control Zone is effective from 0630 to 2330 hours, local time, daily.".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), DOT Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on November 19, 1976.

LOUIS J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.76-36126 Filed 12-8-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 9033]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hertz Corp., et al.

Subpart—Combining or conspiring: § 13.388 To control allocation and solicitation of customers; § 13.395 To control marketing practices and conditions; § 13.410 To eliminate competition in conspirators' goods; § 13.430 To enhance, maintain or unify prices; § 13.470 To restrain or monopolize trade. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Cutting off access to customers or market: § 13.560 Interfering with distributive outlets; § 13.565 Interfering with advertising mediums. Subpart—Interfering with competitors or their goods: § 13.1080 Interfering with competitors or their goods.

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

In the Matter of Hertz Corporation, a corporation; Avis Rent-A-Car System, Inc., a corporation; and National Car Rental System, Inc., a corporation.

Consent order requiring Hertz Corporation, Avis Rent-A-Car System, Inc., and National Car Rental System, Inc., of New York City, Garden City, N.Y., and Minneapolis, Minn., respectively, the three largest passenger car rental companies in the nation, among other things to cease conspiring to, or entering into anti-competitive agreements which tend to fix prices, monopolize on-airport passenger car rental market, and hinder the effective operations of off-airport competitors. Further, the order prohibits respondents from renewing options in current agreements; and from furnishing false information to airport authorities for the purpose of adversely affecting the competitive position of off-airport competitors.

The Decision and Order, including further order requiring report of compliance therewith, issued by the Commission contained three separate, identical orders as to the respondents. For reasons of economy, only one order is set forth as follows: [1]

ORDER

I

It is ordered, That respondent (name of respondent), a corporation, its officers, agents, representatives, employees, successors and assigns, directly or indirectly, through any corporate or other device, in connection with the rental of passenger automobiles in the United States do forthwith cease and desist from:

A. Conspiring, combining, or agreeing with any competitor engaged in the passenger automobile rental business to monopolize or to attempt to monopolize the passenger automobile rental business or any relevant submarket thereof in the United States or any relevant submarket thereof.

B. Conspiring, combining, or agreeing with any competitor engaged in the passenger automobile rental business to fix or stabilize prices for passenger automobile rentals.

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

C. Conspiring, combining, or agreeing with any competitor or with any franchisee or licensee of respondent engaged in the passenger automobile rental business to obtain airport passenger automobile rental bid specifications, or airport passenger automobile rental concession agreements, containing any provision:

1. Requiring passenger automobile rental concessionaires to have their own national credit cards;

2. Requiring passenger automobile rental concessionaires to provide a national reservation system;

3. Requiring passenger automobile rental concessionaires to operate passenger automobile rental concessions in a minimum number of airports;

4. Requiring passenger automobile rental concessionaires to provide one-way passenger automobile rental service;

5. Requiring passenger automobile rental concessionaires to have a minimum number of years of experience in the passenger automobile rental business;

6. Requiring passenger automobile rental concessionaires to operate a passenger automobile rental business national in scope;

7. Requiring passenger automobile rental concessionaires to make a minimum investment as a condition precedent to obtaining or retaining a passenger automobile rental concession;

8. Requiring passenger automobile rental concessionaires to pay minimum guarantees;

9. Limiting the number of on-airport passenger automobile rental concessionaires; or

10. Having as its purpose or effect the foreclosure of competitors of respondent in the passenger automobile rental business from entering into on-airport passenger automobile rental concession agreements.

D. Conspiring, combining, or agreeing with any competitor or with any franchisee or licensee of respondent engaged in the passenger automobile rental business to obtain airport passenger automobile rental bid specifications or airport passenger automobile rental concession agreements containing any provision the purpose or effect of which is to prohibit a competitor engaged in the passenger automobile rental business at a location off airport premises from:

1. Utilizing any airport public address system for the purpose of contacting persons with passenger automobile rental reservations;

2. Utilizing, for the pick-up of persons with passenger automobile rental reservations and the discharge of passenger automobile rental customers, any public pick-up or discharge areas on airport premises;

3. Advertising on airport premises through signs and literature;

4. Entering airport premises to meet and pick up persons with passenger automobile rental reservations, or to return and discharge passenger automobile rental customers; or

5. Installing direct line telephones in airport terminals.

II

It is further ordered, That respondent shall forthwith cease and desist from individually making any recommendation to any airport authority (an entity responsible for awarding or administering airport passenger automobile rental concession agreements) in the United States for the primary purpose of foreclosing competitors of respondent in the passenger automobile rental business from entering into on-airport passenger automobile rental concession agreements.

III

A. *It is further ordered*, That respondent shall forthwith cease and desist from individually recommending the inclusion in airport passenger automobile rental bid specifications or in airport passenger automobile rental concession agreements in the United States of any provision:

1. Requiring passenger automobile rental concessionaries to have their own national credit cards;

2. Requiring passenger automobile rental concessionaires to provide a national reservation system;

3. Requiring passenger automobile rental concessionaires to operate passenger automobile rental concessions in a minimum number of airports;

4. Requiring passenger automobile rental concessionaires to provide one-way passenger automobile rental service;

5. Requiring passenger automobile rental concessionaires to have a minimum number of years of experience in the passenger automobile rental business;

6. Requiring passenger automobile rental concessionaires to operate a passenger automobile rental business national in scope;

7. Requiring passenger automobile rental concessionaires entering into concession agreements at an airport at the same time respondent enters into a concession agreement at said airport to maintain operating facilities not reasonably proportionate to the operating facilities of respondent, as measured by the reasonably anticipated business of said concessionaires during the concession term relative to the reasonably anticipated business of respondent during said term;

8. Requiring passenger automobile rental concessionaires entering into concession agreements at an airport at the same time respondent enters into a concession agreement at said airport to pay minimum concession fees not reasonably proportionate to minimum concession fees to be paid by respondent as measured by the reasonably anticipated business of said concessionaires during the concession term relative to the reasonably anticipated business of respondent during said term; or

9. Requiring passenger automobile rental concessionaires coming on airport during the term of respondent's concession agreement to pay, for the first two (2) years they do business on that airport, a minimum guarantee in excess of whichever is the lower of the lowest minimum guarantee or the lowest concession fees actually paid by the three respondents in this matter, or any of them, in the twelve (12) months next prior to the entry of said new concessionaires.

B. *It is further ordered*, That, for a period of five (5) years from the effective date of this order, respondent shall forthwith cease and desist from individually recommending the inclusion in airport passenger automobile rental bid specifications or in airport passenger automobile rental concession agreements in the United States of any provision:

1. Limiting to a specific number the on-airport passenger automobile rental concessions to be awarded, except that respondent shall not be precluded from inquiring as to the number of on-airport passenger automobile rental concessions to be awarded during the term of any concession agreement, and seeking and obtaining an agreement from an airport authority that said concessions to be awarded shall not exceed such number;

2. Prohibiting off-airport passenger automobile rental businesses from utilizing any airport public address system for the purpose of contacting persons with passenger automobile rental reservations, except that to the extent that such use shall be available to any off-airport passenger automobile rental business, respondent may seek and obtain an agreement that it will be afforded equal treatment under similar terms;

3. Prohibiting off-airport passenger automobile rental businesses from utilizing, for the pick-up of persons with passenger automobile rental reservations and the discharge of passenger automobile rental customers, pick-up areas on airport premises available to other off-airport commercial entities or to on-airport concessionaires other than passenger automobile rental businesses for the purpose of customer pick-up and discharge, except that to the extent that such use shall be available to any off-airport passenger automobile rental business, respondent may seek and obtain an agreement that it will be afforded equal treatment under similar terms; or

4. Prohibiting off-airport passenger automobile rental businesses from advertising on airport premises through signs and literature, except that to the extent that such advertising may be permitted by an airport authority, respondent may seek and obtain an agreement that it will be afforded equal treatment under similar terms.

C. *It is further ordered*, That respondent shall forthwith cease and desist from enforcing or insisting on the enforcement of any provision in an existing airport passenger automobile rental concession agreement that requires other airport passenger automobile rental concessionaires to meet any of the criteria set forth in subparts 1 through 6 of paragraph III A of this order.

IV

It is further ordered, That respondent shall forthwith cease and desist from knowingly providing false information to any airport authority for the purpose of: (1) Foreclosing competitors of respondent from entering into on-airport passenger automobile rental concession agreements; or (2) effecting or accomplishing any of the activities enumerated in paragraph III B hereinabove.

V

It is further ordered, That, at each airport in the United States where respondent has an existing on-airport passenger automobile rental concession agreement containing a renewal option, respondent is prohibited from exercising said renewal option, except for those airports listed under respondent's name in Appendix A hereto, at which airports respondent will have, as of the date respondent must exercise said renewal option, a wholly or partially unamortized capital investment in facilities used in connection with said airport concession: *Provided, however*, That nothing herein shall be construed to prohibit respondent from negotiating for, or entering into, new on-airport passenger automobile rental concession agreements in such situations where respondent is prohibited from exercising said renewal options.

VI

It is further ordered, That respondent, except as otherwise prohibited by this order, may: (1) Communicate, negotiate, or contract with an airport authority with respect to any matter affecting duties, obligations, rights or privileges of respondent as a passenger automobile rental concessionaire, notwithstanding any incidental effect on other competitors of respondent in the passenger automobile rental business, and with respect to fair and equitable "most favored nations" clauses; and (2) communicate with, agree with, and otherwise do business with its licensees or franchisees.

VII

It is further ordered, That respondent shall furnish a copy of this order together with a letter in the form attached hereto as Appendix B to each airport at which respondent has an existing on-airport concession agreement within sixty (60) days of the effective date of this order.

VIII

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

IX

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, and that respondent shall thereafter furnish such other written reports and information relating to this order as may be requested in writing.

Commissioner Dole not participating by reason of absence.

The Decision and order(s) issued by the Commission October 26, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-36142 Filed 12-8-76;8:45 am]

[Docket No. C-2851]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Medalist Industries, Inc., and Allen-A Co.

Subpart—Coercing and intimidating: § 13.358 Distributors. Subpart—Combining or conspiring: § 13.395 To control marketing practices and conditions; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Controlling, unfairly, seller-suppliers: § 13.530 Controlling, unfairly, seller-suppliers. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records. Subpart—Cutting off supplies or service: § 13.610 Cutting off supplies or service; § 13.655 Threatening disciplinary action or otherwise. Subpart—Maintaining resale prices: § 13.1130 Contracts and agreements; § 13.1140 Cutting off supplies; § 13.1145 Discrimination; 13.1145-5 Against price cutters; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; 13.1165-80 Requiring information of price cutting.

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

In the Matter of Medalist Industries, Inc., a corporation, and Allen-A Company, a corporation.

Consent order requiring a Milwaukee, Wisc., manufacturer of industrial, athletic and leisure time products, among other things to cease enforcing and fixing established resale prices for its products. Further, respondent is prohibited from suggesting resale prices for the next three years and thereafter to indicate that any retail or resale price shown on pricing material is suggested or approximate only.

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

ORDER

I. *It is ordered*, That respondents Medalist Industries, Inc., and Allen-A Company, and their subsidiaries, divisions, affiliates, successors, assigns, officers, directors, agents, representatives and employees, directly or indirectly, or through any corporate or other device, in connection with the manufacturing, distribution, advertising, offering for sale, or sale of underskiwear, turtlenecks, stylized, recreational tenniswear, outerskiwear including parkas, ski pants, ski sweaters, or related products (hereinafter referred to in this order as "said products") in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, as amended, shall forthwith cease and desist from:

A. Establishing, maintaining or enforcing any contract, agreement, understanding or arrangement fixing, establishing, maintaining, controlling, influencing or enforcing in any way or to any extent, directly or indirectly, the price at which any of said products is advertised, sold or offered for sale at retail.

B. Requiring any dealer or prospective dealer to enter into an oral or written agreement or understanding that such dealer or prospective dealer will maintain any resale or retail price for any of said products as a condition of buying any of said products.

C. Requesting or requiring any dealer or prospective dealer, either directly or indirectly, to report any dealer, person or firm who does not adhere to any resale or retail price for any of said products, or acting on reports so obtained by refusing or threatening to refuse sales to any dealer, person or firm so reported.

D. Directing or requiring any of respondents' salesmen or any other agent, representative, or employee, directly or indirectly, to report any dealer who does not adhere to any resale or retail price for any of said products, or to act on such reports by refusing or threatening to refuse sales to dealers so reported.

E. Threatening to terminate or terminating, either directly or indirectly, any dealer for failure to observe, maintain or advertise the respondents' suggested resale prices for said products.

F. Suggesting, for three (3) years from the date on which this order becomes final, any resale price whatsoever for any of said products, by price list, discount schedule, invoicing procedure, prepricing of commodities or their containers, or by any other means, to any reseller whose resale prices are not or cannot lawfully be controlled by respondents in the manner prescribed by law and this order.

G. Requiring, from any dealer charged with price cutting or failure to adhere to any resale or retail price, a promise or assurance to adhere to any resale or retail price for any of said products as a condition precedent to any future sales to said dealer.

H. After the expiration of the three year period of time stipulated in order provision I (F) above, publishing, disseminating or circulating any price list, price book, price tag, advertising or promotional material, or other document indicating any resale or retail price with-

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

out stating on each page of such list, book, tag, advertising or promotional material or other document that the price is suggested or approximate.

I. Requiring or inducing by any means, any dealer or prospective dealer to refrain, or to agree to refrain from reselling any of said products to any other dealer or distributor.

Provided, however, Nothing hereinabove shall be construed to waive, limit or otherwise affect the right of respondents to enter into, establish, maintain and enforce in any lawful manner any price maintenance agreement excepted from the provisions of section 5 of the Federal Trade Commission Act by virtue of the McGuire Act amendments to said Act.

II. *It is further ordered,* That the respondents shall within sixty (60) days after the service upon them of this order, mail a copy of this order to each of their dealers of said products in the Commonwealth of Puerto Rico, the District of Columbia, and in those states which now, or during the five (5) year period of time following the service of this order, do not permit fair trade contracts, and, during the five (5) year period of time following the date of service of this order, to all future dealers in these jurisdictions at the time said dealers are opened as accounts, under cover of the letter annexed hereto as Exhibit A, and furnish the Commission proof of the mailing thereof.

III. *It is further ordered,* That respondents shall forthwith distribute a copy of this order to each of their operating divisions engaged in the manufacture, sale, marketing, and distribution of said products and to all of their sales personnel connected with the sale, marketing, and distribution of said products and shall instruct each salesperson employed by them now or in the future to read this order and to be familiar with its provisions.

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

V. *It is further ordered,* That the respondents herein for a period of five (5) years from the date of this signing establish and maintain a file of all records referring or relating to respondents' refusal to sell said products to any dealer, which file shall contain a record of a communication to each such dealer explaining respondents' refusal to sell said products, and which file will be made available for Commission inspection on reasonable notice; and, annually, for a period of five (5) years from the date hereof, submit a report to the Federal Trade Commission listing the names and addresses of all dealers with whom respondents have refused to deal over the preceding year, a description of the reason for the refusal and the date of the refusal.

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

Commissioner Dole not participating.

The Decision and order was issued by the Commission November 9, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-36143 Filed 12-8-76;8:45 am]

[Docket No. C-2850]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Pande, Cameron & Co. of New York, Inc.

Subpart—Coercing and intimidating: § 13.350 Customers or prospective customers; § 13.358 Distributors. Subpart—Combining or conspiring: § 13.405 To discriminate unfairly or restrictively in general; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Controlling, unfairly, seller-suppliers: § 13.530 Controlling, unfairly, seller-suppliers. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records. Subpart—Cutting of supplies or service: § 13.610 Cutting off supplies or service; § 13.655 Threatening disciplinary action or otherwise. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records. Subpart—Maintaining resale prices: § 13.1130 Contracts and agreements; § 13.1140 Cutting off supplies; § 13.1145 Discrimination; 13.1145-5 Against price cutters; § 13.1150 Penalties; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of Espionage; 13.-1165-80 Requiring information of price cutting.

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

In the Matter of Pande, Cameron & Co. of New York, Inc., a corporation.

Consent order requiring a New York City importer and distributor of handmade rugs and carpets, among other things to cease enforcing and fixing established resale prices for its products. Further, respondent is prohibited from suggesting resale prices for the next three years and thereafter to indicate that any resale or retail price shown on pricing material is suggested or approximate only.

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

ORDER

I

It is ordered, That respondent Pande, Cameron & Co. of New York, Inc., a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the importation, distribution, offering for sale and sale of handmade rugs and carpets and other products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Establishing, maintaining or enforcing any contract, agreement, understanding or arrangement entered into with any distributor or retail dealer in respondent's products (hereinafter distributors and retail dealers are referred to as "dealers") fixing, establishing, maintaining or enforcing the suggested retail prices at which respondent's products are to be resold.

2. Requiring any dealer or prospective dealer to enter into any oral or written agreement or understanding that such dealer or prospective dealer will adhere to any resale price for respondent's products as a condition to receiving or retaining its dealership.

3. Requesting or requiring any dealer or prospective dealer, either directly or indirectly, to report any dealer, person or firm who does not adhere to the retail price suggested by respondent for any of said products, or acting on reports so obtained by refusing or threatening to refuse sales to any dealer, person or firm so reported.

4. Refusing to sell or threatening to refuse to sell to any dealer or prospective dealer who desires to engage in the sale of respondent's products for the reason that such dealer will not enter into an understanding or agreement with respondent to advertise or sell said products at respondent's suggested retail price.

5. Securing or attempting to secure any promises or assurances from dealers or prospective dealers regarding the prices at which such dealers will advertise or sell respondent's products, or requesting or requiring any dealer or prospective dealer to obtain approval from respondent for prices offered by said dealers in advertisements for respondent's products.

6. Terminating, threatening, intimidating, coercing, delaying shipments, or taking any other action to prevent or hinder the sale of respondent's products by a dealer because said dealer has advertised or sold, is advertising or selling, or is suspected of advertising or selling such products at other than prices that

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

respondent may deem to be appropriate or has approved.

7. Requiring from dealers charged with price cutting or failure to adhere to suggested retail prices, promises or assurances of the observance of respondent's suggested retail prices as a condition precedent to future sales to said dealers.

8. Directing or requiring respondent's salesmen, or any other agents, representatives, or employees, directly or indirectly, to report dealers who do not adhere to such suggested retail prices, or to act on such reports by refusing or threatening to refuse sales to dealers so reported.

9. Publishing, disseminating, circulating or providing by any other means, any suggested retail price, unless it is clearly and conspicuously stated on each page of any pricelist, book, tag, advertising or promotional material or other document that the price is "suggested" and that the dealer is free to sell at whatever price he chooses.

10. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer because said dealer advertises respondent's products at retail prices other than those which respondent deems appropriate or has approved.

II

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of its operating divisions and subsidiaries and to all officers, sales personnel, sales agents and sales representatives, and secure from each such entity or person a signed statement acknowledging receipt of said order.

III

It is further ordered that respondent:

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

2. For a period of three (3) years from the date this order becomes final, establish and maintain a file of all records referring or relating to respondent's refusal during such period to sell its products to any dealer, which file shall contain a record of a communication to each such dealer explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice.

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

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission November 3, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-36144 Filed 12-8-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13030]

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

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

Amendment of Proxy Rules Regarding Confidential Treatment for Preliminary Proxy and Information Statements

The Securities and Exchange Commission today amended Rules 14a-6 (17 CFR 240.14a-6) and 14c-5 (17 CFR 240.14c-5) under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975) modifying the non-public status of preliminary proxy soliciting material filed with the Commission. The amendments are identical to those proposed for comment in Securities Exchange Act Release No. 11709 issued October 3, 1975 and published at (40 FR 48142), October 14, 1975.

The Commission believes that pursuant to amendments to the Freedom of Information Act, ("FOIA") 5 U.S.C. 552, information contained in the preliminary proxy soliciting material should be made available to the person requesting it unless the information may be considered to be non-public under the criteria set forth in the FOIA and amendments to the Commission's rules on records and information in 17 CFR 200.80.

From the standpoint of compliance with the proxy rules, problems may arise from the public dissemination of information contained in proxy soliciting material before the release of definitive material. Such information may contain false or misleading statements and the staff's review process may be frustrated if material were to be distributed to security holders or became available to them because of disclosure under the FOIA or otherwise prior to staff review and comment. In addition, information contained in preliminary proxy soliciting material may be commercial and financial information of a non-public nature.

Under the proxy rules, when definitive material is filed, preliminary proxy material will be placed in the Commission's public files. If a request for preliminary material is filed under the FOIA after the date indicated by the person filing the material as the intended date of release to security holders but before definitive material has been filed with the Commission, the staff will contact the person who filed the preliminary material to determine if and when definitive material will be filed. Where no filing of definitive material is anticipated, any FOIA request will be processed as if the material had lost its status as proxy material.

Application for confidential treatment of information in preliminary proxy material and information statements may be made under Rule 24b-2 (17 CFR 240.24b-2). No application is required for confidential treatment of preliminary proxy material before definitive material is filed, but it confidential treatment for such information is desired after the definitive material has been filed, an application pursuant to Rule 24b-2 must be made at the time the preliminary material is filed so that the separate filings required by that rule may be made. The staff will not consider applications for confidential treatment of information in proxy material that do not comply with Rule 24b-2.

An amendment to Rule 14c-5(c) which conforms its provision for confidentiality to that of Rule 14a-6(e) is also adopted.

1. Section 240.14a-6 is amended to read as follows:

§ 240.14a-6 Material required to be filed.

* * * * *

(e) All copies of material filed pursuant to paragraph (a) or (b) of this section shall be clearly marked "Preliminary Copies" shall be for the information of the Commission only and shall not be deemed available for public inspection before definitive material has been filed with the Commission except that such material may be disclosed to any department or agency of the United States Government and to the Congress and the Commission may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Commission. All preliminary material filed pursuant to paragraph (a) or (b) of this section shall be accompanied by a statement of the date on which definitive copies thereof filed pursuant to paragraph (c) of this section are intended to be released to security holders. All definitive material filed pursuant to paragraph (c) of this section shall be accompanied by a statement of the date on which copies of such material have been released to security holders, or, if not released, the date on which copies thereof are intended to be released. All material filed pursuant to paragraph (d) of this section shall be accompanied by a statement of the date on which copies thereof are intended to be released to the individuals who will make the actual solicitation.

* * * * *

2. Section 240.14c-5 is amended to read as follows:

§ 240.14c-5 Filing of information statement.

* * * * *

(c) All copies of material filed pursuant to paragraph (a) of this section shall

be clearly marked "Preliminary Copies" shall be for the information of the Commission only and shall not be deemed available for public inspection before definitive material has been filed with the Commission, except that such material may be disclosed to any department or agency of the United States Government and to the Congress and the Commission may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Commission. All preliminary material filed pursuant to paragraph (a) of this section shall be accompanied by a statement of the date on which copies thereof filed pursuant to paragraph (b) of this section are intended to be released to security holders. All definitive material filed pursuant to paragraph (b) of this section shall be accompanied by a statement of the date on which copies of such material have been released to security holders or, if not released, the date on which copies thereof are intended to be released.

* * * * *

(Secs. 14(a), 14(c), 23(a), 48 Stat. 895, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 5, 78 Stat. 569, 570; sec. 18, 89 Stat. 155; 15 U.S.C. 78n(a), 78n(c), 78w(a).)

3. Section 200.80 (b)(4)(ii) of the Commission's Rules under the Freedom of Information Act (17 CFR 200.80), is amended to read as follows:

§ 200.80 Commission records and information.

* * * * *

(b) * * *

(4) * * *

(ii) Information contained in any document submitted to or required to be filed with the Commission where the Commission has undertaken formally or informally to receive such submission or filing for its use or the use of specified persons only, such as preliminary proxy material filed pursuant to Rule 14a-6 under the Securities Exchange Act (17 CFR 240.14a-6) or preliminary information statements filed pursuant to Rule 14c-5 (17 CFR 240.14c-5) before definitive material has been filed with the Commission, reports filed pursuant to Rule 316(a) under the Securities Act (17 CFR 230.316(a)), agreements filed pursuant to Rule 15c-3-1(c)(7)(G) under the Securities Exchange Act (17 CFR 240.15c-1(c)(7)(vii)), schedules filed pursuant to Part II of Form X-17A-5 (17 CFR 249.617) in accordance with Rule 17a-5(b)(3) under the Securities Exchange Act (17 CFR 240.17a-5(b)(3)), statements filed pursuant to Rule 17a-5(k)(1) under the Securities Exchange Act (17 CFR 240.17a-5(k)(1)), and confidential reports filed pursuant to Rules 17a-9, 17a-10, 17a-12 and 17a-16 under the Securities Exchange Act (17 CFR 240.17a-9, 240.17a-10, 240.17a-12, and 240.17a-16); and

* * * * *

(5 U.S.C. 552; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a-37, 806-11.)

The amendments are adopted pursuant to sections 14(a), 14(c) and 23(a) of the Securities Exchange Act of 1934, as amended, and section 552 of Title 5, United States Code and are effective December 9, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 2, 1976.

[FR Doc.76-36113 Filed 12-8-76;8:45 am]

[Release No. 34-13031]

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

Fidelity Bonding Requirements for Nonmember Broker-Dealers

In Securities Exchange Act Release No. 12693 (August 6, 1976)[1] the Securities and Exchange Commission announced a proposal to amend in certain respects § 240.15b10-11 under the Securities Exchange Act of 1934 (the "Rule" or the "SECO Bonding Rule"). The Commission has considered the comments and suggestions received concerning that release and announced today it has adopted the amendments with certain revisions, as indicated below, effective January 9, 1977. The Rule sets forth minimum fidelity bonding requirements for registered broker-dealers which are not members of a registered securities association[2] ("SECO broker-dealers").

THE AMENDMENTS

1. EXEMPTION FOR EXCHANGE-ONLY MEMBERS

Prior to these amendments, the SECO Bonding Rule had exempted, among others, those broker-dealers which were "members in good standing and subject to" (emphasis added) the fidelity bonding requirements the seven national securities exchanges listed in paragraph (a) thereof (the "paragraph (a) exchanges").[3] Thus, a SECO broker-dealer who was a "member in good standing" of any one of these exchanges and who was "subject to" the bonding requirements of that exchange (*i.e.*, not exempt from those requirements) would qualify for an exemption from the SECO Bonding Rule. The theory underlying the exemption was that these SECO broker-dealers are already subject to exchange fidelity bonding requirements which are at least comparable to the requirements of the SECO Bonding Rule. However, members of the paragraph (a) exchanges which effect transactions primarily on registered securities exchanges, such as specialists, floor traders, floor brokers ("exchange-only members"), are now required to register with the Commission for the first time; and therefore, since they are generally exempt from the fidelity bonding rules of those exchanges,[4] they were, arguably, subject to the SECO Bonding Rule—a result not strictly intended when the Commission adopted the SECO Bonding Rule in its present form (prior to the 1975 Amendments).

In addition, the major purpose underlying the adoption of the SECO Bonding Rule, as well as the NASD's Bonding Rule,[5] was to limit potential exposure of SIPC funds[6] to firm losses resulting from employee theft and dishonesty, particularly losses of "catastrophic" proportions. Similarly, while the bonding rules of the paragraph (a) exchanges were, for the most part, adopted prior to the enactment of the Securities Investor Protection Act of 1970, it may be said that these rules were adopted with the same concerns in mind, *i.e.*, to prevent impairment of firm capital through substantial losses of this kind and to protect firm creditors, including customers, against such losses. Thus, since the kind of exposure intended to be covered by fidelity bonds for brokers and dealers generally arises only where a firm has contact with members of the public (*i.e.*, handles customer funds and/or securities), a broker-dealer which deals only with other professionals on the floor of the exchange of which it is a member and does not otherwise engage in a public business is exempt from the existing exchange fidelity bonding requirements.[7] Accordingly,

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[1] 41 FR 35073 (August 19, 1976)

[2] The National Association of Securities Dealers, Inc. ("NASD"), is the only association so registered.

[3] The seven exchanges are: the New York Stock Exchange, Inc. ("NYSE"), the American Stock Exchange, Inc. ("ASE"), the Midwest Stock Exchange, Inc., the Boston Stock Exchange, the Philadelphia Stock Exchange, Inc. (formerly the PBW Stock Exchange, Inc. ("PBW")), the Pacific Stock Exchange, Inc. ("PSE"), and the Chicago Board Options Exchange, Inc. ("CBOE"). The Commission has made a technical adjustment to paragraph (a) of the SECO Bonding Rule so as to reflect the new title of the successor organization to the PBW. See *infra*.

[4] One exception is the PSE. The PSE's fidelity bonding requirements apply to every member and member organization. See Rule IX, Sections 7 and 8 of the PSE Rules (CCH PSE Manual, Paragraph 4775 and Paragraph 4780).

[5] The NASD's fidelity bonding requirements for its members are set forth in Article III, Section 32 (and Appendix "C" thereto) of the NASD Rules of Fair Practice (CCH NASD Manual, Paragraph 2182).

[6] The Securities Investor Protection Act of 1970, which is designed to provide certain financial protections for the accounts of customers of broker-dealers, created the Securities Investor Protection Corporation ("SIPC"), a non-profit membership corporation, to administer the protective provisions of the Act. The Act authorizes SIPC to maintain a fund to protect customers against losses of their funds and securities (up to certain statutory amounts) in the event of financial failure of a SIPC member firm.

[7] It should be noted that many of these exchange-only members will be exempt from the bonding requirements of the paragraph (a) exchanges on another basis as well. For example, since many of them are sole proprietorships or one-man entities they would not be able to acquire a fidelity bond in any event because of insurance industry practice; and therefore the paragraph (a) exchanges have exempted members in this category by administrative interpretation. For the same reason, both the SECO Bonding Rule and the NASD Bonding Rule exempt one-man business entities having no employees. (See paragraph (a) of the SECO Bonding Rules and paragraph (a) of the NASD's Bonding Rule).

the Commission has specifically exempted these exchange members from the SECO Bonding Rule. To accomplish this, the phrase "members in good standing of * * *" has been substituted for the phrase "members in good standing and subject to * * *" in paragraph (a) of the SECO Bonding Rule.[8]

The Commission notes that, unlike the recent revisions to the other SECO requirements, its amendment to the SECO Bonding Rule will exempt from its provisions exchange-only members which also engage in transactions on exchanges of which they are not members as well as over the counter.[9] Those members will thus be subject only to the applicable exchange bonding requirements. Since the imposition of the SECO Bonding Rule on exchange-only members engaging in such activities could result in unnecessary duplication in the area of fidelity bonding, the Commission has determined to defer to exchange bonding requirements in this respect and the amendments to paragraph (a) will have this effect. While permitting these exchanges to apply their bonding requirements in this way may have an indirect impact on some of their members' activities in other markets, the Commission believes that any such impact would be insubstantial and would not have an anti-competitive effect.

2. REQUIREMENT TO REVIEW COVERAGE UPON ISSUANCE OF A REPLACEMENT BOND

The Commission has assumed that when a SECO broker-dealer acquires a replacement bond the SECO Bonding Rule requires that the firm review and adjust, if necessary, its minimum bonding coverage once upon the new bond's issuance and thereafter annually, as of the anniversary date of the bond's issuance. The Commission is of the opinion that this is the proper interpretation of present paragraph (c) (5) of the Rule in this situation. However, the Commission has amended the SECO Bonding Rule to clarify its provisions in this respect.

A registered broker-dealer subject to the SECO Bonding Rule may acquire a replacement bond, for the most part, in two situations: (1) where the insurance carrier cancels the previous bond, or (2) where the firm decides to terminate its existing bond in order to obtain a replacement bond through another insurance carrier at less cost. In either case, the previous bond is normally cancelled or terminated as of the renewal date, which usually occurs at one-year intervals from the date of issuance of a bond. Thus, the date of issuance of a replacement bond is likely to coincide with the annual anniversary date of the previous bond's issuance. However, in the event that the replacement bond issuance date occurs prior to the next annual review date, a question has arisen as to the applicability of the term "anniversary date of the issuance of the bond" in present pargaraph (c) (5) to the replacement situation; that is, will the next review date be determined by reference to the date of the original (or previous) bond's issuance or to the date of the replacement bond's issuance? It is possible that a SECO broker-dealer may acquire a replacement bond that is equivalent to its minimum required coverage as determined as of the former date and feel justified in deferring its next review until the first annual anniversary date of the replacement bond's issuance. This could result in delaying its review of adequacy of coverage for longer than the one year period presently required by paragraph (c) (5) of the SECO Bonding Rule. This interpretation is inconsistent with the purpose of the Rule.

Accordingly, the Commission has amended the Rule so as to provide expressly that SECO broker-dealers subject to its provisions which obtain a replacement bond for any reason must redetermine their bonding coverage once upon issuance of the replacement bond and thereafter at least once annually, as of the anniversary date of the replacement bond's issuance.[10] New paragraph (c) (7) sets forth this requirement.[11]

Furthermore, the Commission does not believe that this requirement will impose an undue or unnecessary burden on affected SECO broker-dealers. As noted above, a broker-dealer is likely to have its coverage cancelled, or to terminate its coverage and acquire a replacement bond, as of the previous bond's renewal date which should normally coincide with the annual anniversary review date specified in paragraph (c) (5) of the SECO Bonding Rule. Moreover, even if the cancellation or termination occurs prior to the next review date an affected broker or dealer will have the burden of reviewing its coverage "prematurely" on that one occasion but thereafter it will be required to conduct its review only once annually, consistent with the review periods presently specified in the Rule for all SECO broker-dealers subject to the bonding requirement.

3. ELECTION TO USE THE ALTERNATIVE NET CAPITAL REQUIREMENT AS THE BASIS FOR DETERMINING MINIMUM BONDING COVERAGE

The Commission recently adopted amendments to § 240.15c3–1, the Uniform Net Capital Rule, including an alternative net capital requirement ("Alternative Requirement") for certain broker-dealers which is set forth in new paragraph (f) of § 240.15c3–1.[12] This Alternative Requirement (if elected) eliminates the traditional standard of limiting obligations of broker-dealers (i.e., the ratio of aggregate indebtedness to net capital) and substitutes the aggregate dollar amount of firm assets which have as their source transactions with customers (i.e., items includible in the Formula for determination of Reserve Requirements for Brokers and Dealers set forth in § 240.15c3–3) as the basis for determining the maximum permissible level of the broker-dealer's customer-related business. The general purpose of the Alternative Requirement is to ensure the continued protection of customers as well as to enhance the ability of broker-dealers to meet the needs of corporate issuers to raise capital in the evolving national market system.

The present minimum bonding coverage prescribed by the SECO Bonding Rule is based on a broker-dealer's minimum required net capital as computed

[8] See *infra*.

[9] The Commission has amended certain other SECO requirements, specifically § 240.15b8–1, 240.15b9–2 and 240.15b10–7, by substituting the phrase "otherwise than on a national securities exchange of which he is a member" for the phrase "otherwise than on a national securities exchange." The effect of this amendment, which has been made to conform the scope of the SECO requirements to the Commission's broadened authority under new Sections 15(b)(8), 15(b)(9), and 15(b)(10) of the Act, is to subject broker-dealers who effect transactions on exchanges other than those of which they are members to the SECO requirements, with certain exceptions.

[10] As originally proposed, the amendment would have provided that an affected SECO broker-dealer must review and adjust (if necessary) his bonding coverage by reference to highest required net capital "for those months since such broker or dealer last determined its required coverage in accordance with subparagraphs (c)(5) and (c)(6) of this rule." In a letter of comment on the proposal, however, the NASD stated that the review should be made by reference to highest required capital for the immediately preceding twelve months consistent with the present review provisions of the Rule rather than for any shorter period of time which would have been possible under the Commission's proposed formulation. The NASD observed that, under the original proposal, in those situations where replacement bonds are not issued on the anniversary date of the previous bonds, the highest required coverage would be determined by reference to highest required net capital for a period of time less than twelve months; and, if brief periods of time were used which coincided with "unusually low minimum capital requirements" the amount of minimum required coverage determined thereby might be inadequate for the ensuing twelve months. The Commission agrees with the position of the NASD in this respect and, accordingly, has amended new subparagraph (c)(7) by substituting the phrase "for the 12-month period immediately preceding such issuance" for the phrase "for those months since such broker or dealer last determined its required coverage in accordance with subparagraphs (c)(5) and (c)(6) of this rule."

[11] See *infra*. In addition, the Commission understands that within the insurance industry the term "anniversary date" relates only to the date of issuance of a bond or any other insurance contract. Thus, in order to be consistent with the insurance practice in this regard, the annual review dates should be tolled from either the date of issuance of the original (or previous) bond or from the date of issuance of a replacement bond. New paragraph (c)(7) makes this clear.

[12] See Securities Exchange Act Release No. 11497, dated June 26, 1975 (40 FR 29795 (July 16, 1975)). These amendments became effective September 1, 1975. The Alternative Requirement is applicable only to broker-dealers which have not elected to operate pursuant to an exemption from § 240.15c3–3 through application of either paragraph (k)(1) or (k)(2)(i). Broker-dealers which meet the criteria specified in paragraph (k)(2)(ii) of § 240.15c3–3 and introduce all customer transactions on a fully disclosed basis are also eligible to operate under the Alternative Requirement, if they maintain minimum net capital of at least $100,000.

pursuant to § 240.15c3–1.[13] Thus, if a SECO broker-dealer's minimum required net capital is adjusted, as through utilization of the Alternative Method, then his minimum required bonding coverage should be adjusted accordingly. The Commission's Uniform Net Capital Rule and the SECO Bonding Rule are financial responsibility rules whose primary concern is protecting customer funds and securities in the custody of broker-dealers. In view of this similarity of purpose, therefore, the Commission believes that the policy underlying the implementation of the Alternative Requirement warrants a corresponding flexibility in fidelity bonding requirements for those SECO broker-dealers operating under it.

Accordingly, the Commission has amended the SECO Bonding Rule so as to expressly provide that a broker-dealer which is subject to the Rule and operates under the Alternative Requirement must use this computation in determining its minimum bonding requirements pursuant to the Rule. The amendment has taken the form of new paragraph (c)(6) of the SECO Bonding Rule.[14]

The Commission notes that under the new paragraph (c)(6) it has specified that broker-dealers availing themselves of the Alternative Requirement are still required to determine their minimum required bonding coverage in the manner provided in present paragraph (c)(5), i.e., by reference to the highest required net capital for the 12 months immediately preceding the initial issuance of a bond and thereafter annually, as of the anniversary date of the bond's issuance, again by reference to highest required net capital for the immediately preceding 12-month period.[15]

[13] See paragraph (c) of the SECO Bonding Rule.

[14] See *infra*.

[15] As originally proposed, new subparagraph (c)(6) would have required an affected broker or dealer to determine and adjust its bonding requirements once it has operated under the Alternative Requirement for at least three months, based only on the net capital calculations made during those months. This would have been required even though such adjustment may have taken place in advance of the next annual anniversary review date of its bond. (However, this provision would not have applied to a new registrant who utilized the Alternative Requirement). Thereafter, on its next annual anniversary date, the broker or dealer would have been required to review and further adjust, if necessary, its bonding coverage again based only on the net capital computations made during those months when it was operating under the Alternative Requirement. In a letter of comment on this proposal, however, the NASD stated, among other things, that it could find no regulatory purpose to be served by treating brokers or dealers utilizing the Alternative Requirement differently from those operating under the usual net capital requirement, particularly as to the review provisions that would be applicable to each. In this regard, the NASD suggested that whether a broker or dealer operates under the usual Net Capital Rule or the Alternative Requirement its amount of required net capital may vary considerably (even from month to month) and therefore the annual review provisions presently specified in both the NASD and SECO Bonding Rules should apply in either case to ensure that a broker's or dealer's minimum required bonding coverage is adequate at all times.

The Commission agrees with the NASD's position in this regard and, accordingly, has revised proposed subparagraph (c)(6) to provide that SECO broker-dealers subject to the Rule that operate under the Alternative Requirement shall determine their minimum required bonding coverage in the same manner as specified in present subparagraph (c)(5) of the Rule. The Commission has also made technical revisions to subparagraphs (c)(1) and (c)(5) of the Rule to further clarify the Rule's applicability in this respect. See *infra*.

STATUTORY BASIS

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq. (as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94–29 (June 4, 1975)), and particularly Sections 15(b), 15(c) and 23(a) thereof, hereby adopts certain amendments to 17 CFR Part 240, as stated below.

Text of the rule as amended. Section 240.15b10–11 is amended to read as follows:

§ 240.15b10–11 Fidelity bonds.

(a) Every nonmember broker or dealer which is a member of the Securities Investor Protection Corporation and has employees shall carry a blanket fidelity bond covering officers and employees of such broker or dealer in the form, amount and type of coverage hereinafter prescribed. The provisions of this rule shall not apply to any member in good standing of the American Stock Exchange, Inc. the Boston Stock Exchange, the Midwest Stock Exchange, Inc., the New York Stock Exchange, Inc., the Pacific Stock Exchange, Inc., the Philadelphia Stock Exchange, Inc., or the Chicago Board Options Exchange, Inc.; *Provided, however*, That the exemption as to the members of any exchange may be suspended or withdrawn by the Commission at any time, by sending ten (10) days written notice to such exchange, if it appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors so to do.

(b) Every nonmember broker or dealer subject to the rule must carry either the Stockbroker's Blanket Bond, Standard Form No. 14 of the Surety Association of America with such riders as maybe required by this rule, as revised to the effective date of this rule, or an equivalent bond, covering the officers and employees of such broker or dealer, which provides against loss and has insuring agreements covering at least the following:

(1) Fidelity;
(2) On Premises;
(3) In Transit;
(4) Misplacement;
(5) Forgery and Alteration (including check forgery);
(6) Securities Loss (including securities forgery); and
(7) Fraudulent Trading (by employees).

(c)(1) Minimum monetary coverage for each of the Fidelity, On Premises, In Transit, Misplacement, and Forgery and Alternation insuring agreements shall be the greater of $25,000 or such other amount as shall be determined by reference to minimum required net capital for such broker or dealer computed under Rule 15c3–1 under the Act as follows:

(i) Each nonmember broker or dealer whose required net capital does not exceed $600,000 must maintain minimum coverage of not less than 120% of such requirement.

(ii) Each nonmember broker or dealer whose required net capital exceeds $600,000 must maintain minimum coverage as indicated in the following table:

Net capital requirement under the rule 15c3–1	*Minimum coverage*
Over $600,000 up to $1,000,000	$750,000
Over $1,000,000 up to $2,000,000	1,000,000
Over $2,000,000 up to $3,000,000	1,500,000
Over $3,000,000 up to $4,000,000	2,000,000
Over $4,000,000 up to $6,000,000	3,000,000
Over $6,000,000 up to $12,000,000	4,000,000
Over $12,000,000	5,000,000

(2) Minimum monetary coverage for the Fraudulent Trading insuring agreement shall not be less than $25,000 or 50% of the coverage required in paragraph (c)(1) of this section, whichever is greater.

(3) Minimum monetary coverage for the Securities Forgery insuring agreement shall not be less than $25,000 or 25% of the coverage required in paragraph (c)(1) of this section, whichever is greater.

(4) Every nonmember broker or dealer subject to this rule may have a deductible provision included in his bond of up to $5,000 or 10% of the minimum insurance requirement established hereby, whichever is greater, for any individual loss.

(5) The minimum required coverages prescribed hereinabove shall be determined by such nonmember broker-dealer initially on issuance of the bond by reference to its highest required net capital computed pursuant to Rule 15c3–1 under the Act for the 12-month period immediately preceding such issuance or, if the nonmember broker or dealer was subject to Rule 15c3–1 for less than 12 months, for such lesser period immediately preceding such issuance as such broker or dealer was subject to that rule. Thereafter, such coverage shall be redetermined annually, as of the anniversary date of the issuance of the bond, by reference to the highest required net capital for the immediately preceding 12-month period, which amount shall be used to determine the minimum required coverage for the succeeding 12-month period. Any necessary adjustments shall be made within 30 days after the anniversary of the bond.

(6) A nonmember broker or dealer which becomes eligible to elect and does elect to compute its minimum required net capital under the alternative net capital requirement set forth in paragraph (f) of Rule 15c3–1, instead of under the requirement set forth in paragraph (a) of such rule, shall determine its minimum required coverage in the same manner as specified in paragraph (c)(5) of this section.

(7) A nonmember broker or dealer subject to this rule which acquires a replacement bond shall redetermine and adjust (if necessary) its minimum required bond coverage upon issuance of such bond by reference to the highest required net capital for the 12-month period immediately preceding such issuance, which amount shall be used to determine the minimum required coverage for the succeeding 12–month period. Thereafter, such coverage shall be redetermined annually, as of the anniversary date of the issuance of the replacement bond. Any necessary adjustments shall be made within 30 days of such redetermination.

(8) The bond shall provide that it shall not be cancelled, terminated, or substantially modified except after written notice given by the acting party to the affected party and to the Commission not less than sixty days prior to the effective date of such cancellation, termination or modification; providing, however, that in the event the nonmember broker or dealer elects to cancel, terminate or modify the provisions of the bond upon notice of less than sixty days such nonmember broker or dealer may do so on the condition that such nonmember broker or dealer shall notify the Commission not less than ten days prior to the effective date of such notice by providing the Commission with either a copy of the replacement insurance contract or a copy of the binder for such contract. Any bond issued pursuant to this rule shall include a cancellation rider providing that the insurance carrier will use its best efforts to comply with the applicable reporting requirements of this rule.

(d) Definitions—For the purpose of this rule:

(1) The term "nonmember broker or dealer" shall mean any broker or dealer registered under Section 15 of the Act which is not a member of a registered securities association.

(2) The term "substantial modification" or "substantially modified" shall mean any change in the type or amount of fidelity bonding coverage, or in the exclusions to which the bond is subject or any other change in the bond such that it no longer complies with the requirements of this rule.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 2, 1976.

[FR Doc.76-36112 Filed 12-8-76;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. Nos. 4, 10, 22]

PROCEDURES OF THE BUREAU OF HEARINGS AND APPEALS

Miscellaneous Changes

On November 28, 1975, proposed amendments were published in the FEDERAL REGISTER (40 FR 55362) with notice of proposed rulemaking to provide rules and procedures governing appearance before the Appeals Council to present oral argument, remand by the Appeals Council to a presiding officer for receipt of new evidence, and to reflect revisions in the procedures of the Bureau of Hearings and Appeals and to accommodate the supplemental security income program. Subsequent to publication, Public Law 94–202 was enacted on January 2, 1976, and changes have been made to reflect those amendments to the Social Security Act. The amendments set forth below will have no pecuniary effect upon the public.

The amendments published on November 28, 1975, were designed to provide uniform procedures for appearance before the Appeals Council and for receipt of evidence on review by the Appeals Council for all programs administered by the Social Security Administration. These procedures for titles II and XVIII of the Social Security Act, as amended, and Part B of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, are consistent with those provided for Title XVI of the Social Security Act which were published in final on October 25, 1974 (39 FR 37977). The public was invited to comment on the amendments to the title XVI regulations published in final on October 25, 1974, and was allowed 30 days to comment on the amendments set forth below. We believe that these publications provided ample and adequate notice to all interested individuals and organizations, so that promulgation at this time of the amendments set forth below is in keeping with the spirit and intent of the Secretary's regulation development policies announced on July 25, 1976 and which may be found at 41 FR 34811 dated August 17, 1976. In addition, the amendments contain provisions which would facilitate the Appeals Council review process. These proposed amendments as published with Notice of Proposed Rule Making:

IN PARTS 404 AND 410

(a) Provide that where the Appeals Council grants a review of a hearing decision, any party to such decision may request an appearance before the Appeals Council for the purpose of presenting oral argument, and the granting of such request will be at the discretion of the Appeals Council, applying the criteria as set forth in § 404.948(c) and § 410.663(c).

(b) Provide that the Appeals Council will remand the case to a presiding officer for further proceedings if additional evidence is needed, unless the Appeals Council may obtain the evidence more expeditiously and the rights of the parties will not be adversely affected.

Through the amendments to Part 404, these provisions on appearance and evidence are also applicable to appeals with respect to entitlement under Part A or Part B of title XVIII of the Social Security Act, as amended, and with respect to the amount of benefits under Part A, as provided in Part 405, Subpart G. These amendments do not change the rules with respect to appearances or evidence in provider and supplier certification and termination appeals under Subpart O of Part 405.

IN PART 422

The amendments to Subpart C reflect the applicability of the subpart to the supplemental security income program (title XVI of the Social Security Act added to the Act by Pub. L. 92–603) and reflect revisions in the procedures of the Bureau of Hearings and Appeals to accommodate the supplemental security income program. For clarity, they provide references to the parts of the social security regulations which contain detailed provisions relating to hearings before a presiding officer, review by the Appeals Council and court review under the programs administered by the Social Security Administration. In addition, the amendments contain provisions as set forth below:

(1) Define the term "presiding officer" as the person designated to conduct a hearing, i.e., an administrative law judge or member of the Appeals Council. Section 422.203(d), as set forth herein, has been revised as a result of Public Law 94–202 as discussed below;

(2) Section 422.205 has been revised to provide that an appearance before the Appeals Council will be held in the location designated by the Council. Appearances will no longer be held only in the Washington, D.C. metropolitan area. Where an appearance is granted, the time and place will be determined by the Appeals Council based on administrative feasibility and convenience of the parties.

(3) With the increase in the size of the membership of the Appeals Council over the years, it is not feasible to have the entire Council meet each time it is necessary to consider substantial policy issues and questions of law. Section 422.205 (e) provides for convening a representative body of not less than five Appeals Council members for considering a case or group of cases, where there arise broad policy or procedural questions which may affect a large number of cases or involve the general public interest, in lieu of having the Appeals Council meet en banc.

(4) On occasion, administrative law judges have been designated to serve as members of the Appeals Council. Section

422.205(f) sets forth the procedure for the Chairman of the Appeals Council to designate an administrative law judge to serve as a member of the Appeals Council for temporary periods. An administrative law judge would not serve as a member on any panel where such panel is conducting a review on a case in which he had been involved previously.

In addition to the amendments published with Notice of Proposed Rule Making on November 28, 1975, revisions have been made to reflect the following amendments to the Social Security Act contained in Public Law 94–202 which was enacted January 2, 1976:

Section 1 of Public Law 94–202 amended section 1631(c) of the Social Security Act by increasing the time period for requesting a hearing in supplemental security income claims from 30 to 60 days after notice of a determination is received. This provision was effective with notices received on or after January 2, 1976. Therefore, § 422.203(b)(2) has been revised to reflect the 60 day time period for requesting hearings with respect to all such claims.

Section 4 of Public Law 94–202 amended section 205(b) of the Social Security Act by changing the time for requesting hearing to within 60 days after notice of a decision is received. Section 205(b) of the Act is adopted by reference in sections 1862(d)(3), 1869 (b) and (c), 1876(f), by cross reference in section 1879(d) of the Social Security Act; and by reference in section 413(b) of the Federal Coal Mine Health and Safety Act of 1969, as amended. Consequently, the time for requesting a hearing under the social security, health insurance and black lung benefit programs was changed to within 60 days after the date a notice of a determination is received. The provision for these programs was effective with notices received after February 29, 1976. Therefore, wherever it appeared in the proposed amendments published on November 28, 1975, the term "6 months" has been changed to "60 days."

Section 2 of Public Law 94–202 struck out paragraph 2 of section 1631(d) of the Social Security Act, and section 3 of Public Law 94–202 provided that persons appointed under such section 1631(d)(2) to serve as hearing examiners shall be, until December 31, 1978, deemed to be appointed under section 3105 of chapter 5 of title 5, United States Code. This has resulted in a redefinition of the term "presiding officer."

The revisions to regulations made as a result of the above stated provisions of Public Law 94–202 are published in final form without prior notice since they are mandated by statutory provisions and are not rules proposed by the agency.

In addition to the changes published on November 28, 1975, and those made as a result of Public Law 94–202, these amendments reflect corrective and editorial changes as follows:

The citation of § 405.1563 was previously and incorrectly contained in § 422.205(b) and has now been placed in § 422.205(d) and the listing of facilities and parties has been deleted in paragraph (d) since these are covered in the reference.

Section 422.210 is being published as shown below to conform to the revision made final in 40 FR 53389 on November 18, 1975, and not reflected in the Notice of Proposed Rule Making published November 28, 1975.

Subsequent to the publication of the proposed regulations on November 28, 1975, § 405.315a was published (40 FR 36316) to implement section 1862(d)(3) of the Social Security Act. This section of the Social Security Act provides a right to an administrative hearing by a provider of services or other person dissatisfied with an initial (or revised) determination excluding from coverage items or services rendered to beneficiaries where such provider or supplier is found to have committed certain program abuses. Accordingly, appropriate references have been included in Part 422 to reflect this provision.

Interested parties were given 30 days in which to submit their views and comments on the proposed regulations. Three letters were received from the public, reflecting both favorable and unfavorable comments. Although all comments received were given due consideration, no changes were made as a result of the writers' suggestions as hereinafter discussed.

The first writer offered the following comments:

1. The regulations in § 404.949 and § 410.664 should require that all cases of own motion review involving receipt of additional evidence should be remanded to an administrative law judge, while receipt by the Appeals Council of evidence presented by the claimant who requested Council review would result in remand only if further evidentiary development is necessary;

2. An amendment to § 422.205(c) should be added to provide maximum equality of opportunity to all U.S. residents and their attorneys to appear personally before the Appeals Council; and

3. Uniform procedures and standards for review of all cases on an equal basis should be adopted and published in the FEDERAL REGISTER.

The first comment is essentially the purpose of the regulations. Unless the additional evidence presented by the claimant completes the record, the case generally will be remanded to an administrative law judge for the receipt of the additional evidence.

With regard to the second comment, when oral argument before the Appeals Council is granted, every effort will be made to schedule the appearance to provide reasonable accessibility to the parties. The location of the appearance, however, must be arranged within the confines of administrative feasibility; travel from Washington, D.C. is involved and it would not be feasible to schedule an appearance in an isolated area.

As to the final comment, the basis of review by the Appeals Council is already contained in Regulations No. 16, § 416.1465 and a notice of proposed rulemaking was published on March 23, 1976 (41 FR 12038), to provide similar criteria for review in Regulations No. 4 and pertinent parts of Regulations No. 5. Since the Social Security Administration's continuing role in the Black Lung program is limited, similar amendments have not been proposed in Regulations No. 10. While we do not propose to amend Regulations No. 10, in practice similar criteria will be used.

The second letter contained the following suggestions:

1. The Social Security Administration should bear the cost for supplying upon request, copies of the written evidence on which a hearing was based and a copy of the transcript. In the alternative, if not followed in all cases, a claimant who is indigent and cannot afford to pay for the written evidence and/or transcript should be provided these at no cost;

2. When the Appeals Council reviews a favorable decision on its own motion, the claimant should be entitled to oral argument before the Council as a matter of right;

3. Regulations should be considered to forbid review by the Appeals Council of favorable decisions; and

4. When new evidence is requested by the Appeals Council on its own motion, the claimant should have the opportunity to appear before the presiding officer who handled his case to present oral argument about this evidence.

The first comment is addressed in §§ 404.948(a), 404.949(d), 410.663(a), and § 410.664(d). While there is a ten cents charge per page for copies of the evidence of record, there is a general waiver where the total charge is less than $10.00. In addition, where the party has shown a need for the record, including the transcript, and the person is indigent, the payment of cost will be waived.

With respect to the second comment, a claimant is given the opportunity to request an appearance whenever the Appeals Council decides to review a hearing decision, whether review is on its own motion or at the request of the party. The request will be granted by the Council where there is a significant question of law or policy or when the Council is of the opinion that oral argument would be beneficial in rendering a proper decision.

The Appeals Council is responsible for insuring uniformity of decision in a national program; i.e., that decisions are in accordance with the law and governing policies. To do this, so that citizens are treated equally, it must have the authority to review both favorable and unfavorable hearing decisions. Regulations to limit the Council's authority, as suggested, would not be appropriate and would be contrary to the principles of agency review.

Where the Appeals Council decides that additional evidence is needed to complete the record it will remand the case to the presiding officer for receipt of the new evidence. The only exception is where the Appeals Council can obtain

the evidence more expeditiously and the rights of the claimant will not be adversely affected. Where the individual wishes to appear before the presiding officer to present oral argument and additional evidence, the exception would not apply since, if the Council obtained new evidence itself, the claimant's rights could be adversely affected. If the presiding officer who handled the case is available, the remand will normally be to that presiding officer. Thus, as suggested in the fourth comment, a claimant will have the opportunity to appear before the presiding officer who previously handled the case, unless the claimant objects.

The third letter of comment cited the discretion given the Appeals Council in granting requests for appearance. With the remand provisions contained in these regulations, the claimant will have ample opportunity to present oral argument where the Council grants review and additional evidence is to be received. As stated in response to the second letter, the Appeals Council will grant an appearance when it would be beneficial in rendering a proper decision.

With the clarifying and editorial changes, the proposed rules are adopted as set forth below.

(Secs. 205, 221, 1102, 1631 (c) and (d), 1862 (d), 1869, 1871, and 1876(f) of the Social Security Act and secs. 426(a) and 508 of the Federal Coal Mine Health and Safety Act; 53 Stat. 1368, as amended; 68 Stat. 1081, as amended; 49 Stat. 647, 86 Stat. 1475, 79 Stat. 325, 79 Stat. 330-331, as amended, 86 Stat. 1396; 83 Stat. 798 and 803 as amended; 42 U.S.C. 405, 421, 1302, 1383 (c) and (d), 1395y, 1395ff, 1395hh, and 1395mm, and 30 U.S.C. 936(a) and 957.)

Effective date: These amendments shall become effective on December 9, 1976.

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged-Hospital Insurance; 13.801, Health Insurance for the Aged-Supplementary Medical Insurance; 13.802, Social Security-Disability Insurance; 13.803, Social Security-Retirement Insurance; 13.804, Special Benefits for Persons Aged 72 and Over; 13.805, Social Security-Survivors Insurance; 13.806, Special Benefits for Disabled Coal Miners; Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: October 15, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 6, 1976.

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

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

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

1. Section 404.948 is revised to read as follows:

§ 404.948 Procedure before Appeals Council on review.

(a) *Availability of documents or other written statements.* Whenever the Appeals Council determines to review a presiding officer's decision (except when the case is remanded to a presiding officer in accordance with § 404.950), the Appeals Council shall make available to any party upon request, copies or a statement of the contents of the documents or other written evidence upon which the presiding officer's decision was based, and a copy of the transcript of oral evidence, if any, or a condensed statement thereof, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless for good cause shown, such payment is waived.

(b) *Filing briefs or other written statements.* The parties shall be given, upon request, a reasonable opportunity to file briefs or other written statements or allegations as to fact and law. Copies of each brief or other written statements, where there is more than one party, shall be filed in sufficient number that they may be made available to any party requesting a copy and to any other party designated by the Appeals Council.

(c) *Appearance to present oral argument.* Any party may request an appearance before the Appeals Council for the purpose of presenting oral argument. Such request shall be granted where the Appeals Council determines that a significant question of law or policy is presented or where the Appeals Council is of the opinion that such oral argument would be beneficial in rendering a proper decision in the case. Where the request for appearance is granted, the party will be notified of the time and place for the appearance at least 10 days prior to the date of the scheduled appearance.

2. Section 404.949 is revised to read as follows:

§ 404.949 Evidence admissible on review.

(a) *Admissibility of additional evidence.* Evidence in addition to that introduced at the hearing before the presiding officer, or the documents before the presiding officer where such hearing was waived (see § 404.934), may not be admitted except where it appears to the Appeals Council that such evidence is relevant and material to an issue before it and thus may affect its decision.

(b) *Receipt of evidence by Presiding Officer.* Where the Appeals Council determines that additional evidence is needed for a sound decision, it will remand the case to a presiding officer for receipt of the evidence, further proceedings, and a new decision, except where the Appeals Council can obtain the evidence more expeditiously and the rights of the claimant will not be adversely affected.

(c) *Receipt of evidence by Appeals Council.* Where the Appeals Council obtains the evidence itself, before such evidence is admitted into the record, notice that evidence will be received with respect to certain issues shall be mailed to the parties, unless such notice is waived, at their last known addresses, and the parties shall be given a reasonable opportunity to comment thereon and to present evidence which is relevant and material to such issues.

(d) *Copies of evidence.* When additional evidence is presented to a presiding officer or to the Appeals Council, a transcript or a condensed statement of such evidence shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable the estimated amount thereof, unless, for good cause shown, such payment is waived.

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS

3. Section 410.663 is revised to read as follows:

§ 410.663 Procedure before Appeals Council on review.

(a) *Availability of documents or other written statements.* Whenever the Appeals Council determines to review a presiding officer's decision (except when the case is remanded to a presiding officer in accordance with § 410.665), the Appeals Council shall make available to any party upon request, copies or a statement of the contents of the documents or other written evidence upon which the presiding officer's decision was based, and a copy of the transcript of oral evidence, if any, or a condensed statement thereof, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless for good cause shown, such payment is waived.

(b) *Filing briefs or other written statements.* The parties shall be given, upon request, a reasonable opportunity to file briefs or other written statements of allegations as to fact and law. Copies of each brief or other written statements, where there is more than one party, shall be filed in sufficient number that they may be made available to any party requesting a copy and to any other party designated by the Appeals Council.

(c) *Appearance to present oral argument.* Any party may request an appearance before the Appeals Council for the purpose of presenting oral argument. Such request shall be granted where the Appeals Council determines that a significant question of law or policy is presented or where the Appeals Council is of the opinion that such oral argument would be beneficial in rendering a proper decision in the case. Where the request for appearance is granted, the party will be notified of the time and place for the appearance at least 10 days prior to the date of the scheduled appearance.

4. Section 410.664 is revised to read as follows:

§ 410.664 Evidence admissible on review.

(a) *Admissibility of additional evidence.* Evidence in addition to that

introduced at the hearing before the presiding officer, or documents before the presiding officer where such hearing was waived (see § 410.647), may not be admitted except where it appears to the Appeals Council that such evidence is relevant and material to an issue before it and thus may affect its decision.

(b) *Receipt of evidence by Presiding Officer.* Where the Appeals Council determines that additional evidence is needed for a sound decision, it will remand the case to a presiding officer for receipt of the evidence, further proceedings, and a new decision, except where the Appeals Council can obtain the evidence more expeditiously and the rights of the claimant will not be adversely affected.

(c) *Receipt of evidence by Appeals Council.* Where the Appeals Council obtains the evidence itself, before such evidence is admitted into the record, notice that evidence will be received with respect to certain issues shall be mailed to the parties, unless such notice is waived, at their last known addresses, and the parties shall be given a reasonable opportunity to comment thereon and to present evidence which is relevant and material to such issues.

(d) *Copies of evidence.* When additional evidence is presented to a presiding officer or to the Appeals Council, a transcript or a condensed statement of such evidence shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless, for good cause shown, such payment is waived.

PART 422—ORGANIZATION AND PROCEDURE

5. Section 422.201 is revised to read as follows:

§ 422.201 Material included in this subpart.

This subpart describes in general the procedures relating to hearings before a presiding officer of the Bureau of Hearings and Appeals, review by the Appeals Council of the hearing decision or dismissal, and court review. It also describes the procedures for requesting such hearing or Appeals Council review, and for instituting a civil action for court review. For detailed provisions relating to hearings before a presiding officer, review by the Appeals Council, and court review, see the following references as appropriate to the matter involved:

(a) Title II of the Act, §§ 404.917–404.955 of this chapter;

(b) Title XVI of the Act, §§ 416.1425–416.1474 of this chapter;

(c) Title XVIII of the Act (other than beneficiary reimbursement hearings under the supplementary medical insurance program), §§ 405.720–405.750, §§ 405.1530–405.1570, and § 405.2060 of this chapter;

(d) Part B of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, §§ 410.640–410.670.

For regulations relating to hearings under Part B of title XVIII where an individual enrolled under the supplementary medical insurance program is dissatisfied with the carrier's determination denying a request for payment, or with the amount of payment, or when he believes that the request for payment is not being acted upon with reasonable promptness, see § 405.801 et seq. of this chapter. Such hearings are conducted by a hearing officer designated by the carrier. For regulations relating to hearings under title XVIII to a provider of services dissatisfied with the intermediary's determination as to the amount of program reimbursement due to or from the provider, see §§ 405.1809 et seq. of this chapter. Such hearings are conducted by a hearing officer designated by the intermediary, or by the Provider Reimbursement Review Board, as appropriate.

6. Section 422.203 is revised to read as follows:

§ 422.203 Hearings.

(a) *Right to request a hearing.* (1) After a reconsidered or a revised determination (i) of a claim for benefits or any other right under title II of the Social Security Act; or (ii) of eligibility or amount of benefits or any other matter under title XVI of the Act, except (A) where an initial or reconsidered determination involving an adverse action other than cessation of blindness or disability due to medical factors is revised, after such revised determination has been reconsidered, and (B) in any matter involving cessation of blindness or disability due to medical factors after the initial determination; or (iii) as to entitlement under Part A or Part B of title XVIII of the Act, or (where the amount in controversy is $100 or more) as to the amount of benefits under Part A of such title XVIII or of health services to be provided by a Health Maintenance Organization without additional costs, any party to such a determination may, pursuant to section 205, 221, 1631, 1862, 1869, or 1876 of the Act, as applicable, file a written request for a hearing on the determination. After a reconsidered determination of a claim for benefits under Part B of title IV (Black Lung benefits) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 921–925), a party to the determination may file a written request for a hearing on the determination.

(2) After (i) a reconsidered or revised determination that an institution, facility, agency, or clinic does not qualify as a provider of services, or (ii) a determination terminating an agreement with a provider of services, such institution, facility, agency, or clinic may, pursuant to section 1869 of the Act, file a written request for a hearing on the determination.

(3) After (i) a reconsidered or revised determination that an independent laboratory, supplier of portable X-ray services, or end-stage renal disease treatment facility or other person does not meet the conditions for coverage of its services or (ii) a determination that it no longer meets such conditions has been made, such laboratory, supplier, treatment facility may, pursuant to § 405.1530 of this chapter, file a written request for a hearing on the determination. (For hearing rights of independent laboratories, suppliers of portable X-ray services, and end-stage renal disease treatment facilities and other person see § 405.1501 (c) and (f).)

(b) *Request for hearing.* (1) A request for a hearing under paragraph (a) of this section may be made on Form HA–501, "Request for Hearing," or Form HA–501.1, "Request for Hearing, Part A Hospital Insurance Benefits," or by any other writing requesting a hearing. The request shall be filed at an office of the Social Security Administration, usually a district office or a branch office, or at the Veterans' Administration Regional Office in the Philippines (except in title XVI cases), or at a hearing office of the Bureau of Hearings and Appeals, or with the Appeals Council. A qualified railroad retirement beneficiary may, if he prefers, file a request for a hearing under Part A of title XVIII with the Railroad Retirement Board. Form HA–501 may be obtained from any social security district office or branch office, from the Bureau of Hearings and Appeals, Social Security Administration, P.O. Box 2518, Washington, D.C. 20013, or from any other office where a request for a hearing may be filed.

(2) Unless for good cause shown an extension of time has been granted, a request for hearing must be filed within 60 days after the receipt of the notice of the reconsidered or revised determination, or the initial determination where blindness or disability has ceased due to medical factors under title XVI or after an initial determination described in section 405.1502(b)(2), (c), (d)(2), and (e) (see §§ 404.918, 405.722, 405.1530, 405.1531, 405.2060, 410.631, and 416.1426 of this chapter).

(c) *Hearing decision or other action.* Generally, the presiding officer will either decide the case after hearing (unless hearing is waived) or, if appropriate, dismiss the request for hearing. With respect to a hearing on a determination under paragraph (a)(1) of this section, the presiding officer may certify the case with a recommended decision to the Appeals Council for decision. If the determination on which the hearing request is based relates to the amount of benefits under Part A of title XVIII of the Act, or to health services to be provided by a Health Maintenance Organization without additional costs, the presiding officer shall dismiss the request for hearing if he finds that the amount in controversy is less than $100. Hearing decisions must be based on the evidence of record, under applicable provisions of the law and regulations and appropriate precedents.

(d) *Presiding officer.* "Presiding officer" means (1) an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105; or (2) an Administrative Law Judge appointed pursuant to Pub. L. 93–192 (87 Stat. 758), approved December 18,

1973; or (3) an Administrative Law Judge deemed appointed under 5 U.S.C. 3105 pursuant to sec. 3 of Public Law 94–202 (89 Stat. 1135); or (4) a member of the Appeals Council. The presiding officer is designated by the Director of the Bureau of Hearings and Appeals or his delegate.

7. Section 422.205 is revised to read as follows:

§ 422.205 Review by Appeals Council.

(a) Any party to a hearing decision or dismissal may request a review of such action by the Appeals Council. The Bureau of Health Insurance (as well as the Bureau of Quality Assurance in the case of a determination regarding an end-stage renal disease treatment facility) is a party to a hearing on a determination under § 422.203(a)(2) and (a)(3) and to administrative appeals involving matters under section 1862(d)(3) of the Act (see § 405.1532 of this chapter). This request may be made on Form HA–520, "Request for Review of Hearing Decision/Order," or by any other writing specifically requesting review. Form HA–520 may be obtained from any social security district office or branch office, from the Bureau of Hearings and Appeals Social Security Administration, P.O. Box 2518, Washington, D.C. 20013, or at any other office where a request for a hearing may be filed. (For time and place of filing, see §§ 404.946, 405.722, 405.1562, 405.2060, 410.661, and 416.1462 of this chapter.)

(b) Whenever the Appeals Council reviews a hearing decision in accordance with §§ 404.947, 405.724, 405.2061, 410.662, 416.1463, or 416.1464 of this chapter and the claimant does not appear personally or through representation before the Council to present oral argument, such review will be conducted by a panel of not less than two members of the Council designated in the manner prescribed by the Chairman or Deputy Chairman of the Council. In the event of disagreement between a panel composed of only two members, the Chairman or Deputy Chairman, or his delegate, who must be a member of the Council, shall participate as a third member of the panel. When the claimant appears in person or through representation before the Council in the location designated by the Council, the review will be conducted by a panel of not less than three members of the Council designated in the manner prescribed by the Chairman or Deputy Chairman. Concurrence of a majority of a panel shall constitute the decision of the Appeals Council unless the case is considered as provided under paragraph (e) of this section.

(c) The denial or dismissal of a request for review or the refusal of a request to reopen a hearing or Appeals Council decision concerning a determination under § 422.203(a)(1) shall be by such member or members of the Appeals Council as may be designated in the manner prescribed by the Chairman or Deputy Chairman.

(d) A review or a denial of review of a hearing decision or a dismissal of a request for review with respect to requests by parties as provided in Subpart O, Part 405 of this Chapter in accordance with § 405.1563 will be conducted by a panel of at least two members of the Appeals Council designated by the Chairman or Deputy Chairman and one person from the U.S. Public Health Service designated by the Surgeon General, Public Health Service, Department of Health, Education, and Welfare, or his delegate. This person shall serve on an ad hoc basis and shall be considered for this purpose as a member of the Appeals Council. Concurrence of a majority of the panel shall constitute the decision of the Appeals Council unless the case is considered as provided under paragraph (e) of this section.

(e) On call of the Chairman, the Appeals Council may meet en banc or a representative body of Appeals Council members may be convened to consider any case arising under paragraph (b), (c), or (d) of this section. Such representative body shall be comprised of a panel of not less than five members designated by the Chairman as deemed appropriate for the matter to be considered, including a person from the U.S. Public Health Service in a matter under paragraph (d) of this section. The Chairman or Deputy Chairman shall preside, or in his absence, the Chairman shall designate a member of the Appeals Council to preside. A majority vote of the designated panel, or of the members present and voting shall constitute the decision of the Appeals Council.

(f) The Chairman may designate a presiding officer to serve as a member of the Appeals Council for temporary assignments. A presiding officer shall not be designated to serve as a member on any panel where such panel is conducting review on a case in which such individual has been previously involved.

8. Section 422.210 is revised to read as follows:

§ 422.210 Court review.

(a) *General.* A claimant may obtain a court review of a decision by a presiding officer if the Appeals Council has denied the claimant's request for review or of a decision by the Appeals Council when that is the final decision of the Secretary. A claimant may also obtain a court review of a reconsidered determination or of a decision of a presiding officer where under the expedited appeals procedure further administrative review is waived by agreement as provided in §§ 404.916e, 405.718d, 410.629e, or 416.1424d of this chapter, as appropriate. (For court review as to the amount of benefits for inpatient hospital services, posthospital extended care services, or posthospital home health services under Part A of title XVIII of the Social Security Act, or of health services to be provided by a health maintenance organization without additional cost the amount in controversy must be $1,000 or more, as provided under section 1869(b) and section 1876(f) of the Act.) An institution or agency may obtain a court review of a decision by the Appeals Council that it is not a provider of services or of a decision by the Appeals Council terminating an agreement entered into by the institution or agency with the Secretary (see § 1866(b)(2) of the Act). (The Social Security Act does not provide for a right to court review of a final decision of the Secretary regarding the status of an entity which is not a "provider of services," such as an independent laboratory.) Providers of services or other persons may seek judicial review of a final administrative determination made pursuant to section 1862(d)(3) of the Act and § 405.1501(f). The amount in controversy places no limitation on this right. (See sections 205(g), 1869(b) and (c), and 1876(f) of the Act and §§ 404.931, 404.940, 404.951, and 404.954 of this chapter.)

(b) *Court in which to institute civil action.* Any civil action described in paragraph (a) of this section must be instituted in the district court of the United States for the judicial district in which the claimant resides or where such individual or institution or agency has his principal place of business. If the individual does not reside within any such judicial district, or if such individual or institution or agency does not have his principal place of business within any such judicial district, the civil action must be instituted in the District Court of the United States for the District of Columbia.

(c) *Time for instituting civil action.* Any civil action described in paragraph (a) of this section must be instituted within 60 days after the Appeals Council's notice of denial of request for review of the presiding officer's decision or notice of the decision by the Appeals Council is received by the individual, institution, or agency, except that this time may be extended by the Appeals Council upon a showing of good cause. For purposes of this section, the date of receipt of notice of denial of request for review of the presiding officer's decision or notice of the decision by the Appeals Council shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary. Where pursuant to the expedited appeals procedures an agreement has been entered into as set forth in §§ 404.916d, 405.718c, 410.629d, or 416.1424c of this chapter, as appropriate, a civil action under section 205(g) of the Act must be commenced within 60 days from the date of the signing of such agreement by, or on behalf of, the Secretary, except where the time described in the preceding sentence of this paragraph (c) has been extended by the Secretary upon a showing of good cause.

(d) *Proper defendant.* Where any civil action described in paragraph (a) of this section is instituted, the person holding the Office of Secretary of Health, Education, and Welfare shall, in his official capacity, be the proper defendant. Any such civil action properly instituted shall survive notwithstanding any change of

the person holding the Office of Secretary or any vacancy in such office. If the complaint is erroneously filed against the United States or against any agency, officer, or employee of the United States other than the Secretary, the plaintiff will be notified that he has named an incorrect defendant and will be granted 60 days from the date of receipt of such notice in which to commence the action against the correct defendant, the Secretary.

[FR Doc.76-36225 Filed 12-8-76;8:45 am]

Title 30—Mineral Resources

CHAPTER II—GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR

PART 211—COAL MINING OPERATING REGULATIONS

On August 24, 1976, the Department of the Interior proposed regulations to adopt the substantive surface coal mine reclamation standards of the State of Wyoming as the federal standards applicable to operations on federal leases in the State of Wyoming. 41 FR 35716. This action was proposed under the authority of 30 CFR 211.75(a) of the Department's coal mining operating regulations, 41 FR 20252 (1976) and was derived from a comparison of the requirements of Wyoming and federal reclamation standards in accordance with the Department's advance notice of proposed rulemaking, 41 FR 27993 (1976).

Following publication of the proposal, the Department conducted a public hearing September 23, 1976, in Cheyenne, Wyoming, at which eight parties spoke. In addition the Department received two written comments. The comment most often voiced was that the effect of this rulemaking could not be gauged in the absence of an agreement with Wyoming under 30 CFR 211.75(b). Most of the commenters expressed their hope that the Department would agree to allow Wyoming to administer and enforce reclamation operations, as well. One commenter criticized the fragmentation of the reclamation effort that occurred because the Department's proposal under 30 CFR 211.75(a) did not treat administration and enforcement, only substantive, on-the-ground standards.

The Department feels that this position, the central comment or "objection" to the proposal, has been met by the fact that the Department has negotiated a Cooperative Agreement for the administration and enforcement of reclamation operations with the State of Wyoming, under the authority of 30 CFR 211.75(b). The adoption of this Agreement is published today as proposed in conjunction with this rulemaking. Adoption of State standards under 30 CFR 211.75(a) and agreement on State enforcement and administration of reclamation operations will together establish a uniform and complete system of surface coal mine reclamation on federal licenses, which will provide a high level of environmental protection and protect federal interests.

The Department recognizes that the effect of the proposal was more difficult to gauge because of the absence of a Cooperative agreement. If examination by a commenter or the experience of the Department shows that this 30 CFR 211.75(a) rulemaking and the Cooperative Agreement do not combine to achieve a workable, effective federal lease reclamation program in Wyoming, the Department will certainly consider amendatory regulations.

We emphasize that no commenter disputed the Secretary's conclusion that the Wyoming reclamation standards "afforded general protection of environmental quality and values at least as stringent as would occur under exclusive application of [Part 211]." 30 CFR 211.75(a). We reprint these statutes and regulations verbatim in Table I.

In the preamble to the proposal, 41 FR 35716-17, the Department noted it felt it would have to conclude a memorandum of understanding with Wyoming to cover how changes in State or federal laws and regulations would be treated. The Department feels that the interest asserted in that statement is adequately protected by the provisions in the Cooperative Agreement with Wyoming which the Department has proposed to adopt, and the remaining provisions of the new 30 CFR 211.76(c). The final provision thus drops the clause "and in accordance with a memorandum of understanding with the State of Wyoming."

This change is the only one made in the proposal. No comments were received directed to the technical changes in 30 CFR 211.40 and 211.74. They are adopted as proposed.

Dated: December 2, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

1. Title 30 CFR 211.40 is hereby amended by deleting the last sentence of 30 CFR 211.40(a)(2), and revising and renumbering 30 CFR 211.40(a)(14)(ii). As amended, § 211.40(a)(2) and (a)(14) read as follows:

§ 211.40 Operating and reclamation standards.

(a) * * *

(2) The operator shall replace overburden and waste materials in the mined area by backfilling (compacting where necessary, to ensure stability or to prevent leaching of toxic materials), grading, or other means, so as to cover all acid-forming or other toxic materials, eliminate highwalls and spoil piles and restore the approximate original contour. Where the thickness of the coal deposits relative to the volume of overburden and other spoil and waste materials is either insufficient or more than sufficient to restore the approximate original contour, the operator shall, in order to provide adequate drainage, backfill, grade, and, where necessary compact using all available overburden or spoil material, to obtain the lowest practicable grade, which shall in any event be less than the angle of repose. Excess overburden or other spoil material shall be fully reclaimed in accordance with the requirements of this part.

* * * * * *

(14) * * *

(ii) Provide warning signs, fencing, flagman, barricades and other safety and protective measures as may be necessary to regulate public access, vehicular traffic, and wildlife or livestock grazing in all areas of active operations, including lands undergoing reclamation:

(A) To protect the public, wildlife and livestock from hazards associated with such operations; and

(B) To protect revegetated areas from unplanned and uncontrolled grazing.

* * * * * *

2. Title 30 CFR 211.74(e) is hereby amended to read as follows:

§ 211.74 Variances.

* * * * * *

(e) An operator may apply for a variance pursuant to the provisions of paragraph (a) of this section only by submitting a new or revised mining plan to the Mining Supervisor pursuant to the provisions of this part. Variance from the requirements of paragraphs (a)(2)(i) and (ii) of § 211.40 may be allowed in an approved mining plan if the Director of the Geological Survey, with the concurrence of the Director of the Bureau of Land Management or the comparable appropriate authorized officer, determines that unusual physical conditions at the site, such as steeply dipping coal beds or multiple seam mining exists and such conditions make backfilling pursuant to such requirements impracticable as a result of the volume of material excavated or environmentally undesirable as a result of the duration of the operation. Minor changes of operations which do not involve violations of the performance standards set forth in this part, and the granting of a variance pursuant to this § 211.40(a)(2), will not be deemed to be subject to or require compliance with, the provisions of this section.

* * * * * *

3. Title 30 CFR Part 211 is amended by the addition of a new § 211.76, to read as follows:

§ 211.76 Applicability of the requirements of Wyoming's Reclamation Laws and Regulations.

(a) Pursuant to § 211.75(a) the Secretary has determined that federal approval of a mining or exploration plan in Wyoming required by this Part 211 will be granted only if the plan would comply with the requirements of Wyoming's reclamation laws and regulations that are listed in paragraphs (a)(1)-(10) of this section:

(1) Wyo. Stat. 35-502.3(e)(i);
(2) Wyo Stat. 35-502.21(a)(i)-(vi);
(3) Wyo. Stat. 35-502.24:1;
(4) Wyo. Stat. 35-502.32(b)(ii)-(ix);
(5) Wyo. Land Quality Reg. II-1b;
(6) Wyo. Land Quality Reg. II-2a (1), (2);
(7) Wyo. Land Quality Reg. II-3-5;
(8) Wyo. Land Quality Reg. III-1-4, 6-7;
(9) Wyo. Land Quality Reg. IV-1;
(10) Wyo. Land Quality Reg. VIII-1.

(b) Paragraph (a) of this section supersedes the requirements of the following sections in this Part 211:

(1) 211.40(a)(1)–(8);
(2) 211.40(a)(11)–(13)(ii);
(3) 211.40(a)(14)(ii)(B).

(c) This section remains in effect until the Secretary determines, through rulemaking, that:

(1) The requirements of Wyoming's reclamation laws and regulations fail to provide general protection of environmental quality and values at least as stringent as would occur under the exclusive application of this Part; or

(2) The requirements of Wyoming reclamation laws and regulations unreasonably prevent the mining of federal coal and it is in the overriding national interest that the coal be produced without application of the requirements listed in paragraph (a) of this section.

TABLE I—APPLICABLE PROVISIONS OF WYOMING'S LAWS AND REGULATIONS

WYOMING STATUTES

(1) § 35-502.3.

(e) Specific definitions for land quality:

(i) "Reclamation" means the process of reclaiming an area of land affected by mining to use for grazing, recreational, wildlife purposes, or any other purpose of equal or greater value. The process may require contouring, terracing, grading, resoiling, revegetation, compaction, and stabilization, settling ponds, water impoundments, diversion ditches, and other water treatment facilities in order to eliminate water diminution to the extent that existing water sources are adversely affected, pollution, soil and wind erosion, or flooding resulting from mining or any other activity to accomplish the reclamation of the land affected to a useful purpose;

(2) 35-502.21. *Establishment of standards.*

(a) The council shall, upon recommendation by the advisory board, establish rules and regulations pursuant to the following reclamation standards for the affected areas, including but not limited to:

(i) The highest previous use of the affected lands, the surrounding terrain and natural vegetation, surface and subsurface flowing or stationary water bodies, wildlife and aquatic habitat and resources, and acceptable uses after reclamation including the utility and capacity of the reclaimed lands to support such uses;

(ii) Backfilling, regarding or recontouring to assure the reclamation of the land to a use at least equal to its highest previous use;

(iii) A time schedule encouraging the earliest possible reclamation program consistent with the orderly and economic development of the mining property;

(iv) Revegetation of affected lands including species to be used, methods of planting and other details necessary to assure the development of a vegetative cover consistent with the surrounding terrain and the highest prior use standards set out in subparagraph (i) of this paragraph;

(v) Stockpiling, preservation and reuse of topsoil for revegetation, unless it can be demonstrated to the satisfaction of the administrator that other methods of reclamation or types of soil are superior;

(vi) Prevention of pollution of waters of the State from mining operations, substantial erosion, sedimentation, landslides, accumulation and discharge or acid water, and flooding, both during and after mining and reclamation;

(3) § 35-502.24:1. *Water impoundments.*

(a) In any plan for the creation of a permanent water impoundment the applicant must adequately demonstrate that:

(i) The size of the impoundment, contouring and revegetation, if any, are suitable for its intended purpose and use;

(ii) Final grading will provide adequate safety and access for proposed water users;

(iii) The impoundment dam construction will be so designed to insure permanent stability and to prevent safety hazards.

(4) § 35.502.32. *Duties of operator.*

(b) The operator, pursuant to an approved surface mining permit and reclamation plan, shall:

(i) * * *

(ii) Conduct all surface mining and reclamation activities within the permit area in conformity with his approved plan;

(iii) Protect the removed and segregated topsoil from wind and water erosion, and from acid or toxic materials, and preserve such in a usable condition for sustaining revegetation when restored in reclamation, of if topsoil is virtually non-existent or is not capable of sustaining vegetation, then subsoil, which is available and suitable, shall be removed, segregated, and preserved in a like manner as may be required in the approved reclamation plan;

(iv) Cover, bury, impound, contain or otherwise dispose of toxic acid-forming, or radioactive material or any material determined by the administrator to be hazardous to health and safety, or which constitutes a threat of pollution to surface or subsurface water as may be required in the approved reclamation plan;

(v) Conduct contouring operations to return the land to the use set out in the reclamation plan;

(vi) Backfill or grade, and replace topsoil, or approved subsoil, which has been segregated and preserved as may be required in the approved reclamation plan;

(vii) Replace, as nearly as possible, native or superior self regenerating revegetation on land affected, as may be required in the approved reclamation plan;

(viii) Prevent, throughout the mining and reclamation operation, and for a period of five years after the operation has been terminated, pollution of surface and subsurface waters on the land affected by the institution of plantings and revegetation, the construction of drainage systems and treatment facilities including settling ponds and the casing, sealing of boreholds, shafts, and wells so that no pollution is allowed to drain untreated into surface or subsurface water in accordance with state of federal water quality standards, whichever are higher, as may be required in the approved reclamation plan;

(ix) Reclaim the affected land as mining progresses in conformity with the approved reclamation plan.

WYOMING LAND QUALITY RULES AND REGULATIONS

(1) *Wyoming Land Quality Regulations.* II-1b.

b. Land uses—Previous uses of affected lands must be ranked on an individual basis according to the overall economic or social value of the land use to the community or area in which these lands are found.

(1) Reclamation shall restore the land to a condition equal to or greater than the "highest previous use." The land, after reclamation, must be suitable for the previous use which was of the greatest economic or social value to the community or area, or must have a use which is of more economic or social value than all of the other previous uses.

(2) The administrator of the Land Quality Division shall bear the responsibility of making a decision on the ranking of land uses in a particular area. This decision must be based on information concerning the economy of the area and the needs and desires of the people living thereon. The Land Quality Advisory Board may be consulted for suggestions or recommendations on the ranking of land uses in a given area.

(3) Operators are required to restore wildlife habitat, whenever possible, on affected land in a manner commensurate with or superior to habitat conditions which existed before the land became affected, unless the land is used for a recreational or agricultural purpose which precludes its use as "wildlife habitat."

(4) Water impoundments used for recreational purposes shall be constructed in accordance with the statutes and Chapter III, Section 6, of these regulations. Recreational lands, other than water impoundments, represent changes in the land which may or may not be suitable for wildlife habitat.

(2) *Wyoming Land Quality Regulation:* II-2a(1), (2).

SEC. 2. *Methods of mining—Reclamation required*—Surface reclamation of affected lands shall meet the following requirements for soft rock surface mining, hard rock surface mining and underground mining as described separately below:

a. Soft rock surface mining.

(1) If the reclamation plan does not provide for a water impoundment, the final pit area shall be backfilled, graded and contoured to the extent necessary to return the land to the use specified in the approved plan. In preparation of slope specifications in the plan, the operator shall consider an average of the measured slopes in the immediate area of the proposed mine site. The maximum inclination of slopes in the reclaimed area shall not be greater than the average inclination of the natural slopes in the immediate mine area. Slopes greater than the average natural slopes may be approved if the operator can demonstrate to the satisfaction of the administrator that returning the mined area to a slope equal to or less than the average natural slopes would create an unwarranted increase in the amount of affected lands. Individual slope measurements, locations of the measurements, and the average measurement shall be submitted with the reclamation plan. In determination of the average natural slope, the Land Quality Division may make an independent slope survey. All backfilling, grading, and contouring will be done in such a manner so as to preserve the original drainage or provide for approved adequate substitutes. No depressions to accumulate water will be permitted unless approved in the reclamation plan as being consistent with the proposed future use of the land.

Terraces or benches may be used only when it can be shown to the administrator's satisfaction that other methods of contouring will not provide the required result. If terracing is proposed, detailed plans indicating the dimensions and design of the terraces, check dams, any erosion prevention techniques, and slopes of the terraces and their intervals will be required.

(2) If the reclamation plan provides for a water impoundment and this use has been approved according to the requirements outlined in these regulations, the exposed pit areas must be sloped, graded, and contoured so as to blend with the topography of the surrounding terrain and provide for access and revegetation. Riprapping where necessary to prevent erosion will be required.

Sloping requirements will be as described above. Under certain conditions wherein it can be demonstrated to the administrator's satisfaction that the pitwall can be stabilized by terracing or other techniques it may be permissible to leave not more than one half (½) of a proposed shoreline composed of the stabilized pitwall. The remaining portion of the shoreline must be graded and contoured so as to provide access and blend in with the topography of the surrounding terrain. In the event that a partial pitwall is proposed as final reclamation, the operator must submit a detailed explanation of the techniques to be used to establish the stability of the pitwalls in his reclamation plan. At the administrator's discretion, a study of the proposed pitwall stabilization techniques may be required from an independent engineering company for purposes of verifying the effectiveness of the proposed stabilization techniques. The Land Quality Division will determine the acceptability of the proposed stabilization techniques based on this information and an on-site inspection.

(3) *Wyoming Land Quality Regulations.* II–3–5.

SEC. 3. *Surface preparation.* Backfilling, grading, and contouring of affected land shall be accomplished by one or more of the following as detailed in the approved reclamation plan:

a. Re-establishment of the contour of the land in a manner consistent with the proposed future use of the land.

b. Re-establishment of adequate through drainage if such a provision is necessary to prevent erosion, pollution or the accumulation of stagnant water.

c. Contouring of affected land to blend in with the topography of the surrounding terrain unless so doing would create an erosion problem or a hazard to man or beast.

d. Creation of water impoundments for a use certified in an approved plan in accordance with the statutes and Section 6, Chapter II, of these Regulations.

SEC. 4. *Topsoil, subsoil, overburden, and refuse.*

a. *Topsoil.* Topsoil, or an approved substitute, shall be evenly distributed on the surface of all lands affected during the course of the operation. Topsoil shall be so placed during the reclamation of all areas that are to be revegetated in accord with the approved reclamation plan.

(1) All topsoil or approved surface material shall be removed from all areas to be affected in the permit area prior to these areas being affected. The topsoil shall be segregated so as not to become mixed with subsoil and other overburden material, stockpiled in the most advantageous manner and saved for reclamation purposes.

(2) The topsoil or approved surface material shall be stockpiled in such a manner so as to minimize wind and water erosion. In order to accomplish this, the operator shall establish, through planting or other acceptable means, a quick growing cover of vegetation on the topsoil stockpiles. The topsoil shall also be protected from acid or toxic materials, and shall be preserved in a usable condition for sustaining vegetation when placed over affected land.

(3) Reclamation shall follow mining as soon as is feasible so as to minimize the amount of time topsoil must be stockpiled. If topsoil has been stored in a stockpile in excess of one year, the operator shall conduct soil analyses prior to use in order to determine its suitability for revegetation.

(4) Topsoil stockpiles shall be marked with a legible sign containing letters not less than six inches high on all approach roads to such stockpiles. Said signs shall contain the word "Topsoil" and shall be placed not more than 150 feet from any and all stockpiles of topsoil. Such signs must be in place at the time stockpiling is begun.

(5) The operator shall explain how the topsoil will be replaced on the affected land during reclamation, and shall indicate on his maps the location and sizes of all proposed topsoil stockpiles. This explanation shall include a description of the thickness of soil material to be placed over the affected land.

(6) If abundant topsoil is present, and it is not all needed to accomplish the reclamation required in the approved reclamation plan, the administrator may approve of use of this topsoil by this or another operator in another area for reclamation purposes.

(7) Trees, large rocks and other waste material which may hinder redistribution of topsoil shall be separated from the topsoil before stockpiling.

b. *Subsoil.* (1) If no topsoil is present in the permit area, or in the event that an operator must use subsoil for final cover, the operator shall obtain an adequate number of analyses of the subsoil to show pH, organic material content, available nitrogen, potassium, and phosphorus and such other elements and soil constituents as the administrator shall require, over the entire area of subsoil to be used, in order to determine suitability and fertilizer requirements. If the results of said analyses demonstrate to the satisfaction of the administrator that revegetation can be accomplished using such subsoil, the administrator may approve the use of such subsoil as an addition to or substitute for topsoil for reclamation purposes. The administrator shall require the operator to set up revegetation test plots using subsoil in order to determine the suitability of subsoil for revegetation purposes. Approval for the use of subsoil shall be obtained by the operator from the administrator prior to any mixing of topsoil and subsoil and prior to beginning any reclamation work. If the operator suspects that this procedure will be necessary prior to obtaining a permit he should describe the problem and his proposed procedure for eliminating this problem in his reclamation plan. If the problem is not discernible until after the permit is issued, an approved amendment to the reclamation plan will be required describing the operator's plans for accomplishing the above.

(2) Subsoil stockpiles shall be segregated from topsoil and overburden piles and shall be marked with a legible sign containing the word "Subsoil" in letters no less than six inches high on all approach roads to such stockpiles. Said sign or signs shall be placed not more than 150 feet from all stockpiles of subsoil. Such signs shall be placed at the time stockpiling is begun.

(3) The operator shall indicate on his maps the location of all subsoil piles.

(4) If subsoil is to be used in reclamation as a substitute for topsoil, all large rocks and other waste material which may hinder redistribution shall be separated before stockpiling.

(5) If all or some subsoil is not to be used in reclamation as a substitute for or additive to the topsoil, this unused subsoil must be regarded as all other overburden material and will be subject to the reclamation provisions described under the following section.

c. *Overburden, spoil and refuse.* (1) All overburden, spoil material and refuse shall be segregated from the topsoil and subsoil and stockpiled in such a manner to facilitate the earliest reclamation consistent with the approved reclamation plan.

(2) All overburden, spoil material, and refuse piles must be designed, graded, and contoured so as to blend in with the topography of the surrounding terrtain. (Slope requirements will depend on an everage of the slopes in the surrounding area as described in Chapter II, Section 2a. (1) and on the nature of the material.) After the grading and contouring of these stockpiles, topsoil, or approved subsoil must be distributed over them in preparation for the revegetation procedures. The slopes of all spoil areas must be designed so that they will be stabilized against wind and water erosion. This may include terracing, channeling around the toe of the spoil piles or other techniques. Terracing, if necessary, can be used to stabilize the slopes if it can be shown to the administrator's satisfaction that this technique of stabilization will produce the best results. If terracing is proposed, detailed plans indicating the dimensions and design of the terraces, check dams, erosion prevention techniques, slopes of the terraces, and terrace intervals will be required. The terrace design must be based on sloping requirements and the nature of the material involved.

(3) Piles of spoil material or other waste shall be marked with a legible sign containing the word "Spoil" or the words "Waste Material" in letters no less than six inches high on all approach roads to such spoil piles. Said sign or signs shall be placed not more than 150 feet from all stock piles. Such signs shall be in place at the time when piling of spoil or waste material is begun.

(4) All topsoil shall be removed from areas to be used for piling spoil material prior to the beginning of piling this material.

(5) The operator may be required to have analyses made of spoil material in order to determine if it will be a source of water pollution through reaction with leaching by surface water. If it is determined that this condition may exist, the operator shall describe proposed procedures for eliminating this condition.

(6) The operator must also indicate on his maps the location and size of all proposed spoil piles.

SEC. 5. *Revegetation.*

a. Revegetation of all affected lands shall be accomplished in a manner consistent with the approved reclamation plan and the proposed future use of the land.

b. Land which did not support vegetation prior to becoming affected land because of natural soil conditions need not be revegetated unless subsoil from such affected land will support vegetation. The operator shall demonstrate to the administrator's satisfaction that revegetation or reforestation is not possible if he seeks to proceed under the provisions of this Subsection.

c. After backfilling, grading, and contouring and the replacement of topsoil, and/or approved substitute, in such a manner so as to most efficiently accommodate the retention of moisture and control erosion on all affected lands to be revegetated, any fertilizer requirements as determined on the basis of previous analyses must be fulfilled. Seeding which is accomplished by mechanical drilling shall be on the contour unless specific situations dictate that other methods of seeding should be used.

d. The species of plants (grasses, legumes, forbs, shrubs, and trees seeding rates, seeding techniques, mulching requirements, and seeding times to be used in a given area for reclamation purposes shall be in accordance with rules, regulations, specifications and standards adopted by the State Conservation Commission and approved by the Land Quality Division. Whenever practicable, the Wyoming Game and Fish Department and the Wyoming Department of Agriculture may be consulted regarding revegetation procedures. The species of vegetation to be used in revegetation efforts shall be described in the reclamation plan indicating the compo-

sition of seed mixtures and the amount of seed to be distributed on the area on a per acre basis. Seed types will depend on the climatic and soil conditions prevailing in the permit area and the proposed use of the land after reclamation. Species to be planted as permanent cover shall be self-renewing. Seeding rates will depend on seed types, climatic and soil conditions and the techniques to be used in seeding.

e. More suitable species of vegetation may be substituted if revegetation test plot results show such species to be of superior value for reclamation purposes. Requests to substitute such species shall be made in writing to the administrator. The administrator shall inspect such test plots before approval or disapproval of the request.

f. The administrator shall not release the entire bond of any operator until such time as revegetation is complete, if revegetation is the method of reclamation as specified in the operator's approved reclamation plan. Revegetation shall be deemed to be complete when the vegetative cover of the affected land is shown to be capable of renewing itself under natural conditions prevailing at the site, and is at least of a density comparable to undisturbed areas in the immediate vicinity of the reclaimed land. Revegetation should be capable of withstanding grazing pressure at least comparable to that which the land could have sustained prior to mining, unless federal, state or local regulations prohibit grazing on such lands. If reforestation is the method of revegetation used, reforestation shall be deemed to be complete at such time as seventy-five (75%) of the seedings planted have shown themselves capable of continued growth over a period of five (5) years following planting. Quality and quantity of vegetative cover shall be determined in accordance with scientifically acceptable sampling procedures.

g. Any plans for irrigation must meet state laws for this use and be explained in the reclamation plan.

h. The operator must protect young vegetative growth from being destroyed by livestock by fencing or other approved techniques for a perior of at least two (2) years, or until the vegetation is capable of renewing itself without supplemental irrigation or fertilization.

i. In those areas where there are no or very few noxious weeds prior to being affected by mining the operator must control and prevent the introduction of noxious weeds into the revegetated areas for a period of at least five (5) years after the initial seeding.

(4) *Wyoming Land Quality Regulation.* III–1–4, 6–7.

SECTION 1. *Temporary diversion of surface water.*

a. Surface water shall be diverted around the operation for the following purposes:

(1) To control water pollution.

(2) To control unnecessary erosion.

(3) To protect the on-going operation.

(4) To protect the water rights of downstream users.

b. Temporary diversion ditches shall be built to the following standards:

(1) In soils or other unconsolidated material, the sides of diversion ditches shall be no steeper than one and one-half to one (1½ : 1).

(2) In rock, the sides of diversion ditches shall not overhang.

(3) In soils or unconsolidated materials, the sides and in ditches carrying intermittent discharges, the bottom shall be seeded with approved grases so as to take advantage of the next growing season.

(4) Rock riprap, concrete, soil cement or other methods shall be used where necessary to prevent unnecessary erosion.

(5) Culverts or bridges shall be installed where necessary to allow access by the surface owner for fire control and other purposes.

c. In no case shall diversion ditches discharge upon topsoil storage areas, spoil or other unconsolidated material such as newly reclaimed areas.

d. A description of surface water diversion systems must be included in the mining plan and reclamation of these systems must be described in the reclamation plan.

SEC. 2. *Diversion of streams.*

a. In no case shall spoil, topsoil, or other unconsolidated material be pushed into, or placed below the flood level of a flowing or intermittent stream except during the approved construction of the diversion of said stream.

b. Diversion of a flowing stream classified as navigable shall first be approved by the Wyoming State Engineer.

c. The Wyoming Game and Fish Department shall be consulted prior to diversion or affecting more than 100 feet of bank or channel of a flowing stream.

d. The banks of a diverted flowing intermittent stream shall be protected by vegetation by planting approved species to take advantage of the next growing season.

e. The banks and channel of a diverted flowing or intermittent stream shall be protected where necessary by rock riprap or similar measures to minimize erosion and degradation of water quality.

f. Permanent diversion of a flowing stream must be fully described in the mining or reclamation plan.

g. Mining on the flood plain of a flowing or intermittent stream shall not be permitted if it would cause the uncontrolled diversion of the stream during periods of high water.

h. Waters flowing through or by the mining operation shall meet the standards set by the U.S. Environmental Protection Agency and the Wyoming Water Quality Division in regard to the effect of the operation upon such waters.

SEC. 3. *Surface waters.*

a. The operator shall list and describe the name, location, size, and approximate intermittent flow intervals for the present surface waters in and adjacent to the proposed permit area. The list shall include, but not be limited to, rivers, creeks, lakes, reservoirs, springs, and marshes.

b. Monitoring surface water conditions may be required during the course of the proposed operation based on the existing water conditions and the nature of the proposed operation.

SEC. 4. *Subsurface waters.*

a. The operator shall submit an estimate of the depth and quantity of any subsurface waters existing in the proposed permit area. The operator may be required to conduct test drilling and monitoring in order to determine the exact depth, quantity and quality of groundwater in geological formations affected by the mining operations. Such drilling will require permits from the State Engineer's Office.

SEC. 6. *Water impoundments.*

a. Water impoundments may be considered as final reclamation when it can be shown that their construction is an approved use of the land after reclamation and the proposed impoundments are part of the approved plan in accordance with the provisions of the statutes and these regulations.

b. In order for such impoundments to be considered for approval, the operator must submit the following in support of the proposal:

(1) Written consent from the surface landowner if different than the mineral owner.

(2) A description of the proposed use of the impoundment.

(3) A statement of the source, quality and quantity of water available for impoundment. It must be demonstrated that these characteristics will be consisted with the proposed use.

(4) A statement regarding the suitability for recreational, irrigation, livestock or wildlife watering. Such waters must be suitable for such use as determined by applicable State and Federal standards. The operator may be required to monitor surface and ground waters in order to determine that upon completion of the operation, the water quality and quantity will be consistent with the proposed use.

c. The operator must submit an alternative plan to be followed in the event monitoring indicates there is insufficient water of suitable quality to accomplish the proposed water impoundment plan.

d. All proposed water impoundments and dams to be constructed for reclamation purposes must be approved by the State Engineer's Office.

e. In addition to the above conditions, water impoundment construction will be subject to the following requirements:

(1) Dams must contain an overflow notch and spillway so as to prevent failure by overfilling and washing. Overflow notches and spillways must be riprapped with rock or concrete to prevent erosion.

(2) The slopes around all water impoundments must be gentle enough so as not to present a safety hazard to humans or livestock and so as to accommodate revegetation. Variations from this procedure may be approved by the administrator based on the conditions present at the individual locality.

(3) Mineral seams and other sources of possible water contamination within the impoundment area must be covered with overburden or stabilized in such a manner to prevent contamination of the impounded water.

(4) Bentonite or other mire producing material within the impoundment basin shall be removed or covered with materials which will prevent hazards to man or beast.

SEC. 7. *Tailings impoundments.*

a. Impoundments to contain mill tailings or slurry tailings shall be constructed in accordance with established engineering principles and shall be approved by the Wyoming State Engineer's Office. A copy of the State Engineer's approval shall be attached to the application.

b. Uranium mill tailings impoundments shall be subject to all applicable State and Federal requirements.

c. Reclamation of tailings impoundments shall be accomplished by removal and storage of all topsoil present within the tailings basin. After termination of operations, the topsoil shall be replaced and revegetated in accordance with these rules and regulations.

(1) If other methods of reclamation and stabilization against wind and water erosion are found to be necessary because of natural conditions, this must be stated and described subject to the administrators approval.

(5) *Wyoming Land Quality Regulation.* IV–1.

SEC. 1. *Time schedule.* The approved reclamation plan must be coordinated with the operator's mining plan in such a manner so as to facilitate reclamation at the earliest possible time consistent with the orderly development of the mining property.

a. Reclamation must begin as soon as possible after mining commences and must continue concurrently until such time that the mining operation is terminated and all of the affected land is reclaimed. If conditions are such that final reclamation procedures cannot begin until the mining operation is completed, this must be explained in the reclamation plan. Regardless of the type of operation, reclamation must begin within 180

days after termination of mineral production and must be completed within the time frame of the approved reclamation schedule. A detailed time schedule for the mining and reclamation progression must be included in the reclamation plan. This time schedule shall:

(1) Apply to reclamation of all lands to be affected in the permit area.

(2) Designate times for backfilling, grading, contouring, and reseeding.

(3) Be coordinated with a map indicating the areas of progressive mining and reclamation.

(4) Establish reclamation concurrently with mining operations, whenever possible.

(6) *Wyoming Land Quality Regulation.* VIII–1.

SECTION 1. *Roads and spur railroad lines.*

a. *Enclosure within permit area.* Access roads and railroad spurs shall be considered within the permit area and shall be covered by a reclamation bond. Spur lines shall be included within the permit area to the point where they join the main line or a spur serving another mine. Access and haul roads shall be included within the permit area. Roads maintained by the County, State or Federal Government need not be included in the permit area. Existing private roads must be included in the permit area if substantial upgrading is required.

b. *Upgrading.* Existing private roads need not be included within the permit area with the following exception(s).

(1) When the existing road requires extensive regrading and resurfacing in order to render the road usable.

(2) Upgrading of the road requires cuts, fills, and borrow areas.

c. *Legal ownership.* If the operator includes roads or spur lines within the permit area but does not possess the mineral rights or the right-to-mine, for these lands, the lands shall then be listed in the application as a separate Subsection in Appendix "C", the legal land description. The heading of the Subsection shall make it clear that the right-to-mine is not claimed on the described lands. Surface owners shall be listed for all lands crossed by spur lines and roads.

d. *Standards for roads.*

(1) Roads shall not be constructed up a stream channel or so close that the material shall spill into the channel.

(2) Streams shall be crossed at or near right angles unless contouring down to the stream bed will result in less potential stream bank erosion. Structure or ford entrances and exits must be constructed to prevent water from flowing down the roadway.

(3) A ditch must be provided on both sides of a through cut or a cutfill section, with ditch relief cross drains being spaced according to grade. Water must be intercepted before reaching a switchback or large fill area and diverted from the road. Water on a fill or switchback must be released below the fill or switchback, not over it. Waterbars shall be installed where needed.

(4) Culverts shall be installed at prominent drainageways, small creeks, and springs. Where necessary, culverts must be protected from erosion by adequae rock, concrete or riprap.

(5) Trees and vegetation may be cleared only for the essential width necessary to maintain slope stability and to serve traffic needs.

(6) Drainage facilities shall be installed as road construction progresses.

e. *Exemptions concerning roads.*

(1) If approval is obtained from the surface landowner to leave a road unreclaimed, an operator may request in writing to the Land Quality Division that a road be permitted to remain unreclaimed. The operator must furnish proof of the surface landowner's approval. Final decision of road reclamation will be made by the Land Quality Division Administrator.

(2) In the event that the surface landowner, a city or town, another agency of the State of Wyoming or an agency of the United States Government has approved the proposed access roads and has requested they not be reclaimed, no bond shall be required of the applicant for the reclamation of such roads and reclamation of such roads shall not be required; provided, however, that the administrator receives a copy of the written request from the surface landowner, city or town, or agency of the State or Federal Government, for retention of such roads.

[FR Doc.76-36130 Filed 12-8-76;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

RECOUPMENT OF SEVERANCE PAY

On page 45031 of the FEDERAL REGISTER of October 14, 1976, there was published a notice of proposed regulatory development to revise § 3.157 to consider the date of physical examination which is the basis for the service department granting severance pay as the date of receipt of a reopened claim for compensation, and to amend § 3.750 to consider an application for compensation or pension filed by a veteran receiving military retired pay as a waiver of retired pay.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date: These VA Regulations are effective December 3, 1976.

Approved: December 3, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.157, paragraph (b)(1) is revised to read as follows:

§ 3.157 Report of examination or hospitalization as claim for increase or to reopen.

* * * * *

(b) *Claim.* * * *

(1) *Report of examination or hospitalization by Veterans Administration or uniformed services.* The date of outpatient or hospital examination or date of admission to a Veterans Administration or uniformed services hospital will be accepted as the date of receipt of a claim. The date of a uniformed service examination which is the basis for granting severance pay to a former member of the Armed Forces on the temporary disability retired list will be accepted as the date of receipt of claim. The date of admission to a non-Veterans Administration hospital where a veteran was maintained at Veterans Administration expense will be accepted as the date of receipt of a claim, if Veterans Administration maintenance was previously authorized; but if Veterans Administration maintenance was authorized subsequent to admission, the date the Veterans Administration received notice of admission will be accepted.

* * * * *

2. In § 3.750, paragraphs (b) and (c) are revised to read as follows:

§ 3.750 Retirement pay.

* * * * *

(b) *Election.* A veteran entitled to retirement pay as well as pension or compensation may elect which of the benefits he or she desires to receive. An election of retirement pay does not bar him or her from making a subsequent election of the other benefit to which he or she is entitled. An election filed within 1 year from the date of notification of Veterans Administration entitlement will be considered as "timely filed" for the purpose of § 3.401(e)(1). If the Veteran is incompetent the 1-year period will begin on the date notification is sent to the next friend or fiduciary. In initial determinations, elections may be applied retroactively if the claimant was not advised of his or her right of election and the effect thereof.

(c) *Waiver.* A person specified in paragraph (a) of this section may receive pension or compensation upon filing with the service department concerned a waiver of so much of his (or her) retirement pay as is equal in amount to the pension or compensation to which he (or she) is entitled. In the absence of a specific statement to the contrary, the filing of an application for compensation or pension by a veteran entitled to retirement pay constitutes such a waiver. (38 U.S.C. 3105)

3. Section 3.751 is revised to read as follows:

§ 3.751 Statutory awards; retired service personnel.

Retired Regular and Reserve officers and enlisted personnel are not entitled to statutory awards of disability compensation from the Veterans Administration in addition to their retirement pay. However, under § 3.750(c), eligible persons may waive an amount equal to the basic disability compensation and any statutory award otherwise payable by the Veterans Administration.

[FR Doc.76-36187 Filed 12-8-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20827; FCC 76-1082]

PART 76—CABLE TELEVISION SERVICES

Report and Order; Proceeding Terminated

Adopted: November 23, 1976.

Released: December 3, 1976.

In the Matter of Amendment of Part 76 of the Commission's Rules Relating to Cablecasts by Legally Qualified Candidates for Public Office.

1. On July 27, 1976, the Commission adopted its Notice of Proposed Rulemaking in Docket 20827, FCC 76-722, 60 FCC 2d 535 (1976), 41 FR 33281, August 9, 1976 in which it proposed to amend the cable television rules relating to cablecasts by legally qualified candidates for public office. No comments were received regarding the proposed change.

2. The proceeding deals with the definition in the Commission's Rules of a "legally qualified candidate" for public office. This is an important question in those situations where "equal opportunities" and "fairness" questions are raised pursuant to §§ 76.205 and 76.209 of the Rules.[1] Section 76.5(y) of the Commission's Rules now contains the following definition:

Legally qualified candidate. Any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State, or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot; or

(2) Is eligible under the applicable law to be voted for by sticker, by writing his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office.

3. The broadcast rules similarly defined a "legally qualified candidate" until July 20, 1976, when the Commission adopted its Report and Order in Docket 20779, FCC 76-698, 60 FCC 2d ____ (1976) so as to provide that such a candidate is one who "either" has qualified for a place on the ballot or "has publicly committed himself to seeking election by the write-in method," and is eligible under the applicable law to be voted for. The change was an outgrowth of the decision of the Seventh Circuit Court of Appeals in "Flory v. FCC," 528 F2d 124 (1975) which raised a question as to the requirements which must be met before a candidate will be considered a legally qualified "write-in" candidate.[2]

4. Similarly, the cable television rules also should conform to the Court's opinion and we therefore, will adopt the proposed rule change for that reason. Authority for the adoption of the rules in the Appendix attached hereto is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, and 315 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That Part 76 of the Commission's Rules and Regulations, is amended, effective January 6, 1977, as set forth below. *It is further ordered,* That this proceeding is terminated.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 76.5(y) is amended to read as follows:

§ 76.5 Definitions.

* * * * *

(y) *Legally qualified candidate.* Any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to held the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who either:

(1) Has qualified for a place on the ballot, or

(2) Has publicly committed himself to seeking election by the write-in method, and is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method; and makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

* * * * *

[FR Doc.76-36220 Filed 12-8-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-125]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

National Highway Traffic Safety Administration

• *Purpose.* The purpose of this amendment is to reflect in the description of general responsibilities of the various elements of the Department of Transportation that the National Highway Traffic Safety Administration administers the odometer program established by Title IV of the Motor Vehicle Information and Cost Savings Act of 1972. •

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

In consideration of the foregoing, paragraph (f) of § 1.4 of title 49, Code of Federal Regulations, is amended by inserting at the end thereof a new subparagraph (5) to read as follows:

§ 1.4 General responsibilities.

* * * * *

(f) *The National Highway Traffic Safety Administration.* Is responsible for * * *

(5) Establishing safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers and enforcing the prohibition against tampering with odometers.

Effective date: This amendment is effective December 9, 1976.

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

Issued in Washington, D.C., on November 26, 1976.

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

[FR Doc.76-36248 Filed 12-8-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 55 (Sub-No. 14)]

PART 1003—LIST OF FORMS

PART 1100—GENERAL RULES OF PRACTICE

Processing of Specified Proceedings

• *Purpose.* The purpose of this document is to notify the public that the Interstate Commerce Commission has adopted certain amended rules designed to improve and expedite the processing of specified proceedings. •

Revision of Application Forms OP-OR-9, OP-OR-11, OP-WC-10, OP-WC-20, and OP-FF-10 for Operating Authority, and amendments to Rules 22, 49, 51, 57, 74, and 247 of the General Rules of Practice.

By notice of proposed rulemaking published November 7, 1975 (40 FR 52058), the Interstate Commerce Commission instituted the above-entitled proceeding for the purpose of (1) exploring the feasibility and desirability of requiring applicants for operating authority to submit, at the time the application is filed, verified statements containing all the evidence upon which they intend to rely, (2) considering the requirement of a standardized format for verified statements submitted by all parties to proceedings involving applications for oper-

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[1] These sections apply to cablecasts originated by the cable system.

[2] At issue was the application of the rules to a candidate who had indicated an intention to pursue a write-in candidacy if his efforts to be placed on the ballot were unsuccessful. The Court stated at paragraph 11 that:

[A] candidate who has not yet qualified for ballot position under state election laws is nevertheless entitled to equal time if he is otherwise eligible under the second prong of §§ 73-120(a) and 73.657(a) and commits himself to seeking election by the write-in method in the subsequent election.

ating authority, (3) amending the Interstate Commerce Commission's General Rules of Practice Rules 22, 49, 51, 57, 74, and 247, so as to provide for any appropriate changes, and (4) effecting necessary changes in existing pertinent application forms, OP–OR–9, OP–OR–11, OP–WC–10, OP–WC–20, and OP–FF–10, as a result of amendments to the General Rules of Practice. The Commission invited interested persons to submit written views, comments, suggestions, and pertinent evidence relating to the action proposed.

Upon consideration of the proposed rules and the representations filed, the Commission adopted the rules and revised the instructions to the application forms set forth below. These amended rules provide that the applicant shall submit with its application a caption summary of the authority sought, for publication in the FEDERAL REGISTER, that extensions of time for filing pleadings will be granted only in the most extraordinary circumstances, that a petition to utilize discovery will be required in modified procedure cases, and that verified statements in modified procedure cases filed under Special Rule 247 will be required to comply with a specified format.

The Commission's report in this proceeding summarizes the representations received, discusses the issues involved, and sets forth certain conclusions and findings. Generally, it has been found that requiring all parties to proceedings involving applications for operating authority to standardize their verified statements in accordance with a format specifically described in the amended rules will aid the Commission in the expeditious processing of applications filed pursuant to Special Rule 247, without imposing any undue burden on any party to the proceedings in contravention of applicable rules and regulations.

The adopted amended rules have been found to be otherwise lawful and consistent with the national transportation policy.

By the Commission.

ROBERT L. OSWALD,
Secretary.

Accordingly, 49 CFR Parts 1003 and 1100 are amended as follows:

§§ 1003.1—1003.3 [Amended]

1. The appendix at page 5 of Forms OP–OR–11 (§ 1003.1) and OP–FF–10 (§ 1003.3) is renumbered page 6, respectively, and the language below is inserted and numbered page 5 in each form. The language below is added to page 5 of form OP–WC–20 and as page 6 of form OP–WC–10 (§ 1003.2). Page 7 of form OP–OR–9 (§ 1003.1) is deleted, and the language below is inserted and numbered page 7.

The following language is to be added to the instructions to each respective form:

Special Rule 247(b)(1) of the Commission's General Rules of Practice has been amended to provide for the mandatory filing with the application of the certifications of support, and a caption summary of the authority sought for publication in the FEDERAL REGISTER. Applications not accompanied by a properly completed caption summary of the authority sought will not be accepted for filing.

The caption summary shall be prepared in the general form described in Appendix F to the report in Ex Parte No. 55 (Sub-No. 14), 125 M.C.C. 790 (1976). The docket number and filing date will be assigned when the application is accepted for filing by the Interstate Commerce Commission. Applicant shall print or type (single space) its name and trade name, if any, in upper case above its address. Applicant shall print or type (single space) the name of its representative above the representative's address. The authority sought shall be described in a double spaced paragraph and the commodity description (except specified restrictions and exemptions) and the particular method of transportation involved (e.g. common carrier, contract carrier, broker, or freight forwarder) shall be underlined.

Verified statements submitted in support of an application filed pursuant to Special Rule 247 shall be prepared in accordance with the format specifically described in Special Rule 247(f)(3). If, subsequent to the filing of an application, additional witnesses become known to the applicant, applicant shall file a certification for each such witness with the Commission and shall concurrently serve copies thereof upon all parties of record. The total number of witnesses whose testimony is offered in support of an application may not exceed twice the number for whom certifications were originally filed with the application. In cases designated for oral hearing, certification of additional witnesses as provided above must be filed and served not later than 30 days prior to the date assigned for commencement of the hearing: *Provided*, That, the presiding officer may authorize additional certifications for witnesses to be presented at a continued hearing to be filed and served not later than 30 days prior to the date of the continued hearing. No testimony will be received from witnesses for whom such certifications have not been timely received. An applicant who believes its application is susceptible of handling without oral hearing may request such handling when the application is filed. Any request for an oral hearing shall be supported by a specific explanation as to why the evidence would be more amenable to presentation at oral hearing. Amendments to applications which broaden the scope of the proposed operations will not be allowed. Restrictive amendments acceptable to the Commission may be submitted at any time: *Provided*, That, except as hereinafter provided, in cases assigned for oral hearing amendments must be received by the Commission not later than (1) 30 days after the service date of a notice that the case has been assigned for oral hearing, or (2) the date of prehearing conference assigned to consider such amendments. Restrictive amendments submitted after such date may be considered by the Commission or presiding officer only if exceptional reason is shown why the amendment could not have been timely filed. Prehearing conferences assigned for the consideration of amendments shall be subject to the provisions of subparagraph (e)(6) of Special Rule 247 respecting appearance at hearings.

NOTE.—Certifications of support are not applicable to the preparation of form OP–WC–10.

2. Rules 57 and 247 of the General Rules of Practice (49 CFR 1100.57 and 1100.247) are revised to read as follows:

§ 1100.57 Discovery. (Rule 57)

(a) *In general.* Unless otherwise ordered in accordance with these rules, or as required by the Interstate Commerce Act or other applicable statutes, parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding (other than those informal proceedings specified in rules 200 and 225), including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible as evidence if the information sought appears reasonably calculated to lead to the discovery of admissible evidence: *Provided*, That Rules 57–67, inclusive, shall not apply to application proceedings handled pursuant to the modified procedure, except that in such proceedings a petition seeking appropriate discovery procedures may be filed.

(b) *Protective conditions.* Upon motion by any party, by the person from whom discovery is sought, or by any person with a reasonable interest in the data, information, or material sought to be discovered, and for good cause shown, any order which justice requires may be entered to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, or to prevent the raising of issues untimely or inappropriate to the proceeding. Relief through a protective order may include one or more of the following:

(1) That the discovery not be had;

(2) That the discovery may be had only on specified terms and conditions, including a designation of the time and place;

(3) That the discovery may be had only upon such terms and conditions as the Commission may impose to insure financial responsibility in indemnifying the party or person against whom discovery is sought to cover the reasonable expenses incurred;

(4) That the discovery may be had only by a method other than that selected by the party seeking discovery;

(5) That certain matters not be inquired into, or that the scope of discovery be limited to certain matters;

(6) That discovery be conducted with no one present except persons designated in the protective order;

(7) That a deposition after being sealed be open only by order of the Commission;

(8) That a trade secret or other confidential research development, or commercial information not be disclosed or be disclosed only in a designated way; and

(9) That the parties simultaneously filed specified documents or information enclosed in sealed envelopes to be opened only upon direction or order of the Commission.

If the motion for a protective order is denied in whole or in part, the Commission may, on such terms and conditions

as it deems just, enter an order requiring any party or person to provide or permit discovery.

(c) *Sequence and timing of discovery.* Unless the Commission upon motion, for the convenience of parties and witnesses and in the interest of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

(d) *Stipulations regarding discovery.* Unless otherwise ordered, the parties may by written stipulation filed with the Commission (1) Provide that depositions be taken before any person, at any time or place, upon sufficient notice, and in any manner and when so taken may be used like other depositions, and (2) Modify the procedures provided by these rules for other methods of discovery.

§ 1100.247 Special rules governing notice of filing of applications by motor carriers of property or passengers and brokers under sections 206 (except section 206(a)(6) relating to Certificates of Registration), 209 and 211, by water carriers under sections 302(e), 303, and 309, and by freight forwarders under section 410 of the Interstate Commerce Act, and certain other procedural matters with respect thereto. (Rule 247)

(a) *Scope and applicability of special rules.*—(1) *Scope.* These special rules govern the filing and handling pursuant to the provisions of the Interstate Commerce Act of (i) applications for certificates, permits, and licenses respecting the transportation of property or passengers under sections 206 (except section 206(a)(6) relating to Certificates of Registration), 209, and 211, (ii) applications for certificates, permits, and exemptions respecting the water transportation of property or passengers under sections 302(e), 303, and 309, and (iii) applications for permits to operate as freight forwarders and for certificates of abandonment under section 410. Except as otherwise herein provided, the general rules of practice shall apply.

(2) *Applicability.* Except as otherwise provided herein these special rules shall apply to all applications enumerated in paragraph (a)(1) of this section and filed with the Commission on and after April 5, 1977 and to such of those applications filed prior to that time as the Commission may designate by appropriate publication in the FEDERAL REGISTER.

(b) *Applications.*—(1) *Form and content.* An application filed with the Commission under these special rules shall be prepared in accordance with and contain the information called for in the form of application prescribed by the Commission or in instructions which may have been issued by the Commission with respect to the filing of such an application. An application for a certificate, permit, or license as defined in paragraph (a)(1) of this section shall be accompanied by (i) certifications of support on the prescribed form for each individual, corporation, or partnership known to the applicant upon whose support applicant intends to rely, and (ii) a caption summary of the authority sought for publication in the FEDERAL REGISTER, which summary shall be prepared in accordance with the instructions accompanying the application form. No application will be accepted for filing unless it is accompanied by certifications of support (when necessary) as herein required and by a caption summary of the authority sought. Upon request by any party, the applicant shall furnish such party with copies of all certifications filed with the application. If, subsequent to the filing of an application, additional witnesses become known to the applicant, applicant shall file a certification for each such witness with the Commission and shall concurrently serve copies thereof upon all parties of record. The total number of witnesses subject to this rule whose testimony is offered in support of the application may not exceed twice the number for whom certifications were filed with the application, whether the case is designated for oral hearing or for modified procedure. In cases designated for oral hearing, certifications of additional witnesses as provided above must be filed and served not later than 30 days prior to the date assigned for commencement of hearing: *Provided,* That, the presiding officer may authorize additional certifications for witnesses to be presented at a continued hearing to be filed and served not later than 30 days prior to the date of the continued hearing. No testimony will be received from witnesses for whom such certifications have not been timely received. *Provided, however,* That the provisions of this paragraph limiting the total number of witnesses and requiring certifications for subsequently discovered witnesses shall not be applicable to applications to transport passengers, and that certifications for subsequently discovered witnesses shall not be required in cases handled under modified procedure except when reassigned for oral hearing.

(2) *Copies and service.* Copies of an application filed under these special rules shall be furnished in such number and shall be filed and served in the manner and upon the persons specified in the form or instructions.

(3) *Requests for handling applications under either oral hearing or modified procedure.* An applicant who believes its application is susceptible of handling without oral hearing may request such handling when the application is filed.

(c) *Notice to interested persons.* Notice of the filing of applications to competitors and other interested persons will be given by the publication in the FEDERAL REGISTER of a caption summary of the authority sought. Such caption summaries will be prepared by the applicant in accordance with the prescribed format and instructions in the application, which summaries will be reviewed by the Commission before submittal to the FEDERAL REGISTER. Incomplete or incorrect captions may result in rejection of the application. After the caption summary appears in the FEDERAL REGISTER, it shall be the responsibility of applicant promptly to advise the Commission if the summary does not properly describe the authority sought and submit a corrected FEDERAL REGISTER caption summary (not to expand the application). No other notice by applicants to interested persons is required, except that applicants are not relieved from the obligation to file copies of applications with Governors, State Boards, and Regional Directors of the Commission's Bureau of Operations as may be required by the prescribed form of the application.

(d) *Amendments.* Except for good cause shown, amendments to applications which broaden the scope of the proposed operations will not be allowed if tendered after notice of the filing of an application has been published in the FEDERAL REGISTER. Restrictive amendments acceptable to the Commission may be submitted at any time: *Provided,* That, except as hereinafter provided, in cases assigned for oral hearing, amendments must be received by the Commission not later than (1) 30 days after the service date of a notice that the case has been assigned for oral hearing, or (2) the date of prehearing conference assigned to consider such amendments. Restrictive amendments submitted after such date may be considered by the Commission or presiding officer only if exceptional reason is shown why the amendment could not have been timely filed. Prehearing conferences assigned for the consideration of amendments shall be subject to the provisions of paragraph (e)(6) of this section respecting appearance at hearings.

(e) *Protests and request for hearing.* (1) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. A protest filed under these rules shall certify that it has been served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing published in the FEDERAL REGISTER). Unless otherwise specified in the published notice, the original and one copy of the protest shall be filed with the Commission. Protests not in reasonable compliance with the requirements of these rules may be rejected in the discretion of the Commission.

(2) Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding.

(3) A protest against any application shall set forth specifically the grounds upon which it is made and contain a detailed statement of the protestant's interest in the proceeding (including a copy of only the specific portions of its pertinent authority and including direct operations held by virtue of the gateway elimination regulations either published in the FEDERAL REGISTER as letter-notices or granted in separate gateway elimination certificates, which protestant believes to be in conflict with that sought in the application, and describing in de-

tail the method (whether by joinder, interline, or other means) by which protestant would use such authority to provide all or part of the service proposed), shall request an oral hearing if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protestants shall name the carrier(s) with whom interline operations shall be performed and shall specifically detail the operation that can be performed thereunder. Protests phrased in general terms and not complying with these specifications may be rejected.

(4) Any request for an oral hearing shall be supported by a specific explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits, shall set forth the number of witnesses which would be presented by the protestant and an estimate of the hearing time required for such presentation, and shall contain the following certification without further qualification:

The undersigned hereby certifies that, if an oral hearing is held, protestant(s) will appear and present evidence of protestant(s) own operations and particular interest(s) in the outcome of this application unless this application is amended so as to eliminate the interest(s) of protestant(s) as set forth in this protest.

(5) Where a person has a limited interest in an application, which possibly could be eliminated by a restrictive amendment to the application, which amendment must be acceptable to the Commission, it may also include in a protest filed in conformity with this paragraph an offer to withdraw the protest in the event of acceptance by applicant and the Commission of such amendment.

(6) Except where a restrictive amendment has been made as provided in paragraph (e)(5) of this section, or for good cause shown, the failure of any person filing a protest to an application to appear at a hearing scheduled thereon shall be construed as a waiver of its right to participate further in the proceeding; such person shall no longer be considered as a party to the proceeding, and it and any representative responsible for its participation in the proceeding may be subject to censure for failure to appear. In addition, the mere appearance of protestant without the presentation of evidence of protestant's own operations and particular interest in the application may, in the absence of good cause shown, subject protestant and its representative to similar censure.

(7) An interested person, not a protestant, desiring to receive notice of the time and place of any hearing, conference, or other proceedings shall notify the Commission by telegram or letter (original and one copy) within 30 days from the date of the publication of the notice of the filing of the application in the FEDERAL REGISTER.

(8) A person (carrier) who does not file a protest as required by the regulations in this part, or who otherwise fails to remain a proper party to an application proceeding filed under the regulations in this part (by withdrawal of a previously filed protest, by failure to file verified statements in opposition, by failure to appear at a scheduled oral hearing, or by other means), and who is not granted leave to intervene pursuant to the provisions of paragraph (i) of this section, except for good cause shown, may not personally, or through a representative, appear as a witness for a party protestant, except as provided hereafter. This provision shall not preclude the filing of a proper joint protest on behalf of several opposing carriers, or the presentation of evidence of service by bona fide connecting carriers through a duly qualified protestant, as to the nature and extent of their joint services, or other probative evidence, provided the party protestant's original protest contains a clear statement that its opposition is based, in part at least, upon a transportation service performed by it jointly with connecting carriers and fully complies with Special Rule 247(e)(3).

(f) *Hearing or other procedures to be followed.*—(1) *Determination.* The Commission will determine whether an assignment for oral hearing should be made, at a time after notice to interested persons of the filing of the application has been published in the FEDERAL REGISTER and the period for filing protests has expired. At or prior to such time, any applicant who does not intend to prosecute its application should promptly request dismissal thereof.

(2) *Uncontested proceedings.* Proceedings in which no protests are filed within 30 days after publication of notice in the FEDERAL REGISTER, and which are not assigned for oral hearing, will be determined on the basis of verified statements submitted by applicant, in accordance with the format provisions of Special Rule 247(f)(3).

(3) *Contested proceedings.* In those contested proceedings in which the Commission determines that assignment of an application for oral hearing is unnecessary, thereafter the procedure shall be in accordance with Rules 45(b), 46(b), and 47–54, inclusive, of the general rules of practice, except that: (i) only the original and one copy of any statement made pursuant to Rule 51 need be filed with the Commission, and (ii) that the statements to be submitted under Rule 49 shall follow the format which is enumerated immediately below. The verified statements to be submitted by applicant (including those of supporting parties) and by protestants under Special Rule 247 shall be prepared in separately numbered and titled paragraphs so as to present the evidence in accordance with the format described immediately hereafter (and in appropriate appendices as needed). All other contested proceedings which are subject to these rules will be assigned for oral hearing unless other procedures are ordered.

VERIFIED STATEMENT OF APPLICANT

I. Legal name and domicile of carrier.
II. Identity and qualifications of testifying witness.
III. Authority sought.
IV. (A) General scope of presently authorized operations (attach copies of pertinent operating rights). (B) Duplicating authority resulting from grant of application. (C) Dual operations resulting from grant of application. (D) Affiliation with other carriers and persons affiliated with carriers (indicate pertinent MC numbers and docket numbers of finance proceedings; identify common and contract carriers as such).
V. Pertinent terminal facilities and communications network.
VI. Pertinent equipment.
VII. Safety program.
VIII. Service now provided to supporting witnesses.
IX. Type of service offered (e.g. LTL, bulk, multiple delivery, etc.).
XII. Any other information deemed pertinent by the witness.
XIII. Argument.
XIV. Verification.

VERIFIED STATEMENT IN SUPPORT OF APPLICATION

I. Legal name and domicile of supporting party or firm.
II. Identity and qualifications of testifying witness.
III. General description of supporting party and/or operations.
IV. Specific description of commodities applied for.
V. Volume and frequency of traffic (poundage, truckloads, etc.)
VI. Amount of traffic to be tendered applicant.
VII. Specific and/or representative origins and destinations.
VIII. How the traffic now moves.
IX. Existing services and deficiencies:
X. Type of service required (bulk, LTL multiple delivery, etc.)
XI. Similar applications supported (pertinent docket numbers).
XII. Any other information deemed pertinent by the witness.
XIII. Argument.
XIV. Verification.

VERIFIED STATEMENT OF PROTESTANT

I. Legal name and domicile.
II. Identity and qualifications of testifying witness.
III. Specific pertinent conflicting authority.
IV. Pertinent terminals and communications network.
V. Pertinent equipment.
VI. Type of service offered (LTL, bulk, interline, etc.)
VII. Traffic subject to diversion if application granted (a) service provided for supporting party or firm. (b) service provided for other parties within scope of application.
VIII. Any other information deemed pertinent by the witness.
IX. Argument.
X. Verification and certificate of service.

Request for extension or modification of the time limits within which these statements are due to be filed (or as enumerated in Rule 51 of the General Rules of Practice, 49 CFR 1100.51) will be granted only in the most extraordinary circumstances.

(g) *Failure to prosecute applications.* An applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof. Failure to prosecute an application under procedures ordered by the Commission will result in dismissal thereof. Submission of a request for dismissal of an application later than 15 calendar days after the service date of a notice setting it for oral hearing, or failure by applicant to appear and prosecute the application at such hearing will result in dismissal thereof and will bar the filing of any application for the same or any part of the same authority by the same applicant for a period of 1 year after the date of the dismissal order except upon a petition showing good cause why this rule should be waived. Such petition shall be served upon all protestants to the prior application.

(h) *Notice of hearing, conference or other proceedings*—(1) *Initial assignment.* Notice of the time and place of any hearing, conference, or other proceedings will be given to applicant's representative, applicant, protestants, and other interested parties by mailing to them the order or notice assigning the application for hearing, conference, or other procedure.

(2) *Assignment of an application for hearing concurrently with notice of its filing.* For the convenience of the Commission in handling applications related to one or more applications which already have been noticed in the FEDERAL REGISTER when, in the Commission's discretion, the public interest would be served, an application may be concurrently noticed and assigned for hearing provided appropriate publication in the FEDERAL REGISTER can be made at least 1 week prior to the assigned date of hearing. Where such action is taken, and regardless of any prior publication of the application, any interested person may, without filing a protest prior to the assigned hearing, appear at the hearing in opposition to the application so assigned and become a party and be entitled to participate in that proceeding.

(3) *Request for change.* A request by any party for a change in the time or place of an assigned hearing must set forth good and sufficient cause for the action requested, must be in writing and filed with the Commission not less than 10 days before the assigned hearing date, except in emergency circumstances, and must be served on all known parties of record at the same time and by the same method of communication as service is made on the Commission. Where such requests are filed less than 10 days before the date of hearing, the petitioning party shall state the reasons for his failure to make such request within the prescribed 10 days.

(4) *Notice of changes. The applicant's* representative (or applicant if it has no representative), protestants and those who request notice of changes in time or place of hearing, conference, or other proceeding will be informed of such changes if notice is given by mail. If telegraphic notice becomes necessary, notice of such changes will be given by telegram only to those who request telegraphic notice at their expense.

(i) *Intervention.* Rule 73 relating to participation without intervention is inapplicable to applications subject to this section, except with respect to those persons seeking to intervene in support. No person who fails to file a protest as provided in these rules will be permitted to intervene in opposition in a proceeding except upon a showing of substantial reasons in a petition submitted in accordance with Rule 72.

(j) *Drafting of recommended order and report by prevailing party.* Applications in which oral hearings are held and in which the hearing officer can announce his decision, either (1) on the record after the close of the taking of testimony or (2) by appropriate notification to the parties after the filing of briefs, may be made the subject of an initial decision prepared by the party or parties in whose favor the hearing officer decides, within a period specified by the hearing officer. The hearing officer will make such changes as he considers appropriate in the draft prepared for him.

[FR Doc.76-35955 Filed 12-8-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 26—PUBLIC ENTRY AND USE

Monomoy National Wildlife Refuge, Massachusetts

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuges.

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Foot entry to the Monomoy Island Wilderness Area is permitted for photography, nature study, and hiking during daylight hours. Shellfishing is permitted in accordance with Town of Chatham regulations. Pets are permitted if on a leash not exceeding 10 feet in length. Fires are permitted on the ocean beach. Boats may be beached on the refuge. Erection of tents and other structures is not permitted.

Entry to the Morris Island portion of the refuge during daylight hours is permitted by advance reservation for photography, nature study, and hiking. Only a limited number of motor vehicles can be accommodated on the refuge at the designated parking area adjacent to refuge headquarters. Entrance permits for specific dates are issued by mail or by telephone during the period June 1 through September 10, 1977 from the Biological Aid, Monomoy National Wildlife Refuge, Wiki Way, Chatham, Massachusetts 02633, telephone 617-945-0594; or during the period January 1 through May 31, 1977, and September 11 through December 31, 1977, from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742, telephone 617-369-5518.

The refuge, comprising 2,697 acres, is shown on a map available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742, or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

HARRY BISHOP,
Acting Regional Director, United States Fish and Wildlife Service.

DECEMBER 2, 1976.

[FR Doc.76-36147 Filed 12-8-76;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 25—ADVISORY COMMITTEE MANAGEMENT

Additional Reporting Requirements and Solicitations of Recommendations From Advisory Committee Members

OMB Bulletin No. 76-3 requires certain data to be furnished for its Committee Management Secretariat Information System. The committee management regulations are, therefore, being revised to include this additional reporting requirement.

The regulations are being further revised to provide that agencies and officials soliciting recommendations from advisory committee members in lieu of holding a meeting must also provide an opportunity for the public to comment on the same matters. Accordingly, 7 CFR Part 25 is amended as follows:

1. Section 25.19 is amended by adding a new paragraph (r) to read as follows:

§ 25.19 Meetings.

* * * * *

(r) (1) If, in lieu of holding a meeting, recommendations of committee members are solicited by the person to whom the committee reports, or other agency official, on a matter within the committee's jurisdiction, the responsible agency shall publish a notice in the FEDERAL REGISTER, no later than the time the recommendations are sought, which fully describes the matter to be considered. The notice shall also include:

(i) Instructions to the public on how to file their views on the matter with agency.

(ii) A statement that the request and any responses received will be available for public inspection and copying.

(iii) The location where these records will be maintained.

(2) An annual report shall be filed for each committee soliciting recommendations of committee members under paragraph (r) (1) of this section by April 1. The agency that provides support services to the affected committee shall prepare for FEDERAL REGISTER publication a notice of the availability of the annual report for that committee no later than 60 days after the report is filed. The notice shall include instructions for allowing the public access to the report.

2. Section 25.24 is amended to read as follows:

§ 25.24 External reporting requirements.

* * * * *

(b) A comprehensive review shall be conducted by the agencies and the re-

sults forwarded to the Office of Management and Budget by the Committee Management Officer. This review shall be conducted in accordance with guidelines furnished by the Office of Management and Finance.

(c) An Initial Data Collection Form (OMB Bulletin No. 76–3) shall be submitted to the Office of Management and Budget within 10 days of a new committee's charter filing.

(d) An Update or Correction Form (OMB Bulletin No. 76–3) shall be submitted to the Office of Management and Budget within 10 days of a change in a committee's status (i.e., renewal, merger, termination, etc.).

* * * * *

This revision is intended to include additional OMB requirements and to further the Department's policy of access to committee activities. It is not believed that public comments would afford the Department any additional information. Accordingly, pursuant to 5 U.S.C. 553, good cause is found to make the revision effective less than 30 days after publication.

(5 U.S.C. 301; Sec. 8, 86 Stat. 773 (5 U.S.C. App.).)

Effective date: December 9, 1976.

Dated: December 6, 1976.

J. PAUL BOLDUC,
Assistant Secretary for Administration.

[FR Doc.76-36174 Filed 12-8-76;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 408—EASTERN UNITED STATES APPLE CROP INSURANCE

Subpart—Regulations for the 1977 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the regulations contained in 7 CFR Part 408, as amended, are hereby revised effective with the 1977 crop year to read as provided below. The Part title is revised as shown above. This revision would make the regulations applicable only to the Eastern United States; provide for the use of the Standard Application Form and for the processing of applications in the same manner and by the same method as is currently used in connection with other crops; make provisions for insuring orchards of less than two acres; incorporate four previous amendments; retitle the policy as "Eastern United States Apple Crop Insurance;" and make other editorial changes to remove excess wordage while retaining the force of the previous provisions. The provisions of this subpart shall apply, until amended or superseded, to all continuous apple crop insurance contracts in the Eastern United States as they relate to the 1977 and Succeeding Crop Years.

Subpart—Regulations for the 1977 and Succeeding Crop Years

Sec.

408.1 Availability of apple crop insurance.
408.2 Premium rates, production guarantees, and prices for computing indemnities.
408.3 Application for insurance.
408.4 Public notice of indemnities paid.
408.5 Creditors.
408.6 The apple insurance policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516.

§ 408.1 Availability of apple crop insurance.

Apple crop insurance shall be offered for the 1977 and succeeding crop years under the provisions of § 408.1 through § 408.6 in counties in the Eastern United States within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for apple crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 408.2 Premium rates, production guarantees, and prices for computing indemnities.

(a) The Manager shall establish premium rates, production guarantees, and prices for computing indemnities which shall be shown on the actuarial table on file in the office for the county. Such premium rates, production guarantees, and prices for computing indemnities may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Policy set forth in § 408.6 if the insured is a partnership, corporation, or any other joint enterprise and if there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 408.3 Application for insurance.

An application for insurance, on a form prescribed by the Corporation, may be submitted at the office for the county for the Corporation. The closing date for the taking of applications shall be the February 15 immediately preceding the beginning of the crop year. However, the Corporation reserves the right to discontinue the taking of applications in any county, prior to the closing date for the filing of applications, upon its determination that the insurance risk involved is excessive. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county, by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

§ 408.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 408.5 Creditors.

An interest of a person other than the insured in an insured crop by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the policy as set forth in § 408.6.

§ 408.6 The apple insurance policy.

The provisions of the policy for Eastern United States Apple Crop Insurance for the 1977 and Succeeding Crop Years are as follows:

EASTERN UNITED STATES APPLE INSURANCE POLICY

Subject to the regulations of the Federal Crop Insurance Corporation (herein called "Corporation") and in accordance with the terms and conditions set forth in this policy, the Corporation upon acceptance of a person's application does insure such person against unavoidable loss of production of the insured apple crop due to causes of loss insured against that are specified in this policy. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Meaning of terms.* For purposes of insurance on Eastern United States Apples.

(a) "Acreage report" means the form prescribed by the Corporation for initially reporting and annually revising (if necessary) all of the insured's acreage and share therein of apples in the county and ages of trees thereon.

(b) "Actuarial table" means the Eastern United States apple insurance forms and related material approved by the Corporation which are on file for public inspection in the office for the county and which show the production guarantees, prices for computing indemnities, and premium rates for the county.

(c) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private way shall be considered contiguous.

(d) "Contract" means the application, this policy, and the actuarial table.

(e) "County" means the Eastern United States county shown on the application and any additional insurable land located in a local producing area bordering on the county, as shown on the actuarial table.

(f) "Crop year" means the period beginning with the date insurance attaches to the apple crop and extending through normal harvesttime and shall be designated by the calendar year in which the apples are normally harvested.

(g) "Eastern United States Apples" (as used in the heading of this policy) means insurable varieties of apples grown on insurable acreage in those states east of a line running north-south along the eastern state boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

(h) "Harvest" means the picking of marketable apples from the trees or from the ground.

(i) "Insurable acreage" means the acres of apples as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, grown on land classified as insurable by the Corporation and shown as such on the actuarial map or appropriate land identification list for the county, or as otherwise provided on the actuarial table.

(j) "Office for the county" means the Corporation's office serving the county or such office as may be designated by the Corporation.

(k) "Person" or "Insured" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Share" means the share of the insured as landlord, owner-operator, or tenant in the insured apples as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share in the apple crop shall be deemed to be insurable.

(m) "Tenant" means a person who rents land from another person for a share of the crop or proceeds therefrom.

(n) "Time of loss" means the earliest of (1) the date harvest is completed on the unit; (2) the calendar date for the end of the insurance period; or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(o) "Unit" means all the insurable acreage of apples in the county which is located on contiguous land and, at the time insurance attaches for the crop year, (1) In which the insured has a 100 percent share; (2) Which is owned by one person and operated by the insured as a tenant; or (3) Which is owned by the insured and rented to one tenant. Land rented for cash, a fixed commodity payment, or for any consideration other than a share in the crop on such land only shall be considered as owned by the lessee.

The Corporation shall determine units as defined herein when adjusting a loss, notwithstanding what is shown on the acreage report, and reserves the right to consider any acreage and share reported by or for the insured's spouse, child, or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fida share.

2. *Causes of loss.* (a) The insurance provided is against unavoidable loss of production occurring within the insurance period resulting from frost, freeze, or hail.

(b) The contract shall not cover any loss due to (1) Neglect or malfeasance of the insured, any member of the insured's household, tenants, or employees; (2) Failure to follow recognized good farming practices; (3) Damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project; or (4) Any cause not specified as an insured cause in this policy.

3. *Apples insured.* (a) Insurance attaches only to apples grown on insurable acreage (1) In which the insured has a share on the date insurance attaches; and (2) On which at least 25 bearing trees per acre after being set out have reached the number of growing seasons shown on the actuarial table.

(b) Unless a written agreement is in effect between the Corporation and the insured, insurance shall not attach on a unit of less than two acres.

4. *Life of contract and contract changes.* (a) The contract shall be in effect for the first crop year specified on the application and may not be canceled for the first crop year. Thereafter, either party may cancel insurance for any crop year by giving written notice to the other by the December 31 immediately preceding such crop year. In the absence of such notice to cancel and subject to the provisions of subsections (b), (c), and (d) of this section, the contract shall continue in force for each succeeding crop year.

(b) If the insured is an individual who dies or is judicially declared incompetent or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after the insurance attaches in any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

(c) The contract shall terminate if the premium for any crop year is not paid by February 15 following the calendar year in which insurance attached: *Provided*, That the date of payment for a premium (1) deducted from a loss claim shall be the date the insured signs such claim; or (2) deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(d) The contract shall terminate if no premium is earned for three consecutive years.

(e) The Corporation reserves the right to change the terms and conditions of the contract from year to year. Notice thereof shall be mailed to the insured or placed on file and made available for public inspection at the office for the county by the December 15 immediately preceding the crop year for which such changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in subsection (a) of this section.

(f) For any crop year, the insured, with the consent of the Corporation, may change the price election which was in effect for a prior crop year by so notifying the office for the county in writing by the December 31 immediately preceding the crop year.

5. *Responsibility of the insured to report acreage, share, and ages and number of trees.* (a) The insured at the time of filing the application shall also file on a form prescribed by the Corporation a report of all the acreage of apples in the county in which the insured has a share, showing the share therein, and the ages and number of trees thereon, including a designation of all the acreage of apples which is uninsurable under the provisions of section 3 above. This report shall be revised before insurance attaches for any crop year to reflect any change in acreage, share, and ages or number of trees. The latest report filed shall be considered as the basis for continuation of insurance from year to year.

(b) If the insured does not submit an acreage report for any crop year in accordance with the provisions of subsection (a) of this section, the Corporation may elect to determine by units the insured acreage, share, and age or number of trees or declare the insured acreage on any unit(s) to be "zero".

6. *Insurance period.* For the first crop year, insurance attaches on March 1 or upon acceptance of the application, whichever is later; for each crop year thereafter, insurance attaches on March 1. Insurance ceases upon the earlier of harvest or October 15 of the crop year.

7. *Annual premium.* (a) The annual premium for each unit is earned and payable on the date insurance attaches and shall be determined by multiplying the insured acreage times the production guarantee per acre, times the price election per ton, times the premium percentage rate, times the insured's share on the date insurance attaches, and where applicable, applying the premium reduction or adjustment herein provided.

(b) In counties where the actuarial table does not provide for adjustments in premium, the total annual premium on all units shall be reduced as follows after consecutive years of insurance without a loss for which an indemnity was paid on any unit hereunder (eliminatnig any year in which a premium was not earned):

Percent premium reduction:	*Consecutive Insurance years without a loss, years*
5 percent after	1
5 percent after	2
10 percent after	3
10 percent after	4
15 percent after	5
20 percent after	6
25 percent after	[1] 7

[1] Years or more.

However, if the insured has a loss for which an indemnity is paid hereunder, the number of such consecutive years of insurance without a loss shall be reduced by three years, except that where the insured has seven or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made: *Provided*, That if, at any time, the cumulative indemnities paid hereunder exceed the cumulative premiums earned hereunder from the start of the insuring experience through the previous crop year, the 5, 10, and 15 percent premium reductions in this subsection shall not thereafter apply until such cumulative premiums equal or exceed such cumulative indemnities.

(c) In counties where the actuarial table provides for adjustments in premium rate, the total annual premium on all units for each crop year shall be adjusted on the basis of the provisions of the actuarial table.

(d) If there is no break in continuity of participation, any premium reduction or adjustment applicable under subsections (b) and (c) of this section shall be transferred to (1) The contract of the insured's estate or surviving spouse in case of death of the insured; (2) The contract of the person who succeeds the insured as the insured's transferee in operating only the same orchard or orchards, if the Corporation finds that such transferee has previously actively participated in the orchard operation involved; or

(3) The contract of the same insured who stops operating an orchard in one county and starts operating an orchard in another county.

(e) If there is a break in the continuity of the contract, the following shall not thereafter apply: Subsection (b) of this section, or any reduction in premium earned under subsection (c) of this section.

8. *Notice of damage or loss.* (a) The insured shall give written notice to the office for the county of each damage to the apples from an insured cause of loss within seven days after such damage occurs, giving the date, cause, and estimated extent of such damage: *Provided, however,* That if a loss is to be claimed, the insured shall give written notice to the office for the county (1) Of the intended harvest date at least fifteen days before harvest commences if a final adjustment has not been made by that time; and (2) Immediately if the damage occurs within the fifteen-day-period before harvest commences or during harvest.

(b) The Corporation reserves the right to reject any claim if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

(c) There shall be no abandonment of the apple crop to the Corporation.

9. *Claim for loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation on a form prescribed by the Corporation within 60 days after harvest of the insured crop is completed on the unit, but not later than December 15 of the crop year. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any claim that the insured establish to the satisfaction of the Corporation that the loss has been caused by one or more of the hazards insured against during the insurance period and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be adjusted separately for each unit on the basis of appraised production made by the Corporation before harvest and any such appraisals shall be binding upon the insured: *Provided, however,* If damage from an insured cause occurs after the beginning but prior to the completion of harvest, the production harvested prior to such damage, as determined by the Corporation, shall be included in such appraisals. The amount of loss on any unit shall be determined by (1) Multiplying the insured acreage on the unit by the applicable guarantee per acre; (2) Subtracting therefrom the total production to be counted for the unit; (3) Multiplying this remainder by the applicable price per bushel for computing indemnities; and (4) Multiplying this product by the insured share: *Provided,* That the amount of loss shall be determined with respect to all of the insurable acreage and share; but, the amount of loss shall be reduced proportionately if the premium computed on all of the insurable acreage and share exceeds the premium computed on the acreage and share shown on the acreage report: *Provided, further,* That the insured share shall not exceed the share which the insured has in the apple crop at the time of loss or the beginning of harvest, whichever is earlier.

(d) The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include (1) all production harvested before insured damage occurs or harvested prior to an appraisal by the Corporation; (2) all production on the trees at the time of appraisal; and (3) any appraisals made by the Corporation for poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That (1) acreage harvested prior to an appraisal by the Corporation, not damaged by an insured cause, or abandoned or put to another use without the consent of the Corporation shall be appraised at not less than the applicable production guarantee provided on the actuarial table; and (2) any apple which is reduced in grade due to an insured cause of loss, as determined by the Corporation, below U.S. No. 1, as defined in the United States Standards for Apples for Processing, shall not be counted as production.

(e) If any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That such action must be brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

10. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

11. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

12. *Collateral assignment.* Upon submission and approval of forms prescribed by the Corporation, the insured may assign the right to an indemnity in any crop year, and the assignee shall have the right to submit the loss notices and forms as required by the contract.

13. *Transfer of insured share.* If the insured transfers all or any part of the insured share in any crop year, the Corporation will, upon submission and approval of forms prescribed by the Corporation, continue to provide protection according to the provisions of the policy to the transferee for such crop year with respect to the transferred share. The transferee shall have the same rights and responsibilities under the contract as the transferor.

14. *Subrogation.* The insured assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment therefor is made by the Corporation and shall execute all papers required and take appropriate action to secure such rights.

15. *Records and access to farm.* The insured as to each unit shall permit any persons designated by the Corporation to have access to the farm involved for purposes related to the contract and shall provide any information and records required by the Corporation for loss adjustment purposes.

16. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

NOTE.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

It is desirable that these regulations become effective with the 1977 crop year. Notice of changes must be given to insureds on or before December 15, 1976. It would, therefore, be impossible to follow both the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of these regulations and to comply with the contractual provisions with respect to filing such changes before December 15, 1976. Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to the adoption of these regulations.

Accordingly, said regulations were adopted by the Board of Directors on November 10, 1976.

Said regulations shall become effective December 9, 1976.

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

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved December 6, 1976.

ROBERT W. LONG,
Acting Secretary.

[FR Doc.76-36250 Filed 12-8-76;8:45 am]

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

[Navel Orange Regulation 390]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 10-16, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.690 Navel Orange Regulation 390.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges has strengthened materially during the past week and has become quite active. Prices f.o.b. averaged $4.43 a carton on a reported sales volume of 660 carlots last week, compared with $4.61 per carton on sales of 487 carlots a week earlier. Track and rolling supplies at 251 cars were up 80 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 7, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 10, 1976, through December 16, 1976, are hereby fixed as follows:

(i) District 1: 1,365,000 cartons;

(ii) District 2: 84,107 cartons; and

(iii) District 3: 135,000 cartons."

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

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

Dated: December 8, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division Agriculture Marketing Service.

[FR Doc.76-36406 Filed 12-8-76;12:11 pm]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the South Texas Onion Committee to spend not more than $113,324 for its operations during the fiscal period ending July 31, 1977, and to collect one and one-half cents ($0.015) per 50-pound container of onions, or equivalent quantity, handled by first handlers under the program.

The committee is the administrative agency established under marketing Agreement No. 143 and Order No. 959, both as amended, regulating the handling of onions grown in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

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

The proposals are as folows:

§ 959.217 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1977, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $113,324.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one and one-half cents ($0.015) per 50-pound container of onions, of equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1977, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

Dated: December 6, 1976.

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

[FR Doc.76-36223 Filed 12-8-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 36]

[Docket No. 16231; Notice No. 76-22]

PROPOSED REGULATIONS SUBMITTED TO THE FAA BY THE ENVIRONMENTAL PROTECTION AGENCY: NOISE LEVELS FOR TURBOJET ENGINE POWERED AIRPLANES AND FOR LARGE PROPELLER DRIVEN AIRPLANES

Public Hearing; Corrections

On October 28, 1976, the Federal Aviation Administration (FAA) published a notice of proposed rule making (Notice No. 76-22; 41 FR 47358) and a notice of public hearing (41 FR 47378) regarding recommended regulations submitted to it by the U.S. Environmental Protection Agency (EPA) pursuant to § 611(c)(1) of the Federal Aviation Act of 1958, as amended. The subject headings of those notices read "Noise Levels for Turbojet Engine Powered Airplanes and for Transport Category Large Airplanes."

Subsequently, the EPA advised the FAA by letter that the document headings read "Noise Levels for Turbojet Engine Powered Airplanes and for Large Propeller Driven Airplanes" since the proposed rule is directed to those classes of aircraft. The recommended regulation proposes an amendment to FAR § 36.1(a)(1) to delete the term "subsonic transport category large airplanes" and substitute for it the term "large propeller driven airplanes."

In addition, the FAA notes that in the notice of public hearing regarding the EPA recommended regulation, there was an error in the telephone number to call to request time at the hearing to make an oral presentation. That number, which appears at the end of the fourth paragraph, should read "(202) 755-9468" instead of "(202) 425-9468."

Accordingly, the subject headings of Notice No. 76-22 (41 FR 47358; October 28, 1976) and of notice of public hearing regarding Notice No. 76-22 (41 FR 47378) and all references to those document titles contained in those notices are hereby corrected to read "Noise Levels for Turbojet Engine Powered Airplanes and for Large Propeller Driven Airplanes." Further, in the notice of public hearing the telephone number appearing at the end of the fourth paragraph is hereby corrected to read "(202 755-9468."

Issued in Washington, D.C., on November 29, 1976.

JOAN B. BARRIAGE,
Acting Director of Environmental Quality.

[FR Doc.76-35990 Filed 12-8-76;8:45 am]

[14 CFR Part 36]

[Docket No. 16231; Notice No. 76-22]

PROPOSED REGULATIONS SUBMITTED TO THE FAA BY THE ENVIRONMENTAL PROTECTION AGENCY: NOISE LEVELS FOR TURBOJET ENGINE POWERED AIRPLANES AND FOR LARGE PROPELLER DRIVEN AIRPLANES

Notice of Proposed Rule Making; Correction

On October 28, 1976, the Federal Aviation Administration (FAA) published a notice of proposed rule making (Notice No. 76-22; 41 FR 47358) which contains recommended regulations submitted to it by the U.S. Environmental Protection Agency (EPA) pursuant to § 611(c)(1) of the Federal Aviation Act of 1958, as amended. That notice proposed certain noise level limits and acoustical change requirements for turbojet powered airplanes and propeller driven large airplanes.

Subsequently, the EPA advised the FAA by letter that the document headings of that notice should be corrected to read "Noise Levels for Turbojet Engine Powered Airplanes and for Large Propeller Driven Airplanes" since the proposed rule is directed to those classes of aircraft. An earlier correction to that effect was issued by the FAA and published in the FEDERAL REGISTER (41 FR 53807; December 9, 1976).

On November 29, 1976, in response to an FAA inquiry, the EPA submitted to the FAA a corrected text of item 5 in Notice No. 76-22 which contains the proposed provisions of paragraph (a) of § 36.5. In its covering letter, the EPA indicated that omitted from the text of § 36.5(a) (as originally submitted to the FAA and as published in the FEDERAL REGISTER on October 28, 1976) was a subparagraph which would have made reference to FAA proposed changes to the existing noise compliance levels. The corrected text adds the omitted provisions as paragraph (a)(2) and redesignates original paragraphs (a)(2) and (a)(3) as (a)(3) and (a)(4), respectively. The EPA also stated that the intent of the regulation was clearly stated in the preamble, but agreed that a corrected text should be published in the FEDERAL REGISTER.

In consideration of the foregoing and under § 611(c) of the Federal Aviation Act of 1958, as amended, the Federal Aviation Administration hereby publishes verbatim (as it was received from the EPA on November 29, 1976) the corrected text for item 5 in Notice No. 76-22 (41 FR 47368; October 28, 1976) containing the provisions of proposed paragraph (a) of § C36.5 as follows:

5. By amending paragraph (a) of section C36.5 to read as follows:

Section C36.5 Noise levels—(a) *General.* Except as provided in paragraphs (b) and (c)

of this section, it must be shown by flight tests that the noise levels of the airplane, at the measuring points described in § C36.3, do not exceed the noise levels in subparagraphs (1)–(4) of this paragraph (with appropriate interpolation between weights).

(1) *Airplanes for which an application for a type certificate is made on or after 1 December 1969 and certain airplanes newly manufactured after that date.* Except as provided in subparagraphs (2), (3) and (4) of this paragraph, each person who applies under Part 21 of this chatper for a type certificate for an ariplane on or after December 1, 1969, or who applies after that date under § 21.183 for the original issue of an airworthiness certificate for an airplane for which a type certificate was applied for before that date, must show that the noise levels of the airplane do not exceed the following:

(i) For approach and sideline, 108 EPNdB for maximum weights of 600,000 lbs. or more, less 2 EPNdB per halving of the 600,000 lbs. maximum weight down to 102 EPNdB for maximum weights of 75,000 lbs. and under.

(ii) For takeoff, 108 EPNdB for maximum weights of 600,000 lbs. or more, less 5 EPNdB per halving of the 600,000 lb. maximum weight down to 93 EPNdB for maximum weights of 75,000 lbs. and under.

(2) *Airplanes for which an application for a type certificate is made on or after 5 November 1975.* Except as provided in subparagraphs (3) and (4) of this paragraph, each person who applies under Part 21 for a type certificate for an airplane on or after 5 November 1975, must show compliance with the noise levels as proposed by the FAA in NPRM 75–37C published 28 October 1976 (41 FR 47375).

(3) *Airplanes for which an application for a type certificate is made on or after 1 January 1980.* Except as provided in subparagraph (4) of this paragraph, each person who applies under Part 21 for a type certificate for an airplane on or after 1 January 1980, must show compliance with the noise levels prescribed and limited by the following formulas, representing available noise control technology, applicable to airplane weights (W) between 10,000 and 1,000,000 pounds:

Sideline: EPNL=7 Log (W)+56.
Takeoff: EPNL=12 Log (W)+29.
Approach: EPNL=7 Log (W)+60.

(4) *Airplanes for which an application for a type certificate is made on or after 1 January 1985.* Each person who applies under Part 21 for a type certificate for an airplane on or after 1 January 1985, must show compliance with the noise levels prescribed and limited by the following formulas, representing future noise control technology, applicable to airplane weights (W) between 10,000 and 1,000,000 pounds:

Sideline: EPNL=7 Log (W)+51.
Takeoff: EPNL=12 Log (W)+25.
Approach: EPNL=7 Log (W)+57.

* * * * *

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

JOAN B. BARRIAGE,
Acting Director of Environmental Quality.

[FR Doc.76-36395 Filed 12-8-76;10:04 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5779; File No. S7-663]

PRIVATE PLACEMENT EXEMPTIVE RULE

Request for Empirical Information Regarding Operation

On April 23, 1974, the Securities and Exchange Commission announced the adoption of Rule 146 [17 CFR 230.146] under the Securities Act of 1933 (the "1933 Act") [15 U.S.C. 77a et seq.] effective as of June 10, 1974.[1] The Rule was designed to provide more objective standards for determining when offers or sales of securities by an issuer would be deemed to be transactions not involving any public offering within the meaning of section 4(2) of the 1933 Act and thus exempt from the registration provisions of the 1933 Act.

In the more than two years of the Rule's effectiveness, it is believed that the exemption has been relied upon. However, the Commission is aware of criticism that the Rule is hindering the investment of venture capital, and that as an experiment the Rule is a failure and should be rescinded. Also, the Rule has been criticized by some as facilitating the fradulent offering of certain types of securities.

Because Rule 146 contains no notification requirement the Commission has no empirical data with which to monitor the actual experience of issuers and others under the Rule. For this reason, the Commission hereby requests comments of interested persons on the operation of the Rule, and, in particular, whether it should be rescinded, revised, or retained in present form. If revisions to the Rule are thought to be necessary, specific suggestions for such revisions will be appreciated. Similarly, if rescission of the Rule is urged, a discussion of alternatives should be included with the comment.

The Commission is also seeking information concerning the volume of transactions effected in reliance on the Rule and the practices issuers have utilized in complying with the Rule. Also in this connection, the Commission intends to publish for comment shortly by separate release a proposed amendment to Rule 146 which would require the filing of a report of the Rule 146 transaction within 10 days after the transaction.

The requested comments and information should be submitted in triplicate and directed to the attention of George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 28, 1977. All such communications should refer to File No. S7–663, and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 6, 1976.

[FR Doc.76-36238 Filed 12-8-76;8:45 am]

[17 CFR Part 275]

[Release No. 34-13029, IA-557; File S7-662]

METHOD FOR COMPLIANCE WITH SECTION 206(3) OF THE INVESTMENT ADVISERS ACT OF 1940 WITH RESPECT TO CERTAIN TRANSACTIONS

Notice of Proposed Rulemaking

The Securities and Exchange Commission has under consideration a proposal to adopt Rule 206(3)–2 (17 CFR 275.-206(3)–2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) ("Advisers Act"). The proposed rule would provide a method for compliance with the provisions of section 206(3) of the Advisers Act (15 U.S.C. 80b–6(3)) for certain investment advisers, who also are registered as broker-dealers under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) ("Exchange Act"), in effecting an agency cross transaction for an advisory account, if: (1) the advisory client has executed a written consent prospectively authorizing for a period not to exceed one year the investment adviser, or any other person relying on this rule,[1] to effect agency cross transactions for such advisory account, provided that such written content is obtained after full written disclosure of the nature of agency cross transactions, including the effect of the investment adviser or such other person acting as broker for both parties to such transactions; (2) the investment adviser sends to each such client a written confirmation at or before the completion of each such transaction, which confirmation includes a statement of the nature of such transaction, the date and time when such transaction took place, and the source and amount of any commission or other remuneration received or to be received by the investment adviser and any other person relying on this rule in connection with such transaction; (3) the investment adviser sends to each such client, within thirty days prior to the expiration of such written consent and with any written statement or summary of such account from the investment adviser, a written disclosure statement identifying each such transaction, including the dates thereof and the sources and amounts of any commission or other remuneration received or to be received by the investment adviser and any other person relying on this rule in connection with each such transaction; (4) each written disclosure and confirmation required by this rule includes a prominent legend clearly stating that such written consent may be revoked at any time by written notice to the investment adviser from the advisory client; and (5) no such transaction is effected in which both any buyer and any seller are advised in relation to such transaction by the same investment adviser or any person controlling, controlled by or under common control with such investment adviser.

For purposes of the proposed rule the term "agency cross transaction for an advisory account" shall mean a transaction in which a person acts as an invest-

[1] Securities Act Release No. 5487 (April 23, 1974) (39 FR 15266).

[1] Section 208(d) of the Advisers Act (15 U.S.C. 80b–8(d)) makes it unlawful for any person indirectly, or through or by another person, to do any act or thing which would be unlawful for such person to do directly under the provisions of the Advisers Act or any rule or regulations thereunder. Therefore, persons other than investment advisers may elect to rely on Rule 206(3)–2 where they might otherwise be deemed to be subject to the provisions of Section 206(3) by reason of Section 208(d) when effecting agency cross transactions for advisory accounts.

ment adviser in relation to a transaction in which such investment adviser, or any person controlling, controlled by or under common control with such investment adviser, acts as a broker for both such advisory account and for another person on the other side of the transaction.

Section 206(3) of the Advisers Act makes it unlawful for any investment adviser, by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly—

acting as principal for his own account, knowingly to sell any security to or purchase any security from a client, or acting as broker for a person other than such client, knowingly to effect any sale or purchase of any security for the account of such client, without disclosing in writing to such client before the completion of such transaction the capacity in which he is acting and obtaining the consent of the client to such transaction. The prohibitions of this paragraph

* * * * *

(3) shall not apply to any transaction with a customer of a broker or dealer if such broker or dealer is not acting as an investment adviser in relation to such transaction.

In Advisers Act Release No. 40, dated February 5, 1945, 11 FR 10997 (September 27, 1946) ("Release No. 40"), the staff stated its opinion that an investment adviser who, as principal or as agent for another, effects a transaction with or for a client is required to obtain the client's consent in accordance with section 206(3) of the Advisers Act on the basis of full disclosure of any adverse interest of the investment adviser.

Release No. 40 further stated the staff's opinion that such disclosure should include, as a minimum: the capacity in which the investment adviser proposes to act; the cost of the security to the investment adviser where he proposes to sell as principal, the price he expects to receive on resale where the investment adviser proposes to buy from his client, or the total commission to the investment adviser where he proposes to act as an agent for another; and the best price at which the transaction could be effected by or for the client elsewhere if such price is more advantageous. Moreover, according to Release No. 40, except where no advice is rendered as to the particular transaction, the Advisers Act requires that the disclosure of capacity (although not the other disclosures) be given in writing and the client's consent be obtained before the completion of each separate transaction.

Since the publication of Release No. 40, both the investment advisory business and the securities business have undergone many changes. The Commission recognizes that in light of those changes, and particularly the unbundling of advisory services offered by certain broker-dealers, some modification of the earlier staff interpretation of section 206(3), as set forth in Release No. 40, is appropriate.[3]

An agency cross transaction for an advisory account which is negotiated by an investment adviser at arm's-length with an independent third person is subject to many of the checks of free and competitive forces. For example, in arm's-length negotiations by an investment adviser acting in the best interests of his advisory client, the negotiated price should approximate the best price available in the open market, an independently determinable gauge of performance. An investment adviser proposing to effect such a transaction in a competitive market must act immediately based upon current market prices. Therefore, he would not be able to secure an advisory client's prior consent based upon specific written disclosure, and at the same time take advantage of the current market prices. Opportunities to effect possible "best executions" for advisory clients thus may be lost, and, as a practical matter, the investment adviser will be unable to effect the cross transaction on behalf of the advisory client. This appears to be contrary to the purposes for which the client may have established such account.

In contrast, where an investment adviser effects a transaction as principal with his advisory account client, the terms of the transaction are necessarily not established by arm's-length negotiations. Instead, the investment adviser is in a position to set, or to exert influence potentially affecting, the terms by which he participates in such trade. The pressures of self-interest which may be present in such principal transactions may require the prophylaxis of the disclosures specified in Release No. 40.[4] Moreover, since such transactions do not require immediate action in a competitive market, the investment adviser has sufficient opportunity to secure the client's specific prior consent.

Accordingly, the Commission proposes to adopt Rule 206(3)-2 as a nonexclusive method for compliance with section 206(3) of the Advisers Act in connection with certain agency cross transactions for advisory accounts. The proposed rule provides that an investment adviser would be deemed to be in compliance with section 206(3) of the Advisers Act in effecting a cross transaction for an advisory account if the transaction is effected pursuant to a written consent for a period not to exceed one year and executed by the advisory client after full written disclosure of the nature of such transaction and the effect of such investment adviser's acting as agent for both parties.[5]

In addition, as discussed below, the investment adviser must send to the advisory client specified written confirmations and other statements. The purpose of this information is to afford the client a basis for determining whether to continue or revoke the written consent for agency cross transactions. Therefore, each written disclosure and confirmation required by the proposed rule must include a prominent legend clearly stating that the client's written consent authorizing agency cross transactions for the advisory account may be revoked at any time by written notice to the investment adviser.

The written confirmation required by the proposed rule must be sent at or before the completion of each agency cross transaction. It must include a statement of the nature of such transaction, the date and time when the transaction took place, and the source and the amount of any commission or other remuneration received or to be received by the investment and any other person relying on this rule in connection with the transaction.

The rule also would require the investment adviser to send to each advisory client, within thirty days prior to the expiration of the written consent and with any written statement or summary of the account from the investment adviser, a written disclosure statement identifying each agency cross transaction, including the dates thereof and the sources and amounts of any commission or other remuneration received or to be received by the investment adviser and any other person relying on this rule in connection with each such transaction.

Proposed Rule 206(3)-2 should not be construed as relieving the investment adviser or another person relying on the rule from acting in the best interests of the advisory client, including fulfilling the duty to obtain the best price and execution for the particular transaction for the advisory account. Nor should it be viewed as relieving any person or persons from any disclosure obligation which may be imposed by Sections 206(1) or 206(2) of the Advisers Act [15 U.S.C. 80b-6(1), 80b-6(2)] or by other applicable provisions of the federal securities laws.

Moreover, the proposed rule would not be applicable to transactions in which an investment adviser acts as a principal in effecting a transaction for his own account. An investment adviser who has a relationship of trust and confidence with his client and as principal sells to that client securities which it recommended the client purchase is required to disclose to such client the nature and extent of his adverse interest in the transaction; and such disclosure should generally include (1) the best price at which the securities could be purchased in the open market, if such price is more advantageous to the client,

[3] *See*, Advisers Act Release No. 470 (August 20, 1975), 40 FR 38158-9 (August 27, 1975).

[4] See, Advisers Act Release No. 470 (August 20, 1975), 40 FR 38158 (August 27, 1975) and Release No. 40.

[5] The adequacy of such disclosure depends on the materiality of the facts in each situation and upon the investment adviser's relationship with his clients. See, Advisers Act Release No. 470 (August 20, 1975), 40 FR 38158-9 (August 27, 1975). However, the staff believes that such disclosure must, as a minimum, describe the procedure for effecting such transactions, inform the advisory client of his ability to seek execution of recommended transactions through other broker-dealers, and identify any potential sources of remuneration to the investment adviser or any person relying on this rule in effecting such transactions.

and (2) the cost to the broker-dealer of the securities to be sold.[6] Furthermore, compliance with Section 206(3) of the Advisers Act requires that disclosure of a principal transaction must be in writing and that the client's consent be specifically obtained before completion of each such transaction.[6]

The proposed rule also would not be applicable to agency cross transactions in which both a buyer and a seller are advised in relation to such transaction by the same investment adviser, or by any person controlling, controlled by or under common control with such investment adviser. Here, as in a principal transaction, the checks of arm's-length bargaining are not necessarily present.[7] However, if all such accounts are on the same side of the transaction—that is, they are either *all* buyers or *all* sellers in such transaction—the proposed rule would be applicable.

The text of Rule 206(3)-2, which the Commission proposes to adopt pursuant to Sections 206A and 211(a) of the Advisers Act, [15 U.S.C. 80b-6a, 80b-11(a)][8] is as follows:

§ 275.206(3)-2 Agency cross transactions for advisory accounts.

(a) An investment adviser registered under section 203 of the Act [15 U.S.C. 80b-3] and also registered as a broker-dealer under section 15 of the Securities Exchange Act of 1934 [15 U.S.C. 78o] shall be deemed in compliance with the provisions of section 206(3) of the Act [15 U.S.C. 80b-6(3)] in effecting an agency cross transaction for an advisory account; if:

(1) The advisory client has executed a written consent prospectively authorizing for a period not to exceed one year the investment adviser, or any other person relying on this rule, to effect agency cross transactions for such advisory account, provided that such written consent is obtained after full written disclosure of the nature of agency cross transactions, including the effect of the investment adviser or such other person acting as broker for both parties to such transactions;

(2) The investment adviser sends to each such client a written confirmation at or before the completion of each such transaction, which confirmation includes a statement of the nature of such transaction, the date and time when such transaction took place, and the source and amount of any commission or other remuneration received or to be received by the investment adviser and any other person relying on this rule in connection with such transaction;

(3) The investment adviser sends to each such client, within thirty days prior to the expiration of the written consent referred to in subparagraph (1) of this section and with any written statement or summary of such account from the investment adviser, a written disclosure statement identifying each such transaction, including the dates thereof and the sources and amounts of any commission or other remuneration received or to be received by the investment adviser and any other person relying on this rule in connection with each such transaction;

(4) Each written disclosure and confirmation required by this rule includes a prominent legend clearly stating that the written consent referred to in subparagraph (1) of this section may be revoked at any time by written notice to the investment adviser from the advisory client; and

(5) No such transaction is effected in which both any seller and any purchaser are advised in relation to such transaction by the same investment adviser or any person controlling, controlled by or under common control with such investment adviser.

(b) For purposes of this rule the term "agency cross transaction for an advisory account" shall mean a transaction in which a person acts as an investment adviser in relation to a transaction in which such investment adviser, or any person controlling, controlled by or under common control with such investment adviser, acts as a broker for both such advisory account and for another person on the other side of the transaction.

NOTE: This rule shall not be construed as relieving in any way the investment adviser or another person relying on this rule from acting in the best interests of the advisory client, including fulfilling the duty to obtain the best price and execution for the particular transaction for the advisory account; nor shall it relieve such person or persons from any disclosure obligation which may be imposed by subparagraphs (1) or (2) of section 206 of the Act or by other applicable provisions of the federal securities laws.

All interested persons are invited to submit their views and comments on the above proposal in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before January 14, 1977. All such communications should refer to File No. S7-662 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 2, 1976.

[FR Doc.76-36114 Filed 12-8-76;8:45 am]

[6] *See*, Arleen W. Hughes, 27 SEC 629 (1948), *aff'd sub. nom.* Hughes v. SEC, 174 F. 2d 969 (D.C. Cir. 1949). The extent of disclosure required depends on the materiality of the facts in each situation and upon the investment adviser's relationship with his clients. Advisers Act Release No. 470 (August 20, 1975).

[6] Advisers Act Release No. 40.

[7] *Cf.*, Norris & Hirshberg, Inc., 21 SEC 865, 886-7 (1946), *aff'd sub. nom.* Norris & Hirshberg, Inc. v. SEC, 177 F. 2d 228 (D.C. Cir. 1949).

[8] Pursuant to section 206A of the Advisers Act, the Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of the Advisers Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of invsetors and the purposes fairly intended by the policy and provisions of the Advisers Act. Section 211(a) of the Advisers Act provides that the Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in the Advisers Act; and that for the purposes of its rules or regulations the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 123]

CUSTOMS RELATIONS WITH CANADA AND MEXICO

Notice of Proposed Amendment of The Customs Regulations Relating to United States and Canada In-Transit Truck Procedures

Notice is hereby give that under the authority of R.S. 251, as amended (19 U.S.C. 66) and section 554, 624, 46 Stat. 743, 759 (19 U.S.C. 1554, 1624), it is proposed to amend paragraph (a) of § 123.41 of the Customs Regulations to require trucks transiting Canada while proceeding between points in the United States to present a manifest at the United States port of departure. The amendment is proposed because § 123.41(a) presently fails to adequately protect the revenue.

As written, § 123.41(a) permits trucks transiting Canada while proceeding between points in the United States to depart the United States without presenting a manifest at the United States port of departure. It has been determined that this procedure may permit merchandise to enter the United States without payment of duty, and that more adequate control of such merchandise is necessary. To achieve this purpose, it is necessary to require that such trucks stop and present the manifest at the United States port of departure.

Accordingly, it is proposed to amend paragraph (a) § 123.41 to read as follows:

§ 123.41 Truck shipments transiting Canada.

(a) *Manifest required.* Merchandise in sealable truckload and less than truckload shipments transported in trucks intending to transit Canada while proceeding between United States points shall be manifested on Customs Form 7512-B, Canada 8½. Upon departure from the United States, the Customs Form 7512-B, Canada 8½ shall be presented to Customs.

* * * * *

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration of such communications, they must be received by the United States Customs Service not later than January 10, 1976.

Written material or suggestions will be available for public inspection in accordance with § 103.8(b) of the Customs Reg-

ulations (19 CFR 103.8(b), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

Approved: November 19, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-36175 Filed 12-8-76;8:45 am]

DEPARTMENT OF JUSTICE

Parole Commission

[28 CFR Part 2]

PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS

Youth Offenders and Juvenile Delinquents

Correction

In FR Doc. 76-35294, appearing at page 52889 in the FEDERAL REGISTER of December 2, 1976, Item A of the Salient Factor Score (at page 52890) was incorrectly given. The corrected Item A is set forth below:

Item A:

No prior convictions (adult or juvenile	3
One prior conviction	2
Two or Three prior convictions	1
Four or more prior convictions	0

Dated: December 6, 1976.

CURTIS C. CRAWFORD,
Acting Chairman,
U.S. Parole Commission.

[FR Doc. 76-36286 Filed 12-8-76; 8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 211]

COAL MINING OPERATING REGULATIONS

Adoption of Cooperative Agreement With Wyoming for the Enforcement and Administration of Surface Coal Mine Reclamation Standards

On May 17, 1976, the Department of the Interior adopted new regulations to govern the management of federally owned coal resources. 41 FR 20252 (1976). Those regulations authorize the Department to enter into cooperative agreements with states in which federal coal leases have been or will be issued for the purpose of avoiding duality in the administration and enforcement of surface coal mine reclamation operations. 30 CFR 211.75(b).

The Secretary and the Governor of Wyoming have completed the negotiation of a Cooperative Agreement under this authority. The Agreement provides that the State of Wyoming will be principally responsible for administration and enforcement of surface coal mine reclamation operations on federal coal leases in Wyoming.

In the regulations promulgated on May 17, 1976, the Department also established a procedure by which the Department could adopt the principal substantive, on-the-ground standards of a state's reclamation law as the federal standards for operations on federal coal leases in the state, as long as the state's requirements afforded "general protection of environmental quality and values at least as stringent as would occur under exclusive application of [the federal standards]." 30 CFR 211.75(a). In an advance notice of proposed rulemaking, the Department explained what steps it would take to determine whether it would adopt the requirements of a State's reclamation law. 41 FR 27993 (1976).

Under these procedures, on August 24, 1976, the Department proposed to adopt the substantive requirements of Wyoming's coal mine reclamation law. 41 FR 35716 (1976). By rulemaking separately published today, the Department has adopted these requirements as proposed. These substantive standards are incorporated into this proposed rulemaking as Appendix A, which will, if this proposal is adopted, become the substantive standards which the State of Wyoming will enforce and administer under the provisions of this Cooperative Agreement.

The Department regards four elements as central to a Cooperative Agreement for the administration and enforcement of surface coal mine reclamation standards: mine plans; inspections; enforcement provisions; and bonding requirements. The Department has reviewed Wyoming's law, and believes that the State of Wyoming is capable of administering and enforcing reclamation operations on federal coal lease in Wyoming in such a way that federal interests are protected.

Although the proposed Agreement grants the State the principal authority for administering and enforcing reclamation operations, we note the following. First, the Federal Coal Leasing Amendments Act of 1975, Pub. L. 94-377, requires the Secretary to approve the mining plan of a federal lessee. Article IV, section C states the Secretary's duty to review and approve mining plans independently from state review and approval. The Agreement does avoid the application of conflicting standards by allowing the submission of one mining plan to the State and the Department.

Second, the Department retains its authority to establish the amount of the performance bond to be imposed. Article VII, section A avoids the imposition of double bonds by providing that the Department's bond requirement, if higher than the State's, will only be for the amount of the difference between the two amounts.

Third, the Department feels that variances are procedural and administrative, and not substantive requirements. The proposal to adopt Wyoming's substantive standards excluded variances. 41 FR 35716 (1976). Variance procedures are treated in Article IV of this Agreement.

The proposal contains chiefly the text of the Cooperative Agreement, but it also contains proposed technical changes in 30 CFR 211.10 and 211.74 to conform those rules to the fact that the Cooperative Agreement, if adopted, will contain the requirements of a federal lessee's mining plan in Wyoming.

This proposed rulemaking does not explicitly amend 43 CFR Subpart 3041, but the Department wishes to state that the enforcement and administration provisions of that Subpart will be administered consistently with the changes in 30 CFR Part 211 proposed here.

The environmental impacts of this proposed action are discussed in the final Environmental Impact Statement, Surface Management of Coal Resources (43 CFR Subpart 3041) and Coal Mining Operating Regulations (30 CFR Part 211) (1976). NEPA does not require, and the Department has not prepared, a separate impact statement for this action.

The Department believes that this Cooperative Agreement can promote both coal production and proper surface coal mine reclamation by eliminating duplication in the administration and enforcement of reclamation laws.

The Department will accept and consider written comments on the proposed rulemaking until January 10, 1977. The comment period will not be extended. Comments should be directed to Deputy Under Secretary Lyons, Chairman, Task Force on the Determination of State Role in Federal Surface Coal Mine Programs, Department of the Interior, Washington, D.C. 20240.

Dated: December 2, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

1. Accordingly, it is proposed that 30 CFR 211.10 be amended by the addition of a subsection (e) to read as follows:

§ 211.10 Exploration and mining plans.

* * * * *

(e) *States with 211.75(b) agreements.* (1) Wyoming. A federal coal lessee in the State of Wyoming who must submit a mining plan or permit under both State and federal law shall submit, in lieu of the mining plan required in this section, a mining plan containing the information required by:

(i) Wyo. Stat. section 35-502.24(a), (b)(i)-(ix);

(ii) Wyo. Land Quality Reg., Chapter VI;

(iii) 30 CFR 211.10(c)(3)(ii), 6(i), (iv)-(vi), (xii), (xiv)-(xv); and

(iv) 30 CFR 211.10(c)(7)(iii), (v)-(vi); and a statement certifying that a copy of the plan or permit application has been given to both the Governor and the Secretary.

2. It is proposed that 30 CFR 211.74 be amended by the addition of a subsection (g) to read as folows:

§ 211.74 Variances.

* * * * *

(g) States with 211.75(b) agreements.

(1) Wyoming. A federal coal lessee in the State of Wyoming shall request and receive variances from the State of Wyoming and the Secretary under the provisions of Wyo. Stat. section 35-502.45.

3. It is proposed that the Department enter into and aprove a Cooperative Agreement to designate the State of

Wyoming as the principal party to administer surface coal mine reclamation operations on federal leases in Wyoming, to read as follows:

COOPERATIVE AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE STATE OF WYOMING

(Under section 32 of the Mineral Leasing Act of 1920 (30 U.S.C. section 189, and section 307); the Federal Land Policy and Management Act of 1976 (43 U.S.C. section 1737).)

This agreement (referred to as the Cooperative Agreement) is made under Section 32 of the Mineral Leasing Act of 1920, 30 U.S.C. Section 189, 30 CFR 211.75, and Section 307 of the Federal Land Policy and Management of 1976, between the State of Wyoming, acting by and through Ed Herschler, Governor (hereinafter referred to as the Governor) and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the Secretary).

ARTICLE I

PURPOSE

This agreement provides for a cooperative program between the United States Department of the Interior and the State of Wyoming with respect to the administration and enforcement of surface coal reclamation operations conducted under coal leases issued by the Department of the Interior under the Mineral Leasing Act of 1920. The basic purpose of the agreement is to prevent duality of administration and enforcement of surface reclamation requirements by designating the State of Wyoming as the principal entity to enforce reclamation laws and regulations in Wyoming.

ARTICLE II

EFFECTIVE DATE

The Cooperative Agreement is effective on the _____ day of _____, 19____, and remains in effect until terminated as provided in Article IX.

ARTICLE III

REQUIREMENTS FOR COOPERATIVE AGREEMENT

The Governor affirms that the State will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article upon which the approval of the Secretary is based.

A. *Responsible Administrative Agency.* The Department of Environmental Quality and the Environmental Quality Council (hereinafter referred to as "State Agency"), is, and shall continue to be, the sole agency responsible for administering this Cooperative Agreement on behalf of the Governor throughout the State.

B. *Authority of State Agency.* The State Agency designated in Paragraph A of this Article has, and shall continue to have, authority to carry out this Cooperative Agreement.

C. *State Reclamation Law.* The reclamation requirements of Wyoming listed in Appendix A afford general protection of the environment at least as stringent as would occur under the exclusive application of 30 CFR Part 211, and do not unreasonably impair the mining of federally leased coal, the mining of which is in the overriding national interest.

D. *Effectiveness of State Procedures.* The existing procedures of the State are, and shall continue to be, in the judgment of the Secretary substantially as effective for the purpose of enforcing the reclamation requirements listed in Appendix A as the procedures of the Department of the Interior.

E. *Inspection of Mines.* The Governor affirms that the State will inspect all mines located in the State, in accordance with the minimum schedules in Article V.

F. *Enforcement.* The State affirms that it will enforce the Agreement in a manner that ensures effective environmental protection.

G. *Qualified Personnel.* The State Agency has and shall continue to have an adequate number of fully qualified personnel necessary for the enforcement of this Cooperative Agreement.

H. *Funds.* The State has devoted and will continue to devote, adequate funds to the administration and enforcement of reclamation requirements in the State.

I. *Reports and Records.* The State Agency shall make reports to the Secretary containing information respecting its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The Governor shall also make available to the Secretary, upon request, information developed under the Cooperative Agreement.

The Secretary affirms that the Department of the Interior will comply with all of the provisions of this Cooperative Agreement.

ARTICLE IV

MINE PLANS

Federal regulations, 30 CFR 211.10 (b) and (c), and State laws and regulations require the operator of lands leased, permitted or licensed for coal mining or exploration to receive approval of a mining plan or permit prior to conducting operations.

A. *Contents of Mining Plans and Permits.* The Governor and the Secretary agree to require a federal coal lessee who must submit a mining plan or permit application under both State and federal law to submit an application, plan or permit with the following minimum information:

1. The information required by:

a. Wyo. Stat. Section 35-502.24 (a), (b) (i)-(ix);

b. Wyo. Land Quality Reg., Chapter VI;

c. 30 CFR 211.10(c) (3) (ii), (6) (i), (iv)-(vi), (xii), (xiv), (xv);

d. 30 CFR 211.10(c) (7) (iii), (v), (vi).

2. A Statement certifying that a copy of the plan or permit application has been given to both the Governor and the Secretary.

If either the Governor or the Secretary requires the operator to submit additional information, the operator shall submit the information to both the Governor and the Secretary. The operator will request variances from the mining plan in accordance with the provisions of Wyo. Stat. Section 35-502.45, and will file the request with the Governor and the Secretary.

B. *Review of Plan.* The Governor and the Secretary shall each review and analyze the adequacy of the plan, or request for a variance from the plan.

C. *Approval of Mining Plans.* The Governor shall review the mining plan, or request for a variance, as provided in Articles 4 and 6 of the Wyoming Environmental Quality Act (W.S. 35-502.20 to 35-502.41, and 35-502.45), and shall notify the Secretary of his action pursuant to such Act. The Secretary shall then independently review and take action on the mining plan, or request for a variance, acted on by the Governor. The Secretary shall notify the Governor of his action.

ARTICLE V

INSPECTIONS

A. The Governor shall inspect as authorized by Wyo. Stat. 35-502.9 as frequently as necessary but at least quarterly the operations area of all federal leases, permits and licenses where operations affecting the reclamation of mined lands are conducted or to be conducted, for the purpose of determining whether the operator is complying with all applicable laws, regulations and orders and all requirements of approved exploration or mining plans that affect the reclamation of mined lands.

B. The Governor will, subsequent to conducting any inspection, file with the Secretary a report on (1) the general conditions of the lands under lease, permit, and license (2) the manner in which the operations are being conducted, and (3) whether the operator is complying with applicable reclamation requirements. A copy of this report shall be furnished to the operator on request, and shall be made available for public inspection during normal business hours at the offices of the Mining Supervisor.

C. For the purpose of evaluating the manner in which the Cooperative Agreement is being carried out and to insure that reclamation is being effectively performed, the Secretary may inspect from time to time mines within the State. Inspections by the Secretary may be made in association with regular inspection by the State.

D. The Secretary may conduct inspections to determine whether the operator is complying with requirements that are unrelated to reclamation.

ARTICLE VI

ENFORCEMENT

A. If the Governor determines that the operator is not complying with a requirement that relates to the reclamation of lands disturbed by surface mining, he shall take such steps as required by Wyo. Stat. 35-502.46, 49.

B. If, in the judgment of the Governor, an operator is conducting activities on lands subject to this agreement which fail to comply with a requirement that relates to reclamation and those activities threaten immediate and serious damage to the environment, the State shall order the immediate cessation of such activities, as authorized by Wyo. Stat. 35-502.15.

C. The State shall notify the Secretary of all violations of applicable laws regarding reclamation including violations of federal laws and regulations or lease terms and of all actions taken under Wyo. Stat. 35-502.46, 49.

D. This section does not limit the Secretary's authority to seek cancellation of a federal coal lease under federal laws and regulations, or prevent the Secretary from taking appropriate steps to correct actions that violate federal, but not State law.

E. Failure to adequately enforce the reclamation laws and regulations shall be grounds for termination of this Agreement.

ARTICLE VII

BONDS

A. *Amount and Responsibility.* The Governor shall require all federal coal lessees subject to the provisions of 30 CFR Part 211 to submit a bond as required by Wyo. Stat. 35-502.34. The Secretary shall reduce the federal bond required for reclamation purposes under 43 CFR 3041.3, and 30 CFR 211.3, by the amount of the bond required by the Governor.

B. *Notification.* Prior to releasing the bond required by Wyo. Stat. 35-502.34 for lands the surface of which is owned by the federal government, the Governor shall consult with and seek the advice and consent of the Secretary.

C. *Release of Bond.* The Governor shall hold the operator responsible and liable for successful reclamation as required by Wyo. Stat. 35-502.40.

ARTICLE VIII

OPPORTUNITY TO COMPLY WITH COOPERATIVE AGREEMENT

The Secretary may, in his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Agency that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State has failed to comply and shall specify and state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State has remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. Upon failure of the State Agency to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

ARTICLE IX

TERMINATION OF COOPERATIVE AGREEMENT

The Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* The Cooperative Agreement may be terminated by the State upon written notice to the Secretary, specifying the date upon which the State plan shall be terminated, but which date of termination shall not be less than 30 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary whenever the Secretary finds, after giving due notice to the State and affording the State an opportunity for a hearing:

1. That the State has failed to comply substantially with any provision of the Cooperative Agreement; or

2. That the State has failed to comply with any assurance given by the State upon which the Cooperative Agreement is based, or any condition or requirement which is specified in Article III; or

3. That State action unrelated to surface coal mine reclamation will unreasonably and substantially prevent the mining of federal coal.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law when no longer authorized by federal laws and regulations.

D. *Notice of Proposed Termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Agency specified in Article III.

2. Specify and set out in the written notice the grounds upon which he proposes to terminate the Cooperative Agreement.

3. Specify the date upon which and the place where the State will be afforded an opportunity for hearing and to show cause why the Cooperative Agreement should not be terminated by the Secretary. The date upon which such hearing shall be held shall be not less than 30 days from the date of such notice, and the place of hearing shall be in the State.

4. The Secretary shall also publish a notice in the FEDERAL REGISTER containing the items in 1–3 of this paragraph.

5. Within 20 days of the date of the written notice specifying the date of the hearing, the State shall file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within 30 days shall constitute a waiver of the opportunity for hearing, but the State may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in person and present oral or written statements, and other documents relative to the proposed termination.

E. *Conduct of Hearing.* The hearing will be conducted by the Secretary. A record shall be made of the hearing and the State shall be entitled to obtain a copy of the transcript. The State shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, documents, records, and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.* After a hearing has been held, or the right to a hearing has been waived or forfeited by the State, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the State of his decision. If the Secretary determines to withdraw approval of the Cooperative Agreement, he shall notify the State Agency of his intended withdrawal of approval of the Cooperative Agreement, and afford the State an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in its administration of the Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State for a hearing.

ARTICLE X

REINSTATEMENT OF COOPERATIVE AGREEMENT

The Cooperative Agreement which has been terminated may be reinstated upon application by the State and upon giving evidence satisfactory to the Secretary that the State can and will comply with all the provisions of the Cooperative Agreement plan and has remedied all defects in administration for which the Cooperative Agreement was terminated.

ARTICLE XI

AMENDMENTS OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be amended by mutual agreement of the Governor and Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The amendment shall be adopted after rulemaking and the party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection.

ARTICLE XII

CHANGES IN STATE OR FEDERAL STANDARDS

The Secretary of the Interior and/or the State of Wyoming may from time to time revise and promulgate new or revised reclamation requirements or enforcement and administration procedures. The Secretary and the Governor shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes. For changes which require legislative authorization, each party has until the close of its next legislative session at which such legislation can be considered in which to make the changes. If such changes are not made, then the termination provision of Article IX may be invoked.

ARTICLE XIII

QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

The State Agency shall be adequately staffed with, or have readily available to it an adequate number of qualified personnel to carry out fully the requirements of the Cooperative Agreement. The personnel of the State Agency shall be so qualified that the end result of their efforts is comparable to that which would have resulted from administration by Department of Interior personnel

ARTICLE XIV

CONFLICT OF INTEREST

No member of the State Agency or agencies responsible for the administration of the State law and rules and regulations relating to this Cooperative Agreement shall participate in the review, analysis, administration, decision-making, or enforcement actions relating to any operation subject to this Cooperative Agreement if such person has, directly or indirectly, any financial interest in a company, partnership, organization, or corporation (parent or subsidiary which owns, operates or has a financial interest in such operation subject to this Cooperative Agreement.

ARTICLE XV

EQUIPMENT AND LABORATORIES

The State Agency shall have equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, analyses, can be performed or determined, and which are necessary to carry out the requirements of the Cooperative Agreement or have access to such facilities and personnel.

ARTICLE XVI

EXCHANGE OF INFORMATION

A. *Organizational and Functional Statement.* The State Agency and the Secretary shall advise each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall advise promptly the other in writing of changes in personnel, officials, heads of a department or division, or a change in the functions or duties of persons occupying the principal offices within the organization. The State Agency and the Secretary shall advise each other in writing the location of its various offices, addresses, telephone numbers, and the names, location, telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and shall advise promptly of any changes in such.

B. *Laws, Rules and Regulations.* The State Agency and the Secretary shall provide to each other copies of their respective laws, rules, regulations and standards pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations, and standards when the revision becomes effective.

ARTICLE XVII

RESERVATION OF RIGHTS

This Cooperative Agreement shall not be construed as waiving or preventing the as-

sertion of any rights the Governor and the Secretary may have under the Mineral Leasing Act or the Constitution of the United States. Furthermore, this Cooperative Agreement neither alters, expands, nor diminishes the rights, duties, and obligations of the parties hereto as set forth in the stipulation and Consent Decree entered in *Herschler, et al.* v. *Kleppe*, Docket No. C76-108B (Suit filed June 9, 1976, D. Wyoming).

ED HERSCHLER,
Governor,
State of Wyoming.
THOMAS S. KLEPPE,
Secretary,
Department of the Interior.

APPENDIX A

1. Wyo. Stat. 35-502.3(e)(i).
2. Wyo. Stat. 35-502.21(a)(i)-(vi).
3. Wyo. Stat. 35-502.24:I.
4. Wyo. Stat. 35-502.32(b)(ii)-(ix).
5. Wyo. Land Quality Reg. II-1b.
6. Wyo. Land Quality Reg. II-2a (1), (2).
7. Wyo. Land Quality Reg. II-3 through 5.
8. Wyo. Land Quality Reg. III-1 through 4, 6 through 7.
9. Wyo. Land Quality Reg. IV-1.
10. Wyo. Land Quality Reg. VIII-1.

[FR Doc.76-36131 Filed 12-8-76;8:45 am]

[30 CFR Part 226]

UNIT OR COOPERATIVE AGREEMENTS

Proposed Revision

The Department of the Interior is considering revision of the regulations contained in Part 226—UNIT OR COOPERATIVE AGREEMENTS in order that said regulations might better reflect current procedures and practices followed by the United States Geological Survey in its processing and approval of agreements affecting the unitization of Federal oil and gas interest in accordance with the Mineral Leasing Act of February 25, 1920, and the subsequent amendments thereto (30 U.S.C. 226j).

Interested persons, companies, and associations may participate in this proposed rulemaking by submitting written comments, recommendations, or objections with respect to proposed revised Part 226 to the Director, United States Geological Survey, 12201 Sunrise Valley Drive, Reston, Virginia 22092. Written comments, recommendations, and objections should be submitted in sufficient time to assure their receipt by the Director on or before March 8, 1977.

Part 226 of Title 30 of the Code of Federal Regulations is revised to read as follows:

PART 226—UNIT OR COOPERATIVE AGREEMENTS—OIL AND GAS (INCLUDING SUGGESTED FORMS)

Sec.

226.1 Scope and jurisdiction.
226.2 Definitions.
226.3 Designation of area.
226.4 Preliminary consideration of agreements.
226.5 State land.
226.6 Qualifications of unit operator.
226.7 Parties to unit or cooperative agreements.
226.8 Approval of an executed unit or cooperative agreement.
226.9 Filing of papers and number of counterparts.
226.10 Bonds.
226.11 Appeals.
226.12 Form of unit agreement for unproved areas.
226.13 Sample form of Exhibit A of unit agreement.
226.14 Sample form of Exhibit B of unit agreement.
226.15 Collective bond form.
226.16 Form for designation of successor unit operator, by working interest owners.
226.17 Form for change in unit operator by assignment.

AUTHORITY: The provisions of this Part 226 issued under sec. 32, 41 Stat. 450; (30 U.S.C. 189); sec. 10, 61 Stat. 915; and (30 U.S.C. 359). Interpret or apply sec. 5, 60 Stat. 952; (30 U.S.C. 226j).

§ 226.1 Scope and jurisdiction.

(a) Scope. The regulations in this part prescribe the procedure to be followed and the requirements to be met by holders of Federal oil and gas leases and their representatives who wish to unite with each other, or jointly or separately with others in collectively adopting and operating under a cooperative or unit plan for the development of any oil or gas pool, field, or like area, or any part thereof. Such agreements may be initiated by lessees, or where in the interest of conserving natural resources they are deemed necessary, they may be required by the Conservation Manager, United States Geological Survey.

(b) Jurisdiction. Subject to the supervisory authority of the Secretary and the Director, the administration of the regulations in this part shall be under the jurisdiction of the Supervisor. In the exercise of his jurisdiction, the Supervisor shall be subject to the direction and supervisory authority of the Chief, Conservation Division, Geological Survey, and the appropriate Conservation Manager, Conservation Division, Geological Survey, each of whom may exercise the jurisdiction of the Supervisor.

§ 226.2 Definitions.

The following terms, as used in this part or in any agreement approved under the regulations in this part, shall have the meanings here indicated unless otherwise defined in such agreement:

(a) *Unit agreement.* An agreement or plan of development and operation for the recovery of oil and gas made subject thereto as a single consolidated unit without regard to separate ownerships and which provides for the allocation of costs and benefits on a basis defined in the agreement or plan.

(b) *Cooperative agreement.* An agreement or plan of development and operation for the recovery of oil and gas made subject thereto in which separate ownership units are independently operated without allocation of production.

(c) *Agreement.* For convenience, the term "agreement" as used in the regulations in this part refers to either a unit or a cooperative agreement as defined in paragraphs (a) and (b) of this section unless otherwise indicated.

(d) *Federal lease.* A lease issued under the act of February 25, 1920, as amended (41 Stat. 437, as amended; 30 U.S.C. 181, et seq.), or the act of August 7, 1947 (61 Stat. 913; 30 U.S.C. 351, et seq.).

(e) *Unit area.* The area described in a unit agreement as constituting the land logically subject to development under such agreement.

(f) *Unitized land.* The part of a unit area subject to the unit agreement.

(g) *Unitized substances.* Deposits of oil and gas recovered from unitized land and pursuant to a unit agreement.

(h) *Unit operator.* The person, association, partnership, corporation, or other business entity designated under a unit agreement to conduct operations on unitized land as specified in such agreement.

(i) *Participating area.* That part of a unit area which is deemed to be productive from a horizon or deposit and to which production would be allocated in the manner described in the unit agreement, assuming that all lands are committed to the unit agreement.

(j) *Working interest.* The interest held in oil and gas resources or in lands containing the same by virtue of a lease, operating agreement, fee title, or otherwise, under which, except as otherwise provided in a unit or cooperative agreement, the owner of such interest is vested with the right to explore for, develop, and produce such resources. The right delegated to the unit operator as such by the unit agreement is not to be regarded as a working interest.

(k) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise powers vested in that officer.

(l) *Director.* The Director of the United States Geological Survey.

(m) *Manager.* The Conservation Manager for the Conservation Division of the United States Geological Survey having jurisdiction over lands made subject to an agreement.

(n) *Supervisor.* The Oil and Gas Supervisor, Conservation Division of the Geological Survey; a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to supervise and direct oil and gas operations and to perform other duties prescribed in the regulations in this part.

§ 226.3 Designation of Area.

An application for designation of an area as logically subject to exploration, development, and/or operation under a unit or cooperative agreement may be filed in triplicate by any proponent of such an agreement through the Supervisor. Each copy of the application shall be accompanied by a map or diagram on a scale of not less than 1 inch to 1 mile, outlining the area sought to be designated under this section. The Federal, State, and privately owned land should be indicated on said map by distinctive symbols or colors, and Federal oil and gas leases and lease applications should

be identified by serial number. Geological information, including the results of geophysical surveys, and such other information as may tend to show that unitization is necessary and advisable in the public interest should be furnished in triplicate. Geological and geophysical information and data so furnished will not be available for public inspection without the consent of the proponent. The application and supporting data will be considered by the Manager, and the applicant will be informed of the decision reached. The designation of an area, pursuant to an application filed under this section, shall not create an exclusive right to submit an executed agreement for such area, nor preclude the inclusion of such area or any part thereof in another unit area.

§ 226.4 Preliminary consideration of agreements.

(a) The form of unit agreement set forth in § 226.12 is acceptable for use in unproved areas. The use of this form is not mandatory, but any proposed departure therefrom should be submitted with the application submitted under § 226.3 for preliminary consideration and for such revision as may be deemed necessary. In areas proposed for unitization in which a discovery of oil or gas has been made or where a cooperative agreement is contemplated, the proposed agreement should be submitted with the application submitted under § 226.3 for preliminary consideration and for such revision as may be deemed necessary. The proposed form of agreement should be submitted in triplicate and should be plainly marked to identify the proposed variances from the form of agreement set forth in § 226.12 or the variances from a form of agreement furnished by the Supervisor for use as a model form of unit agreement.

(b) Whenever the Federal land involved in a unit of cooperative agreement accounts for less than 50 per cent of the acreage being made subject to the agreement, and whenever, if the field or area involved is fully developed, the Federal land has less than 50 per cent of the estimated recoverable reserves of oil and gas, the agreement may, with the approval of the Secretary or his duly authorized representative, make portions of the Operating Regulations, Part 221 of this chapter, inapplicable to operations under the agreement with respect to Federal land.

§ 226.5 State land.

Where State-owned land is to be unitized, approval of the agreement by appropriate State officials should be obtained prior to its submission to the Department for approval of the executed agreement. When authorized by the laws of the State in which the unitized land is situated, provisions may be made in the agreement accepting State laws to the extent that they are applicable to non-Federal unitized land.

§ 226.6 Qualifications of unit operator.

A unit operator must qualify as to citizenship in the same manner as those holding interests in oil and gas leases under the Mineral Leasing Act of February 25, 1920 (see 43 CFR 3102). The unit operator may be an owner of a working interest or such other party as may be selected by the owners of working interests made subject to the unit agreement. The unit operator shall execute an acceptance of the duties and obligations imposed by the agreement. No designation or selection of, or change in, a unit operator will become effective unless and until approved by the Supervisor, and no such approval will be granted unless the unit operator is deemed qualified to fulfill the duties and obligations prescribed in the agreement.

§ 226.7 Parties to unit or cooperative agreement.

The owners of any right, title, or interest in the oil and gas deposits to be unitized are regarded as proper parties to a proposed agreement. All such owners must be invited to join as parties to the agreement. If any owner fails or refuses to join the agreement, the proponent of the agreement should so advise the Supervisor at the time the executed agreement is submitted for approval, and submit evidence of reasonable efforts made to obtain joinder of such owner and the reasons for non-joinder.

§ 226.8 Approval of an executed unit or cooperative agreement.

(a) A duly executed unit or cooperative agreement will be approved by the Secretary, or his duly authorized representative, upon a determination that such agreement is necessary or advisable in the public interest and is for the purpose of more properly conserving natural resources. Such approval will be incorporated in a certificate appended to the agreement. No such agreement will be approved unless at least one of the parties is a holder of a Federal lease embracing lands made subject to the agreement and unless the parties signatory to the agreement hold sufficient interests in the area to give reasonably effective control of operations therein.

(b) Where a duly executed agreement is submitted for Departmental approval, a minimum of five signed counterparts should be filed. The same number of counterparts should be filed for documents supplementing, modifying, or amending an agreement, including change of unit operator, and notice of surrender, relinquishment, or termination.

(c) The address of each signatory party to the agreement should be inserted below the party's signature. Each signature should be attested by at least one witness, if not notarized. Corporate or other signatures made in a representative capacity must be accompanied by evidence of the authority of the signatories to act unless such evidence is already a matter of record with the United States Geological Survey. The parties may execute any number of counterparts of the agreement with the same force and effect as if all parties signed the same document, or may execute a ratification or consent in a separate instrument with like force and effect.

(d) Any modification of an approved agreement will require approval by the Secretary or his duly authorized representative under procedures similar to those cited in paragraph (a) of this section.

§ 226.9 Filing of papers and number of counterparts.

(a) All proposals and supporting papers, instruments, and documents submitted under this part should be filed with the Supervisor unless otherwise provided in this part or otherwise instructed by the Supervisor.

(b) Plans of further development and operation and proposed participating areas and revisions thereof should be submitted in quadruplicate.

(c) Each application for aproval of a participating area or revision thereof should be accompanied by three copies of a substantiating engineering and geologic report, structure-contour maps, cross sections, and other pertinent data.

(d) Other instruments or documents submitted for approval should be submitted in sufficient number to permit the approving official to return at least one approved counterpart.

§ 226.10 Bonds.

In lieu of separate bonds required for each Federal lease made subject to a unit agreement, the unit operator may furnish and maintain a collective corporate surety bond or a personal bond conditioned upon faithful performance of the duties and obligations of the agreement and the terms of the leases subject thereto. Personal bonds shall be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond, and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the obligations assumed. The liability under the bond shall be for such amount as the Supervisor shall determine to be adequate to protect the interests of the United States. Additional bond coverage may be required whenever deemed necessary by the Supervisor. The bond must be filed with and accepted by the Bureau of Land Management before operations will be authorized. A form of corporate surety bond is set forth in § 226.15. In cases where operations are covered by a personal bond or by a collective bond, changes of unit operator must be accompanied by new bond coverage or a consent of the surety to the change of principal under the existing bond must be furnished.

§ 226.11 Appeals.

An appeal may be taken as provided in Part 290 of this chapter from any order or decision issued under the regulations in this part.

§ 226.12 Form of unit agreement for unproved areas.

UNIT AGREEMENT FOR THE DEVELOPMENT AND OPERATION OF THE

_____ AREA

COUNTY OF _____

STATE OF _____

No. _____

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UNIT AGREEMENT FOR THE DEVELOPMENT AND OPERATION OF THE

_____ Area

County of _____

State of _____

No. _____

This agreement, entered into as of the _____ day of _____, 19____, by and between the parties subscribing, ratifying, or consenting hereto, and herein referred to as the "parties hereto,"

WITNESSETH:

WHEREAS the parties hereto are the owners of working, royalty, or other interests in oil and gas in the lands subject to this Agreement; and

WHEREAS the Mineral Leasing Act of February 25, 1920, (41 Stat. 437), as amended, (30 U.S.C. Secs. 181 et seq.), authorizes Federal lessees and their representatives to unite with each other, or jointly or separately with others, in collectively adopting and operating a cooperative or unit plan of development or operation of any oil or gas pool field, or like area, or any part thereof for the purpose of more properly conserving the natural resources thereof whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest; and

WHEREAS the parties hereto hold sufficient interests in the land hereinafter described as the _____

_____

Unit Area to give reasonably effective control of operations therein; and

WHEREAS it is the purpose of the parties hereto to conserve natural resources, prevent waste, and secure other benefits obtainable through development and operation of the lands subject to this Agreement under the terms, conditions, and limitations herein set forth;

NOW, THEREFORE, in consideration of the premises and the promises herein contained, the parties herto commit to this Agreement their respective interests in lands in the below-defined Unit Area, and agree severally among themselves as follows:

ARTICLE I

ENABLING ACT AND REGULATIONS

1. The Mineral Leasing Act of February 25, 1920, as amended, supra, and all valid pertinent regulations, including operating and unit plan regulations, heretofore issued thereunder or valid, pertinent, and reasonable regulations hereafter issued thereunder are accepted and made a part of this Agreement as to Federal lands, provided such regulations are not inconsistent with the terms of this Agreement; and as to non-Federal lands, the oil and gas operating regulations in effect as of the effective date hereof governing drilling and producing operations, not inconsistent with the terms hereof or the laws of the State in which the non-Federal land is located, are hereby accepted and made a part of this Agreement.

ARTICLE II

DEFINITIONS

2.1 For the purpose of this Agreement, the following terms and expressions as used herein shall mean:

(a) *Unit Area:* The lands specified in Section 3.1 hereof and recognized as logically subject to exploration and development under this Agreement.

(b) *Secretary:* The Secretary of the Interior of the United States of America, or any person duly authorized to exercise the powers vested in the Secretary of the Interior.

(c) *Director:* The Director of the United States Geological Survey.

(d) *Manager*: The Conservation Manager for the Conservation Division of the United States Geological Survey having jurisdiction over lands made subject to this Agreement.

(e) *Supervisor*: The Area Oil and Gas Supervisor, Conservation Division of the Geological Survey, a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to supervise and direct oil and gas operations and to perform other duties prescribed in the regulations in 30 CFR Part 226.

(f) *Unitized Land*: The lands in the Unit Area which are made subject to this Agreement.

(g) *Unitized Substances*: Oil or gas recovered by operations under and pursuant to this Agreement.

(h) *Unit Operator*: The person, association, partnership, corporation, or other legal entity designated in this Agreement to explore for and develop the oil and gas resources and to conduct operations for the production of Unitized Substance as specified in this Agreement.

(i) *Participating Area*: That part of the Unit Area which is deemed to be productive of oil or gas from a horizon or deposit and to which Unitized Substances produced hereunder would be allocated in the manner described in this Agreement, assuming that all lands in the Unit Area are made subject to this Agreement.

(j) *Working Interest*: The Interest held in Unitized Substances or in lands containing the same by virtue of a lease, operating agreement, or otherwise, under which, except as otherwise provided in this Agreement, the owner of such interest is vested with the right to explore for, develop, and produce such substances. The right delegated to the Unit Operator as such by this Agreement is not to be regarded as a Working Interest.

(k) *Tract*: Each parcel of land described as a separate Tract and given a Tract Number in Exhibit B.

(l) *Oil and Gas Rights*: The right to explore, develop, and operate lands within the Unit Area for the production of Unitized Substances, or to share in the production so obtained or the proceeds therefrom.

(m) *Unit Operating Agreement*: Any agreement or agreements (whether one or more) entered into (separately or collectively) by and between the Unit Operator and the Working Interest Owners as provided in Article IX of this Agreement, for the development and production of oil and gas from the Unitized Land with an allocation of costs and benefits on a basis defined in said agreement.

ARTICLE III

UNIT AREA EXHIBITS

3.1 The area specified on the map attached hereto marked Exhibit A is hereby designated and recognized as constituting the Unit Area, containing _____ acres, more or less.

The Unit Area shall, when practicable, be expanded to include therein any additional land or shall be contracted to exclude lands whenever either expansion or contraction is necessary or advisable to conform with the purposes of this Agreement.

3.2 Exhibit A, attached hereto and made a part hereof, is a map showing the Unit Area boundaries and identity of the tracks and leases in said area to the extent known to the Unit Operator.

3.3. Exhibit B, attached hereto and made a part hereof, is a schedule showing, to the extent known to the Unit Operator, the acreage, percentage and kind of ownership of oil and gas interests in all land in the Unit Area.

3.4 Exhibits A and B shall be revised by the Unit Operator whenever changes in the Unit Area or changes in the ownership of oil and gas interests render such revision necessary, or when requested by the Supervisor. Not less than five (5) copies of revised exhibits shall be filed with the Supervisor.

ARTICLE IV

CONTRACTION AND EXPANSION OF UNIT AREAS

4.1 Unless otherwise specified herein, the expansion and/or contraction contemplated in section 3.1 shall be effected in the following maner:

4.1.1 Unit Operator, on its motion or on demand of the Manager, after preliminary concurrence of the Manager, shall prepare a notice of proposed expansion and/or contraction describing the contemplated changes in the boundaries of the Unit Area, the reasons therefor, and the proposed effective date thereof, preferably the first day of a month subsequent to the date of notice.

4.1.2 Said notice shall be delivered to the Supervisor, and copies thereof mailed to the last known address of each Working Interest Owner, lessee, and lessor whose interest is affected, advising that 30 days will be allowed for submission to the Unit Operator of any objections.

4.1.3 Upon expiration of the 30-day period provided in the preceding item 4.1.2 therof, Unit Operator shall file with the Supervisor evidence of mailing of the notice of expansion and/or contraction and a copy of any objections thereto which have been filed with the Unit Operator, together with

an application, in sufficient number, for approval of such expansion and/or contraction and with appropriate joinders.

4.1.4 After due consideration of all pertinent information, the revision of the Unit Area shall, upon approval by the Supervisor, become effective as of the date prescribed in the Notice thereof.

4.2 All legal subdivisions of lands (i.e., 40 acres by Government survey or its nearest lot or tract equivalent; in instances of irregular surveys, unusually large lots of tracts shall be considered in multiples of 40 acres or the nearest aliquot equivalent thereof), no parts of which are entitled to be in a Participating Area on or before the fifth anniversary of the effective date of the first initial Participating Area established under this Agreement, shall be eliminated automatically from this Agreement, effective as of said fifth anniversary, and such lands shall no longer be a part of the Unit Area and shall no longer be subject to this Agreement, unless diligent drilling operations are in progress on an exploratory well on said fifth anniversary, in which event all such Unitized Lands shall remain subject hereto for so long as exploratory drilling operations are continued diligently, with not more than 30 days' time elapsing between the completion of one exploratory well and the commencement of the next exploratory well.

4.2.1 An exploratory well, for the purposes of this Article IV is defined as any well, regardless of surface location, projected for completion in a zone below any zone for which a Participating Area has been established, or any well, regardless of surface location, projected for completion at a subsurface location under Unitized Lands not entitled to be within a Participating Area.

4.3 In the event non-participating lands are retained under this Agreement after the tenth anniversary of the first initial Participating Area as a result of exploratory drilling operations, all legal subdivisions of land, no part of which is entitled to be within a Participating Area, shall be eliminated automatically as of the 91st day following the completion of the last exploratory well recognized as delaying automatic elimination beyond the fifth anniversary of the first initial Participating Area established under this Agreement.

4.4 Unitized Lands proved productive by drilling operations which serve to delay automatic elimination of lands under this Article IV shall be incorporated into a Participating Area (or Areas) in the same manner as such lands would have been incorporated into such areas had such lands been proved productive during the year preceding the fifth anniversary of the first initial Participating Area established under this Agreement.

4.5 In the event the Unit Area is expanded pursuant to section 4.1 to embrace lands theretofore automatically eliminated pursuant to section 4.3 hereof, it will be necessary to obtain appropriate joinders from the owners of oil and gas interests in said lands in order for such lands or interests to be effectively committed hereto.

Article V

Unitized Land and Unitized Substances

5.1 All land made subject to this Agreement shall constitute land referred to herein as "Unitized Land" or "land subject to this Agreement." All oil and gas within and produced from any and all formations of the Unitized Land are utilized under the terms of this Agreement and herein are called "Unitized Substances."

Article VI

Unit Operator

6.1 _____ is hereby designated as Unit Operator and by signature hereto as Unit Operator agrees and consents to accept the duties and obligations of Unit Operator, for the discovery, development, and production of Unitized Substances as herein provided. Whenever reference is made herein to Unit Operator, such reference means the Unit Operator acting in that capacity and not as an owner of interest in Unitized Substances, and the term "Working Interest Owner," when used herein, shall include Unit Operator as the owner of a Working Interest when such an interest is owned by it.

Article VII

Resignation of Unit Operator

7.1 Unit Operator shall have the right to resign at any time, but such resignation shall not become effective as to release Unit Operator from the duties and obligations of Unit Operator or terminate Unit Operator's rights as such for a period of six (6) months after written notice of intention to resign has been given by Unit Operator to all Working Interest Owners, and the Supervisor, and until all wells on lands subject hereto are placed in a condition satisfactory to the Supervisor for suspension or abandonment unless a new Unit Operator shall have been selected and shall have assumed the duties and obligations of Unit Operator prior to the expiration of said period.

7.2 The resignation of Unit Operator shall not release Unit Operator from any liability for any default by it hereunder occurring prior to the effective date of its resignation.

7.3 The Unit Operator may, upon default or failure in the performance of its duties or obligations hereunder, be subject to removal by the same percentage vote of the owners of working interests as herein provided for the selection of a new Unit Operator. Such removal shall be effective upon notice thereof to the Supervisor.

7.4 The resignation or removal of Unit Operator under this Agreement shall not terminate its right, title, or interest as the owner of a Working Interest or other interest in Utilized Substances, but upon the resignation or removal of Unit Operator becoming effective, such Unit Operator shall deliver possession of all wells, equipment, books and records, materials, appurtenances and any other assets used in connection with the unit operations to the duly qualified successor Unit Operator to be used for the purpose of conducting operations hereunder.

7.5 Nothing herein shall be construed as authorizing removal of any material, equipment, and appurtenances needed for the preservation of any wells.

Article VIII

Successor Unit Operator

8.1 Whenever the Unit Operator shall tender his or its resignation as Unit Operator, or shall be removed as herein above provided, a successor Unit Operator may be designated by the owners of the Working Interests in Utilized Substances, pursuant to the Unit Operating Agreement, and four (4) executed copies of the designation of successor Unit Operator shall be filed with the Supervisor. Such designation shall not become effective until

(a) A Unit Operator so designated shall accept in writing the duties and responsibilities of Unit Operator, and

(b) The selection has been approved by the Supervisor.

8.2 If no successor Unit Operator is selected and qualified as herein provided, the Manager, at his election, may declare this Agreement terminated.

Article IX

Accounting Provisions and Unit Operating Agreement

9.1 Costs and expenses incurred by Unit Operator in conducting operations hereunder shall be paid, apportioned among and borne by the Working Interest Owners in accordance with the Unit Operating Agreement.

9.2 The Unit Operating Agreement shall also provide the manner in which the Working Interest Owners shall be entitled to receive their respective proportionate and allocated share of the benefits accruing hereto in conformity with their underlying operating agreements, leases, or other contracts and such other rights and obligations as between Unit Operator and the Working Interest Owners as may be agreed upon by the Unit Operator and the Working Interest Owners.

9.3 Neither the Unit Operating Agreement nor any amendment thereto shall be deemed either to modify any of the terms and conditions of this Agreement or to relieve the Unit Operator of any right or obligation established under this Agreement. In case of any inconsistency or conflict between this Agreement and the Unit Operating Agreement, this Agreement shall prevail.

9.4 Three true copies of any Unit Operating Agreement executed pursuant to this Article shall be filed with the Supervisor prior to approval of this Agreement.

Article X

Rights and Obligations of Unit Operator

10.1 Except as otherwise specifically provided herein, and subject to the consent and approval of a Plan of Further Development and Operation by the Supervisor, the exclusive right, privilege, and duty of exercising any and all rights of the parties hereto which are necessary or convenient for prospecting for, producing, storing, allocating, and distributing the Unitized Substances are hereby delegated to and shall be exercised by the Unit Operator as herein provided. Upon request by Unit Operator, acceptable evidence of title to said rights shall be deposited with said Unit Operator, and together with this Agreement shall constitute and define the rights, privileges, and obligations of Unit Operator.

10.2 Nothing herein shall be construed to transfer title to any land or to any lease or operating agreement, it being understood that under this Agreement, the Unit Operator, in its capacity as Unit Operator shall exercise the rights of possession and use vested in the parties hereto only for the purpose herein specified.

Article XI

Drilling to Discovery

11.1 Within 6 months after the effective date hereof, the Unit Operator shall begin to drill a test well at a location and pursuant to plans and conditions approved by the Supervisor, unless on such effective date a well is being drilled conformably with the terms hereof, and thereafter continue such drilling diligently until the _____ formation has been adequately tested unless at a lesser depth Unitized Substances shall be discovered which can be produced in paying quantities (to wit: quantities sufficient to repay the costs of drilling, completing, and producing operations, with a reasonable profit) or the Unit Operator shall establish to the satisfaction of the Supervisor that further drilling of said well would be unwarranted or impracticable, provided, however, that Unit Operator shall not in any event be required to drill said well to a depth in excess of _____ feet.

11.2 Until the discovery of a deposit of Unitized Substances capable of being produced in paying quantities, the Unit Operator shall continue exploratory drilling operations, allowing not more than 6 months' time to elapse between the completion of one well and the beginning of the next well, until a well capable of producing Unitized Substances in paying quantities is completed to the satisfaction of said Supervisor or until

it is reasonably proved that the Unitized Land is incapable of producing Unitized Substances in paying quantities in the formations drilled hereunder.

11.3 Nothing in this article shall be deemed to limit the right of the Unit Operator to resign as provided in Article VII, hereof, or as requiring Unit Operator to commence or continue any drilling during the period pending such resignation becoming effective in order to comply with the requirements of this Article.

11.4 The Supervisor may modify the drilling requirements of Section 11.2 by granting reasonable extensions of time when, in his opinion, such action is warranted.

11.5 Upon failure to commence any well provided for in this Article within the time allowed, including any extension of time granted by the Supervisor, this Agreement will automatically terminate; upon failure to continue drilling diligently any well commenced hereunder, the Supervisor may, after 15 days' notice to the Unit Operator, declare this Agreement terminated.

Article XII

Plan of Further Development and Operation

12.1 Within 6 months after completion of a well capable of producing Unitized Substances in paying quantities, Unit Operator shall submit an acceptable Plan of Further Development and Operation which shall provide for the further exploration and/or development of the Unit Area and for the determination of the lands thereof capable of producing Unitized Substances, and shall be as complete and adequate as the Supervisor may determine to be necessary for timely exploration and/or development and to insure proper conservation of the oil and gas resources of the Unit Area.

12.2 After completion of a well on lands subject to this Agreement for the production of Unitized Substance in paying qualities, no further wells shall be drilled except in accordance with a Plan of Further Development and Operation approved as herein provided.

12.3 Plans of Further Development and Operation shall:

(a) Specify the number and locations of wells to be drilled and the proposed order and time for such drilling, and

(b) To the extent practicable, specify the operating practices regarded as necessary and advisable for proper conservation of natural resources and protection of the environment.

12.4 Prior to the expiration of the initial Plan of Further Development and Operation or any subsequently approved plan, Unit Operator shall submit for approval by the Supervisor an acceptable Plan of Further Development and Operation for the Unit Area which, when approved by the Supervisor, shall constitute the exploratory and/or development drilling and operating obligations of Unit Operator under this Agreement for the period specified therein.

12.5 Separate Plans of Further Development and Operation may be submitted for separate producing zones, subject to the approval of the Supervisor. Also subject to the approval of the Supervisor, Plans of Further Development and Operation shall be modified or supplemented when necessary to meet changed conditions or to protect the interests of parties to this Agreement.

Article XIII

Participation After Discovery

13.1 Upon completion of a well capable of producing Unitized Substances in paying quantities, Unit Operator shall submit for approval by the Supervisor a schedule (or schedules) of all land then regarded as reasonably proved to be productive in paying quantities; all lands in said schedule (or schedules), on approval of the Supervisor, to constitute a Participating Area (or Areas) effective as of the date of completion of the discovery well or the effective date of this Agreement, whichever is later. Said schedule (or schedules) shall also set forth the percentage of Unitized Substances to be allocated, as herein provided, to each tract in the Participating Area (or Areas) so established and shall govern the allocation of production commencing with the effective date of the controlling Participating Area. The acreages of both Federal and non-Federal lands shown on the above schedules shall be based upon appropriate computations from the courses and distances shown on the last approved public-land survey of the lands in question as of the effective date of each initial Participating Area.

13.2 A separate Participating Area may be established for each separate pool of Unitized Substances or for any group thereof which is produced as a single pool or zone and any two or more Participating Areas so established may be combined into one, on approval by the Supervisor. When production from two or more Participating Areas, so established, is subsequently found to be from a common pool or deposit, said Participating Areas shall be combined into one Participating Area effective as of such appropriate date as may be approved or prescribed by the Supervisor.

13.3 Any Participating Area (or Areas) established hereunder shall, subject to the approval by the Supervisor, be revised from time to time to include additional land then regarded as reasonably proved to be productive in paying quantities from the pool for which the Participating Area was established or to include lands necessary to operations hereunder relative to such Participating Area, or to exclude land then regarded as reasonably proved not to be productive from the pool or pools for which the Participating Area was established or to exclude land not necessary to operations hereunder relative to such Participating Area and the schedule (or schedules) of allocation percentages shall be revised accordingly.

The effective date of any revision of a Participating Area established under Sections 13.1 and 13.2 shall be the first of the month in which is obtained the knowledge or information on which such revision is predicated, provided, however, that a more appropriate effective date may be used if justified by the Unit Operator and approved by the Supervisor.

13.4 No land shall be excluded from a Participating Area on account of depletion of the Unitized Substances, except that any Participating Area established under the provisions of this Article XIII shall terminate automatically whenever all operations are abandoned in the pool or pools for which the Participating Area was established.

13.5 It is the intent of this Article that a Participating Area shall represent the area known or reasonably estimated to be productive in paying quantities and/or necessary for operations hereunder relative to such area; but, regardless of any revision of a Participating Area, nothing herein contained shall be construed as requiring any retroactive adjustment for production obtained prior to the effective date of the revision of a Participating Area.

13.6 In the absence of agreement at any time between the United Operator and the Supervisor as to the proper definition or redefinition of a Participating Area or until a Participating Area has, or Areas, have been established as provided herein, the portion of all payments affected thereby shall be impounded in a manner mutually acceptable to the owners of Working Interests and the Supervisor. Royalties due the United States shall be determined by the Supervisor and the amount thereof shall be deposited, as directed by the Supervisor, to be held as unearned money until a Participating Area is finally approved and then applied as earned or returned in accordance with a determination of the sum due as Federal royalty on the basis of such approved Participating Area.

13.7 Whenever it is determined, subject to the approval by the Supervisor, that a well drilled under this Agreement is not capable of production in paying quantities and inclusion of the land on which it is situated in a Participating Area is unwarranted, production from such well shall, for the purposes of settlement among all parties, other than Working Interest Owners, be allocated to the land on which the well is located unless such land is already within a Participating Area established for the pool or deposit from which such production is obtained. Settlement for Working Interest benefits from such a well shall be made as provided in the Unit Operating Agreement.

Article XIV

Allocation of Unitized Substances

14.1 All Unitized Substances produced from a Participating Area established under this Agreement, except any part thereof used on lands subject to this Agreement in conformity with good operating practices for drilling, operating, camp, and other production or development purposes, for repressuring or recycling in accordance with a Plan of Further Development and Operation approved by the Supervisor, or unavoidably lost, shall be deemed to be produced equally on an acreage basis from the several tracts of Unitized Land of the Participating Area established for production of such Unitized Substances.

14.2 For the purpose of determining benefits accruing under this Agreement, each Tract of Unitized Land shall have allocated to it such percentage of Unitized Substances as the number of acres of the Tract included in the Participating Area established for such production bears to the total number of acres of Unitized Land in said Participating Area.

14.3 Allocation of production hereunder for purposes other than for settlement of the royalty obligations of the respective Working Interest Owners shall be on the basis prescribed in the Unit Operating Agreement whether in conformity with the basis of allocation set forth above or otherwise.

14.4 The Unitized Substances produced from a Participating Area shall be allocated as provided herein regardless of whether any wells are drilled on any particular part or tract of said Participating Area.

14.5 Gas produced from one Participating Area and used for repressuring or recycling purposes in another Participating Area shall be deemed to be the first gas withdrawn from the last-mentioned Participating Area for sale. Until a volume of gas equal to that transferred has been produced and sold, such gas shall be allocated to the Participating Area from which initially produced as such Participating Area is defined at the time of production and sale.

Article XV

Development or Operation of Non-Participating Land or Formations

15.1 Any party hereto owning or controlling the Working Interest in any Unitized Land having thereon a regular well location may, with the approval by the Supervisor, at such party's sole risk, cost, and expense, drill a well to test any formation for which a Participating Area has not been established or to test any formation for which a Par-

ticipating Area has been established, if such location is not within said Participating Area, unless within 90 days of receipt of notice from said party of his intention to drill the well Unit Operator elects and commences to drill such a well. A well drilled by the owner of a Working Interest as provided in this Section shall be drilled, upon approval of the Working Interest Owner's proposed drilling program, in like manner as other wells are drilled by the Unit Operator under this Agreement.

15.2 If a well drilled by a Working Interest Owner results in production of Unitized Substance in quantities sufficient to demonstrate that the land upon which it is situated may properly be included in a Participating Area, such Participating Area shall be established or enlarged and thereafter the well shall be operated by the Unit Operator in accordance with the terms of this Agreement and the Unit Operating Agreement.

15.3 If a well drilled by a Working Interest Owner obtains production of Unitized Substances in quantities insufficient to justify the inclusion of the land upon which such well is situated in a Participating Area, such well may be operated and produced by the party drilling said well, subject to the conservation requirements of this Agreement. The royalties in amount or value of production from any such well shall be paid as specified in the underlying lease and agreements affected.

Article XVI

ROYALTY SETTLEMENT

16.1 The United States, any State, and any royalty owner who is entitled to take in kind a share of the substances now unitized hereunder shall hereafter be entitled to the right to take in kind its share of the Unitized Substances, and the Unit Operator, or the Working Interest Owner in case of the operation of a well by a Working Interest Owner as herein provided for in special cases, shall make deliveries of such royalty share taken in kind in conformity with the applicable contracts, laws, and regulations.

16.2 Settlement for royalty interest not taken in kind shall be made by Working Interest Owners responsible therefor under existing contracts, laws, and regulations, or by the Unit Operator, on or before the last day of each month for Unitized Substances produced during the preceding calendar month; provided, however, that nothing herein contained shall operate to relieve the lessees of any land from their respective lease obligations for the payment of any royalties due under their leases.

16.3 If gas obtained from lands or formations not subject to this Agreement is introduced into a reservoir unitized hereunder, for use in repressuring, stimulation of production, or increasing ultimate recovery, which shall be in conformity with a Plan of Further Development and Operation approved by the Supervisor, a like amount of gas (after settlement for any gas transferred under Section 14.5) less appropriate deduction for loss or depletion from any cause, may be withdrawn from the controlling Participating Area, royalty free as to dry gas, but not as to the products extracted therefrom. Provided that such withdrawal shall be at such a time as may be set forth in the approved Plan of Further Development and Operation or as may otherwise be consented to by the Supervisor as conforming to good petroleum engineering practice; and provided further, that such right of royalty free withdrawal shall terminate on the termination of this Agreement.

16.4 If natural gasoline, liquid petroleum gas fractions, or other liquid hydrocarbon substance obtained from land or formations not subject to this Agreement is injected into a formation unitized hereunder, in conformity with a Plan of Further Development and Operation approved by the Supervisor, a like amount of similar liquid hydrocarbon substance less appropriate deduction for loss or depletion from any cause, may be withdrawn from the controlling Participating Area royalty free; provided that such withdrawal shall be at such time and pursuant to such conditions and formulas as may be prescribed or approved by the Supervisor; and provided further that such right of royalty free withdrawal shall terminate on the termination of this Agreement.

16.5 Royalty due the United States shall be computed as provided in the operating regulations and paid in value or delivered in kind as to all Unitized Substances on the basis of the amounts thereof allocated to unitized Federal land as provided herein at the rates specified in the respective Federal leases, or at such lower rate or rates as may be authorized by law or regulation; provided, that for leases on which the royalty rate depends on the daily average production per well, said average production shall be determined in accordance with the operating regulations as though each Participating Area were a single consolidated lease.

Article XVII

RENTAL SETTLEMENT

17.1 Rental or minimum royalties due on production credited to leases embracing lands subject to this Agrement shall be paid by Working Interest Owners responsible therefor under existing contracts, laws, and regulations, or the Unit Operator, provided that nothing herein contained shall operate to relieve the lessees of any land from their respective lease obligations for the payment of any rental or minimum royalty due under their leases.

17.2 Rental or minimum royalty for lands of the United States subject to this Agreement shall be paid at the rate specified in the respective leases from the United States unless such rental or minimum royalty is waived, suspended, or reduced by law or by approval of the Secretary or his duly authorized representative.

17.3 With respect to any non-Federal land embraced in a lease containing provisions which would terminate such lease unless drilling operations are commenced upon the land covered thereby within the time therein specified, or rentals are paid for the privilege of deferring such drilling operations, the rentals required thereby shall, notwithstanding any other provisions of this Agreement, be deemed to accrue and become payable during the term thereof as extended by this Agreement and until the required drilling operations are commenced upon the land covered thereby or until some portion of such land is included within a Participating Area.

Article XVIII

CONSERVATION

18.1 Operations hereunder and production of Unitized Substances shall be conducted to provide for the most economical and efficient recovery of said substances without waste, as defined by or pursuant to State or Federal law or regulation.

Article XIX

DRAINAGE

19.1 The Unit Operator shall take such measures as the Supervisor deems appropriate and adequate to prevent drainage of Unitized Substances from Unitized Land by wells on land not subject to this Agreement.

Article XX

LEASES AND CONTRACTS CONFORMED AND EXTENDED

20.1 The terms, conditions, and provisions of all leases, subleases and other contracts relating to exploration, drilling, development, or operations for oil or gas on lands subject to this Agreement, are hereby modified and amended to the extent necessary to make the same conform to the provisions hereof, but otherwise shall remain in force and effect.

20.2 The Supervisor, by his approval hereof, does hereby establish, alter, suspend, change, or revoke the drilling producing, rental, minimum royalty, and royalty requirements of the Federal leases embracing lands made subject hereto and the regulations in respect thereto, to conform said requirements to the provisions of this Agreement.

20.3 Without limiting the generality of Section 20.2, all leases, subleases, and contracts are particularly modified in accordance with the following:

20.3.1 The development and operation of lands subject to this Agreement under the terms hereof shall be deemed full performance of all obligations for development and operation with respect to each and every separatey owned Tract subject to this Agreement, regardless of whether there is any development of any patricular part of the Unitized Land.

20.3.2 Drilling and producing operations performed hereunder upon any Tract of Unitized Lands will be accepted and deemed to be performed upon and for the benefit of each and every Tract of Unitized Land, and no lease shall be deemed to expire by reason of failure to drill or produce wells situated on the land therein embraced.

20.3.3 Suspension of drilling and/or producing operations on Unitized Lands pursuant to direction or consent of the Secretary or his duly authorized representative, shall be deemed to constitute such suspension pursuant to such direction or consent as to each and every Tract of Unitized Land. Provided, however, a suspension of drilling and/or producing operations specifically limited to certain Unitized Lands shall be applicable only to such lands.

20.3.4 Each lease, sublease, or contract relating to the exploration, drilling, development, or operation for oil or gas of lands other than those of the United States committed to this Agreement, which, by its terms, might expire prior to the termination of this Agreement, is hereby extended beyond any such terms so provided therein so that it shall be continued in force for and during the term of this Agreement.

20.3.5 Any Federal lease for a term of twenty (20) years or any renewal thereof or any portion of such lease that becomes subject to this Agreement shall continue in force until the termination hereof. Any other Federal lease embracing land subject hereto shall continue in force as to the land committed so long as such land remains subject hereto, provided that production is had in paying quantities under this Agreement prior to the expiration date of the term of such lease.

20.3.6 In the event actual drilling operations are commenced on Unitized Land, in accordance with the provisions of this Agreement, prior to the end of the primary term of a lease issued under Section 17 of the Mineral Leasing Act and are being diligently prosecuted at that time, said lease shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities.

20.3.7 Each sublease or contract relating to the operation and development of Unitized Substances from lands of the United States made subject to this Agreement, which by its terms would expire prior to the time at which the underlying lease will expire, is hereby extended beyond any such term so provided therein so that it shall be continued in force for and during the term of the underlying lease as such term is herein extended.

20.3.8 The segregation of any Federal lease embracing land subject to this Agreement is governed by the following provision in the fourth paragraph of Sec. 17(j) of the Mineral Leasing Act, as amended by the Act of September 2, 1960, (74 Stat. 781–784): "Any Federal) lease heretofore or hereafter committed to any such (unit) plan embracing lands that are in part within and in part outside of the area covered by any such plan shall be segregated into separate leases as to the lands committed and the lands not committed as of the effective date of unitization: *Provided, however*, That any such lease as to the non-unitized portion shall continue in force and effect for the term thereof but for not less than two years from the date of such segregation and so long thereafter as oil or gas is produced in paying quantities."

20.3.9 Any lease, other than a Federal lease, having only a portion of its lands subject hereto shall be segregated as to the portion unitized and the portion not unitized, and the provisions of such lease shall apply separately to such segregated portions commencing as of the effective date hereof. In the event any such lease provides for a lumpsum rental payment, such payment shall be prorated between the portions so segregated in proportion to the acreage of the respective tracts.

ARTICLE XXI

COVENANTS RUN WITH LAND

21.1 The covenants herein shall be construed to be covenants running with the land with respect to the interest of the parties hereto and their successors in interest until this Agreement terminates, and any grant, transfer, or conveyance of interest in land or leases subject hereto shall be and hereby is conditioned upon the assumption of all privileges and obligations hereunder by the grantee, transferee, or other successor in interest.

21.2 No assignment or transfer of any Working Interest, royalty, or other interest subject hereto shall be binding upon Unit Operator until the first day of the calendar month after Unit Operator is furnished with the original, photostatic, or certified copy of the instrument of transfer.

ARTICLE XXII

EFFECTIVE DATE AND TERM

22.1 This Agreement shall become effective upon approval by the Secretary or his duly authorized representative and shall terminate five (5) years from said effective date unless:

22.1.1 Such date of expiration is extended by the Manager, or

22.1.2 It is reasonably determined prior to the expiration of the initial term hereof or any extension thereof that the Unitized Land is incapable of producing Unitized Substances in paying quantities from the formations tested hereunder and, after notice of its intention to terminate this Agreement on such ground is given by the Unit Operator to all parties in interest at their last known addresses, this Agreement is terminated with the Supervisor's approval, or

22.1.3 Unitized Substances are discovered which can be produced in paying quantities (to wit: quantities sufficient to repay the cost of drilling, completing, and producing operations, with a reasonable profit) during the initial term hereof, or any extension thereof, in which event this Agreement shall remain in effect for such term and so long as Unitized Substances can be produced in quantities sufficient to pay for the cost of producing same and, should production cease, so long thereafter as diligent operations are in progress for the restoration of production or discovery of new production and, if production is restored, so long thereafter as Unitized Substances so discovered can be produced as foresaid, or

22.1.4 It is terminated as provided herein.

22.2 This Agreement may be terminated at any time by not less than 75 per centum, or an acreage basis, of the Working Interest Owners signatory hereto, with the Supervisor's approval; notice of any such approval to be given by the Unit Operator to all parties hereto.

ARTICLE XXIII

RATE OF PROSPECTING, DEVELOPING, AND PRODUCTION

23.1 The Manager is hereby vested with authority to alter or modify from time to time at his discretion the quantity and rate of production of Unitized Substances under this Agreement when such quantity and rate is not fixed pursuant to Federal or State law or does not conform to any Statewide voluntary conservation or allocation program, which is established, recognized, and generally adhered to by the majority of operators in such State, such authority being hereby limited to alteration or modification in the public interest, the purpose thereof and the public interest to be served thereby to be stated in the order of alteration or modification.

23.2 Without regard to the foregoing, the Manager is hereby vested with authority to alter or modify from time to time, at his discretion, the rate of prospecting and development and the quantity and rate of production of Unitized Substances under this Agreement.

23.3 The Manager shall give notice to the Unit Operator and provide an opportunity for a hearing to be held not less than 15 days from the date of said notice before exercising all or a portion of the authority vested in him pursuant to this Article XXIII.

ARTICLE XXIV

APPEARANCES

24.1 After notice to other parties affected, Unit Operator shall have the right to appear before the Department of the Interior for and on behalf of any and all owners of interests affected hereby and to appeal from orders issued under the regulations of said Department or to apply for relief from any of said regulations or to appear in any proceedings relative to operations hereunder whether before the Department of the Interior or some other legally constituted authority; provided, however, that any interested party shall also have the right at its own expense to be heard in any such proceeding.

ARTICLE XXV

NOTICES

25.1 All notices, demands, or statements required hereunder to be given or rendered to parties hereto shall be deemed fully given if given in writing and personally delivered to the party or sent by postpaid registered or certified mail, addressed to such party or parties at their respective addresses set forth in connection with the signatures hereto or to the ratification or consent hereof or to such other address as such party may have furnished in writing to the sender of such notice, demand, or statement.

ARTICLE XXVI

NO WAIVER OF CERTAIN RIGHTS

26.1 Nothing contained in this Agreement shall be construed as a waiver by any party hereto of the right to assert a legal or constitutional right or defense pertaining to the validity or invalidity of any law of the United States, or regulations issued thereunder, affecting such party in any way or as a waiver by any party of a right which is beyond his or its authority to waive.

ARTICLE XXVII

UNAVOIDABLE DELAY

27.1 The obligations imposed by this Agreement requiring Unit Operator to commence or continue drilling or to operate on or produce Unitized Substances from any of the lands subject to this Agreement, shall be suspended while, but only as long as, Unit Operator, despite the exercise of due care and diligence, is prevented from complying with such obligations, in whole or in part, by strikes, Acts of God, Federal or other applicable law, Federal or other authorized Governmental agencies, unavoidable accidents, uncontrollable delays in transportation, inability to obtain necessary materials in open market, or other matters beyond the reasonable control of Unit Operator, whether similar to matters herein enumerated or not.

27.2 No obligation which is suspended under this section shall become due less than thirty (30) days after it has been determined that the "Unavoidable Delay" situation no longer exists.

27.3 Determination of creditable "Unavoidable Delay" time shall be made by the Unit Operator subject to approval of the Supervisor.

ARTICLE XXVIII

POSTPONEMENT OF OBLIGATIONS

28.1 Notwithstanding any other provisions of this Agreement, the Manager, on his own initiative or upon appropriate justification by Unit Operator, may postpone any obligation under this Agreement to commence or continue drilling or to operate on or produce Unitized Substances from lands covered by this Agreement when, in his judgment, circumstances warrant such action.

ARTICLE XXIX

NONDISCRIMINATION

29.1 In connection with the performance of work under this Agreement, the Operator agrees to comply with all of the provisions of Section 202 (1) to (7) inclusive, of Executive Order 11246 (30 FR 12319), as amended, which are hereby incorporated by reference in this Agreement.

ARTICLE XXX

LOSS OF TITLE

30.1 In the event title to any Tract of Unitized Land shall fail and the true owner cannot be induced to join in this Agreement, such Tract shall be automatically regarded as not subject hereto and there shall be such readjustment of future costs and benefits as may be required on account of the loss of such title.

30.2 In the event of a dispute as to title as to any royalty, Working Interest, or other interests subject thereto, payment or delivery on account thereof may be withheld without liability for interest until the dispute is finally settled; provided, that, as to Federal land or leases, no payments of funds due the United States should be withheld, but such funds shall be deposited as directed by the Supervisor to be held as unearned money pending final settlement of the title dispute, and then applied as earned or returned in accordance with such final settlement.

30.3 Unit Operator as such is relieved from any responsibility for any defect or failure of any title to any lands subject hereto.

ARTICLE XXXI

NON-JOINDER AND SUBSEQUENT JOINDER

31.1 If the owner of any substantial interest in a Tract within the Unit Area fails or refuses to subscribe or consent to this Agreement, the owner or owners of the Working Interest in that Tract may withdraw the commitment of the Working Interest in

said Tract from this Agreement by written notice delivered to the Supervisor and the Unit Operator prior to the approval of this Agreement by the Supervisor.

31.2 Any oil or gas interests in lands within the Unit Area not committed hereto prior to submission of this Agreement for final approval may thereafter be committed hereto by the owner or owners thereof subscribing or consenting to this Agreement, and, if the interest is a Working Interest, by the owner of such interest also subscribing to the Unit Operating Agreement.

31.3 After operations are commenced hereunder, the right of subsequent joinder, as provided in this Article, by a Working Interest Owner is subject to such requirements or approvals, if any, pertaining to such joinder as may be provided for in the Unit Operating Agreement.

31.4 After final approval hereof, the commitment of a nonworking interest must be consented to in writing by the owner of the committed Working Interest responsible for the payment of any benefits that may accrue hereunder in behalf of such non-working interest.

A non-working interest may not be committed to this Agreement unless the corresponding Working Interest is committed hereto.

31.5 Joinder to this Agreement by a Working Interest Owner, at any time, must be accompanied by appropriate joinder to the Unit Operating Agreement, if more than one owner of committed Working Interest is involved, in order for his or its interest to be regarded as committed to this Agreement.

31.6 Except as may otherwise herein be provided, subsequent commitment of interests to this Agreement shall be effective as of the first day of the month following the filing with the Supervisor of duly executed counterparts of all or any papers necessary to establish effective commitment of any Tract to this Agreement unless objection to such joinder is duly made within 60 days by the Supervisor.

ARTICLE XXXII

COUNTERPARTS

32.1 This Agreement may be executed in any number of counterparts no one of which needs to be executed by all parties, or may be ratified or consented to by separate instruments in wrting specifically referring hereto, and shall be binding upon all parties who have executed such a counterpart, ratification, or consent hereto, with the same force and effect as if all such parties had signed the same document.

ARTICLE XXXIII

SURRENDER

33.1 Nothing in this Agreement shall prohibit the exercise by any Working Interest Owner of the right to surrender vested in such party by any lease, sublease, or operating agreement as to all or any part of the lands covered thereby, provided that each party who will or might acquire such Working Interest by such surrender or by forfeiture as hereafter set forth, is bound by the terms of this Agreement.

33.2 If as a result of surrender or forfeiture the Working Interest in lands subject hereto become vested in a party hereto other than the fee owner of the Unitized Substances, said party may forfeit such Working Interest and any further benefits from operation hereunder relative to said lands to the party hereto next in the chain of title who shall be and become the owner of such Working Interest.

33.3 If as the result of surrender or forfeiture Working Interest in lands subject hereto become vested in the fee owner of the Unitized Substances, such owner may:

33.3.1 Accept that Working Interest subject to this Agreement and the Unit Operating Agreement; or

33.3.2 Lease any portion of Unitized Land included in a Participating Area established hereunder, but stipulating that such land shall remain subject to this Agreement and the Unit Operating Agreement; and

33.3.3 Lease or provide for the independent operation of any portion of the Unitized Land that is not then included within a Participating Area established hereunder.

33.4 If the fee owner of the Unitized Substances does not accept the Working Interest subject to the stipulation that the lands involved remain subject to this Agreement and the Unit Operating Agreement or does not lease such lands as provided in Section 33.3 within six (6) months after the surrendered or forfeited Working Interest become vested in the fee owner, the benefits and obligations of operations under this Agreement and the Unit Operating Agreement accruing to the Working Interest in said lands shall be shared by the remaining owners of untized Working Interest in accordance with their respective ownerships of unitized Working Interest, and such Working Interest Owners shall compensate the fee owner of Unitized Substances in said lands by paying sums equal to the rentals, minimum royalties, and royalties that were applicable to said lands under the lease in effect when the interests in such lands were unitized.

33.5 An appropriate accounting and settlement shall be made for all benefits accruing to or payments and expenditures made or incurred on behalf of surrendered or forfeited Working Interest subsequent to the date of surrender or forfeiture, and payment of any moneys found to be owing by such an accounting shall be made as between the parties hereto within thirty (30) days.

33.6 In the event no Unit Operating Agreement is in existence and a mutually acceptable agreement between the proper parties thereto cannot be consummated, the Supervisor may prescribe such reasonable and equitable agreement as he deems warranted under the circumstances.

33.7 The exercise of any right vested in a Working Interest Owner to reassign such Working Interest to the party from whom obtained shall be subject to the same conditions as set forth in this Article in regard to the exercise of a right to surrender.

ARTICLE XXXIV

TAXES

34.1 The Working Interest Owners shall render and pay for their account and the account of the royalty owners all valid taxes on or measured by the Unitized Substances in and under, or that may be produced, gathered, and sold from the land subject to this Agreement after the effective date hereof, or upon the proceeds or net proceeds derived therefrom. The Working Interest Owners on each Tract may, if appropriate, charge the proper proportion of said taxes to the royalty owners having interests in said Tract, and, if appropriate, may currently retain and deduct sufficient of the Unitized Substances or derivative products, or net proceeds thereof from the allocated share of each royalty owner to secure reimbursement for the taxes so paid. No taxes shall be charged to the United States or the State of _____ or to any lessor who has a contract with his lessee which requires the lessee to pay such taxes.

ARTICLE XXXV

NO PARTNERSHIP

35.1 It is expressly agreed that the relation of the parties hereto is that of independent contractors, and nothing in this Agreement contained, expressed, or implied, nor any operations conducted hereunder, shall create or be deemed to have created a partnership or association between the parties hereto or any of them.

In witness whereof, the parties hereto have caused this Agreement to be executed and have set opposite their respective names the date of execution.

Witnesses:	Unit operator (as unit operator and as working interest owner):
_____	_____
_____	By _____
Witnesses:	Working interest owners:
_____	_____
_____	By _____
_____	_____
_____	By _____
_____	_____
_____	By _____
Witnesses:	Other interest owners:
_____	_____
_____	By _____
_____	_____
_____	By _____

NOTE.—The following is a sample form of approval certificate to be attached to each executed copy of unit agreement submitted for approval.

CERTIFICATION—DETERMINATION

Pursuant to the authority vested in the Secretary of the Interior, under the act approved February 25, 1920 (41 Stat. 437, 30 U.S.C. secs. 181, et seq.), as amended by the Act of August 8, 1946 (60 Stat 950), and delegated to the Oil and Gas Supervisors of the Geological Survey, I do hereby:

A. Approve the attached Agreement for the Development and Operation of the _____ Unit Area, State of _____.

B. Certify and determine that the unit plan of development and operation contemplated in the attached agreement is necessary and advisable in the public interest for the purpose of more properly conserving the natural resources.

C. Certify and determine that the drilling, producing, rental, minimum royalty, and royalty requirements of all Federal leases made subject to the attached agreement are hereby established, altered, changed, or revoked to conform with the terms and conditions of said agreement.

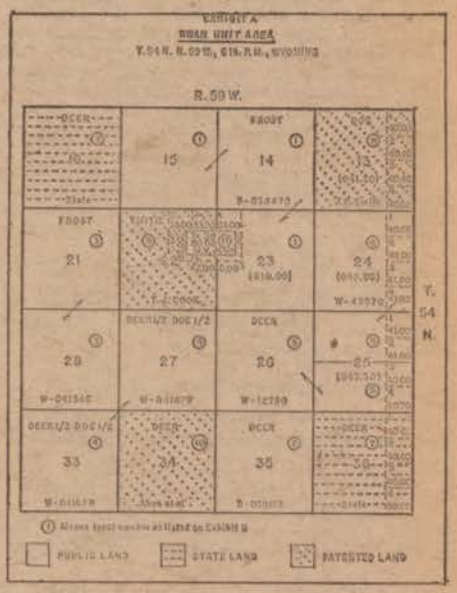
Dated _____.

_____

Oil and Gas Supervisor, United States Geological Survey

Contract Number _____

§ 226.13 Sample form of exhibit A of unit agreement.



§ 226.14 Sample form of exhibit B of unit agreement.

EXHIBIT B.—*Swan Unit Area, Campbell County, Wyo., T. 54 N. R. 59W.*

Tract No.	Description of land	Number of acres	Serial number and expiration date of lease	Basic royalty and ownership percentage	Lessee of record	Overriding royalty and percentage	Working interest and percentage
	Federal land:		Buffalo serials				
1	Sec. 14: All; Sec. 15: All; Sec. 23: Lots 1, 2, S½, NE¼, E½, NW¼.	1,880.00	038470, HBP	United States, all	T. J. Cook	T. J. Cook 2 pct	Frost Oil Co., all.
2	Sec. 35: All	640.00	039123, HBP	do	O. M. Odom	O. M. Odom 1 pct	Deer Oil Co.,[1] all.
			Wyoming serials				
3	Sec. 21: All; Sec. 28: All	1,280.00	041345, Oct. 31, 1973	do	Max. Pen 50 pct, Sam Small 50 pct.	Max Pen 1 pct, Sam Small 1 percent.	Frost Oil Co., all.
4	Sec. 27: All; Sec. 33: All	1,280.00	041679, Nov. 30, 1976	do	Al Preen	Al Preen 2 pct	Deer Oil Co.,[2] 50 pct, Doe Oil Co., 50 pct.
5	Sec. 26: All; Sec. 25: S½	961.50	12780, Jan. 31, 1977	do	Deer Oil Co	J. G. Goodin 2 pct	Deer Oil Co., all.
6	Sec. 24: All; Sec. 25: N½	965.80	43970, application	do	T. H. Holder		T. H. Holder, all.
	6 Federal tracts 7,017.30 acres or 68.47 pct of unit area						
	Wyoming State land:						
7	Sec. 16: All; Sec. 36: All	1,280.60	65–67430	State of Wyoming, all	Deer Oil Co	T. T. Timo 2 pct	Deer Oil Co., all.
	1 State tract 1,280.60 acres of 12.49 pct of the unit area						
	Patented land:						
8	Sec. 13: All	641.20	Aug. 2, 1974	J. C. Smith, all	Doe Oil Co		Doe Oil Co., all.
9	Sec. 22: Lots 1, 2, 3, 4, S½ NW¼.	590.00	Sept. 15, 1976	T. J. Cook, all	W. W. Smith	Sam Spade, 1 pct	W. W. Smith, all.
10	Sec. 34: All	640.00	June 1, 1975	A. A. Aben, 75 pct., L. P. Carr, 25 pct.	Deer Oil Co		Deer Oil Co., all.
11	Tract 39	80.00	May 15, 1974	M. V. Jones, all	Unleased		M. V. Jones, all.
	3 Patented tracts 1,951.20 acres or 19.04 pct of unit area						

Total: 11 tracts 10,249.10 acres in entire unit area.

[1] Lease held by options for full leasehold record title, which will be exercised promptly upon approval of the unit agreement.

[2] Lease held by option for operating rights only, which will be exercised promptly after approval of the unit agreement.

§ 226.15 Collective bond form.

COLLECTIVE CORPORATE SURETY BOND

Know all men by these presents, That we _____ signing as
(name of unit operator)
Principal, for and on behalf of the record owners of unitized substances now or hereafter covered by the unit agreement for the _____, approved _____;
(Name of unit) (Date)
and
_____;
(Name and address of surety)
as Surety, are jointly and severally held and firmly bound unto the United States of America in the sum of _____
(Amount of bond)
_____ Dollars, lawful money of the United States, for the use and benefit of and to be paid to the United States and any entryman or patentee or any portion of the unitized land, heretofore entered or patented with the reservation of the oil or gas deposits to the United States, for which payment, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, administrators, successors, and assigns by these presents.

The condition of the foregoing obligation is such that, Whereas the Secretary of the Interior, or his duly authorized representative, on _____, approved under the
(Date)
provisions of the Act of February 25, 1920, 41 Stat. 437, 30 U.S.C., secs. 181, et seq., as amended by the Act of August 8, 1946, 60 Stat. 950, a unit agreement for the development and operation of the
_____; and
(Name of unit and State)

Whereas said Principal and record owners of unitized substances, pursuant to said unit agreement, have entered into certain covenants and agreements as set forth therein, under which operations are to be conducted; and

Whereas said Principal as Unit Operator has assumed the duties and obligations of the respective owners of unitized substances as defined in said unit agreement; and

Whereas said Principal and Surety agree to remain bound in the full amount of the bond for failure to comply with the terms of the unit agreement, and the payment of rentals, minimum royalties, and royalties due under the Federal leases committed to said unit agreement; and

Whereas the Surety hereby waives any right of notice of and agrees that this bond may remain in force and effect notwithstanding:

(a) Any addition to or change in the ownership of the unitized substances herein described;

(b) Any suspension of the drilling or producing requirements or waiver, suspension, or reduction of rental or minimum royalty payments or reduction of royalties pursuant to applicable laws or regulations thereunder; and

Whereas said Principal and Surety agree to the payment of compensatory royalty under the regulations of the Department of the Interior in lieu of drilling necessary offset wells in the event of drainage; and

Whereas nothing herein contained shall preclude the United States from requiring an additional bond at any time when deemed necessary;

Now, therefore, if the said Principal shall faithfully comply with all of the provisions of the above-identified unit agreement and with the terms of the leases subject thereto, then the above obligation is to be of no effect; otherwise to remain in full force and virtue.

Signed, sealed, and delivered this ____ day of _____, 19____, in the presence of:

Witnesses:

_____ _____
(Principal)
_____ _____
_____ _____
(Surety)
_____

§ 226.16 Form of designation of successor unit operator by working interest owner.

Designation of successor Unit Operator under the Unit Agreement for the Development and Operation of the _____ Unit Area, County of _____, State of _____, Department of the Interior Contract No. _____.

This indenture, dated as of the _____ day of _____, 19____, by and between _____, hereinafter designated as "First Party," and the owners of working interest made subject to the Unit Agreement for the Development and Operation of the _____ Unit Area, hereinafter designated as "Second Parties."

Witnesseth: Whereas under the provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended, (30 U.S.C., secs. 181, et seq.), on the _____ day of _____, 19____, the _____ ap-
(Identify approving Federal Official)
proved the Unit Agreement for the Development and Operation of the _____ Unit Area, wherein _____ is designated as Unit Operator; and

Whereas _____ has resigned as Unit Operator [1], and the designation of a successor Unit Operator is now required pursuant to the terms of the agreement; and

Whereas First Party has been and hereby is designated by Second Parties as Unit Operator, and said First Party desires to assume all rights, duties, and obligations of Unit Operator.

Now, therefore, in consideration of the premises hereinbefore set forth and the premises hereinafter stated, the First Party hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of the Unit Agreement for the Development and Operation of the _____ Unit Area and the Second Parties covenant, and agree that, effective upon approval of this indenture by the Oil and Gas Supervisor, United States Geological Survey, First Party shall be granted the exclusive right and privilege of exercising any and all rights and privileges as Unit Operator, pursuant to the terms and conditions of said agreement; said agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

_____ _____
(First Party)

_____
(Witnesses)

_____ _____
(Second Party)

_____
(Witnesses)

I hereby approve the foregoing idenuture designating _____ as Unit Operator under the Unit Agreement for the Development and Operation of the _____ Unit Area, this _____ day of _____, 19____.

_____
Oil and Gas Supervisor,
United States Geological Survey.

§ 226.17 Form for change in unit operator by assignment.

Change in Unit Operator for the Unit Agreement for the Development and Operation of the _____ Unit Area, County of _____, State of _____, Department of the Interior Contract No. _____

This indenture, dated as of the _____ day of _____, 19____, by and between _____ hereinafter designated as "First Party," and _____ hereinafter designated as "Second Party."

Witnesseth: Whereas under the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, (U.S.C. secs. 187, et seq.), the _____ on the _____ day of
(Identify approving Federal Official)
_____, 19____, approved the Unit Agreement for the Development and Operation of the _____ Unit Area, wherein the First Party is designated as Unit Operator; and

Whereas the First Party desires to transfer, assign, release, and quitclaim, and the Second Party desires to assume all the rights, duties, and obligations of Unit Operator under said agreement; and

Whereas for sufficient and valuable consideration, the receipt whereof is hereby acknowledged, the First Party has transferred, conveyed, and assigned all his/its rights under certain operating agreements involving lands subject to said agreement unto the Second Party:

Now, therefore, in consideration of the premises hereinbefore set forth, the First Party does hereby transfer, assign, release, and quitclaim unto Second Party all of the First Party's rights, duties and obligations as Unit Operator under the Unit Agreement for the Development and Operation of the _____ Unit Area; and

Second Party hereby accept this assignment and hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of said agreement to the full extent set forth in this assignment, effective upon approval of this indenture by the Oil and Gas Supervisor, United States Geological Survey; said agreement hereby being incorporated herein by reference and made a party hereof as fully and effectively as though said agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

_____ _____
(First Party)

_____
(Witnesses)

_____ _____
(Second Party)

_____
(Witnesses)

I hereby approve the foregoing indenture designated _____ as Unit Operator under the Unit Agreement for the Development and Operation of the _____ Unit Area, this _____ day of _____, 19____.

_____
Oil and Gas Supervisor,
United States Geological Survey.

It has been determined that issuance of these proposed revised regulations does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (83 Stat. 852).

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

Dated: November 30, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

[FR Doc.76-36020 Filed 12-8-76;8:45 am]

[1] Where the designation of a successor Unit Operator is required for any reason other than resignation, such reason shall be substituted for the one stated.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 76 221]

DRAWBRIDGE OPERATION REGULATIONS

Harlem River, New York

At the request of the Consolidated Rail Corporation (ConRail), the Coast Guard is considering amending the regulations for the ConRail drawbridge across the Harlem River, mile 2.1, to require that the draw open on signal if at least six hours notice is given from 10 a.m. to 5 p.m. At all other times the draw need not open for the passage of vessels. This change is being considered because of a reduction in requests for openings (1973–153, 1974–146, 1975–67, first seven months 1976–12).

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before January 11, 1977, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.160(i) to read as follows:

§ 117.160 Harlem River, N.Y., bridges.

* * * * *

(i) The draw of the ConRail Park Avenue bridge (138th St.), mile 2.1, shall open on signal from 10 a.m. to 5 p.m., if at least six hours notice is given to the ConRail Chief Dispatcher. At all other times the draw need not open. However, the draw shall open as soon as possible for the passage of public vessels of the United States and New York City after such vessels have contacted the ConRail Chief Dispatcher.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).)

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

Dated: December 3, 1976.

R. D. HODGES,
Captain, U.S. Coast Guard, Acting Deputy Chief, Office of Marine Environment and Systems.

[FR Doc.76-36213 Filed 12-8-76;8:45 am]

[33 CFR Part 117]

[CSD 76-205]

DRAWBRIDGE OPERATION REGULATIONS

Sandusky Bay, Ohio

At the request of the Ohio Department of Transportation, the Coast Guard is considering revising the regulations for the Route 269 highway bridge across Sandusky Bay, mile 8.2, to allow closed periods from 11 p.m. to 7 a.m. The draw is presently required to open on signal

at all times. This request is being considered because of limited requests for openings during this period. (There were eight requests during 1975–1976).

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before January 12, 1977, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.706 to read as follows:

§ 117.706 Sandusky Bay, Ohio.

* * * * *

(b) *Ohio Department of Highways bridge between Martin Point and Danbury.* (1) The owner of or agency controlling this bridge shall provide the necessary draw tender and the proper mechanical appliances for the safe, prompt opening of the draw for the passage of vessels except when ice prevents navigation.

(2) The opening signal and the acknowledging signal shall be those prescribed in paragraph (a) (2) and (3) of this section.

(3) The draw shall open on signal, except that the draw need not open from 11 p.m. to 7 a.m. daily, except when notification prior to 3 p.m. has been given.

(4) Advance notification should be given to the Sandusky Post, State Highway Patrol.

(5) Public vessels of the United States, vessels in distress, and state or local government vessels used for public safety shall be passed through the draw of this bridge as soon as possible at any time even though the closed periods may be in effect.

(6) The owner or agency controlling the bridge shall keep a copy of the regulations in this section, together with a notice stating exactly how the Sandusky Post, State Highway Patrol, may be reached, conspicuously posted both upstream and downstream, either on the bridge or elsewhere in such a manner that it can be easily read from an approaching vessel at all times.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

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

Dated: December 1, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-36214 Filed 12-8-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

EDUCATION ALLOWANCE OVERPAYMENTS

Charging of Entitlement; Review Board Made Permanent

The following regulatory changes are made to clarify and update existing provisions.

Section 21.1045 is amended to provide proper rules for charging entitlement for overpayments, the collection of which is barred by a discharge of the debtor in a bankruptcy proceeding.

Section 21.4009 is amended to indicate that the Central Office ad hoc review board is renamed and made a permanent body.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before January 10, 1977, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that records are available for inspection only in Central Office and furnished the address and the above room number.

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

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

Approved: December 3, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 21.1045, paragraph (f) is revised to read as follows:

§ 21.1045 Entitlement charges.

* * * * *

(f) *Overpayment cases.* Entitlement will be charged for an overpayment in educational assistance allowance only if the overpayment is discharged in bankruptcy or waived and is not recovered. The charge will be at the appropriate rate for the elapsed period covered by the overpayment.

* * * * *

2. In § 21.4009, paragraphs (d), (g), (h) and (i) are revised to read as follows:

§ 21.4009 Overpayments; waiver or recovery.

* * * * *

(d) *Field station committees,* the field station regional committee having jurisdiction over the area in which the school is located is authorized to find:

(1) Whether recovery may be waived as to the veteran or eligible person.

(2) Liability of the school or liability of both the school and the veteran or eligible person.

* * * * *

(g) *Administrative reviews.* A request for an administrative review will be forwarded to Central Office where it will be considered by the Central Office School Liability Administrative Review Board convened for that purpose. The Board's decision will serve as authority for instituting collection proceedings, if appropriate, or for discontinuing collection proceedings instituted on the basis of the original decision of the field station committee in any case where the Board reverses a finding made by the committee that the school is liable.

(h) *Review and modification.* The Central Office School Liability Administrative Review Board may review and modify its decision upon submission of new and material evidence. The field station committee will forward such evidence with its recommendation.

(i) *Finality of decisions.* The Central Office School Liability Administrative Review Board has authority to act for the Administartor in making administrative reviews of determinations that a school is or is not liable for an overpayment to a veteran or an elgible person. There is no right of appeal.

[FR Doc.76-36192 Filed 12-8-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189]

[Docket No. HM-145]

ENVIRONMENTAL AND HEALTH EFFECTS MATERIALS

Advance Notice of Proposed Rulemaking

In issuing this advance notice of proposed rulemaking, the Materials Transportation Bureau (MTB) is giving notice that it is considering whether new

or additional transportation controls are necessary for classes of materials presenting certain hazards to humans and to the environment and which are not generally subject to the existing Hazardous Materials Regulations (HMR). The MTB is particularly interested in receiving views on the practicality and need for transportation controls on materials whose potential release during or incident to transportation may result in an unreasonable risk to property, the environment, or to human health and safety as has been determined through exposure in the work place or exposure by environmental accumulation.

This action is in response to recommendations from other organizations who have expressed a desire for the MTB to take more effective steps to deal with certain unregulated materials.

Comments by: March 14, 1977.

Addressed to: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should reference Docket No. HM-145. It is requested that comments be submitted in five copies.

Background

A number of public and private organizations and environmental agencies have expressed to MTB the view that the MTB should consider establishing transportation controls to deal with materials which are not regulated or are only partially regulated by the U.S. Department of Transportation's (DOT) HMR, transportation of which may pose certain hazards that the DOT previously has not formally recognized. The Natural Resources Defense Counsel, the General Electric Company, the National Tank Truck Carriers, the National Maritime Safety Association, the U.S. Environmental Protection Agency (EPA), and the Occupational Health and Safety Administration (OSHA) of the Department of Labor have expressed various concerns with the transportation of materials that may cause or contribute to the incidence of cancer, birth defects, genetic changes, environmental damage, and other effects, some poorly understood, and which in the past have been regulated, if at all, primarily because of other more easily recognized hazard characteristics. Such materials are referred to herein as "environmental and health effects materials." The MTB is considering the development of rules to deal with the transportation of a variety of environmental and health effects materials, to incorporate a systematic approach to identification of the kinds of hazards that might require attention, identification of materials that pose such hazards, and evaluation of the appropriateness of regulating such materials in transportation. Any such action would be based on Section 104 of the Hazardous Materials Transportation Act of 1974 (Pub. L. 93-633, 88 Stat. 2156) which authorizes the Secretary of Transportation to designate as a hazardous material any material the transportation of which in a particular quantity and form "may pose an unreasonable risk to health and safety or property * * *"

Existing DOT Regulations

Historically, the DOT has established its regulatory control upon properties of materials that pose a significant potential hazard to humans from acute exposures. The program to minimize this hazard has been primarily directed at controlling the handling of the materials and was further confined to the circumstances of the hazardous materials transportation activity. This philosophy has led to the development of a series of regulations found in Title 49 of the Code of Federal Regulations. These regulations define the classes of hazardous materials and list materials contained in the classes (49 CFR 172.101).

Present DOT definitions of classes of materials regulated as hazardous are found in 49 CFR Part 173. Definitions dealing primarily with toxic effects, found in Subpart H therein, include those of Poison A (§ 173.326), Poison B (§ 173.343), Irritating materials (§ 173.381), Etiologic agents (§ 173.386) and Radioactive materials (§ 173.389). The existing definitions are generally limited in scope by reliance on testing criteria that may not provide adequate consideration of the risks that transporting some materials may have on health or environmental effects. Some of these limitations in the transportation regulations can be recognized as: (a) Not listing as HMR, those materials which when directly exposed to man over a prolonged period of time (month to years) effect his health; (b) not listing as HMR, those materials which when discharged into the environment pose imminent and substantial danger to public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines and beaches, or (c) not listing as HMR, those materials which when found in man's food, water, or air may endanger his health. These risks have been addressed to some extent by agencies outside this Department.

Actions of Other Agencies

In connection with possible modification of existing MTB classification criteria, the MTB may consider partial or full adoption of criteria, and lists of materials identified thereunder, which have been developed for specific purposes by other agencies. This approach has been employed in this Department's definition of etiologic agents, 49 CFR 173.386, which rely on identification of such agents by the Department of Health, Education, and Welfare.

The EPA has proposed rules under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) which identify 306 materials as hazardous substances, based upon their toxicity to aquatic, mammalian, and plant organisms, as well as their potential for entering the navigable waters of the United States (see Appendix A).

The OSHA of the Department of Labor has published a list of materials it considers to be human carcinogens (see Appendix B). The selection criteria used recognizes effects of chronic occupational exposure which may be quite remote in time from the onset of exposure. OSHA has also proposed rules governing occupational exposure to asbestos (see Appendix B), which would include controls on asbestos handling incident to transportation. The Inter-governmental Maritime Consultative Organization is actively concerned with possible hazards associated with health effects of asbestos particles released during transportation.

The Organization for Economic Cooperation and Development has issued a decision of the Council on Protection of the Environment by Control of Polychlorinated Biphenyls (PCB's), which was adopted at its 315th meeting in Paris, France, February 13, 1973, and which recommended that member countries require labeling and specification packaging for the transport of PCB's. Both the EPA and the U.S. Department of State have indicated concern over the health effects of these materials founded, in part, upon the PCB's levels found in the fisheries of the Great Lakes, certain foodstuffs, and in the milk fat of nursing mothers in several States. In Section 6 of the Toxic Substances Control Act (Pub. L. 94-469, October 11, 1976) Congress has directed EPA to prescribe methods of marking and disposal of PCB's and has completely banned manufacture and distribution of these materials within two and one-half years of the effective date of the Act, subject to exception by the EPA Administrator.

Legislation

Additional mechanisms, either existing or in development, which address health or environmental effects of various materials, may exist at both the Federal and State level. Such programs as can be identified may be considered by the MTB in evaluating any action it may take. State programs pertaining to the transportation of materials called hazardous wastes are of particular interest.

Recent Federal legislation includes the previously mentioned Toxic Substances Control Act which provides EPA with authorization to require pre-market evaluation of new chemicals, as well as evaluation of some presently known materials. Although full implementation of this Act by EPA is some time off, activities of EPA and industries regulated under the Act may provide a great deal of information concerning environmental and health effects materials.

Title III of the Resources Conservation and Recovery Act of 1976 (Pub. L. 94-580, October 21, 1976) directs the EPA Administrator to develop criteria for identifying hazardous wastes and a list of such wastes to be subject to EPA regulatory control. Any proposed or existing hazardous waste transportation control activities using specific packaging, labeling, and shipping documents are of interest in the MTB's evaluation of environmental and health effects materials.

Request for Comment

To assist the MTB in its examination of the possible need for further identi-

fication and control of environmental and health effects materials moving in commerce, comments on the following subjects would be useful:

1. Whether or not additional regulation of environmental and health effects materials in transportation is needed and why. If so,

2. What sort of human health effects should be considered.

3. What sort of environmental effects should be considered.

4. What criteria should be used to ascertain effects and identify materials. The MTB is concerned that duplication of research efforts carried out by other agencies be avoided as far as possible and is interested in the suitability of considering lists of materials identified by other agencies as having adverse environmental or health effects.

5. Whether modifications to existing DOT hazardous material classifications, or establishment of new classes, would best accommodate the identified environmental and health effects materials.

6. What sort of transportation controls may be needed for identified environmental and health effects materials. Presently available controls include specification of the physical containment necessary for transportation of a hazardous material, as well as systems to insure adequate communication of information on the material and its hazards to persons handling the material while it is in transportation or in storage incidental to transportation and to persons responding to an emergency. Degree of control generally reflects the intensity of a given hazard. Should packaging controls be necessary, performance standards rather than specification standards may be considered.

7. With regard to hazardous waste, what classification system may be used to clearly identify mixtures as opposed to single compound materials; what packagings may be appropriate for transportation; and how existing transportation documentation can be used to cover transport of hazardous wastes from the generator (shipper) to the disposer (consignee).

8. Should new or additional transportation controls be necessary, what the impact on affected industries may be, and what a reasonable implementation schedule would be. The MTB is specifically concerned with avoiding costs which are not essential to the maintenance of transportation safety, and obtaining cost data to determine whether an inflation impact statement will be required.

9. Should new or additional transportation controls be necessary, whether the preparation of an environmental impact statement will be required.

10. Any other matters relevant to the identification and control in transportation of environmental and health effects materials, or to the need therefore, including the need for uniformity in the applicability of such safety regulations as might be developed under this docket to the various modes of transportation.

PROGRAM PLAN

If rulemaking is determined appropriate, under this docket, the MTB may consider a limited revision of the hazard classification; develop a list of substances; and provide a discussion for the basis of their selection. In addition, this effort may include consideration of regulatory requirements pertaining to communications, packaging, handling, and personnel training.

The MTB will be reviewing any comments received to answer questions outlined above and with a view to establishing selection criteria and rationale which would indicate specifically: (a) What types of toxicological data are meaningful; (b) in what context should these data be used; and (c) what degree of risk may be viewed as acceptable under what given conditions. Certain testing requirements may be established by the MTB to address: (a) The potential biological threat of a material; and (b) the probable occurrence of that threat during transportation.

The materials included in the EPA Hazardous Substances List and the OSHA list of carcinogenic chemicals, which are not presently regulated by the MTB in the Code of Federal Regulations, Title 49, are contained in Appendix A and B of this advance notice. These lists are provided as example lists of materials only and interested parties may wish to include in their comments specific reference to these listed materials as appropriate.

If sufficient interest is expressed in comments, an informal hearing on this subject will be held in Washington, D.C., no earlier than February 7, 1977. The time, location, and agenda of the hearing, if required, will be published in the FEDERAL REGISTER.

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

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

DR. C. H. THOMPSON,
Acting Director, Office of Hazardous Materials Operations.

APPENDIX A—U.S. ENVIRONMENTAL PROTECTION AGENCY PROPOSED HAZARDOUS SUBSTANCES

(40 FR 59960—December 30, 1975)

MATERIALS NOT SPECIFIED BY U.S. DOT 49 CFR 172.101

NOTE: *Means Materials not Regulated in all Transport Modes.

COMMON NAME		COMMON NAME—continued	
Adiponitrile	Ammonium fluoborate	Ammonium thiocyanate	Endrin
Aluminum sulfate	Ammonium hypophosphite	Ammonium thiosulfate	Ethion
Ammonium acetate	Ammonium iodide	Antimony potassium tartrate*	Ethylenediaminetetraacetic acid
Ammonium benzoate	Ammonium oxalate	Antimony tribromide	Aluminum fluoride
Ammonium bicarbonate	Ammonium pentaborate	Antimony trifluoride	Ammonium bifluoride*
Ammonium bisulfite	Ammonium persulfate	Antimony trioxide	Ammonium fluoride*
Ammonium bromide	Ammonium silicofluoride	Arsenic disulfide	Sodium bifluoride
Ammonium carbamate	Ammonium sulfamate	Arsenic trisulfide	Sodium fluoride*
Ammonium carbonate	Ammonium sulfite	Benzoic acid	Stannous fluoride
Ammonium chloride	Ammonium tartrate	Benzonitrile	Fumaric acid
Ammonium citrate, dibasic		Beryllium chloride	Guthion
		Beryllium fluoride	Heptachlor
		Beryllium nitrate	Hydroxylamine
		Cadmium acetate	Ferric ammonium citrate
		Cadmium bromide	Ferric ammonium oxalate
		Cadmium chloride	Ferric chloride*
		Calcium hydroxide	Ferric fluoride
		Calcium oxide*	Ferric nitrate
		Captan	Ferric sulfate
		Carbaryl*	Ferrous ammoium sulfate
		Chlordane	Ferrous chloride
		Chloroform*	Ferrous sulfate
		Ammonium chromate	Kelthane
		Calcium chromate	Lead acetate
		Chromic acetate	Lead fluoborate
		Chromic sulfate	Lead fluoride
		Chromous chloride	Lead iodide
		Lithium bichromate	Lead stearate
		Lithium chromate	Lead sulfide
		Potassium chromate	Lead tetraacetate
		Sodium bichromate	Lead thiocyanate
		Sodium chromate	Lead thiosulfate
		Strontium chromate	Lead tungstate
		Zinc bichromate	Lindane*
		Cobaltous bromide	Malathion*
		Cobaltous fluoride	Maleic acid
		Cobaltous formate	Maleic anhydride
		Cobaltous sulfamate	Mercuric nitrate
		Cupric acetate	Methoxychlor
		Cupric chloride*	Mevinphos
		Cupric formate	Naled
		Cupric glycinate	Naphthenic acid
		Cupric lactate	Nickel ammonium sulfate
		Cupric nitrate	Nickel formate
		Cupric oxalate	Nickel hydroxide
		Cupric subacetate	Nickel nitrate
		Cupric sulfate	Nickel sulfate
		Cupric sulfate, ammoniated	Nitrophenol
		Cupric tartrate	Paraformaldehyde
		Cuprous bromide*	Pentachlorephenol
		Coumaphos	Polychlorinated biphenyls
		Cresol	Propyl alcohol
		Cyanogen chloride	Pyrethrins
		2,4,D (acid or esters)*	Quinoline
		Dalapon	Resorcinol
		DDT*	Selenium oxide
		Dicamba	Sodium bisulfite*
		Dichlobenil	Sodium selenite
		Dichlone	Sodium hydrosulfide
		Dichlorvos	Sodium hypochlorite
		Dieldrin	Sodium phosphate, dibasic
		Diquat	Sodium phosphate, monobasic
		Disulfoton	Sodium phosphate, tribasic
		Diuron	Styrene
		Dodecylbenzenesulfonic acid	2,4,5–T (acid)
		Dodecylbenzenesulfonic acid, calcium salt	2,4,5–T (esters)
		Dodecylbenzenesulfonic acid, isopropanolamine salt	Trichlorfon
		Dodecylbenzenesulfonic acid, sodium salt	TDE
		Dodecylbenzenesulfonic acid, triethanolamine salt	Toxaphene*
		Dursban	Trichlorophenol
		Endosulfan	Uranium peroxide
			Uranyl acetate
			Uranyl sulfate
			Vanadium pentoxide
			Vanadyl sulfate
			Xylenol
			Zectran

COMMON NAME—Continued

Zinc acetate	Zinc potassium chromate
Zinc ammonium chloride	Zinc silicofluoride
Zinc borate	Zinc sulfate
Zinc bromide	Zinc sulfate, monohydrate
Zinc carbonate	Zirconium acetate
Zinc fluoride	Zirconium nitrate
Zinc formate	Zirconium potassium, fluoride
Zinc hydrosulfite	Zirconium oxychloride
Zinc nitrate	Zirconium sulfate
Zinc phenolsulfonate	
Zinc phoephide	

APPENDIX B—U.S. DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CANCER SUSPECT AGENTS

(29 CFR 1910.1003 through 1910.1016, except 1910.1005)

MATERIALS NOT SPECIFIED BY DOT 49 CFR 172.101

CHEMICAL NAME

Acetylaminoflourene	4-Nitrobiphenyl
Aminodiphenyl	N-Nitrosodimethylamine
Benzidine	beta-Propiolactone
3,3'-Dichlorobenzidine (and its salts)	bis-Chloromethyl ether
4-Dimethylaminoazobenzene	Methyl chloromethyl ether
alpha-Naphthylamine	Ethyleneimine
beta-Naphthylamine	

PROPOSED CANCER HAZARD

(40 FR 47652—October 9, 1975)

MATERIALS NOT SPECIFIED BY DOT 49 CFR 172.101

asbestos, or chrysotile, amosite, crocidolite, tremolite anthophyllite, actinolite

[FR Doc.76-36237 Filed 12-8-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 525]

[Docket No. FE76-04; Notice 1]

AVERAGE FUEL ECONOMY STANDARDS

Proposed Regulations Regarding Petitions for Exemptions

This notice proposes a new regulation setting forth the requirements applicable to the submission of petitions by low volume manufacturers of passenger automobiles for exemptions from average fuel economy standards. An exemption would be available only if the otherwise applicable average fuel economy standard were more stringent than the maximum feasible average fuel economy level which the petitioning low volume manufacturer could attain. The notice also describes the procedures that the National Highway Traffic Safety Administration (NHTSA) would follow in acting on the petitions.

Background. Part A of title III of the Energy Policy and Conservation Act (Pub. L. 94-163) amended the Motor Vehicle Information and Cost Savings Act (referred to hereafter as "the Act") by adding a new title V. That title (15 U.S.C. 2001 et seq.) requires the Secretary of Transportation to implement a program for improving the average fuel economy of new automobiles "manufactured" in the United States; i.e., produced or assembled in or imported into the customs territory of the United States. Authority to administer the program was delegated by the Secretary to the Administrator of the NHTSA (41 FR 25015; June 22, 1976). Section 502(a)(1) of the Act establishes average fuel economy standards for passenger automobiles of 18 mpg, 19 mpg, and 20 mpg, for model years 1978, 1979, and 1980, respectively, and 27.5 mpg for model year 1985 and subsequent model years. Under a new Part 523 that the NHTSA is considering proposing for addition to title 49 of the Code of Federal Regulations, passenger automobiles would be station wagons built on a passenger car chassis, sedans, coupes, and sports cars and other motor vehicles classified as passenger cars under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.) and implementing regulations at 49 CFR 571.3. The standards for passenger automobiles manufactured during the intervening model years, 1981–1984, are required by section 502(a)(3) to be promulgated by the Administrator. The penalty for a manufacturer's violating the standard for any model year is a civil penalty equal to $5.00 for each tenth of a mile per gallon by which the average fuel economy of the manufacturer's passenger automobiles for that model year failed to meet the standard, multiplied by the number of those passenger automobiles.

Section 502(c) of the Act provides for exempting low volume manufacturers of passenger automobiles from the standards with which higher volume passenger automobile manufacturers must comply. To be eligible for an exemption, a manufacturer must produce (worldwide) fewer than 10,000 passenger automobiles in a model year for which an exemption is sought (an "affected model year") and fewer than 10,000 passenger automobiles in the second model year preceding the affected model year.

Congress authorized these exemptions in apparent recognition of the special circumstances of the low volume manufacturers and the extremely minor role that these manufacturers can play in increasing the average fuel economy of all passenger automobiles manufactured annually. Low volume manufacturers differ from higher volume manufacturers in several important respects. The former group of manufacturers typically produces a much narrower range of model types. Thus, they are less able to balance passenger automobiles with high fuel economy against passenger automobiles with low fuel economy. Further, their model types tend to be concentrated in the luxury market. Since the fuel economy of luxury vehicles is now generally lower than that of less expensive vehicles, the average fuel economy of the low volume manufacturers is also generally lower than that of higher volume manufacturers. Finally, the low volume manufacturer is relatively limited in his ability to make technological improvements by limited financial resources, small engineering staffs, and longer model type redesign cycles.

Although the number of low volume manufacturers is large, the total passenger automobile production of these manufacturers is very small. There are approximately 25 low volume manufacturers which either produce passenger automobiles in this country or produce them abroad and import them into this country. Together, these manufacturers produce approximately 25,000 passenger automobiles annually for sale in this country and elsewhere. This is about one-quarter of one percent of all new passenger automobiles sold in this country annually. The fuel consumption of this group of passenger automobiles is slightly more than one-quarter of one percent of the consumption of the latter group.

If the Administrator determines, by rule, that the level of average fuel economy specified in the standard for an affected model year is higher than the maximum feasible average fuel economy achievable by a low volume manufacturer for its passenger automobiles to be manufactured in that model year, he may grant an exemption. Section 502(e) of the Act provides that, in making that determination, the Administrator shall consider:

(1) Technological feasibility;
(2) Economic practicability;
(3) The effect of other Federal motor vehicle standards on fuel economy; and
(4) The need of the Nation to conserve energy.

If the Administrator grants an exemption, he must also establish an alternative standard for the petitioner at the level of the petitioner's maximum feasible average fuel economy for its passenger automobiles to be manufactured in the affected model year. Instead of establishing a separate standard for the total passenger automobile production of each exempted manufacturer, the Administrator could either set a single standard or several class standards for the passenger automobiles of all exempted manufacturers.

SCHEDULE FOR THE SUBMISSION AND DISPOSITION OF PETITIONS

The proposed regulation provides that manufacturers desiring to petition for exemptions would be required, with certain exceptions, to submit their petitions to this agency not less than 24 months before the beginning of the affected model year. The exceptions relate to model years 1978 and 1979. In view of the relatively limited time remaining before those model years, petitions for model year 1978 would be required to be submitted not less than 3 months before that model year and petitions for model year 1979, not less than 12 months before that model year. Comments are requested on whether the agency should have discretion to accept late petitions and, if so, under what circumstances. No deadline would be established for the granting or denying of petitions. However, this agency anticipates that decisions on most petitions would be made not later than 18 months before the affected model year.

This proposed schedule reflects an interpertation of section 502(c) which

leaves the establishment of the schedule to agency discretion. Section 502(c) provides, in pertinent part—

> (o)n application of a manufacturer who manufactured (whether or not in the United States) fewer than 10,000 passenger automobiles in the second model year preceding the model year for which the application is made, the Secretary may, by rule, exempt such manufacturer from subsection (a). An application for such an exemption shall be submitted to the Secretary, and shall contain such information as the Secretary may require by rule.

The section makes no express provision regarding the schedule for the submission or disposition of petitions. The only express provisions regarding the petitions appear in the second sentence of section 502(c) and relate to the receipt and content of the petitions. The production limitation for the second preceding model year has no bearing on the schedule. The limitation is simply another condition, like the identical production limitation for the affected model year, to a manufacturer's being exempt in that model year.

Under this tentatively adopted interpretation and the proposal, the effect of a manufacturer's exceeding the production limitation for the second preceding model year would be to terminate the processing of its petition for the affected model year if it had not yet been granted. If the petition had already been granted, the exemption for that model year would be voided.

This agency considered a second interpretation of the production limitation for the second preceding model year which provides that the limitation is not only one of several conditions to a manufacturer's being exempt in an affected model year, but also specifies when the Administrator may grant a petition. Under this interpretation, the Administrator could not grant a petition until after the second preceding model year when the production figures for that model year are definitively known.

The proposed schedule for submitting petitions and making decisions regarding them was drafted to reflect the tentatively adopted or first interpretation because that interpretation permits the section 502(c) exemption procedure to contribute more than does the second interpretation to accomplishing the purposes of Title V; i.e., increasing average fuel economy. In drafting section 502(c), Congress could have simply provided for exempting manufactures without establishing alternative standards. The increases in the average fuel economy achieved by the exempted manufacturers would then have been determined by the plans, if any, developed by these manufacturers in response to market forces. However, Congress did not choose that course. It required that alternative standards be established, thus making the exempted manufacturers subject to substantial civil penalties for not improving their average fuel economy. Although the legislative history of section 502(c) does not speak to this issue, we assume that the purpose of requiring the promulgation of alternative standards was to ensure that low volume manufacturers, like the larger manufacturers, would supplement their voluntary efforts to improve average fuel economy.

The first interpretation would enable the agency to require low volume manufacturers to make greater improvements in their average fuel economy than would the second interpretation since the first would make it possible to provide the manufacturers with greater leadtime to achieve compliance with the alternative standards. The maximum leadtime that could be provided under the second interpretation is the 12-month period between the second preceding model year and the affected model year. Significant design or tooling changes generally cannot be made without more leadtime. A much longer leadtime could be provided under the first interpretation. The leadtime should be at least 18 months and could be longer, especially if the low volume manufacturers submit their petitions well in advance of the deadline for submitting them.

The first interpretation would provide greater leadtime also by enabling the agency to grant multiple year exemptions. The promulgation of alternative standards for a multiple year period would make the future constraints on the production plans of the exempted manufacturers more predictable for those manufacturers and thereby facilitate their planning. The second interpretation appears to preclude the granting of multiple year exemptions because it would require that a petitioner be able to demonstrate that his worldwide passenger automobile production in the second model year preceding each affected model year was less than 10,000. If a manufacturer were to submit a petition for a multiple year period, it could make that demonstration with respect to second model year preceding only the first affected model year in that period. Production figures for the second model years preceding the other affected model years would not yet be available.

Another distinction between the first and second interpretations that makes the former preferable is that the first interpretation does not create the possibility of minimal standards that would make attractive the establishment of new low volume manufacturing companies to produce passenger automobiles with relatively low fuel economy. Establishment of those companies may become inviting as the higher volume manufacturers modify the design and performance of their passenger automobiles to meet applicable average fuel economy standards. Under the second interpretation, which permits only short leadtime and thus gives the Administrator relatively limited ability to require the low volume manufacturers to increase their efforts to improve their average fuel economy, exemptions might tend to be licenses for new low volume manufacturers to produce relatively inefficient passenger automobiles in perpetuity.

Duration of exemption. Application could be made under the proposed regulation for one to three model years.

Contents of petition. The petitioner would be required to include in its petition all of its data, views, and arguments supporting the requested exemption from an otherwise applicable average fuel economy standard. The regulation would set forth minimum requirements regarding such material.

A petitioner would not be permitted to incorporate documents by reference unless they were submitted with the petition. This policy would facilitate public examination of the petitions. It would also facilitate this agency's analysis of petitions and consideration of requests for confidential treatment of data and information.

The first item of information that the petitioner would be required to submit in petitioning for exemption for model year 1978 or 1979 would be its actual figures for worldwide passenger automobile production for the second model year preceding each affected model year. In the case of petitions for exemption for model year 1980 and thereafter, the production figures would be projections.

A substantial amount of information would be required regarding the passenger automobiles that the petitioner plans to manufacture during each affected model year. To enable this agency to determine the average fuel economy that the petitioner expects to be able to achieve for an affected model year, the petitioner would be required to project its production mix and total production of those passenger automobiles, show the effect on fuel economy of other Federal motor vehicle standards, and provide vehicle configuration and model type fuel economy values and the average fuel economy for those passenger automobiles based on the projections. The petitioner would have to submit information to demonstrate the reasonableness of the projections, including information showing that they are consistent with the annual total production and production mix of the petitioner's passenger automobiles manufactured or expected to be manufactured in each of the four model years immediately preceding the affected model year, and with the petitioner's passenger automobile production capacity for the affected model year. The petitioner would also be required to show that the projections are consistent with its efforts to comply with the average fuel economy standard for passenger automobiles to be manufactured in the affected model year, and with anticipated consumer demand for passenger automobiles during that model year.

The fuel economy and average fuel economy figures would be calculated in accordance with EPA regulations in Subparts C and F of 40 CFR Part 600 (41 FR 38674, September 10, 1976). The fuel economy values for the vehicle configurations could be based upon tests conducted on the petitioner's passenger automobiles or upon analytical methods comparable to those permitted by EPA. Use of analytical methods would prob-

ably be necessary since passenger automobiles for the affected model year or years are not likely to be available for testing.

A petitioner would also be required to provide information to aid this agency in determining whether the average fuel economy figure the petitioner provides for an affected model year is the maximum feasible average fuel economy achievable by the petitioner in that model year. The petitioner would have to describe key technological features, especially those having a significant effect on fuel economy, of its passenger automobiles to be manufactured in the affected model year. This information would help this agency in making its own evaluation of those vehicles' potential fuel economy.

The balance of the required information relates to the level of effort made by the petitioner to improve fuel economy. The petitioner would be required to describe the technological means and marketing strategies it selected for increasing the average fuel economy of its passenger automobiles to be manufactured during each affected model year and each of the two model years immediately following the last affected model year. A description would also be provided of the petitioner's past and planned efforts to implement those means and strategies. To explain why the petitioner does not plan to achieve a higher average fuel economy in an affected model year, the petitioner would have to discuss why it did not adopt alternative or additional means and strategies that it considered and that would have resulted in a higher average fuel economy than that achievable by the selected means and strategies. If the petitioner is not considering means and strategies that would enable the petitioner to comply with the applicable average fuel economy standard, it would be required to explain the reasons for not doing so. Finally, a petitioner planning to make fuel economy improvements in either of the two model years immediately following an affected model year would have to set forth the reasons for not making those improvements in that affected model year.

Processing of Petitions. When the Administrator of this agency received a petition under this proposed regulation, he would publish notice of the receipt in the FEDERAL REGISTER and place in a public docket the portions of the petition for which confidential treatment was not granted. The notice would summarize the petition, announce the availability of nonconfidential portions of the petition in the public docket, describe the options available to the Administrator regarding the petition, and invite written public comment on the petition. If the petition did not contain the information required by the proposed regulation, the petitioner would be advised of the deficiencies in his petition and informed that his petition would not be processed further until the deficiencies were eliminated. At any stage during the processing of a petition, the Administrator might use his authority under Title V to obtain additional information from the petitioner. He would also consult whenever appropriate with EPA, FEA and other Federal agencies regarding the petition, usually by circulating before publication his proposed and final decisions and exemption petitions.

After considering the petition and other information available to him, the Administrator would publish in the FEDERAL REGISTER a notice of proposed rulemaking containing his preliminary determination of the maximum feasible average fuel economy level that the petitioner can attain. If the level were equal or greater than the applicable average fuel economy standard from which exemption was sought, the notice would propose that the petition be denied. If the maximum feasible average fuel economy attainable were less than the otherwise applicable standard, the notice would propose granting the petition and would propose an alternative standard equal to the petitioner's maximum feasible average fuel economy. The notice would invite written public comment on the proposal. Any interested person could, upon written request, meet informally with an appropriate NHTSA official to discuss the petition or the notice. Memoranda recording these informal meetings would be placed in the public docket.

A final decision would be published in the FEDERAL REGISTER, setting forth the grant or denial of the petition, the reasons for the decision, and, in the case of a decision to grant a petition, the alternative standard.

Renewal and termination of exemptions. There would be no limit on the renewal of exemptions. Renewal petitions would be required to be submitted in the same manner as original petitions and meet the same requirements. Further, the renewal petitions would be processed in accordance with the same procedures applied to original petitions.

The Administrator could, on his own motion or on petition by any interested person, initiate rulemaking under the informal procedures of 5 U.S.C. 553 to terminate an exemption or amend an alternative average fuel economy standard. Rulemaking procedures for Title V will be established soon in a new Part 522 to be added to Title 49 of the Code of Federal Regulations. Section 502(f)(1) expressly provides for amending alternative standards issued under section 502(c). A manufacturer's exemption would be terminated with respect to a particular model year if the maximum feasible average fuel economy achievable by the manufacturer were determined to be equal to or greater than that specified in the standard which would otherwise have been applicable to the manufacturer. Similarly, an alternative standard for a model year could be increased or decreased by amendment if the Administrator determined that the maximum average fuel economy achievable by the manufacturer subject to the standard were higher or lower than the level of average fuel economy specified in that standard. Both the termination of exemptions and the amendment of alternative standards to increase the level of required average fuel economy would be subject to the provision in section 502(f)(2) that standards cannot be amended to make them more stringent within 18 months of their effective date.

Confidential information. The proposed regulation would make special provision for the treatment of trade secrets and other confidential information submitted in support of a petition. The provisions of section 505(d)(1) of the Act regarding confidential information indicate that requests for confidential treatment of information should be very carefully scrutinized and public disclosure be made whenever possible. The agency expects that very little information will require confidential treatment. Section 505(d)(1) provides that:

> The Secretary and the EPA Administrator shall each disclose any information obtained under this part (other than section 503(d)) to the public in accordance with section 552 of title 5, United States Code, except that information may be withheld from disclosure under subsection (b)(4) of such section only if the Secretary or EPA Administrator, as the case may be, determines that such information, if disclosed, would result in significant competitive damage. Any matter described in section 552(b)(4) relevant to any administrative or judicial proceeding under this part may be disclosed in such proceeding.

The regulation would require the petitioner to segregate and identify any information that he requested to be withheld from public disclosure. The segregation of the material would facilitate placing the balance of the petition in the public docket and evaluating the confidentiality request. With respect to information and data claimed by the petitioner to fall within 5 U.S.C. 552(b)(4), it would be required to do the following: Show that the information and data fell within section 552(b)(4) and that its disclosure would result in significant competitive damage; indicate the period during which that damage would be incurred if the information and data were released; and show that an earlier release would result in that damage. If the Administrator denied a petitioner's request for confidential treatment, he would give the petitioner written notice of his denial before releasing the information and data to the public. If the Administrator granted confidential treatment of certain information and data, he would not later invoke his authority under section 505(d)(1) to release the information and data during an administrative or judicial proceeding under Title V without first giving written notice to the petitioner. In either case, the manufacturer would be given a reasonable time to respond to the Administrator's notice.

In consideration of the foregoing, it is proposed that a new Part 525, *Exemptions From Average Fuel Economy Standards*, be added to Title 49 of the Code of Federal Regulations as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevent material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: January 24, 1977.

Proposed effective date: Date of publication of final rule.

Issued on December 3, 1976.

JOHN W. SNOW,
Administrator.

PART 525—EXEMPTIONS FROM AVERAGE FUEL ECONOMY STANDARDS

Sec.

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AUTHORITY: Sec. 301, Pub. L. 94-163, 89 Stat. 871 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976).

§ 525.1 Scope.

This part establishes procedures under section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended, (15 U.S.C. 2002) for the submission and disposition of petitions filed by low volume manufacturers of passenger automobiles to exempt them from the average fuel economy standards for passenger automobiles and to establish alternative average fuel economy standards for those manufacturers.

§ 525.2 Purpose.

The purpose of this Part is to provide guidelines for low volume manufacturers of passenger automobiles which desire to petition the Administrator for exemption from applicable average fuel economy standards and for establishment of appropriate alternative average fuel economy standards and to give interested persons an opportunity to present data, views and arguments on those petitions.

§ 525.3 Applicability.

This Part applies to passenger automobile manufacturers.

§ 525.4 Definitions.

(a) *Statutory terms.* (1) The terms "fuel," "manufacture," "manufacturer," and "model year," are used as defined in section 501 of the Act.

(2) The terms "average fuel economy," "fuel economy," and "model type" are used as defined in 40 CFR 600.002-77.

(3) The term "automobile" means a vehicle determined by the Administrator under 49 CFR 523 to be an automobile.

(4) The term "passenger automobile" means an automobile determined by the Administrator under 49 CFR 523 to be passenger automobile.

(5) The term "customs territory of the United States" is used as defined in 19 U.S.C. 1202.

(b) *Other terms.* (1) The terms "base level" and "vehicle configuration" are used as defined in 40 CFR 600.002-77.

(2) The term "vehicle curb weight" is used as defined in 40 CFR 85.002.

(3) The term "interior volume index" is used as defined in 40 CFR 600.315-77.

(4) As used in this Part, unless otherwise required by the context—

"Act" means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163);

"Administrator" means the Administrator of the National Highway Traffic Safety Administration;

"Affected model year" means a model year for which an exemption and alternative average fuel economy standard are requested under this Part;

"Designated seating position" means any plan view location intended by the manufacturer to provide seating accommodation while the automobile is in motion, for a person at least as large as a fifth percentile adult female, except auxiliary seating accommodations such as temporary or folding jump seats;

"Fifth percentile adult female" means a person possessing the dimensions and weight of the fifth percentile adult female specified for the total age group in Public Health Service Publication No. 1000, Series 11, No. 8 "Weight, Height, and Selected Body Dimensions of Adults;" and

"Production mix" means the number of passenger automobiles, and the percentage of the petitioner's annual total production of passenger automobiles, in each vehicle configuration which a petitioner plans to manufacture in a model year.

§ 525.5 Limitation on eligibility.

Any manufacturer that manufactures (whether or not in the customs territory of the United States) 10,000 or more passenger automobiles in the second model year preceding an affected model year or in the affected model year is ineligible for an exemption for that affected model year.

§ 525.6 Requirements for petition.

Each petition filed under this part must—

(a) Identify the model year or years for which exemption is requested;

(b)(1) In the case of a petition for exemption for model year 1978, be submitted not later than 3 months before the beginning of that model year;

(2) In the case of a petition for exemption for model year 1979, be submitted not later than 12 months before the beginning of that model year;

(3) In the case of a petition for exemption for model year 1980 or any subsequent model year, be submitted not later than 24 months before the beginning of that model year;

(c) Be submitted in three copies to: Administrator, Highway Traffic Safety Administration, Washington, D.C. 20590;

(d) Be written in the English language;

(e) State the full name, address and title of the official responsible for preparing the petition;

(f) Set forth in full data, views and arguments of the petitioner supporting the exemption and alternative average fuel economy standard requested by the petitioner, including the information and data specified by § 525.7 and the calculations and analyses used to develop that information and data. No documents may be incorporated by reference in a petition unless the documents are submitted with the petition;

(g)(1) Specify and segregate any part of the information and data submitted under this part that the petitioner wishes to have withheld from public disclosure.

(2) With respect to information and data requested to be withheld under 5 U.S.C. 552(b)(4), show that the information and data is within the scope of section 552(b)(4), show that disclosure of the information and data would result in significant competitive damage, specify the period during which the information and data must be withheld to avoid that damage, and show that earlier disclosure would result in that damage.

§ 525.7 Basis for petition.

(a) The petitioner shall include the information specified in paragraphs (b) through (f) of this section in its petition.

(b) The total number of passenger automobiles manufactured or likely to be manufactured (whether or not in the customs territory of the United States) by the petitioner in the second model year immediately preceding each affected model year.

(c) For each affected model year, the petitioner's projections, based on the average fuel economy standard for passenger automobiles from which an exempion is being sought, of its total production and of its production mix of all

base levels of its passenger automobiles to be manufactured in that model year, and all vehicle configurations within each of those base levels, and a discussion demonstrating that the projections are reasonable. The discussion shall include information showing that the projections are consistent with—

(1) The petitioner's annual total production and production mix of passenger automobiles manufactured or likely to be manufactured in each of the four model years immediately preceding that affected model year;

(2) Its passenger automobile production capacity for that affected model year;

(3) Its efforts to comply with that average fuel economy standard; and

(4) Anticipated consumer demand in the United States for passenger automobiles during that affected model year.

(d) For each affected model year, a description of the following features of each vehicle configuration of the petitioner's passenger automobiles to be manufactured in that affected model year:

(1) Maximum overall body width, overall length, and overall height, determined in accordance with Motor Vehicle Dimensions SAE J1100a (report of Human Engineering Committee, approved September 1973, as revised September 1975);

(2) Vehicle curb weight;

(3) Number of designated seating positions and interior volume index;

(4) Engine type, displacement, and SAE net horsepower;

(5) Fuel system;

(6) Drive train configuration and ratios; and

(7) Emission control system.

(e) For each affected model year, a fuel economy value for each vehicle configuration specified in 40 CFR(a)(2), base level, and model type of the petitioner's passenger automobiles to be manufactured in that affected model year calculated in accordance with Subpart C of 40 CFR Part 600 and based on tests or analyses comparable to those prescribed or permitted under 40 CFR Part 600 and a description of the test procedures or analytical methods.

(f) For each affected model year, an average fuel economy figure for the petitioner's passenger automobiles to be manufactured in that affected model year calculated in accordance with 40 CFR 600.510(e) and based upon the fuel economy values provided under paragraph (e) of this section and upon the petitioner's production mix projected under paragraph (c) of this section for the affected model year.

(g) Information demonstrating that the average fuel economy figure provided for each affected model year under paragraph (f) of this section is the maximum feasible average fuel economy achievable by the petitioner for that model year, including—

(1) For each affected model year and each of the two model years immediately following the last affected model year, a description of the technological means and marketing strategies selected by the petitioner for increasing the fuel economy of each vehicle configuration of its passenger automobiles to be manufactured in that model year or for increasing the average fuel economy of those passenger automobiles.

(2) A chronological description of the petitioner's past and planned efforts to implement the means and strategies described under paragraph (g)(1) of this section.

(3) A discussion of the effect of other Federal motor vehicle standards on the fuel economy of the petitioner's passenger automobiles.

(4) For each affected model year, a discussion of the alternative and additional means and strategies considered but not selected by the petitioner that would have enabled any vehicle configuration of its passenger automobiles to be manufactured in that affected model year to achieve higher fuel economy than is achievable with the means described under paragraph (g)(1) of this section or enabled those passenger automobiles to achieve a higher average fuel economy than is achievable with the strategies described under that paragraph.

(5) In the case of a petitioner which is not considering means or strategies that will enable it to comply with the applicable average fuel economy standard for each affected model year, an explanation of the petitioner's reasons for not doing so.

(6) In the case of a petitioner which plans to increase the average fuel economy of its passenger automobiles to be manufactured in either of the two model years immediately following an affected model year, an explanation of the petitioner's reasons for not making those increases in that affected model year.

§ 525.8 Processing of petitions.

(a) Notice of receipt of each petition containing the information required by this Part is published in the FEDERAL REGISTER. The notice summarizes the petition, describes the options available to the Administrator regarding the petition, and invites written public comment on the petition.

(b) If a petition is found not to contain the information required by this Part, the petitioner is informed about the areas of insufficiency and advised that the petition will not receive further consideration until the required information is submitted.

(c) The Administrator may request the petitioner to provide information in addition to that required by this Part.

(d) The Administrator publishes a proposed decision in the FEDERAL REGISTER. The proposed decision indicates the proposed grant of the petition and establishment of an alternative average fuel economy standard, or the proposed denial of the petition, specifies the reasons for the proposal and invites written public comment on the proposal.

(e) Any interested person may, upon written request submitted to the Administrator not later than 15 days after the publication of a notice under paragraph (d) of this section, meet informally with an appropriate official of the National Highway Traffic Safety Administration to discuss the petition or the notice.

(f) After the conclusion of the period for public comment on the proposal, the Administrator publishes a final decision in the FEDERAL REGISTER. The final decision is based on the petition, written public comments, and other available information. The final decision sets forth the grant of the exemption and establishes an alternative average fuel economy standard or the denial of the petition, and the reasons for the decision.

§ 525.9 Duration of exemption.

An exemption may be granted under this Part for not more than three model years.

§ 525.10 Renewal of exemption.

A manufacturer exempted under this Part may request renewal of its exemption by submitting a petition meeting the requirements of §§ 525.6 and 525.7.

§ 525.11 Termination of exemption; amendment of alternative average fuel economy standard.

(a) Any exemption granted under this Part for an affected model year does not apply to a manufacturer that is ineligible under § 525.5 for an exemption in that model year.

(b) The Administrator may initiate rulemaking either on his own motion or on petition by an interested person to terminate an exemption granted under this Part or to amend an alternative average fuel economy standard established under this Part. The rulemaking proceeding is conducted under Part 522 of this chapter.

(c) Any interested person may petition the Administrator to terminate an exemption granted under this Part or to amend an alternative average fuel economy standard established under this Part. The petition must meet the requirements of Part 522 of this chapter. The Administrator processes the petition under that Part.

§ 525.12 Public inspection of information.

Except as provided in § 525.13, any person may inspect available information relevant to a petition under this Part, including the petition and any supporting data, memoranda of informal meetings with the petitioner or any other interested persons, and the notices regarding the petition, in the Docket Section of the National Highway Traffic Safety Administration. Any person may obtain copies of the information available for inspection under this paragraph in accordance with Part 7 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 7).

§ 525.13 Confidential information.

(a) Information made available under § 525.12 for public inspection does not include information for which confidentiality is requested under § 525.6(g) and is granted in accordance with sections

502 and 505 of the Act and section 552(b) of Title 5 of the United States Code.

(b) *Denial of confidential treatment.* When the Administrator denies a petitioner's request under § 525.6(g) for confidential treatment of information, the Administrator gives him written notice of the denial at least 10 days before making the information available for public inspection.

(c) *Release of confidential information.* After giving written notice to the petitioner and allowing a reasonable time for the petitioner to respond, the Administrator may make available for public inspection information that is relevant to a proceeding under this Part or the Act and that was granted confidential treatment by the Administrator pursuant to a request by the petitioner under § 525.6(g).

[FR Doc.76-36232 Filed 12-8-76;8:45 am]

[49 CFR Part 533]

[Docket No. FE 76-3; Notice 2]

NONPASSENGER AUTOMOBILES—MODEL YEAR 1979

Average Fuel Economy Standard

Correction

In FR Doc. 76-34762, appearing at page 52087 in the FEDERAL REGISTER of Friday, November 26, 1976, the comment closing date on page 52094, column 2, is corrected to read January 10, 1977.

Dated: December 3, 1976.

JOHN W. SNOW,
Administrator, National Highway Traffic Safety Administrator.

[FR Doc.76-36233 Filed 12-8-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1100]

[Ex Parte No. 55 (Sub-No. 14)]

REVISION OF APPLICATION FORMS OP-OR-9, OP-OR-11, OP-WC-10, OP-WC-20, AND OP-FF-10 FOR OPERATING AUTHORITY AND AMENDMENTS TO RULES 22, 49, 51, 57, 74, AND 247 OF THE GENERAL RULES OF PRACTICE

Notice of Continued Proposed Rulemaking

• PURPOSE: The purpose of this document is to notify the public of the continuation of this rulemaking proceeding to explore the feasibility of requiring the filing of verified statements within time frames fixed as of the date of the publication of an application for operating authority in the FEDERAL REGISTER and of eliminating the order designating application proceedings for handling under the modified procedure. •

On July 7, 1975, the Interstate Commerce Commission announced the results of an unprecedented internal staff study of the Agency's operations. Among the recommendations of the "Blue Ribbon Staff Panel" was that the Commission take immediate and forceful steps to improve its case processing. To that end, the purpose of the rulemaking proceeding instituted herein were (1) to explore the feasibility and desirability of requiring applicants for operating authority to submit, at the time the application is filed, verified statements containing all the evidence upon which they intend to rely (the "case-in-chief" proposal), (2) to consider the requirement of a standardized format for verified statements submitted by all parties in proceedings involving applications for operating authority, and (3) to effect necessary changes in existing pertinent application forms as a result of amendments to the General Rules of Practice.

On November 7, 1975, a notice of proposed rulemaking in this proceeding was instituted proposing these changes in the rules and further proposing limitations on the use of discovery in cases handled under the modified procedure (49 CFR 1100.57) and on requests for extensions of time. After receipt of numerous representations from legal, carrier, practitioner, shipper, and governmental interests, the Commission issued a report in this proceeding, decided on November 16, 1976, at 125 M.C.C. 790 (1976). That report adopted rules pertaining to the above-mentioned format requirements, discovery, and extensions changes, and further required that applicants now submit with their applications a caption summary of the authority sought to serve as notice of the filing of the application and for publication in the FEDERAL REGISTER. The report rejected the "case-in-chief" concept.

One of the suggested alternatives to the "case-in-chief" concept, most notably advanced by the Association of ICC Practitioners, would obviate the problems which would have been caused by enactment of the "case-in-chief". This suggestion has been prepared as a new proposal.

The Commission, while rejecting the "case-in-chief" concept as unfeasible, is continuing to search for methods of reducing unnecessary delays encountered in the application process. To this end, and because it has been found that an inordinate delay attends the designation order, a new proposal is being advanced herein which would eliminate the order designating a proceeding for handling either under the modified procedure or at oral hearing and would automatically fix the time within which verified statements are due to be filed. The due dates for filing verified statements would be automatically fixed to occur from the date of the publication of the application in the FEDERAL REGISTER. This would, of necessity, require the filing of verified statements in all application proceedings (whether subsequently set to be handled at oral hearing or not).

The essence of the recommendations herein is embodied in the proposed amendments to Special Rule 247, which governs applications for operating authority pursuant to Sections 206 (except Section 206(a)(6)), 209, 211, 302(e), 303, 309, and 410 of the Interstate Commerce Act. Under the proposal, parties to an application proceeding would no longer wait for the service of an order designating the proceeding for handling under the modified procedure before filing their verified statements within time frames fixed by that order, but would be required to file their statements within time periods measured from the date the application is published in the FEDERAL REGISTER (60 days for applicant's initial vertified statements, 90 days for protestant's verified statements, and 110 days for the rebuttal). This proposal will eliminate the formal necessity for an early designation of the proceeding, permit a more well-informed judgment about designation after it is known how many parties will actively participate in the proceeding, and reduce the delay experienced by the parties in waiting for the service of the designation order. Parties will know far earlier in the proceeding exactly when their statements are due and will consequently not experience unexpected deadlines, thereby preventing extension requests. As postulated, the proposed amendment of Special Rule 247(e)(1) would provide for exceptions to the filing requirements for certain regulation route property and passenger applications. The continued rulemaking proceeding will also entertain questions as to whether there should be other specific exceptions for similar cause or explicitly stated waiver procedures for hardship situations and the like.

The proposed amendments to Special Rule 247 are designed to retain the present framework for oral hearing and should not result in a disadvantage for any party to the proceeding. Nor are they intended to shift the burden of proof in any way.

Where oral hearing is directed applicant will be afforded the alternative of relying solely on these previously filed statements or of presenting the same or additional evidence in testimonial form. Applicant may even continue to submit additional certifications of support, not to exceed twice the number of those originally certified, once the proceeding is designated, or reassigned, for oral hearing. It is thus not precluded from necessary and often unavoidable expansion of its case during the generally longer waiting period before the hearing commences. The presentation of protestant's case at oral hearing, of course, will not be altered in any respect by the proposed changes.

In addition to the changes in Special Rule 247 discussed above, minor rephrasing and some renumbering of subsections within that rule have been proposed. Certain modifications of General Rules 45, 49 and 51 (49 CFR 1100.45, 49, and 51), are also necessary so as to preclude interpretive problems. As is presently the case, the General Rules of Practice, including those rules which relate specifically to the modified procedure, are applicable to application proceedings unless Special Rule 247 provides otherwise.

Because this Commission desires to serve the public interest in the most efficient manner possible, while preserving constitutional safeguards of due process,

we deem it essential to continue this rulemaking proceeding for the purpose of amending the General Rules of Practice in order to facilitate the processing of applications for operating authority and to decrease regulatory lag. Any forms adopted in this proceeding will be submitted to the General Accounting Office for clearance.

Oral hearings do not appear necessary at this time and are not contemplated. This Commission, however, would appreciate the written views, comments, suggestions, and pertinent evidence of any interested parties relating to the action proposed in this notice. An original (and 15 copies whenever possible) of such views, comments, suggestions, and evidence shall be filed with this Commission on or before March 7, 1977.

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

This notice of proposed rulemaking is issued under the authority of sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559).

Issued in Washington, D.C., on the 16th day of November, 1976.

ROBERT L. OSWALD,
Secretary.

Accordingly, it is proposed to modify, in pertinent part, 49 CFR, 1100.45, 1100.49, 1100.51, and 1100.247, so as to reflect the following changes:

§ 1100.45 [Amended]
§ 1100.49 [Amended]
§ 1100.51 [Amended]

(1) Add, as the first sentence of 49 CFR 1100.45, 1100.49, and 1100.51, the following language: "Except as otherwise provided in Special Rule 247," and

§ 1100.247 [Amended]

(2) Add the following language after the last sentence in Special Rule 247 (e)(1): "Within 60 days from the date of publication in the FEDERAL REGISTER of the authority sought, applicant shall file with the Commission and serve upon the other parties a statement of all the evidence upon which it relies. Within 90 days from the date of publication in the FEDERAL REGISTER of the authority sought, protestant shall file with the Commission and serve upon the other parties a statement of all the evidence upon which it relies. Within 110 days from the date of publication in the FEDERAL REGISTER of the authority sought, applicant shall file with the Commission and serve upon the other parties its statement in reply. No further reply may be made by any party except by permission of the Commission. These required evidence filings and time periods shall not apply to applications:

(a) which are supported by more than 20 public witnesses who would appear at an oral hearing and

(b) which seek authority, and are accompanied by at least 20 certifications of support, for the transportation of either (i) general commodities over regular routes, or (ii) passengers over regular routes (not including special or charter operations).

[FR Doc.76-36227 Filed 12-8-76;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 AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A410]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Iowa Counties as a result of various adverse weather conditions shown in the following chart:

IOWA

(11 Counties)

Carroll: *Drought* June 15 thru September 3, 1976.
Guthrie: *Hailstorm* and *heavy rains* and *flooding* June 12 and 13, 1976.
Harrison: *Drought* June 15 thru August 30, 1976.
Ida: *Drought* June 15 thru August 26, 1976.
Lyon: *Drought* June 15 thru August 19, 1976.
Monona: *Drought* June 15 thru August 18, 1976.
Plymouth: *Drought* June 15 thru August 25, 1976.
Pottawattamie: *Tornado, high winds* and *excessive rainfall* June 26, 1976.
Shelby: *High winds, heavy rain* and *hail* damage June 13 and 14, 1976. *Drought* June 15 thru September 3, 1976.
Sioux: *Drought* June 15 thru August 31, 1976.
Woodbury: *Drought* June 15 thru August 17, 1976.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for emergency loans must be received by this Department no later than January 18, 1977, for physical losses and August 18, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 2nd day of December, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-36178 Filed 12-8-76;8:45 am]

[Notice of Designation Number A409]

NEW YORK

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following New York Counties as a result of excessive rainfall April 1 through October 22, 1976, in Oswego County; and excessive rainfall May 1 through August 18, 1976, in Cortland County.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Hugh L. Carey that such designation be made.

Applications for emergency loans must be received by this Department no later than January 18, 1977, for physical losses and August 18, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 2nd day of December, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-36179 Filed 12-8-76;8:45 am]

Forest Service

LAND USE PLAN FOR THE ROGUE-ILLINOIS PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan for the Rogue-Illinois Planning Unit, USDA–FS–R6–DES–(Adm)–77–2.

The environmental statement concerns a proposed land use plan for management of a 444,511 acre planning unit on the Siskiyou National Forest. The Unit's western boundary is located about 6 air-miles east of the coastal town of Gold Beach in Curry County, Oregon. The eastern Unit boundary is located less than 10 air-miles west of Grants Pass in Josephine County, Oregon. Five alternatives are evaluated. The preferred alternative recommends a balanced mix of land allocations designed to sustain a high level of timber harvest; to protect the qualities of the Rogue and Illinois Rivers (which, respectively, are in and being studied for inclusion in the National Wild and Scenic River System); to provide Wilderness for recreation and other uses; to provide recreational opportunities; and to protect and manage the soil, water, fish, wildlife, timber, visual, and other resources. The preferred alternative contains eleven different land use classifications as follows:

Classification:	*Percent of unit*
Coordinated Commodity Emphasis Area	77.1
Dispersed Recreation	10.6
Wilderness	4.4
Wilderness Study Area [1]	3.2
Wild River Area	2.0
Supplemental Fisheries/Watershed Area	1.1
Recreational River Area	.8
Scenic River Area	.5
Developed Recreation Study Area	.1
Scenic Area	.1
Botanical Area [1]	.1
Total	100.0

[1] The 3,800 acres (0.9 percent) in the Big Craggies Botanical Area are included in the Wilderness Study Area total.

This draft environmental statement was transmitted to CEQ on November 30, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave., S.W., Washington, D.C. 20250
Rgional Office, Forest Service, 319 S.W. Pine Street, Portland, Oregon 97208.
Siskiyou National Forest, 1504 N.W. 6th Street, Grants Pass, Oregon 97526.
Chetco Ranger District, 446 Oak Street, Brookings, Oregon 97415.
Galice Ranger District, Post Office Bldg., Grants Pass, Oregon 97526.
Gold Beach Ranger District, 1225 South Ellensburg, Gold Beach, Oregon 97444.
Illinois Valley Ranger District, Highway 199, Cave Junction, Oregon 97523.
Powers Ranger District, Powers, Oregon 97466.

A limited number of single copies are available upon request to William P. Ronayne, Forest Supervisor, Siskiyou National Forest, P.O. Box 440, Grants Pass, Oregon 97526.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested spesifically.

Comments concerning the proposed action and requests for additional information should be addressed to Siskiyou National Forest Supervisor William P. Ronayne, P.O. Box 440, Grants Pass, Oregon 97526. Comments must be received by January 31, 1977 in order to be considered in preparation of the final environmental statement.

WILLIAM P. RONAYNE,
Forest Supervisor.

NOVEMBER 30, 1976.

[FR Doc.76-36139 Filed 12-8-76;8:45 am]

SANTA FE NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Santa Fe National Forest Grazing Advisory Board will meet at 10:00 a.m. on January 20, 1977, at the Sheraton Santa Fe Inn, Santa Fe, New Mexico.

Tentative agenda for the meeting is as follows:

1. Report of State permittee meeting.
2. Renewal of advisory board by-laws.
3. Election of officers.
4. Report from counter-date policy committee.
5. Change in grazing fee year.
6. Status of San Pedro parks management.
7. Discussion of special rules of local associations.
8. Status of wild horse and burro management.
9. Discussion of subjects from board members.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor C. B. Zamora at the Santa Fe National Forest, Federal Building, Santa Fe, New Mexico, 87501, or by phone at 988-6328. Written statements may be filed with the committee before or after the meeting.

Dated: November 26, 1976.

C. B. ZAMORA,
Forest Supervisor.

[FR Doc.76-36138 Filed 12-8-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28262; 21866; Order 76-12-22]

AIR MIDWEST

Domestic Passenger-Fare Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of December, 1976.

By Order 76-11-3, dated November 2, 1976, the Board directed all interested persons to show cause why Air Midwest, Inc., on the one hand, and all carriers certificated to perform scheduled service within the 48 contiguous states, on the other, should not enter into and maintain all joint fares which are required presently or hereafter by the Board in Phase 4 of the Domestic Passenger-Fare Investigation, Docket 21866-4, as if Air Midwest were a local service carrier party to that proceeding and should not divide all joint fares by such methods as are or may be prescribed by the Board.

The time designated for filing of objections has elasped, and no objection or answer to the order has been filed by any person. All persons have therefore waived all further procedural steps short of final Board action.

In the absence of objections, the findings and conclusions set forth in Order 76-11-3 are hereby affirmed and adopted.

Accordingly, it is ordered, That:

Air Midwest, Inc. on the one hand, and all carriers certificated to perform scheduled services within the 48 contiguous states,[1] on the other, shall enter into and maintain all joint fares which are required presently or hereafter by the Board in Phase 4 of the Domestic Passenger-Fare Investigation, Docket 21866-4, as if Air Midwest were a local service carrier party to that proceeding, and shall divide all joint fares by such methods as are or may be prescribed by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-36243 Filed 12-8-76;8:45 am]

[Docket No. 29773, 27918; Order 76-12-18]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

Order Regarding North Atlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of December 1976.

By Order 76-9-128, dated September 14, 1976, the Board suspended and ordered investigated the tariff revisions filed by Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA), which would permit the transfer, at prevailing mileage-based charter rates, of transatlantic charter groups to the economy-class sections of the carriers' scheduled flights. As these charter-transfer proposals resemble the so-called "part-charter" concept that has been advocated by various parties in recent years, the Board decided that the investigation should encompass all of the issues relating to "part charters" and other "fill-up" programs.

The Department of Transportation (DOT) has filed a motion to expedite the proceeding, and has requested that procedural dates be set which would result in a Board decision by February 15, 1977. While it would be impossible to complete an investigation of the Pan American and TWA tariffs in so short a time, the Board is sensitive to the potential benefit to the public of a timely resolution of the "part-charter" question, and to the necessity of resolving the tariff investigation prior to the end of the suspension period on September 23, 1977. To accomplish these goals, we have decided to pursue the following two courses of action. First, we shall institute a separate phase of the North Atlantic Fares Investigation (Docket 27918) to consider the general issues posed by "part charters" and other types of fill-up programs. This phase, the details of which will be established in a subsequent separate order, shall be conducted by rulemaking on an expedited basis and separately from the North Atlantic Fares rulemaking instituted in Order 76-10-12. Second, we shall limit the investigation in Docket 29773 to the specific tariffs there in question. Our expectation is that the "part-charter" rulemaking and the tariff proceedings will be conducted simultaneously, although the final decision in each could be reached at different times.[1] This bifurcated procedure will allow a timely disposition with respect to the proposed charter transfer tariffs of Pan American and TWA while at the same time permitting a full consideration of the broader issues involved in the "part-charter" concept.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. A separate phase of the North Atlantic Fares Investigation, Docket 27918, be and hereby is instituted to consider issues with respect to "part-charters" and other types of fill-up programs in North Atlantic scheduled service;

2. The issues regarding "part-charter" and fill-up programs in general are hereby severed from the investigation in Docket 29773 and are hereby incorporated into the "part-charter" phase of the North Atlantic Fares Investigation, Docket 27918;

3. The investigation in Docket 29773 is hereby limited to the issues of whether the provisions of Rule 18 on 24th and 25th Revised Pages 8-A to Tariff C.A.B. No. 65, issued by International Air Traffic Tariffs Corp. Agent; and Rule 7(E) on 1st Revised Page 14-A to Tariff C.A.B. No. 290 issued by Trans World Airlines, Inc., and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices; and

4. The motion for expedition filed by the Department of Transportation, except to the extent that it is granted herein, be and it hereby is denied.

[1] Except for Aspen Airways and Wright Air Lines.

[1] It is expected that all relevant material developed in the course of the tariff proceedings will be usable in the rulemaking proceedings if needed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

JAMES R. DERSTINE,
Acting Secretary.

[FR Doc.76-36242 Filed 12-8-76;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

OPTICAL CHARACTER RECOGNITION (OCR) PAPER

Proposed Federal Information Processing Standard

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal automatic data processing (ADP) standards. A proposed standard for Optical Character Recognition (OCR) Paper is being recommended for Federal use. This standard which adopts American National Standard X3.62-197 ____, (now in the final approval process), provides the requirements and test procedures for paper to be used in Optical Character Recognition (OCR) Systems, and is applicable to all ADP systems using OCR systems as integral input/output media processing of typed, line-printed, imprinted, or handprinted character data.

Prior to the submission of this proposal to the Secretary of Commerce for approval, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public, and state and local governments. The purpose of this notice is to solicit such views.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability, implementation and maintenance of the standard; and (2) a specification section which deals with the technical requirements of the standard. Both sections are provided in their entirety in this notice.

Interested parties may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, by February 1, 1977.

Dated: December 3, 1976.

ERNEST AMBLER,
Acting Director.

FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION ____

(Date)

ANNOUNCING THE STANDARD FOR OPTICAL CHARACTER RECOGNITION (OCR) PAPER

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Optical Character Recognition (OCR) Paper (FIPS PUB ____).

Category of Standard. Hardware Standard, Character Recognition.

Explanation. This FIPS PUB announces the adoption of the American National Standard X3.62-197 ____, OCR Paper as a Federal Standard. This standard provides the requirements and test procedures for paper to be used in Optical Character Recognition (OCR) Systems.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. a. X3.17-1974, American National Standard Character Set and Print Quality for Optical Character Recognition (OCR-A).

b. X3.45-1974, American National Standard Character Set for Handprinting.

c. X3.49-1975, American National Standard Character Set for Optical Character Recognition (OCR-B).

d. ISO R1073, International Standard for Character Sets for Optical Character Recognition.

Applicability. This standard is applicable to all ADP systems using OCR systems as integral input/output media processing of typed, lineprinted, imprinted, or handprinted character data.

Specifications. The standard adopts in whole the American National Standard (X3.62-197 ____) OCR Paper.

Implementation Schedule. All OCR forms ordered for use with Federal Government ADP Systems involving the use of data with OCR systems on or after the date of this FIPS PUB must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below.

Qualifications. None.

Waiver Procedure. Heads of agencies may waive the provisions of the implementation schedule. Proposed waivers relating to the procurement of nonconforming OCR Paper will be coordinated in advance with the National Bureau of Standards. Letters should be addressed to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. Letters requesting waivers should describe the nature of the waiver and the reasons therefor.

Sixty days should be allowed for review and response by the National Bureau of Standards. However, the final decision for the granting of the waiver is a responsibility of the agency head.

Where to Obtain Copies. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161. When ordering refer to Federal Information Processing Standards Publication ____ (NBS-FIPS-PUB-____), title, and Accession Number. Payment may be made by check, money order, or deposit account.

SPECIFICATIONS

Proposed

AMERICAN NATIONAL STANDARD OPTICAL CHARACTER RECOGNITION PAPER

1. INTRODUCTION

1.1 *Purpose*

The purpose of this standard is to establish the requirements and test procedures for paper to be used n Optical Character Recognition (OCR) Systems.

1.2 *Scope*

This standard contains basic definitions, measurement requirements, specifications, and recommendations for papers used with optical character readers.

Two types of parameters of paper for OCR media are covered. These are:

(1) The Optical properties of paper for OCR usage.

(2) The physical properties of paper for OCR usage.

In addition, OCR papers are classified into three categories (i.e., Types I, II, and III) according to allowable dirt and fluorescent content.

1.3 *Application*

Because of the widely divergent nature of OCR applications, this standard may not include all of the necessary or prudent specifications or considerations for a successful OCR system. The values in this standard are chosen on the basis that they are reasonably obtainable. Although each parameter is independently specified, a deterioration in reader performance may occur if the limits of one or more parameters are approached simultaneously. Where new OCR equipment or a new paper is involved, consultation between users, suppliers, and manufacturers is recommended.

2. PAPER SPECIFICATIONS

2.1. *General*

A white, 100% wood pulp paper without watermarks, embossed or printed patterns, or fluorescent additives is recommended for OCR applications.[1]

2.2 *Sampling*

Samples shall be taken in such a manner as to be representative of a lot and an area of paper selected sufficient to obtain a single adequate set of test results for all the properties to be measured. Acceptable sampling methods are TAPPI (Standard T400 ts-64) and ASTM (Standard D585-68).

2.3 *Test Conditions*

Test conditions shall be 73.4±1.8°F (23°C±2°C) temperature and 50%±2% relative humidity. Both temperature and relative humidity have significant effects on the physical properties of paper. For very precise determination of physical properties, a specified preconditioning is necessary and the procedure given in TAPPI (Standard T402 os-70) and ASTM (Standard D685-73) should be followed.

2.4 *Classification of OCR Papers*

The two primary paper characteristics which set OCR papers apart from other high quality grades of paper are dirt level and fluorescent content. The specifications given in this standard for all other paper characteristics would, therefore, be representative of any good quality paper, whether for OCR or non OCR use.

It is also recognized that some OCR readers and some OCR applications are more tolerant of dirt and/or fluorescence in paper than others. In recognition of this fact, three classifications of OCR papers are suggested.

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[1] While rag content papers are not generally recommended for OCR applications they are used in stock certificates, bonds, and similar applications where optical scanning is used. In addition, in some special OCR applications fluorescent materials are intentionally added to the paper for identification purposes. Lightly tinted papers may be used if they meet the paper reflectance requirements described in paragraph 2.5.1.

Type I OCR papers would be required where there is a low tolerance to both dirt and fluorescence. Type II OCR papers could be used where there is a low tolerance to fluorescence but a higher tolerance to dirt. Type III OCR papers could be used where there is a higher tolerance to both dirt and fluorescence.

The OCR equipment manufacturer, user, and forms supplier should be determine which of the three levels is suitable for a given application.

2.5 *Optical Properties*

2.5.1 *Paper Reflectance*

An optical reader will usually be responsive to a restricted band of optical wavelengths. Typically, readers respond to radiant energy having wavelengths in either the near ultraviolet, blue-green, green, or near infrared regions of the spectrum. It is a fundamental requirement, therefore, that the paper used for OCR be a good reflector in the wavelength ranges of the optical reader's response.

The term paper reflectance in this standard refers to the diffuse reflectance factor, i.e., the receiver used for measurement shall exclude specularly reflected light. Reflectance measurements shall be referred to the perfect reflecting diffuser (100% reflectance). However, in practice barium sulphate ($BaSO_4$) may be used with sufficient accuracy. In case of disagreement, the measurements shall be based on the perfect reflecting diffuser.

Paper reflectance measurements shall be made using the infinite pad method, i.e., the samples being measured should be backed with a sufficient number of paper thicknesses of the same type of paper such that doubling the number will not change the measured value of reflectance. Reflectance may be determined either by means of spectrophotometric measurements, or by a number of reflectance measurements in different spectral bands. (See American National Standard Z138.2–1969 (R1974) Reaffirmed July 29, 1974. "Standard Recommended Practice for Spectrophotometry and Description of Color in CIE 1931 System")

2.5.1.1 *Visual Spectrum*

The average reflectance of the paper shall not be less than 60% in the range from 425 nm to 500 nm, and shall be not less than 70% in the range from 500 nm to 700 nm.

2.5.1.2 *Infrared Spectrum*

When the near infrared (IR) spectrum is of interest, an average reflectance of 70% in the range from 700 nm to 1200 nm is required.

2.5.2 *Fluorescence*

Fluorescence can adversely affect the reading and/or sorting capabilities of certain OCR systems. Therefore, fluorescent additives should not be used in OCR papers.[1] It is recognized, however, that a certain degree of fluorescent contamination may be unavoidable in the papermaking process.

For type I and type II OCR papers, fluorescent contamination should not result in more than a 2.0% difference in reflectance when measured with and without the ultraviolet component of a light source of 3,100° Kelvin in combination with a C.I.E. Z (blue) filter. For type III OCR papers, fluorescence should not result in more than a 5.0% difference in reflectance. (See section A1.2 in the Appendix for a discussion of OCR paper type classifications).

2.5.3 *Paper Opacity* (Reference TAPPI T425–m–60)

Paper opacity is defined as the ratio of the diffuse reflectance of a specimen backed with a black material of not more than 0.5% reflectance to the diffuse reflectance of the same specimen backed with a white body having an absolute reflectance of 89%.

Opacity is indicative of the effect on paper reflectance of the backing material. If the paper transport system of the OCR device is such that a known uniform highly reflective surface is provided at the time of reading, a medium opacity paper may be usable. However, some systems scan paper backed by other printing, or have a transport system that provides a non-uniform or low reflectance backing surface. For such cases a high opacity paper should be used.

The minimum opacity required for an OCR paper will depend upon the OCR device used and the application. In general, opacity is related to the basis weight of the paper; the higher the basis the greater the opacity.

In general, paper having opacity exceeding 85% should be used. Papers of lower opacity should be used only if needed for application and after considering the optical system. Papers having opacity less than 65% should not be used.

Many inks have the property of permeating the paper to a considerable depth. Applications requiring printing on both sides may require a higher paper opacity to compensate for this effect.

Typical OCR paper opacity values are given in tables 1 through 5.

2.5.4 *Paper Gloss*

Gloss is the property of a surface responsible for a lustrous or mirror-like appearance. It is a phenomenon related to the specular reflection of the incident light. The effect of gloss is to reflect more of the incident light in a specular manner, and to scatter less. It occurs at all angles of incidence and should not be confused with grazing angle specular reflection that is often referred to as sheen. Paper gloss is undesirable for OCR systems since it affects diffuse reflectance adversely, thus affecting the print contrast signal.

Paper for OCR should be restricted to low gloss varieties such as normally found in uncoated bonds, ledgers, index, journal tape, tag and tabulating stock.

2.5.5 *Dirt in Paper*

Dirt in paper can be a critical factor in some OCR applications. As discussed in Section 2.4, two levels of dirt tolerance are recognized. Type I OCR papers would be required where there is a low tolerance to dirt. Type II or type III OCR papers could be used where there is a higher dirt tolerance. It is recommended, that concurrence of the OCR equipment manufacturer be established before type II or type III OCR papers are used.

Dirt is defined as relatively non-reflecting foreign particles embedded in the paper. Since the lack of reflectance and the size of such particles may cause them to be mistaken for inked areas by an OCR reader, it is important that both their frequency and size be small.

There are two primary methods for measuring dirt in general use in the United States; these are, the dirt in paper method of TAPPI (Standard T437 ts–63); and the mark count method. In the TAPPI method the area of the dirt is estimated in terms of equivalent black area and expressed in parts per million. Only those dirt specks having an equivalent black area of 0.000062 sq. in. (0.04 sq. mm) or larger are considered. The mark count method expresses dirt in terms of the average number of marks or embedded dirt specks per 1,000 sq. in. (6,452 sq. cm) of paper. All visible imperfections exceeding 0.000016 sq. in. (0.01 sq. mm) in area are counted.

Both of the above methods are subjective in that they rely on the vision of the person making the test. Differences in perception, eye fatigue, lighting conditions, and the care with which observations are made can greatly affect reproducibility by different people. Controlled comparisons on identical samples have resulted in test errors of 200% to 300%. Because of the lack of precision and reproducibility in measuring dirt of this size, dirt specifications have not been included in the body of this standard. Commonly quoted dirt requirements, however, have been included in Appendix A as a guide. When more precise and reproducible dirt count methods are developed—preferably by instrumentation, the practicality of these requirements can be evaluated and appropriate specification limits incorporated in this standard.

2.6 *Physical Properties*

Certain physical properties of paper such as basis weight, caliper, smoothness, tear, porosity, and stiffness may be significant in OCR applications.

2.6.1 *Basis Weight*

The commercial terminology for expressing the weight per unit area of paper has been basis weight, defined as the weight of a given size sheet in pounds per ream (usually 500 sheets). For OCR papers this is normally the weight in pounds of 500—17" x 22" sheets. The metric system for weight per unit area, expressed as grams per square meter (grammage) is now the preferred system for technical standards. Acceptable test methods are TAPPI (Standard T410 os–68) and ASTM (Standard D646–67).

2.6.2 *Caliper*

Caliper or thickness of paper is defined as the perpendicular distance between the two principal surfaces of the paper under prescribed conditions of pressure. Acceptable test methods are TAPPI (Standard T411 os–68) and ASTM (Standard D645–67).

2.6.3. *Smoothness*

Smoothness of paper, is defined as the time required for a fixed volume of air to leak across the surface of a paper sample. It is recorded as the number of cubic centimeters of air per minute flowing over one square inch of paper area, multiplied by ten. An acceptable test method is TAPPI (Useful Method UM–518 or Routine Control Method RC–285).

2.6.4 *Porosity*

Porosity of paper is defined as the resistance of paper to the passage of air under a specified pressure through the paper. It is reported as the average time in seconds required to displace 100 ml of air through one square inch of paper area under pressure of 4.88 inches (12.4 cm) of water. Acceptable methods are TAPPI (Standard T460 os–68) and ASTM (Standard D726–58, reapproved in 1971).

2.6.5 *Stiffness*

Stiffness of paper is defined as the bending moment which the paper can withstand in both directions by deflecting a small weighted pendulum. See Manufacturer's Test Procedure.

2.6.6 *Tearing Resistance*

Tearing resistance is defined as the average force in grams required to tear a single sheet of paper after the tear has been starter. Acceptable test methods are TAPPI (Standard T414 ts–65) and ASTM (Standard D–689–62, reapproved 1968).

2.7 *Typical OCR Paper Characteristics*

These typical OCR paper characteristics are directed to the use of documents in inter-

change applications. The selected values are a compromise to define a paper with adequate characteristics for manual handling, machine processing, printing, and encoding. The values given in the subsequent tables are intended to serve only as a guide. With the differences in available pulps and processing equipment in paper mills it is possible that papers with somewhat different values in one or several tests might work satisfactorily on some OCR scanners. The values shown in the following tables, therefore, indicate a range of data which from experience generally produces satisfactory results. Papers which have parameters differing greatly from the typical OCR Paper Characteristics should be carefully checked for their suitability on the OCR scanner for which they are intended.

TABLE 1.—*Typical OCR paper characteristics—bonds and ledgers**

Basis weight† 500 sheets 17×22 in	Property values and test methods used							
	Opacity (Bausch & Lomb) minimum (percent)	Smoothness‡ (Sheffield)		Porosity (Gurley) minimum (seconds)	Stiffness, either direction (Gurley) minimum (milligrams)	Tear, either direction (Elmendorf) minimum (grams)	Caliper, § nominal (inches)	
		Minimum	Maximum				Minimum	Maximum
15 lb (56.4 g/m²)	72	100	200	10	25	25	0.0027	0.0035
20 lb (75.2 g/m²)	82	100	200	10	50	40	.0034	.0043
24 lb (90.2 g/m²)	85	100	200	10	100	50	.0043	.0052
28 lb (105.3 g/m²)	88	100	200	15	150	60	.0050	.0061
32 lb (120.3 g/m²)	90	100	200	15	200	70	.0056	.0069

*For a complete definition of typical OCR paper qualities, including dirt, reflectance, and fluorescence requirements, it is imperative that sec. 2 and app. A be read in their entirety.
†Tolerance for this characteristic is ±5 pct of nominal value.
‡Certain OCR devices and applications may require a narrower range. Results are reported in Sheffield flow units.
§Normal paper manufacturing tolerance within a run is ±5 pct of nominal caliper. The tolerance for 15 lb and 20 lb is ±7 pct.

TABLE 2.—*Typical OCR paper characteristics—tag and tabulating stock**

Basis weight† 500 sheets 24×36 in	Property values and test methods used							
	Opacity (Bausch & Lomb) minimum (percent)	Smoothness‡ (Sheffield)		Porosity (Gurley) minimum (seconds)	Stiffness, either direction (Taber) minimum (grams—centimeters)	Tear, either direction (Elmendorf) minimum (grams)	Caliper, § nominal (inches)	
		Minimum	Maximum				Minimum	Maximum
80 lb (130.2 g/m²)	87	100	200	15	4	110	0.0055	0.0070
100 lb (162.7 g/m²)	88	70	210	30	7	140	.0068	.0080
125 lb (203.4 g/m²)	92	70	230	40	16	175	.0084	.0100
99 lb (161.1 g/m²) (tab stock)**	91	----------	125	50	8	125	.0066	.0074

*For a complete definition of typical OCR paper qualities, including dirt, reflectance, and fluorescence requirements, it is imperative that sec. 2 and app. A be read in their entirety.
†Tolerance for this characteristic is ± 5 pct of nominal value.
‡Certain OCR devices and applications may require a narrower range. Results are reported in Sheffield flow units.
§Normal paper manufacturing tolerance within a run is ± 5 pct of nominal caliper.
**Specifications for tabulating card stock are contained in American National Standard Specifications for General Purpose Paper Cards for Information Processing, X3.11-1969, or Federal specification G-C-116, card, tabulating Federal stock No. 7530-181-8930.

TABLE 3.—*Typical OCR paper characteristics—index stock**

Basis weight† 500 sheets 25½×30½ in	Property values and test methods used							
	Opacity (Bausch & Lomb) minimum (percent)	Smoothness‡ (Sheffield)		Porosity (Gurley) minimum (seconds)	Stiffness, either direction (Taber) minimum (milligrams)	Tear, either direction (Elmendorf) minimum (grams)	Caliper, § nominal (inches)	
		Minimum	Maximum				Minimum	Maximum
90 lb (162.7 g/m²)	92	70	200	20	4	120	0.0065	0.0086
100 lb (180.8 g/m²)	94	70	200	20	13	140	.0080	.0098
110 lb (198.8 g/m²)	94	70	200	20	20	160	.0095	.0130

*For a complete definition of typical OCR paper qualities, including dirt, reflectance, and fluorescence requirements, it is imperative that sec. 2 and app. A be read in their entirety.
†Tolerance for this characteristic is ±5 pct of nominal value.
‡Certain OCR devices and applications may require a narrower range. Results are reported in Sheffield flow units.
§Normal paper manufacturing tolerance within a run is ±5 pct of nominal caliper.

TABLE 4.—*Typical OCR paper characteristics—rag papers**

Basis weight † 500 sheets 17X22 in	Property values and test methods used				
	Opacity (Bausch & Lomb) minimum (percent)	Porosity (Gurley) minimum (seconds)	Tear, either direction (Elmendorf) minimum (grams)	Caliper, ‡ nominal (inches)	
				Minimum	Maximum
25 lb (94.0 g/m²)	87	150	100	0.0050	0.0056

*For a complete definition of typical OCR paper qualities, including dirt, reflectance, and fluorescence requirements, it is imperative that sec. 2 and app. A be read in their entirety. While rag content papers are not generally recommended for OCR applications they are used in stock certificates, bonds, and similar applications where optical scanning is used.
†Tolerance for this characteristic is ±5 pct of nominal value.
‡Normal paper manufacturing tolerance within a run is ±5 pct of nominal caliper.

TABLE 5.—*Typical OCR paper characteristics—journal tape**

Basis weight† 500 sheets 17X22 in	Property values and test methods used							
	Opacity (Bausch & Lomb) minimum (percent)	Smoothness‡ (Sheffield)		Porosity (Gurley) minimum (seconds)	Stiffness, either direction (Gurley) minimum (milligrams)	Tear, either direction (Elmendorf) minimum (grams)	Caliper, § nominal (inches)	
		Minimum	Maximum				Minimum	Maximum
11 lb (41.4 g/m²)	65	100	200	10	12	20	0.0020	0.0024
16 lb (60.2 g/m²)	82	100	200	10	40	32	.0030	.0036

*For a complete definition of typical OCR paper qualities, including dirt, reflectance, and fluorescence requirements, it is imperative that sec. 2 and app. A be read in their entirety.
†Tolerance for this characteristic is ±5 pct of nominal value.
‡Certain OCR devices and applications may require a narrower range. Results are reported in Sheffield low units.
§Normal paper manufacturing tolerance within a run is ±5 pct of nominal caliper.

APPENDIX: (This Appendix is not a part of American National Standard Optical Character Recognition Paper, X3.XX–197X, but is included for information purposes only.)

Appendix A—*Dirt in Paper*

As stated in Section 2.5.5 of the standard, there is at this time, no precise, reproducible method of measuring dirt for OCR applications. Dirt specifications, therefore, have not been included in the body of the standard. Table A1 reflects OCR paper dirt requirements commonly quoted in the industry. These values are intended to serve as a guide only.

Refer to Section 2.5.5 of the standard for methods of measuring dirt and appropriate definitions. It is the intention of this guide that both the parts per million and the mark count considerations be met for OCR papers.

TABLE A1.—*OCR paper classifications*

OCR paper classification	Dirt level [1] (maximum)	Fluorescent level [2] (maximum)
Type I	10 parts per million and 150 marks per 1,000 in².	2 pct increase in reflectance.
Type II	25 parts per million and 375 marks per 1,000 in².	Do.
Type III	do	5 pct increase in reflectance.

[1] See section 2.5.5 for a discussion of the methods of measuring dirt in paper.
[2] See section 2.5.2 for a discussion of the method of measuring fluorescent content.

[FR Doc.76-36129 Filed 12-8-76;8:45 am]

Office of the Secretary

CTAB PANEL ON ENERGY POLICY

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that the next meeting of the Department of Commerce Technical Advisory Board (CTAB) Panel on Energy Policy will be held on Wednesday, January 5, 1977, from 9 a.m. to 5 p.m., in Room 6802, and on Thursday, January 6, from 8:30 a.m. to 5 p.m., in Room 4830 of the Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C. (Public entrance to the building is on 14th Street, between Constitution and E Street, NW.)

The Panel has been established to assess the current energy situation from a private sector point of view and to provide an experienced and independent voice to assist the further development of a national energy program.

The agenda for the two-day meeting will be:

(1) Review and revision of initial draft of an energy policy and implementation document; and

(2) Development of the form of the Panel's final report.

The meeting will be open to public observation. The public may submit written statements or inquiries on agenda items with the Chairman before or after the meeting. A limited number of seats will be available for the public and to the press on a first-come, first-serve basis.

Copies of minutes will be made available for copying, 30 days after the meeting, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce, Central Reference and Inspection Facility, Washington, D.C. 20230.

Persons desiring further information on the Panel or on individual meetings should contact Mr. William Dorn, Room 3877, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–3668.

Dated: December 2, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-36222 Filed 12-8-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

TOOELE ARMY DEPOT, UTAH

Filing of Draft Environmental Impact Statements

In compliance with the National Environmental Policy Act of 1969, the Army on December 3, 1976 provided the Council on Environmental Quality with Draft Environmental Impact Statements concerning the Transportation of Chemical Material from Tooele Army Depot (North Area), Utah to Tooele Army Depot (South Area), Utah and the Dugway Proving Ground, Utah to Tooele Army Depot (South Area), Utah.

Copies of the statements have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from Commander, USA Armament Command, ATTN: DRSAR–ASN (Mr. Neil Baker), Rock Island Arsenal, IL 61201 (phone (309) 794–5916).

In the Washington area, inspection copies may be seen in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310 (phone (202) 694–1163).

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

Dated: December 2, 1976.

[FR Doc.76-36141 Filed 12-8-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30125; (FRL 655-5)]

FLEXABAR CORP

Receipt of Application to Register A Pesticide Product Containing A New Active Ingredient

Flexabar Corp., 1400 Walnut St., Northvale NJ 07647, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product Flexabar Bacteriostatic Rug Shampoo Concentrate (EPA File Symbol (9339-0)) containing 1.50% of the active ingredient 2,4-dichloro-3,5-dimethylphenol which has not been included in any previously registered pesticide products. The application received from Flexabar Corp. proposes that the product be classified for general use as a rug shamoo. PM32

Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89

Stat. 751, 7 U.S.C. 136(a) et seq.), and the regulations thereunder (40 CFR Part 162). Notice of receipt of this application is made in accordance with the provisions of Section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by the Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before January 10, 1977 and should bear a notation indicating the EPA File Symbol "9339-0." Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this application should be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address or by telephone at 202/755-9041.

Notice of approval or denial of this application to register FLEXABAR BACTERIOSTATIC RUG SHAMPOO CONCENTRATE will be announced in the FEDERAL REGISTER. The label furnished by Flexabar Corp., as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8 a.m. to 4:30 p.m. Monday through Friday.

Dated: December 6, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.76-36245 Filed 12-8-76;8:45 am]

[PF56; FRL 655-6]

CHEVRON CHEMICALS CO.

Notice of Filing of Pesticide Petition

Chevron Chemical Co., 940 Hensley St., Richmond CA 94804, has submitted a petition (PP 7F1884) to the Environmental Protection Agency which proposes that 40 CFR 180.108 be amended by establishing a tolerance for combined residues of the insecticide acephate (O,S-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite, O,S-dimethyl phosphoramidothioate, in or on the raw agricultural commodity cabbage at 8.0 parts per million (ppm), of which not more than 1.0 ppm is O,S-dimethyl phosphoramidothioate. The proposed analytical method for determining residues is a gas chromatographic procedure using a thermionic detector. Notice of this submission is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 16, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202/426-9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: December 6, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.76-36246 Filed 12-8-76;8:45 am]

[OPP-33000/483 FRL 655-4]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (P. L. 94-140), and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington D.C. 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before February 7, 1977. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are

subject to protection under Section 10 of FIFRA, as amended, should be made on or before January 10, 1977.

Dated: December 6, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/483)

EPA File Symbol 3635-EEL. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. OXFORD 1218 LOW FOAM SWIMMING POOL ALGAECIDE. Active Ingredients: Diocyti dimethyl ammonium chloride 10%. Method of Support: Application proceeds under 2 (b) of interim policy. PM 24

EPA File Symbol 10238-RI. Zimmite Corp., 810 Sharon Dr., Cleveland OH 44145. CHMEIROL NO. 23. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 10238-RO. Zimmite Corp. CHEMTROL NO. 22. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 10434-G. Mortell Co., 550 N. Hobbie Ave., Kankakee IL 60901. MORTELL "SS" PRIMER. Active Ingredients: 2,3,5,6-tetrachloro-4-(methylsulfonyl) pyridine 0.30%; 3,5-dichlorophenlodoxin-5-ium bisulfate 0.10%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 10659-46. Occidental Chemical Co., PO Box 1185, Houston TX 77001. LEAFEX-3. Active Ingredients: Sodium Chlorate 28%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added new crop use. PM25

EPA Reg. No. 11656-51. Western Farm Service, Inc., 2401 Crow Canyon Rd., San Ramon CA 94583. POLY-SUL FUNGICIDE-INSECTICIDE-MITICIDE. Active Ingredients: Calcium polysulfide 29%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: New uses. PM21

EPA Reg. No. 12189-3. Columbia Chemical Co., Inc., 1216 Bozeman Ave., Helena MT 59601. FINAL DISINFECTANT-SANITIZER DEODORIZER. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 10.0%; Tethanol 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 12264-RR. Allstates Chemical Corp., PO Box 7482A, Houston TX 77008. ONWARD DISINFECTANT DETERGENT. Active Ingredients: Sodium Metasilicate 3.0%; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 12384-G. ABC Chemical Corp., 94-131 Leowaena St., Waipahu HI 96797. FRESH & CLEAN. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 22058-RE. Sharp Chemical Co., 5921 Plainview, Houston TX 77087. SHARP PINE OIL DISINFECTANT #80. Active Ingredients: Pine Oil 80%; Soap 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 22058-RG. Sharp Chemical Co. SHARP PINE ODOR DISINFECTANT #40. Active Ingredients: Pine Oil 12.0%; o-Benzyl-p-chlorophenol 3.5%; Isopropyl alcohol 10.0%; Soap 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 32741-I. Custom Chemical Co., 119 E. Palatine Rd., Palatine IL 60067. FORMULA 01.6CD. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 33068-R. Aquashade, Inc., 117 Bellair Dr., Box 117, Dobbs Ferry NY 10522. AQUASHADE PATENT PENDING AQUATIC GROWTH CONTROL. Active Ingredients: Acid Blue 9 23.63%; Acid Yellow 23 2.39%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM24.

EPA File Symbol 34571-O. Betz Entec, Inc., 2500 Office Ctr., Willow Grove PA 19090. BETZ ENTEC 348. Active Ingredients: Dodine (dodecylquanidine acetate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 34973-E. Downeast Chemical Corp., 233 Oxford St., Portland ME 04111. ALGE-X SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14 60%, C12 25%, C16 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA File Symbol 35900-G. Ionics, Inc., Routes 519 & 50, PO Box 99, Bridgeville PA 15017. GENERAL IONICS MODEL MIVSH-8 BACTERIOSTATIC WATER CONDITIONER. Active Ingredients: Metallic Silver 1.05%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 35900-U. Ionics, Inc. GENERAL IONICS MODEL HY-2 BACTERIOSTATIC WATER FILTER. Active Ingredients: Metallic Silver 1.05%. Method of support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 38542-E. Swift Chemical Co., 201 S. Arkansas, Rogers AK 72756. SWIFT 2-D. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39260-R. Navajo Nation, Fish and Wildlife Dept., Window Rock AR 86515. M-44 CYANIDE CAPSULES. Active Ingredients: Sodium Cyanide 88.73%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 39445-R. American Carbonyl, Inc., 120 De Vriese Ct., Tenafly NJ 07670. DIURON TECHNICAL. Active Ingredients: 3-(3,4-dichlorophenyl)-1,1-dimethylurea 98%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 39579-R. Keith Pharmaceuticals, Rt. 1, Box 323-B, Bogalusa LA 70427. STERI-FOG THERMAL AEROSOL BACTERIOCIDE FOR FOGGING USE ONLY. Active Ingredients: 3,4',5-tribromo-3,5-dibromosalicylanilide 0.5%; Triethylene glycol 37.5%; Polyethylene glycol 200 37.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

[FR Doc.76-36247 Filed 12-8-76;8:45 am]

SCIENCE ADVISORY BOARD

(Executive Committee)

[FRL 655-3]

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held on January 4 and 5, 1977. The meeting will begin at 9:00 a.m. on both days and will take place in Room 1101, Waterside Mall West Tower, 401 M Street SW., Washington, D.C.

The agenda includes reports on the activities of member committees and subcommittees of the Board; a discussion of the status and proper role of "problem definition" research in the Agency; further discussion of scientific issues inherent in recently enacted environmental legislation; action to transmit to the Agency advice requested on its Draft Sulfates Research Plan; action to determine the approach of the Board in response to Agency requests to (a) consider environmental hazards related to man-made, self-replicating organisms, (b) review research plans to evaluate the effects of stratospheric ozone depletion, and (c) review plans to revise existing approaches to monitoring national environmental quality; a brief discussion of Agency responses to past activities of the Board; and Member items of interest.

The meeting is open to the public. Any individual or organization wishing to attend, participate, present a paper or obtain additional information should contact Dr. Thomas D. Bath at (202) 755-0263, no later than December 30, 1976.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

DECEMBER 3, 1976.

[FR Doc.76-36244 Filed 12-8-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-1084; Docket No. 19715]

ASCERTAINMENT OF COMMUNITY PROBLEMS BY BROADCAST APPLICANTS

Memorandum Opinion and Order

Adopted: November 23, 1976.

Released: December 2, 1976.

By the Commission: Commissioner Hooks concurring in the result.

1. On September 15, 1976, the Commission adopted an order in this docket (42 F.R. 42036) addressing several requests for reconsideration of the Renewal

Primer, 57 FCC 2d 418 (1976). Also, inter alia, we established new procedures permitting applicants for renewal of license to incorporate by reference prior ascertainment surveys they conducted for the same station or other stations within the same community if certain conditions were met. However, applicants for assignment or transfer were not permitted to incorporate surveys conducted under the Renewal Primer. A petition for clarification of these incorporation policies has been filed by the law firm of Arent, Fox, Kintner, Plotkin, and Kahn, supported in comments filed by the law firm of Dow, Lohnes, and Albertson.

2. The law firms ask us to clarify the restriction against incorporation of community leader surveys by assignees and transferees. These applicants—governed by the 1971 Primer—must ascertain community needs and interests within six months prior to filing their applications. 27 FCC 2d 650. Additionally, the survey must be conducted by prospective principals or management-level personnel. In the past, when all surveying, renewal and otherwise, was governed by the 1971 Primer, applicants for transfer or assignment were permitted to incorporate surveys conducted by the transferor or assignor for renewal purposes if the prospective licensee intended to retain the principals and management-level personnel who conducted the renewal survey. Our experience demonstrates that this was commonly done. However, as noted in our reconsideration of Docket No. 19715, supra, implementation of continuous ascertainment procedures for existing licensees obviated most of the benefit that could flow from such a wholesale incorporation procedure and the differences in ascertainment techniques applicable to existing and prospective licensees precluded a public interest finding in favor of such incorporation. Petitioners ask us to rule that interviews conducted by prospective principals or management-level personnel of a transfer or assignment applicant, but in full compliance with the requirements of the 1971 Primer rather than the Renewal Primer, may be used or integrated into the assignee's or transferee's community leader survey. Thus, continue petitioners, any such contacts made within six months of the filing of an assignment or transfer application would be available for use in their surveys.

3. We conclude that the public interest would be served by permitting prospective licensees to avoid unnecessary contacts and duplication of ascertainment efforts. We will, therefore, grant the request. Thus, applicants for assignment or transfer may integrate into their community leader ascertainment surveys any interviews conducted initially for a renewal survey if conducted: (a) in compliance with the 1971 Primer; (b) by prospective principals or management level personnel; (c) within six months prior to filing of the assignment or transfer application. These contacts should be included in the listing of community leader interviews supplied with the application. A separate listing or identification of these contacts is not necessary since they must meet all requirements of the 1971 Primer. However, we caution applicants using this procedure to assure that all interviews integrated into their assignment or transfer surveys are carried out with open ended questions designed to elicit and permit a full discussion of the needs and interests which the leaders believe are important to the elements of the community they represent. Similarly, we will permit use of general public survey contacts made within six months prior to the filing of the assignment or transfer application by prospective principals, management-level or other personnel. Furthermore, if the entire general public survey has been conducted by prospective principals, management-level or other employees of the assignee or transferee no additional contacts with the general public must be conducted.

4. Accordingly, the petition for clarification filed by the law firm of Arent, Fox, Kintner, Plotkin and Kahn, is granted, as indicated herein.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-36218 Filed 12-8-76;8:45 am]

[Report No. I-297]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

DECEMBER 6, 1976.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICE

Amendment

501-DSE-P-76 Western Tele-Communications, Inc., Lookout Mountain, Colorado. Change file number to: 501-DSE-P/L-76 and location to Morrison, Colorado. Change coordinated to: Lat. 89°38'05", Long. 105°-10'54". All other particulars remain the same.

[FR Do.76-36219 Filed 12-8-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OFFICE OF OIL AND GAS ANALYSIS FORM P302-M-1

Request for Public Comment

Pursuant to Part B of Title IV of the Energy Policy and Conservation Act Pub. L. 94-168 as amended by the Energy Conservation and Production Act Pub. L. 94-385, the Federal Energy Administration ("FEA") is charged with the responsibility to collect, assemble, evaluate and analyze energy information. Such responsibilities are to be performed with sufficient comprehensiveness to permit fully informed post-exemption price monitoring, to ensure maintenance of fair and reasonable consumer prices, to provide input for developnig price forecasting models and to support policy formulation. FEA Form P302-M-1 is being reevaluated as how best to accommodate FEA responsibilities in light of legislative requirements.

The FEA hereby requests expressions of interest and public comments regarding certain modifications of the information it currently receives on the FEA Form P302-M-1 (the form) to determine the impact of such modifications on the reporting burden for firms which presently are required to file the form, to elicit from those firms their views on any modifications and alternatives to the current reporting requirements which they indicate may significantly reduce their reporting burden, to enable FEA to determine if an increase in the number of firms required to report on the form will reflect a more accurate base concerning petroleum product prices and volumes of specific regions, to determine feasibility of obtaining regional prices and associated volumes on a current reporting period basis, and to determine if the form actually provides the comprehensiveness necessary to accomplish the monitoring and guidance responsibilities mentioned above.

BASE PERIOD GEOGRAPHIC SUPPLEMENTAL DATA

Part V of the FEA Form P302-M-1 currently collects base period weighted average selling prices for various petroleum products on an individual state basis. Since this information is presently required to be submitted only in the initial submission of the form, the FEA has been unable to fully meet its objective of a comprehensive monitoring of current product prices. Accordingly, comments concerning the base period geographic supplemental data should include discussions of the effect that monthly reporting of current product prices on a state or regional basis would have on a firm.

DATA REPORTING OF EXEMPT PRODUCTS

Part III and IV of the Form P302-M-1 previously monitored price adjustment, loss and cost recoupment data for various petroleum products including products such as middle distillates, residual fuel oils, naphtha, naphtha jet fuel, gas oil and "other products," which have been subsequently decontrolled from the FEA Mandatory Petroleum Price and Allocation Regulations. Accordingly, the FEA invites comments and discussions concerning the reduction in reporting burden associated with not having to report such data for the aforementioned products. Additionally, the FEA invites com-

ments concerning a comparison of the present level of effort necessary to fulfill the current reporting requirements with the level of effort needed if price adjustment, loss and cost recoupment data are not required for any petroleum products on the form.

IMPORTED PRODUCT COST DATA

Part VI of the Form P302–M–1 currently requires only four items of information to be reported: (i) type of product, (ii) country of origin, (iii) quantity purchased, and (iv) average cost. Comments and expression of the information now reported are invited. Discussions concerning the expansion of the current reporting requirements that should be addressed include new items such as (i) a region of entry item corresponding to the definition used by the U.S. Bureau of Census, (ii) the type of transaction item to be defined as a transaction with an affiliated company or a nonaffiliated company, (iii) a product purchase price item corresponding to the FOB point of origin price, (iv) rebates or discounts, (v) a transportation cost item to include only that cost associated with the transportation of the product from point of origin to the port of entry, (vi) an item defined to be insurance and other costs, (vii) the CIF product price, (viii) custom duties, (ix) import fees and (x) landed costs.

CURRENT REPORTING UNIVERSE

At the present time, any firm which refines covered products, such as a crude oil refiner or a gas plant operator, as well as any retailer or reseller which derives $50 million or more in annual sales of covered products is required to file Form P302–M–1. Consequently, the firms which report pricing and volume data via the form may generally be classified as large corporate firms. However, a major level of distribution of various petroleum products is centered around a much smaller firm. Furthermore, these smaller firms may have a major impact on the pricing and sales marketing patterns found in a localized region or state although they may only minimally impact the petroleum marketing pattern on the much broader national level. Accordingly, the FEA invites expressions of interest and comments concerning an expansion of the current reporting universe to include additional resellers and retailers with annual sales of less than 50 million. Comment regarding proposed reporting levels for resellers and retailers, in terms of annual sales volumes or revenues are also invited.

LEVEL OF SALES REPORTING BY CLASS OF PURCHASER

On Part III of Form P302–M–1, selling prices and volumes are reported according to certain classes of purchasers for certain petroleum product categories. Data concerning motor gasoline has been separated into three economically significant categories of purchasers: wholesalers, retailers, and dealer tankwagon (DTW). Data concerning distillates (No. 1 and 2 diesel and heating oils), residual fuel oils, aviation fuels and kerosene are currently collected only at the wholesale and retail level of purchaser. Propane data is collected at the residential, independent marketer and all other class of purchaser's levels. Discussion concerning the reporting of data at additional or alternative class of purchaser levels for the various product categories is invited; i.e., reporting DTW price and volume sales data for the diesel product category or reporting distillate and motor gasoline data at the "rack" class of purchaser level. Additionally, comments concerning deletions of certain class of purchasers from current product categories or alternative definitions of current class of purchasers should be submitted.

GAS PLANT PRICING AND VOLUME DATA

Part IV of the FEA Form P302–M–1 currently collects aggregated product pricing and volume data from gas plant operators. Crude oil refiners who also operate gas plants are currently required to submit similar data on part III of the form and additionally are permitted to aggregate any such product data with the corresponding product data from their crude oil refinery operations.

As an initial step in modifying and improving the current monitoring of natural gas liquid and natural gas liquid product data, the FEA requests expressions of interest and general comment concerning changes in the current reporting requirements which would provide that crude oil refiners report gas plant products pricing and volume data on part IV (an alternative to reporting the aggregated data in part III). Comments are also invited concerning reporting responsibilities for persons having fractional ownership interests. Should the gas plant operators be responsible for reporting data for all products processed in their plants or should data be reported on an ownership basis by fractional interest holders?

RESPONSE PROCEDURE

Interested persons are invited to submit data, views, or comments regarding the issues raised herein to Executive Communications, Room 3309, Federal Energy Administration, Box JS, the Federal Building, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Comments—Form P302–M–1 Modifications." Five copies should be submitted. All comments received by 4:30 p.m., e.d.t., January 10, 1977 will be considered by FEA before final action is taken.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data to treat it according to its determination. An additional five copies of the comments with confidential material deleted must also be provided and identified as set forth above.

Issued in Washington, D.C., December 3, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76–36137 Filed 12–6–76;11:34 am]

GASOLINE MARKETING ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Gasoline Marketing Advisory Committee will meet Tuesday, January 11, 1977, 9 a.m., Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

The Committee was established to provide the Administrator, FEA, with expert and technical advice concerning the wholesale and retail selling of gasoline.

The agenda for the meeting is as follows:

1. Old Business: Discussion of Requests and Commitments from the Prior Committee Meeting.
2. Subcommittee Reports from Meetings Held January 10, 1977.
3. Modifications Needed in Allocation Regulations for a Potential Shortage Period.
4. Modifications Needed in Pricing Regulations for a Potential Shortage Period.
5. Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions.
6. New Business: Items for Discussions at the Next Meeting.
7. Remarks from the Floor (10 Minute Rule).

Subcommittees may meet informally the day before the meeting at the discretion of the Subcommittee Chairman; the meetings will be open to the public. For further information on Subcommittee activities, call Lois G. Weeks, Director, Advisory Committee Management at (202) 566–7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform the Director, Advisory Committee Management, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection in the Freedom of Information Office, Room 2107, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Issued at Washington, D.C., on December 6, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76–36235 Filed 12–6–76;4:22 pm]

TRANSPORTATION AND STORAGE TASK GROUP OF THE LP–GAS TRANSPORTATION AND STORAGE SUBCOMMITTEE OF THE LP–GAS INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Transportation and Storage Task Group of the LP–Gas Transportation and Storage Subcommittee of the LP–Gas Industry Advisory Committee will meet Tuesday, December 28, 1976, at 1:30 p.m., in Houston Area Office #1, One Allen Center, Suite 660, 500 Dallas Avenue, Houston, Texas, 77002.

The Subcommittee was established to make recommendations to the parent Committee with respect to policy and implementation of programs that affect the LP–Gas industry.

The agenda for the meeting is as follows:

1. Ocean Transportation Availability
2. U.S. Import Terminals—Present Capacity and Estimated Future Capability

The meeting is open to the public. The Chairman of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois G. Weeks, Director, Advisory Committee Management, (202) 566–7022, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection in the Freedom of Information Office, Room 2107, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Issued at Washington, D.C., on December 6, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76–36234 Filed 12–6–76;4:22 pm]

FEDERAL POWER COMMISSION

[Docket No. RP76–10 (PGA77–2)]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets

DECEMBER 2, 1976.

Take notice that on November 22, 1976, Arkansas Louisiana Gas Company (Arkla) tendered for filing in the above docket Eighth Revised Sheet No. 185 for its Rate Schedule X–26 in its FPC Gas Tariff Original Volume No. 3. This tariff sheet is filed in accordance with Commission Opinion No. 770–A, to track producer increases based solely on increases in Arkla's purchased gas cost resulting from Opinion No. 770–A. The proposed effective date is December 1, 1976.

The company 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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 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.76–36165 Filed 12–8–76;8:45 am]

[Docket No. RP74–61(PGA77–2)]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets

DECEMBER 2, 1976.

Take notice that on November 22, 1976, Arkansas Louisiana Gas Company ("Arkla") tendered for filing in the above docket Eleventh Revised Sheet No. 4 for its Rate Schedule G–2 in its FPC Gas Tariff First Revised Volume No. 1. This tariff sheet is filed in accordance with Commission Opinion No. 770–A, to track producer increases based solely on increases in Arkla's purchased gas cost resulting from Opinion No. 770–A. The proposed effective date is December 1, 1976.

The company states that copies of the revised tariff sheet and supporting data are being mailed to the customers affected 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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant 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.76–36166 Filed 12–8–76;8:45 am]

[Docket No. CP77–56]

BACA GAS GATHERING SYSTEM, INC.

Application

DECEMBER 1, 1976.

Take notice that on November 12, 1976, Baca Gas Gathering System, Inc. (Applicant), 1200 Hartford Building, Dallas Texas 75201, filed in Docket No. CP77–56 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Panhandle Eastern Pipe Line Company (Panhandle) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by means of its gas gathering system in Baca County, Colorado, it presently gathers and transports gas to Morton County, Kansas, where it is delivered and sold for resale to Panhandle.

Applicant proposes to transport for Panhandle pursuant to an agreement dated September 24, 1976, volumes of gas which Panhandle would itself purchase or produce in Baca County, Colorado. It is stated that such gas would be delivered by Applicant to Panhandle at the redelivery point described as the point of interconnection in the NE/4 of Section 29–34S–43W, Morton County, Kansas. It is further stated that Panhandle would pay 8.6 cents per Mcf for all gas received, compressed, transported and redelivered by Applicant. The application states that all necessary connections would be made by Panhandle and at Panhandle's sole cost and expense. Panhandle, it is also stated, would install, operate and maintain a meter or meters of suitable capacity and design to measure the gas deliveries to Applicant. It is further stated that this agreement would continue for a period of twenty years.

It is asserted that the proposed transportation of gas would assist Panhandle in meeting the requirements of its existing customers in light of continued gas curtailment.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36162 Filed 12-8-76;8:45 am]

[Docket No. ER76-854]

BOSTON EDISON CO.

Filing

DECEMBER 3, 1976.

Take notice that Boston Edison Company ("Edison") on November 29, 1976, tendered for filing an executed Service Agreement with the Reading Municipal Light Department for Contract Demand Service commencing November 1, 1976. The Service Agreement, which is in the form filed by Edison in this docket on August 12, 1976, was signed by Reading with reservation of its rights to contest the terms of Contract Demand service before the Commission. Edison requests waivers necessary to permit the Service Agreement to become effective, subject to refund, as of November 1, 1976.

Copies of the filing were served upon Reading and other intervenors in this proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before December 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36172 Filed 12-8-76;8:45 am]

[Docket No. CP76-484]

COLUMBIA GAS TRANSMISSION CORP.

Petition To Amend

DECEMBER 1, 1976.

Take notice that on November 24, 1976, Columbia Gas Transmission Corporation (Petitioner), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP76-484 a petition to amend the Commission's order of November 1, 1976, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional point of receipt of natural gas from David S. Towner Enterprises (Towner) for the account of Weirton Steel Division of National Steel Corporation (Weirton), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is authorized in the instant docket by the Commission's order of November 1, 1976, to transport gas received from Towner at a point on Petitioner's Line O-58 in Seneca Township, Noble County, Ohio, and redeliver such gas to Columbia Gas of West Virginia, Inc. (Columbia of West Virginia), for the account of Weirton. It is stated that Petitioner has been advised that Towner is unable to deliver the authorized volumes of gas into Petitioner's facilities at its Line O-58. It is further asserted that Weirton and Petitioner have agreed upon an additional point of receipt in Center Township, Guernsey County, Ohio, where deliveries will be made into Petitioner's Line O-880. It is stated that the gas to be delivered at the new receipt point is being developed for Weirton under the same contract with Towner.

Petitioner seeks authorization to receive gas from Towner at the additional point in Center Township, Guernsey County, Ohio, on Petitioner's Line O-880. It is stated that this additional point of receipt is necessary to enable the transportation of the full volume of gas authorized in the instant docket by the Commission's order of November 1, 1976.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36160 Filed 12-8-76;8:45 am]

[Docket Nos. CP75-323 and CP75-300]

COLORADO INTERSTATE GAS CO., A DIVISION OF COLORADO INTERSTATE CORP.

Denial of Petition To Intervene Out of Time and Application for Rehearing

DECEMBER 1, 1976.

At the Commission meeting of November 23, 1976, a vote of two to two was recorded in the above designated proceeding on the petition to intervene out of time filed on November 1, 1976, by the American Public Gas Association. Accordingly, the petition to intervene and the concurrently filed application for rehearing of Opinion No. 777 are deemed denied under Section 1.12(e) of the Commission's Rules of Practice and Procedure (18 CFR 1.12(e)).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36161 Filed 12-8-76;8:45 am]

[Docket No. ER77-69]

EL PASO ELECTRIC CO.

Supplemental Agreement

DECEMBER 1, 1976.

Take notice that on November 19, 1976, El Paso Electric Company (El Paso Electric) tendered for filing a supplement to its Export Rate Schedule FPC No. 20.

El Paso Electric states that it has executed a supplemental agreement with the Comision Federal de Electricidad (CFE), dated January 30, 1976, providing for a negotiated increase in rate with respect to the transmission of electrical energy to CFE, as authorized by the Commission's Order issued October 9, 1970, in Docket No. IT-5762. El Paso Electric states that the filing requests no change in the electrical service previously authorized by the Commission on October 9, 1970, and that the proposed rate increase will have no effect on its other jurisdictional customers. El Paso Electric requests that the supplemental agreement be made effective on December 1, 1975, the effective date agreed upon by the parties therein.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36158 Filed 12-8-76;8:45 am]

[Docket No. RP72-32(PGA77-1)]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Proposed Change in Rates Pursuant to FPC Opinion No. 770-A

DECEMBER 3, 1976.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) on November 24, 1976, tendered for filing proposed changes in

its FPC Gas Tariff, Third Revised Volume No. 1. This filing is made to adjust the purchased gas cost increase filed in this docket on September 28, 1976 as prescribed by FPC Opinion No. 770–A issued on November 5, 1976 in Docket No. RM75–14.

Copies of the filing have been served on the company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or protest such filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file at the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36164 Filed 12-8-76;8:45 am]

[Docket No. RP71-16 (PGA77-2) (Southern System)]

MIDWESTERN GAS TRANSMISSION CO.

PGA Filing Pursuant to Opinion No. 770–A

DECEMBER 2, 1976.

Take notice that on November 22, 1976, Midwestern Gas Transmission Company (Midwestern) tendered for filing Substitute Sixteenth Revised Sheet No. 5 to Third Revised Volume No. 1 to its FPC Gas Tariff to be effective on December 1, 1976.

Midwestern states that the purpose of this revised tariff sheet is to adjust Midwestern's rates for its Southern System pursuant to the PGA provision of Article XVII of the General Terms and Conditions to reflect increased purchased gas costs resulting from the rate increase filed November 22, 1976, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which is based solely on producer filings made pursuant to Opinion No. 770–A.

Midwestern requests waiver of sections 1.2 and 1.3 of Article XVII of its FPC Gas Tariff in order to make the revised tariff sheet effective on December 1, 1976. Midwestern states that the proposed effective date is in accord with the Commission's Opinion No. 770–A issued November 5, 1976, in Docket No. RM75–14, which specifically allows such PGA increases to become effective on that date.

Midwestern states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 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: *Provided, however*, That any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36151 Filed 12-8-76;8:45 am]

[Docket No. RP72-149 (PGA77-3)]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

DECEMBER 1, 1976.

Take notice that Mississippi River Transmission Corporation ("Mississippi") on November 24, 1976 submitted for filing the following Revised Sheet Nos. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective on the dates indicated below:

Tariff sheet No.	*Effective date*
Substitute Fiftieth Revised Sheet No. 3A	Dec. 1, 1976.
Substitute Alternate Fiftieth Revised Sheet No. 3A	Do.
Substitute Fifty-First Revised Sheet No. 3A	Dec. 15, 1976.
Fifty-Second Revised No. 3A	Jan. 1, 1977.
Alternate Fifty-Second Revised Sheet No. 3A	Do.

The instant filing is being made pursuant to the Purchased Gas Cost Adjustment provision of Mississippi's tariff and pursuant to the tracking authority contained in Mississippi's Stipulation and Agreement approved by Commission Order issued February 13, 1976, at Docket No. RP75–20 to track the following increases in the cost of purchased gas and the cost of transportation of gas by others: (1) Increases in the cost of gas purchased from producers, Trunkline Gas Company ("Trunkline"), Natural Gas Pipeline Company of America ("Natural") and United Gas Pipe Line Company ("United") reflecting revisions in the cost of gas associated with Opinion No. 770–A; (2) An increase in the base tariff rates to reflect the appropriate level of transportation costs associated with Mississippi's purchases of gas in the Mills Ranch Field, Wheeler County, Texas; and, (3) An increase in the cost of gas purchased from United through the operation of United's semi-annual purchased gas cost adjustment. The increases associated with Mississippi's transportation cost adjustment, together with the increases of Trunkline and Natural with respect to Opinion No. 770–A are proposed to become effective on December 1, 1976. The gas cost increases of United are proposed to become effective on January 1, 1977. Mississippi states that the substitute alternate filings of December 1, 1976 and January 1, 1977 together with the substitute filing of December 15, 1976, have been submitted solely for the purpose of reflecting the revised cost of purchased gas occasioned by the issuance of Opinion No. 770–A.

Mississippi submitted schedules containing computations supporting such various rate changes. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the state commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene with the Federal Power Commission in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36155 Filed 12-8-76;8:45 am]

[Project No. 2207]

MOSINEE PAPER CO.

Issuance of Annual License(s)

DECEMBER 3, 1976.

On December 26, 1974, Mosinee Paper Company, Licensee for Mosinee Project No. 2207, located on the Wisconsin River near Mosinee, Wisconsin, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 2207 was issued effective January 1, 1938, for a period ending December 31, 1974. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on December 31, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Mosinee Paper Company.

Take notice that an annual licensee is issued to the Mosinee Paper Company for the period January 1, 1977, to December 31, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mosinee Project No. 2207 subject to the terms and conditions of the original license. Take further notice

that if Federal takeover or issuance of a new license does not take place on or before December 31, 1977, a new annual license will be issued each year thereafter effective January 1 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36188 Filed 12-8-76;8:45 am]

[Docket No. CP77-61]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

DECEMBER 3, 1976.

Take notice that on November 18, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-61 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain gas purchase facilities located in Ward County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it was authorized by order issued May 3, 1968, in Docket No. CP68-164 to construct and operate 1.2 miles of 10-inch pipeline, two 6-inch pipelines totaling .15 mile and related appurtenant facilities in the H.&T.C.R.R. Survey, Block 34, Ward County, Texas, to effectuate the receipt of gas purchased from various producers having interests in the Roden Monroe No. 1 and Roden Middleton No. 2 wells located in the Lockridge Field, Ward County, Texas, at a cost of $65,871.90. It is further stated that natural gas production from the wells which were producing into these facilities terminated in 1972, and Applicant does not foresee any additional gas production from this acreage in the future. Applicant indicates that it does not contemplate releasing the subject acreage from the various gas purchase contracts.

Applicant states that it proposes to sell the approximately 1.2 miles of 10-inch pipeline to HNG Oil Company (HNG) for $5,000 and to remove all salvable aboveground facilities and to retain them in stock until needed. All other facilities, it is stated, would be abandoned in place.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 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 permission and approval for the proposed abandonment are 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.76-36171 Filed 12-8-76;8:45 am]

[Docket No. RP72-154 (PGA77-2)]

NORTHWEST PIPELINE CORP.

Change in Rates Pursuant to Purchased Gas Costs Adjustment

DECEMBER 1, 1976.

Take notice that Northwest Pipeline Corporation, on November 17, 1976, tendered for filing and acceptance a notice of change in rates applicable to service rendered under rate schedules affected by and subject to the Purchased Gas Cost Adjustment Provision ("PGAC"), as contained in its FPC Gas Tariff, Original Volume No. 1. The proposed change in rates would increase revenues from jurisdictional sales and service by $37,725,727 based on the 12-month period ending June 30, 1976.

Such change in rates is occasioned by a substantial increase in the cost of Canadian gas purchased by Northwest from its Canadian pipeline supplier, Westcoast Transmission Company, Limited ("Westcoast"), in compliance with the Canadian Government's decision to increase the border export price to $1.94 per MMBtu (Canadian), effective January 1, 1977. Northwest obtains approximately two-thirds of its total gas supply from Westcoast. A border export price of $1.94 will result in an annualized increase in Northwest's purchased gas cost expense amounting to $38,239,068, which equates to an increase of .944¢ per therm above the currently effective rates.

Although Northwest's PGAC provides for the tracking of changes in the cost of purchased gas each six months, Northwest emphasized that the magnitude of the increase in its purchased gas cost expense requires immediate rate relief on a firm basis concurrently with the effective date of the increased export price. Northwest respectfully requested that waiver be granted of Northwest's PGAC and applicable Commission Regulations, as necessary, so as to permit acceptance and effectiveness of the tendered change in rates on January 1, 1977.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35154 Filed 12-8-76;8:45 am]

[Docket No. CP77-59]

PANHANDLE EASTERN PIPE LINE CO.

Application

DECEMBER 1, 1976.

Take notice that on November 17, 1976, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-59 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 on a firm basis on behalf of Anchor Hocking Corporation (Anchor Hocking), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Anchor Hocking up to 790 Mcf of gas per day for a period of two years following the date of first delivery, for use at Anchor Hocking's Winchester, Indiana, plant which is an existing direct customer of Applicant. It is stated that such gas is to be supplied by Gas Transport, Incorporated, a wholly-owned subsidiary of Anchor Hocking, and will be delivered to Applicant for redelivery to Anchor Hocking through an arrangement whereby Columbia Gas Transmission Corporation (Columbia), an existing resale customer of Applicant, will make available to Applicant said volumes of gas through an existing connection between Columbia and Applicant in Darke County, Ohio. Applicant, it is further stated, would deliver equivalent volumes to the Winchester Plant at the existing point of interconnection in Randolph County, Indiana.

It is stated that Anchor Hocking would pay Applicant a monthly transportation charge of $126, such charge being subject to increase or decrease by an amount equal to .53 cents per Mcf that Applicant transports in excess of the firm volumes on any day or fails or is unable to take on any day.

Applicant states that it did not consider the subject natural gas supply to be available for purchase by it by reason of the fact that the gas has been under contract to Anchor Hocking since 1947.

It is stated that Anchor Hocking's Winchester, Indiana, plant produces machine-made glass containers used in the food, beverage and household chemical industries, and that Anchor Hocking must depend on such gas for its glass forming and finishing processes. It is further stated that Anchor Hocking employs an average of 1150 employees in Winchester, which has a population of 5500, and any curtailment of natural gas to Anchor Hocking would result in economic hardship to the area as well as causing slowdowns in the food, beverage and household finishing industries.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36163 Filed 12-8-76;8:45 am]

[Docket No. RP73-48 (PGA77-2)]

PEOPLES NATURAL GAS DIVISION OF NORTHERN NATURAL GAS CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

DECEMBER 2, 1976.

Take notice that Peoples Natural Gas Division of Northern Natural Gas Company on November 22, 1976, tendered for filing Substitute Fourteenth Revised Sheet No. 3a of its F.P.C. Gas Tariff, Original Volume No. 4. The proposed change to become effective December 1, 1976, would increase the rate per Mcf to jurisdictional customers by 15.97¢ per Mcf. This increase reflects an increase in rates by Colorado Interstate Gas Company, resulting from a Purchased Gas Adjustment made in accordance with the provisions of F.P.C. Opinion 770. Colorado Interstate is the pipeline supplier to Peoples for sales made under Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36173 Filed 12-8-76;8:45 am]

[Docket No. ER77-71]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Cancellation of Service

DECEMBER 1, 1976.

Take notice that on November 22, 1976, Public Service Electric and Gas Company (Public Service E & G), filed a Notice of Cancellation of FPC Electric Tariff No. 56. Public Service E & G states that this tariff is being cancelled because the customer (Borough of Milltown) transferred to FPC Electric Tariff No. 57—High Tension Service. Public Service E & G requests that FPC Electric Tariff No. 56 be cancelled effective January 1, 1977.

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 Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36159 Filed 12-8-76;8:45 am]

[Docket No. CP77-62]

STANDARD PACIFIC GAS LINE INC.

Application

DECEMBER 3, 1976.

Take notice that on November 19, 1976, Standard Pacific Gas Line Incorporated (Applicant), 77 Beale Street, San Francisco, California 94106, filed in Docket No. CP77-62 an application pursuant to Section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the continued operations of existing facilities at an increased maximum allowable operating pressure of 600 psig, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant is authorized to transport natural gas for Pacific Gas and Electric Company (Pacific) and Standard Oil Company of California (Standard), owners of the Applicant's stock, through its pipeline system extending from an area approximately 40 miles Northwest of the Kettleman Hills Area of Central California to the City of San Pablo in the San Francisco Bay area. It is stated that Applicant has not utilized its system at maximum operating pressures or at maximum delivery capacities other than those originally certificated for its pipeline.

Applicant states that Pacific, a six-seventh percent owner of Petitioner, has in recent years, been experiencing a general increase in demand for natural gas and in particular, increased demand from its high priority customers (P1 and P2) during the winter heating season. At the same time Pacific has experienced a reduction in gas deliveries from two of its three traditional sources of supply: El Paso Natural Gas Company and California producers. As a consequence of both circumstances Pacific has been forced to curtail certain low priority loads (P3, P4, P5) and has embarked upon a program to develop sufficient gas storage facilities to enable it to meet its high priority (P1 and P2) load during the winter heating season, it is asserted.

It is indicated that in order to assist Pacific in meeting its high priority (P1 and P2) system load during the winter heating season, Applicant proposes the following changes in its existing pipeline system:

Tracy Station to Brentwood Terminal Mile Post: M.P. 142.50 to M.P. 158.00.

It is stated that Pacific has completed a major gas storage facility at McDonald Island, California, which is designed to allow Pacific, in the face of increasing gas supply shortages, to meet the demands of its high priority load during the winter heating season. This storage supply is interconnected with Pacific's Brentwood Terminal, and it is indicated that Pacific's Brentwood Terminal also interconnects with Pacific's Antioch Terminal which is the terminus for Pacific's gas supply received from Pacific Gas Transmission Company ("PGT") via Pacific Line 400. Applicant proposes to increase the maximum allowable operation pressure (MAOP) of that segment of its pipeline between Brantwood Terminal and its Tracy Station from its original maximum allowable operation pressure of 495 Psig to a new MAOP of 600 psig.

It is indicated that no new construction or replacement will be necessary to enable Applicant to increase such pressure, because Applicant has replaced numerous segments of its original Tracy Station to Brentwood Terminal pipeline.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 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.76-36167 Filed 12-8-76;8:45 am]

[Docket No. CP76-403]

TEXAS GAS TRANSMISSION CORP.

Petition To Amend

DECEMBER 1, 1976.

Take notice that on November 15, 1976, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76-403 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket 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), by which petition Petitioner requests authority to transport additional natural gas for Owens-Corning Fiberglas Corporation (Owens-Corning), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner requests authorization, in the instant petition to amend, to transport and deliver, on an interruptible basis, up to 300 Mcf of natural gas per day to Texas Eastern Transmission Corporation (Texas Eastern), for the account of Owens-Corning, near Lebanon, Ohio, for ultimate delivery to Owens-Corning's manufacturing plant located in Huntingdon, Pennsylvania.[1] It is stated that the delivery by Texas Gas of the 300 Mcf per day to Texas Eastern, for the account of Owens-Corning, would be in addition to the volume of natural gas, up to 2,000 Mcf per day, that Texas Gas is presently authorized to transport and deliver to Jackson Utility Division in Jackson, Tennessee, for the account of Owens-Corning.

Further, it is indicated that Owens-Corning would pay Texas Gas an initial charge of 22.80 cents per Mcf for the volumes of natural gas transported and delivered to Texas Eastern and Texas Gas would retain 11.3 percent of the transportation volumes for compressor fuel and line loss make-up. Petitioner states that no new facilities are required for the proposed transportation service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36156 Filed 12-8-76;8:45 am]

[1] Texas Eastern has filed in Docket No. CP77-22 an application to transport the subject gas for Owens-Corning. Notice of application issued November 3, 1976 (41 FR 50022, November 12, 1976).

[Docket No. ER77-72]

TOLEDO EDISON CO.

Service Agreement

DECEMBER 3, 1976.

Take notice that The Toledo Edison Company, on November 22, 1976, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1 applicable to sales to Municipalities for Resale. The changes consist of filing a Service Agreement executed by the Village of Genoa, Ohio, and Tenth Revised Sheet Number 3, List of Purchasers.

Toledo Edison states that the executed Service Agreement with the Village of Genoa provides that the Village will be served under rate Municipal Resale Service Rate—Small and that the Service Agreement replaces a contract (Rate Schedules FPC Number 11) which will expire on December 28, 1976. An effective date of December 29, 1976 has been requested for the filed Service Agreement.

Toledo Edison states that copies of this filing were served upon the Village of Genoa, Ohio and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36170 Filed 12-8-76;8:45 am]

[Docket No. CP76-279]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition To Amend

DECEMBER 3, 1976.

Take notice that on November 22, 1976, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-279 a petition to amend the Commission's order of August 18, 1976, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the addition of seven facili-

ties of Burlington, Industries, Inc. (Burlington) to the existing transportation arrangement with Piedmont Natural Gas Company, Inc. (Piedmont) and Public Service Company of North Carolina, Inc. (Public Service), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is presently authorized to transport up to 1,500 Mcf of gas per day on an interruptible basis for Burlington to Piedmont and Public Service, two of Petitioner's resale customers, for use in five Burlington facilities in North Carolina. It is stated that Petitioner collects an initial charge of 22.0 cents per Mcf for all quantities transported and delivered to Piedmont and Public Service for Burlington's account and retains 3.8 percent of the volumes received for transportation as makeup for compressor fuel and line loss.

Petitioner, pursuant to a transportation agreement with Burlington, Piedmont, Public Service and North Carolina Natural Gas Corporation (NCN), another resale customer of Petitioner, dated October 22, 1976, now proposes to deliver the authorized quantities of gas to Piedmont, Public Service and NCN for ultimate delivery to seven additional Burlington facilities. It is stated the additional facilities would be as follows: Kernersville Finishing, Kernersville, North Carolina; Mayfair Plant, Burlington, North Carolina; Mooresville Finishing, Mooresville, North Carolina; William G. Lord Plant, Cramerton, North Carolina; Erwin Plant, Erwin, North Carolina; Sheffield Plant, Rocky Mount, North Carolina and Rocky Mount Plant, Rocky Mount, North Carolina. These additional facilities would be served from the same 1,500 Mcf of gas per day presently authorized in this docket, it is said.

It is further stated that delivery by Petitioner to NCN would occur at existing delivery points to NCN and that quantities of gas scheduled for delivery to the Sheffield and Rocky Mount Plants by NCN would be redelivered via the distribution facilities of the City of Rocky Mount, North Carolina. It is asserted that such gas would be used for high-priority process uses at Burlington's seven additional facilities and is urgently needed to avoid possible disruption of work schedules and subsequent lay-offs at these finishing plants.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 28, 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 1.0) 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36169 Filed 12-8-76;8:45 am]

[Docket No. ER77-70]

TUCSON GAS & ELECTRIC CO.

Filing of Energy Agreement

DECEMBER 1, 1976.

Take notice that Tucson Gas & Electric Company ("TGE") on November 22, 1976 tendered for filing a San Juan Generating Station Energy Sale Agreement (the "Agreement") dated November 5, 1976 between TGE and El Paso Electric Company ("EPE") and Public Service Company of New Mexico ("PNM"). Copies of the filing were served upon EPE and PNM on November 5, 1976.

Any person desiring to be heard or to make application with reference to said Agreement shoud file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1976. Protests will be considered by the Commission 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 must file a petition to interevne. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36153 Filed 12-8-76;8:45 am]

[Docket No. RP72-133 (PGA77-1a)]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

DECEMBER 1, 1976.

Take notice that on November 24, 1976, United Gas Pipe Line Company (United) tendered for filing Thirty-Sixth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information are being filed by November 24, 1976 to be effective January 1, 1977 pursuant to Ordering Paragraph C) to Opinion No. 770-A and in compliance with Section 19 of United's tariff.

Copies of the revised tariff sheet and supporting data are being mailed to United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure 1.8 CFR 1.10). All such petitions or protests should be filed on or before December 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36157 Filed 12-8-76;8:45 am]

[Docket No. CP77-72]

COLORADO INTERSTATE GAS CO., ET AL.

Application

DECEMBER 3, 1976.

Take notice that on November 24, 1976, Colorado Interstate Gas Company (CIG) P.O. Box 1087, Colorado Springs, Colorado 80944, Mountain Fuel Resources, Inc. (Resources), P.O. Box 11386, Salt Lake City, Utah 84139, and Mountain Fuel Supply Company (Mountain Fuel), P.O. Box 11386, Salt Lake City, Utah 84139, filed in Docket No. CP77-72 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas by CIG to Rocky Mountain Natural Gas Company, Inc. (Rocky Mountain) and the delivery of said natural gas to Rocky Mountain by CIG, Resources, and Mountain Fuel by displacement, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG requests authorization to sell and deliver, or cause to be delivered to Rocky Mountain, on a best efforts basis during the period December 1, 1976, through March 31, 1977, up to 6,000 Mcf of natural gas per day. It is stated that the volumes to be sold and delivered to Rocky Mountain would be equal to Rocky Mountain's additional requirements determined after full utilization of all other supplies available to it and that the proposed sale is intended to prevent curtailment of Rocky Mountain's firm customers due to an inadequate gas supply. It is further stated that Rocky Mountain would pay CIG a base charge of $71,280 and a commodity charge of 108.40 cents per Mcf for the gas purchased by it from CIG.

Pursuant to a sale and exchange agreement dated November 8, 1976, among CIG, Resources, Mountain Fuel and Rocky Mountain, Resources would deliver to Rocky Mountain for CIG's account the volumes of natural gas sold by CIG to Rocky Mountain, it is said. It is stated that in consideration of Resources' delivery of gas to Rocky Mountain for CIG's account, Mountain Fuel has agreed to allow Resources to reduce its deliveries to Mountain Fuel on a day-to-day basis by a volume equal to that which Resources delivers to Rocky Mountain for CIG's account. It is further stated that the volumes which Mountain Fuel makes

available to Resources under said agreement would be returned to Mountain Fuel by CIG subject to other system requirements of CIG.

The application states that deliveries would be made to Rocky Mountain by Resources at an existing point of interconnection located in Messa County, Colorado, and that Resources would charge Rocky Mountain the currently effective rate applicable under its Rate Schedule T-1. Deliveries by CIG to Mountain Fuel would be made at an existing point of interconnection near Rock Springs in Sweetwater County, Wyoming, it is said. It is indicated that should the exchange account between CIG and Mountain Fuel not be in balance on March 31, 1977, the account would be balanced within 30 days. It is stated that no new facilities are required by any of the parties to effectuate the proposed exchange.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36197 Filed 12-8-76;8:45 am]

[Docket No. RP72-157; PGA77-2]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

DECEMBER 3, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on November 24, 1976 tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 pursuant to its PGA clause and Order of the Federal Power Commission issued November 5, 1976, for rates to be effective December 1, 1976.

Consolidated states that the filing was necessitated by the issuance of Opinion No. 770-A on November 5, 1976 in Docket No. RM75-14 which established National Rates For Jurisdictional Sales of Natural Gas Dedicated to Interstate Commerce.

Consolidated has included in its filing, increases in cost of gas from pipeline suppliers of $83.4 million and producer suppliers of $6.6 million. Additionally Consolidated has included, as prescribed by the order, a surcharge including carrying charges at 9 percent to recoup payments covering the period July 27, 1976 through November 30, 1976. The Surcharge, to be in effect for a twelve month period commencing December 1, 1976, will be 0.43¢ per Mcf.

Consolidated in requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates shown on Seventeenth Revised Sheet Nos. 8 and 9 to become effective December 1, 1976.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36196 Filed 12-9-76;8:45 am]

[Docket No. RP73-149; PGA77-1]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

DECEMBER 3, 1976.

Take notice that, on November 24, 1976, South Georgia Natural Gas Company (South Georgia) tendered for filing Twenty-second Revised Sheet No. 3A to Original Volume No. 1 of its FPC Gas Tariff. The proposed changes would increase South Georgia's rates as a result of the following items:

(1) A Current Adjustment, as provided for under its PGA clause and the Commission's Opinion No. 770-A issued November 5, 1976, for the purpose of tracking a rate increase filing made by Southern Natural Gas Company (Southern) on November 24, 1976. South Georgia states that the instant filing will increase South Georgia's jurisdictional rates by $2,790,136.

(2) A Surcharge Adjustment, as provided for under Section 14.3 of the General Terms and Conditions of South Georgia's FPC Gas Tariff, reflecting the net of Demand Charge Credits received from Southern from November 28, 1975 to September 30, 1976, and unrecovered purchased gas costs from July 1, 1976 through September 30, 1976. The total balance in its Unrecovered Purchased Gas Cost Account of ($49,194) will be refunded over the estimated sales for the six-month period commencing January 1, 1977 by a surcharge adjustment rate of (.54¢) per MMBtu.

South Georgia is making this filing in compliance with Ordering Paragraph (C) of the Commission's Opinion No. 770-A which permits pipelines tracking pipeline increases to file by November 24, 1976. Therefore, South Georgia requests this proposed increase to be made effective January 1, 1977, or such other date as the rate increase proposed by Southern is permitted to go into effect.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36195 Filed 12-9-76;8:45 am]

SEVERE WINTER CONDITIONS

Informal Conference Regarding Action To Be Taken

DECEMBER 7, 1976.

Take notice that, commencing on December 16, 1976, Commissioner James G. Watt, will conduct an informal conference on the actions the Federal Power Commission should take if a colder than normal or very severe winter is expected. The conference shall be held in the Commission Meeting Room, 825 North Capitol Street, Washington, D.C., at 10:00 a.m.

A transcript of the conference will be prepared so that no question may be raised in the future as to the propriety of the conference. Formal statements by interested parties may be presented but are not required. The purpose is to have a free flowing dialogue between interested parties and Commissioner Watt.

Questions which Commissioner Watt asks the parties to focus upon specifically are not intended to restrict or limit the discussion. Neither the Commission nor Mr. Watt have taken a position on any of

the issues related to these general questions which have been framed solely for the purpose of stimulating imaginative thought for ways to deal with a gas shortage.

The questions for discussion are as follow:

1. The need for additional natural gas supplies for the interstate market in the event of a severe winter.

2. Steps which may be taken by the FPC to elicit those additional natural gas supplies if needed, including specific procedures and legal authority for FPC to adopt such procedures.

3. The desirability of, and legal authority for the establishment of an FPC policy which would establish a criterion of comparative need for gas among interstate pipelines in considering producer sales of any new gas in the interstate market both this winter and in the future.

4. The desirability of, and legal authority for the establishment of an FPC program which would shift customers, for whom a reliable gas supply is essential, from pipelines in deep curtailment to pipelines in better gas supply positions—either for this winter or on a more permanent basis.

The conference shall be open to the public and anyone desiring to comment will be given opportunity to do so.

JAMES G. WATT,
Commissioner.

[FR Doc.76-36252 Filed 12-7-76;9:42 am]

FEDERAL RESERVE SYSTEM

BYRON B. WEBB, INC.

Acquisition of Bank

Byron B. Webb, Inc., Palmyra, Missouri, 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 retain 15.8 per cent and acquire 33.2 per cent or more of the voting shares of Palmyra State Bank, Palmyra, Missouri. 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)).

Byron B. Webb, Inc. is also engaged in the following nonbank activities: ownership and management of income-producing real property, and holding marketable securities and loans for applicant's own account. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 30, 1976.

Board of Governors of the Federal Reserve System, December 1, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-36180 Filed 12-8-76;8:45 am]

EVANS INSURANCE AGENCY, INC.

Order Approving Retention of Bank Shares

Evans Insurance Agency, Inc., Billings, Oklahoma, 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 411 of the outstanding voting shares of The First State Bank in Billings, Billings, 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 is a one-bank holding company by virtue of its ownership of 41.14 percent of the outstanding voting shares of Bank. In addition to the ownership of Bank, Applicant is engaged in general insurance agency activities in Billings, a town of less than 5,000 people. In March 1976, Applicant acquired an additional 411 shares of Bank's outstanding voting shares pursuant to a pro rata stock offering. The acquisition was made without the Board's prior approval.[1] Applicant now seeks the Board's approval to retain these shares. Bank ($5.2 million in deposits) is the 330th largest banking organization in Oklahoma, controlling 0.05 percent of the total deposits in commercial banks in the State.[2]

Bank is the smallest of four banking organizations in the relevant market (which is approximated by Noble County) and holds approximately 10 per cent of market deposits. Since Applicant already controls Bank and since the proposal involves only the retention of Bank shares acquired pursuant to a pro rata stock offering, which shares did not increase Applicant's percentage ownership of Bank, it does not appear that Applicant's retention of Bank's shares would have any adverse effect on existing or potential competition, nor increase the concentration of banking resources. Thus, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are satisfactory. Accordingly, banking factors are consistent with approval. There is no indication that the convenience and needs of the community to be served are not currently being met. Although there will be no immediate increase in the services offered by Bank, convenience and needs considerations are consistent with approval. Therefore, it is the Board's judgment that the retention of the shares of Bank 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.

By order of the Board of Governors,[3] effective December 1, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-36181 Filed 12-8-76;8:45 am]

PEOPLES BANCSHARES OF SCHUYLER CO.

Formation of Bank Holding Company

Peoples Bancshares of Schuyler Co., Lancaster, Missouri, 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 90.57 per cent or more of the voting shares of Bank of Lancaster, Lancaster, Missouri. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 3, 1977.

Board of Governors of the Federal Reserve System, December 3, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-36182 Filed 12-8-76;8:45 am]

PUTNAM NATIONAL CORP.

Formation of Bank Holding Company

Putnam National Corporation, Greencastle, Indiana, has applied for the

[1] Since 1957 the Board has had outstanding an interpretation of the Bank Holding Company Act that states, in part, that the "purchase of bank stock by a bank holding company through the exercise of rights does require the Board's prior approval" (Interpretations paragraph 7050, 12 C.F.R. § 225.103). In accordance with the Board's position with respect to violations of the Act, the Board has scrutinized the underlying facts surrounding the acquisition of Bank's shares. Upon an examination of all the facts of record, including Applicant's undertaking to guard against violations in the future, the Board is of the view that the circumstances surrounding the violation are not such as would call for denial of the application.

[2] All banking data are as of December 31, 1975.

[3] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, Jackson, Partee, and Lilly.

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 The Central National Bank of Greencastle, Greencastle, Indiana. 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 December 23, 1976.

Board of Governors of the Federal Reserve System, December 3, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-36183 Filed 12-8-76;8:45 am]

REED STREET CO.

Formation of Bank Holding Company

Reed Street Company, Red Oak, Iowa, 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 66.8 per cent of the voting shares of The Montgomery County National Bank of Red Oak, Red Oak, Iowa ("Bank"). Upon acquisition of these shares, Reed Street Company would own a total of 88 per cent of the voting shares of Bank. 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 applications should submit views in writing to the Reserve Bank, to be received not later than December 27, 1976.

Board of Governors of the Federal Reserve System, December 1, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-36184 Filed 12-8-76;8:45 am]

SECURITY BANCORP, INC.

Proposed Expansion of Insurance Underwriting Activities

Security Bancorp, Inc., Southgate, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to expand the insurance underwriting activities of its subsidiary, United Life Insurance Company, Phoenix, Arizona, to include the underwriting, as reinsurer, of credit accident and health insurance in connection with extensions of credit by Applicant's subsidiaries. Notice of the application was published on October 27 and 29, 1976 in The Mellus Newspapers, newspapers circulated in Wayne County, Michigan; and on November 3, 1976 in The Novi News, a newspaper circulated in Oakland County, Michigan.

Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for banking holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 30, 1976.

Board of Governors of the Federal Reserve System, December 1, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-36185 Filed 12-8-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

TITLE I—AUDIT APPEAL

Notice of Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 285668, July 12, 1976), an application for an appeal before the Board has been received from the State of Pennsylvania and it has met the jurisdictional requirements of Section 5 of the Notice establishing the Board.

The appeal involves the allowability of specified expenditures of funds for programs under Title I of the ESEA during the period July 1, 1967, through June 30, 1973. The U.S. Office of Education seeks recovery for the U.S. Treasury of $1,346,399 from the State of Pennsylvania based on allegations that certain funds expended in a number of local education agencies failed to meet the special educational needs of educationally deprived children, or that those funds were used to supplant State and local funds or that target schools were improperly selected. Local education agencies involved include Philadelphia, Albert Gallatin, McKeesport, Pittsburgh, and Allentown. The Audit Control Number is 50000-03.

The prehearing conference will be held at 10:30 a.m. on January 18, 1977, in Room 4173, 400 Maryland Avenue, SW., Washington, D.C.

Section 7(c) of the Notice setting up the board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before January 3, 1977.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: December 3, 1976.

EDWARD AGUIRRE,
U.S. Commissioner of Education.

[FR Doc.76-36125 Filed 12-8-76;8:45 am]

Office of the Secretary

STUDENT FINANCIAL ASSISTANCE STUDY GROUP

Hearing and Meeting

The Student Financial Assistance Study Group was established by public notice on August 27, 1976, to advise the Secretary of Health, Education, and Welfare on ways to implement more effectively and efficiently the Student Financial Assistance Programs administered by the Department. These programs include the Basic Educational Opportunity Grants Program (BEOG), the Guaranteed Student Loan Program (GSL), the Supplemental Educational Opportunity Grants Program (SEOG), the National Direct Student Loan Program (MDSL), the College Work-Study program (CWS), and the State Student Incentive Grant program (SSIG).

Notice is hereby given pursuant to Pub. L. 92-463 that the Student Financial Assistance Study Group will hold a hearing to receive suggestions on the scope of its study and on issues related to the process for determining institutional, student, state and lender eligibility for participation in the Federal programs. The public hearing will be held on Thursday January 6, 1977 in Room 35

of the Department of Health, Education, and Welfare's Region IX Office Building, 50 United Nations Plaza, San Francisco, California, from 9:30 a.m. until 3:00 p.m. This hearing is part of the Student Financial Study Group's efforts to review management and administrative issues related to the student assistance programs.

OUTLINE OF THE STUDY

The Student Financial Assistance Study Group at its November meeting outline, in broad terms, the following major areas to be included in the Study.

1. *Introduction*—Background: There will be an introduction which, from a historical base, will analyze why the current management and administrative problems exist in the federal student aid programs and why the Student Financial Assistance Study Group was established.

2. *Eligibility*. This section of the study will address the process for determining eligibility to receive federal funds and to participate in the student aid programs. The study will critically review, the process for determining and terminating eligibility for states, institutions, students and lenders.

3. *Delivery System*. The delivery system for providing financial assistance to students through the various mechanisms currently in force will also receive the attention of the Study Group. This will include the application process, panel review process, allotment of funds, packaging of aid and student budget process. The Group intends to give consideration to the timing of payments to students and to institutions; the roles of the federal central office and regional offices in the administration of the programs; the roles of the states, the educational institutions, the private sector service organizations, and the lending institutions in the administration of the programs.

4. *Program Management and Integrity*. The organization structure, policies, and procedures used to manage the programs to insure program integrity, coordination, and control will be the focus of this section of the Study.

The Study will look at management systems in general, including communications, training, technical assistance, and data acquisition; the incentives and disincentives for program integrity; the appeal processes; the efforts to prevent and eliminate fraud and abuse; and the procedures for evaluating performance of institutions, agencies, and individuals.

At the public hearing announced above, the Study Group is particularly interested in receiving comments and suggestions on issues related to eligibility. A brief statement of some of the issues identified to date in this area are noted below.

1. *Eligibility*.

A. *Institutions*. During the early discussion of institutional eligibility, it appeared that the heavy reliance on the approval by private accrediting agencies, as a basis for determining eligibility to participate in these programs to receive Federal funds, was not adequate to meet current requirements. The problem semed most pronounced when the process for terminating the eligibility of institutions was mentioned. The question seems to be what should the criteria and standards be for determining eligibility and what should the process be for monitoring performance in meeting these standards. The next quesiton follows that if there is failure to maintain standards, what procedures should be followed to terminate eligibility and remove approvals for program participation and the right to receive Federal funds. There also needs to be a determination of who should have responsibility for this function and where should it be placed in the governance structure.

B. *Students*. The Congress has established these programs to provide educational opportunity to students at the postsecondary level who otherwise would be unable to take advantage of this level of education because of lack of financial resources. The majority of people feel that these programs have met this objective. The determination of the specific criteria that are used to define need are not within the framework of this particular study. However, there is the concern about the process with which the students must be familiar in order to know if they are eligible to receive this assistance. Questions have been raised about the availability of program information, the number of forms required to be completed by parents and students and the timing of the process.

The Study Group will include in its review of student eligibility, the following issues and concerns:

(1.) Process for determining eligibility.

(2.) Role of private sector in determining eligibility.

(3.) Variations in requirements for each Student Financial Assistance Program.

(4.) Definitions used in process such as full-time versus part-time, standards of progress, needs determination and independent student.

(5.) Need for simplification, clarification, coordination and integration of the multiple systems currently used.

(6.) Need for a better information and communication system for students to assist them in understanding fully their rights and responsibilities.

The recommendations of the National Task Force on Student Aid Problems (The Keppel Task Force) on the problems of multiple forms and the timing of the process, have received general acceptance by many concerned with the operations of these programs, but the recommendations have not been fully tested or implemented. The Study Group will take full consideration of these recommendations and attempt to determine what form and process simplifications are possible and make appropriate recommendations for implementation.

The need for additional information by parents and students in order to be aware of these programs and to judge if they may be eligible for assistance, will be included in the section of the study relating to the delivery system.

C. *Lenders*. The role of the lender is involved in both the National Direct Student Loan Program (NDSL) and the Guaranteed Student Loan Program (GSLP). In the NDSL program, the institution has acted as the direct lender to the student and has the responsibility for establishing and maintaining an adequate and proper collection system. In the GSLP program, banks and other financial institutions act as lenders. Under the insurance feature of the GSLP program, if the lender is unable to collect on a loan, he is allowed to file a claim to the appropriate guarantee agency (federal or state) to recover the amount loaned, and then the guarantee agency attempts to collect. There is also a reinsurance provision for state guarantee agencies by the Federal Government.

The question seems to be who should be a recognized lender for these programs. The problem of fraud and abuse by some proprietary school lenders has been well publicized. The Education Amendments of 1976 states that correspondence schools can no longer be eligible lenders under the GSLP program and places other constraints on all school lenders.

Many feel that the role of lender is not an appropriate one for postsecondary education institutions in general. However, many institutions act as "lender of last resort" when financial institutions or state agencies, for whatever reason, fail to serve the students enrolled at their institution. It was generally believed that banks and financial institutions regulated under other government laws could operate with little or no additional GSLP program regulation, but actual experience has led to many problems because of this policy. In some cases, it was a lack of full understanding of the program operation that led to problems, and in a few cases there was serious abuse and fraud.

In the area of states as lenders, some have expressed concern over the lack of uniform lending policies in all states and the reluctance to lend to either students from out-of-state attending institutions within the state, or students from within-the-state attending institutions outside the state.

There is also the question of the need to monitor the operations of eligible lenders once standards are set and of the need to define the process required for terminating eligibility when necessary.

D. *State Eligibility*. The state role in the operation of these programs varies considerably by program, state laws and the importance placed on student financial assistance by the particular state.

There are many who feel that a number of problems could be solved by increased reliance on the states for program operation. This would probably require additional requirements for uniform and consistent policies and procedures across state lines. These in turn would determine eligibility requirements for the state.

The Education Amendments of 1976 have provided some additional incentives to promote state guarantee agency operation of the Guaranteed Student Loan Program and experiments for state operation of the Basic Educational Opportunity Grant Program.

Subsequent public hearings will emphasize issues related to the Delivery System and to Program Management and Integrity.

Dr. John A. Perkins, Chairman of the Student Financial Assistance Study Group, will preside at the hearing. Persons wishing to testify should submit their request in writing to: Mrs. Mary Jane Calais, Staff Director, Student Financial Assistance Study Group, Room 325H, South Portal Building, 200 Independence Avenue SW., Washington, D.C. 20201, telephone (202) 245-9855. Requests to testify should reach Mrs. Calais not later than December 29, 1976. Persons wishing to present written statements for the record are encouraged to do so. Such written statements should be received by the Student Assistance Study Group not later than December 29, 1976.

The hearing will be open for public observation.

Pursuant to Pub. L. 92-463, notice is also hereby given of a meeting of the Student Financial Assistance Study Group to be held on Friday and Saturday, January 7 and 8, 1977 from 9:00 a.m. until 5:00 p.m. each day, in Room 35 of the HEW Region IX Office Building, 50 United Nations Plaza, San Francisco, California.

The meeting will be used to review and discuss available information, to plan for future study activities, and to make staff work assignments. Members of the Public are invited to attend the meeting. Because of limited meeting accommodations, reservations are recommended. Persons wishing to attend should notify the Study Group Staff Director by mail at Room 325H, 200 Independence Avenue, S.W., Washington, D.C. 20201, or by telephone at (202) 245-9855.

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

[FR Doc.76-36135 Filed 12-8-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-375; FDAA-3018-EM]

VIRGINIA

Amendment to Notice of Emergency Declaration

Notice of Emergency for the State of Virginia, dated Ocober 15, 1976, is hereby amended to include the following counties mong those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of October 15, 1976, and to make emergency assistance available to these additional counties effective the date of this amended Notice:

The Counties of:

Chesterfield Hanover
Dinwiddie

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

Dated: November 30, 1976.

THOMAS P. DUNNE,
Federal Disaster Assistance, Administration.

[FR Doc.76-36200 Filed 12-9-76;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-76-648]

EVERGREEN MEADOWS UNITS

Hearing

In the matter of: Evergreen Meadows Units 8-10, Evergreen Meadows Associates and Walter J. Burke, General Partner, 76-300-IS, OILSR No. 0-4310-05-470.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b),

Notice is hereby given that: 1. Evergreen Meadows Units 8-10, Evergreen Meadows Associates and Walter J. Bruker, General Partner, authorized agent and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 5, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 C.F.R. 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Evergreen Meadows Units 8-10, located in Jefferson County, Colorado, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 27, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW, Washington, D.C., on January 6, 1977, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before December 17, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: November 23, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-36199 Filed 12-8-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-2635]

CALIFORNIA

Proposed Reclassification of National Resource Lands for Transfer Out of Federal Ownership; Correction

In FR Doc. 76-33121, appearing on page 49892 of the issue for Thursday, November 11, 1976, the following corrections are made:

In paragraph 1, land description for Section 11 is changed from E½NW¼ to E½NE¼.

In paragraph 4, the date of December 8, 1976 is changed to December 11, 1976.

ROBERT D. SAUNDERS, Jr.,
Acting District Manager.

[FR Doc.76-36145 Filed 12-8-76;8:45 am]

[Colorado 24661]

WESTERN SLOPE GAS CO.

Pipeline Application

NOVEMBER 29, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a right-of-way for a 8.625-inch o.d. natural gas transmission pipeline totaling approximately 18,869 feet in length across the following public lands in Rio Blanco County, Colorado:

T. 2 S., R. 101 W., 6th P.M.
Sections 21, 22, 23, 32, and 33
T. 3 S., R. 101 W., 6th P.M.
Section 5.

The primary purpose for construction of the proposed natural gas transmission line is to convey natural gas from numerous wells in the East Douglas Natural Gas Field to the Grand Junction, Colorado, market area.

The purposes of this notice are: To inform the public that the Bureau of Land Management 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; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas transmission pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

MERRILL G. ANDERSON,
Acting Chief, Branch of Land Operations.

[FR Doc.76-36146 Filed 12-8-76;8:45 am]

National Park Service

FORT SUMTER NATIONAL MONUMENT

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 Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession contract with Fort Sumter Tours, Inc., authorizing it to continue to provide concession facilities and services for the public at Fort Sumter National Monument for a period of ten (10) years from January 1, 1978, through December 31, 1987.

An environmental impact statement covering 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 impact statement may be reviewed in the Southeast Regional Office.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1977, 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 within thirty (30) days after the publication date of this notice.

Interested parties should contact the Regional Director, Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349, for information as to the requirements of the proposed contract.

Dated: August 17, 1976.

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

[FR Doc.76-36217 Filed 12-8-76;8:45 am]

Office of the Secretary

[Order No. 2996]

AUTHORITY RESERVED TO THE SECRETARY OF THE INTERIOR OR HIS DELEGATE IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SECTION 1. *Authority reserved.* The power and authority, on behalf of the Government of the Trust Territory of the Pacific Islands and of the Government of the Northern Mariana Islands, to enter into contracts and lease agreements for the operation, improvement, future development and inter-connection of telephone systems under the jurisdiction of those governments, and to grant franchises for such operations and for other telecommunication services found by the Secretary or his delegate to be useful, beneficial and necessary are hereby reserved to the Secretary or his delegate. The Director of the Office of Territorial Affairs, the High Commissioner of the Trust Territory of the Pacific Islands and the United States Resident Commissioner for the Northern Mariana Islands are designated as the authorized delegates to exercise the power and authority reserved herein.

SEC. 2. *Effective date.* This order is effective immediately. Its provisions shall remain in effect until amended, superseded or revoked, whichever occurs first.

Dated: November 29, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.76-36148 Filed 12-8-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

GOVERNMENT IN THE SUNSHINE

Meeting

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on December 13, 1976, beginning at 10:00 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436. The Commission plans to consider the following agenda items in open session:

1. Minutes of December 2, 6, 7, 8, and 9, 1976;

2. Melamine in crystal form from Japan (Inv. AA1921-162)—vote (staff report distributed December 1, 1976);

3. Mushrooms (Inv. TA-201-17)—vote (staff report distributed December 3, 1976);

4. Proposed amendments to Part 205 of the Rules of Practice and Procedure (see General Counsel's memorandum dated November 29, 1976);

5. Proposed amendments to the General Rules of Practice and Procedure (see memorandum dated November 29, 1976, from the General Counsel's Advisory Staff);

6. Request from Mr. E. DeBor for reassignment (see memorandum dated November 15, 1976, from the Director, Office of Personnel and Management Systems);

7. Reorganization, including selection of personnel to fill positions; and

8. Television receivers (Inv. 603-TA-1)—status report.

A majority of the entire membership of the Commission determined by recorded vote that Commission business requires that the meeting of December 13, 1976, be called with less than one week's prior notice and directed the issuance of this notice at the earliest practicable time.

If you have any questions concerning the agenda for the December 13, 1976, Commission meeting, please contact the Secretary to the Commission at (202) 523-0161. Public access to any documents considered by the Commission at the meeting may be obtained under the provisions of Subpart C of the Commission's rules (19 CFR 201.17-201.21).

Issued: December 6, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-36249 Filed 12-8-76;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

PRIVACY ACT OF 1974

Systems of Records

Pursuant to 552a(e)(4) of the Privacy Act of 1974 (Pub. L. 93-579), the National Capital Planning Commission hereby publishes the systems of records as currently maintained by the Commission. Any person interested in commenting on the systems may do so by submitting comments, on or before January 10, 1977, to: Daniel H. Shear, Secretary, National Capital Planning Commission, Washington, D.C. 20576. Rules establishing procedures for disclosure of records, establishment of fees, amendment or records, and other requirements will be published in the future under Chapter IV of I CFR Part 455.

ALPHABETICAL LISTING OF SYSTEMS NAMES

Commission Members and Alternates—NCPC.
Mailing Lists—NCPC.
Payroll Records—NCPC.

NCPC—1

System name:

Commission Members and Alternates—NCPC.

Location:

National Capital Planning Commission, 1325 G Street, NW., Washington, D.C. 20576.

Categories of individuals:

Past and present Commission Members and Alternates.

Categories of records:

Biographical information and information on the official Commission actions taken by a Commissioner or Alternate.

Authority:

40 U.S.C. 71a(c).

Routine uses:

See appendix; also to assist in preparation of public relations materials and in responding to requests for biographical information from the public.

Record management policy and practice:

Storage:

File folders.

Retrievability:

Name.

Safeguards:

Stored in guarded building in locked files; released only pursuant to Freedom

of Information Act or as needed in press releases.

Retention and disposal:

In accordance with GSA Records Maintenance and Disposition Systems.

System manager:

Associate Secretary, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576.

Notification:

Same as above.

Access and contest:

Same as above.

Sources of information:

Individuals on whom records are maintained, press.

NCPC–2

System name:

Mailing Lists—NCPC.

Location:

National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576.

Categories of individuals:

Federal, state, and local government officials, neighborhood groups, and private citizens in the National Capital Region.

Categories of records:

Names and addresses of individuals and, where applicable, the organization, group, institution represented by the individual.

Authority:

40 U.S.C. 71a(c).

Routine uses:

See appendix; also to provide information on Commission policy, procedures and meeting agendas to interested parties and persons.

Record management policy and practice:

Storage:

Paper.

Retrievability:

Name.

Safeguards:

Stored in guarded building in locked files; released only to authorized personnel.

Retention and disposal:

At direction of those on list.

System manager:

Associate Secretary.

Notification:

Same as above.

Access and contest:

Same as above.

Sources of information:

Individuals on whom records are maintained.

NCPC—3

System name:

Payroll Records—NCPC.

Location:

General Services Administration, Region 3, 7th and D Streets, S.W., Washington, D.C. 20407; copies held by Commission. (GSA holds records for the Commission under Memorandum of Agreement).

Categories of individuals:

Commission employees.

Categories of records:

Varied payroll records including time and attendance cards, payment vouchers, comprehensive listings of employees, health benefits and Government life insurance records, requests for deductions, tax forms, W–2 forms, leave data, retirement records, notification of personnel actions.

Authority:

Title 31, U.S.C. generally.

Routine uses:

Preparation of salary checks and maintenance of leave records; records are also released to GAO for audits, to the IRS for investigations, to the Civil Service Commission (CSC) concerning pay, benefits, retirement deductions and other information necessary for the CSC to carry out its Government-wide personnel management functions. 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. Routine uses of records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction of the Assistant Executive Director (Administration), National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Assistant Executive Director (Administration).

In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, Public Law 93–579.

Also see appendix.

Record management policy and practice:

Storage:

Paper and tape.

Retrievability:

Name and Social Security Number.

Safeguards:

Stored in guarded building in locked files; released only to authorized personnel.

Retention and disposal:

In accordance with the GSA Records Maintenance and Disposition Systems.

System manager:

Assistant Executive Director (Administration), National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576.

Notification:

Same as above.

Access and contest:

Same as above.

Sources of information:

Individuals on whom records maintained.

Appendix: NCPC

In the event that a system of records maintained by this agency to carry out its functions 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 regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use", to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation

of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

A record from this system of records may be disclosed as a "routine use" to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

EDWARD H. RICKELS,
Associate Secretary.

[FR Doc.76-36384 Filed 12-8-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Meeting

NOVEMBER 9, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that meetings of the Fellowships Panel will be held at 806 15th Street, NW., room 1025, Washington, D.C. on January 3 and 5, 1976.

The purpose of the meetings is to review Summer Stipend applications submitted to the National Endowment for the Humanities for 1977 summer grants.

Because the proposed meetings will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-36176 Filed 12-8-76;8:45 am]

PROGRAM ANNOUNCEMENTS

Guidelines

The following are guidelines and information on the grants and programs of the National Endowment for the Humanities, an independent agency of the Federal government, which makes grants to individuals and organizations to support projects of research, education, and public activity in the humanities.

Notice is hereby given that the deadline dates for these programs are:

1976

Dec. 1	Research grants, general research grants, beginning after Oct. 1, 1977. Centers of Research Grants, beginning after Aug. 1, 1977.
Dec. 15	Education programs, consultants grants, beginning after March 1977.

1977

Jan. 2	Education programs, program grants, beginning after June 1977. Development grants, beginning after July 1977.
Mar. 1	Fellowships, summer seminars for college teachers, 1977.
Mar. 4	Public programs, projects beginning after July 1, 1977.
Mar. 15	Education programs, consultants grants, beginning after June 1977.
Apr. 1	Education programs, projects grants, beginning after October 1977.
Apr. 15	Education programs, pilot grants, beginning after September 1977. Youthgrants, projects beginning after Oct. 1, 1977.
May 2	Research grants, research materials grants, beginning after Apr. 1, 1978.
June 1	Research grants, general research grants, beginning after Apr. 1, 1978. Fellowship, fellowships for independent study and research, 1978-79.
June 3	Public programs, projects beginning after Oct. 1, 1977.
June 15	Education programs, consulants grants, beginning after September 1977.
July 1	Fellowships, summer seminars for college teachers (directors) 1978. Education programs, program grants, beginning after November 1977.
Aug. 1	Education programs, development grants, beginning after April 1978.
Aug. 26	Public programs, projects beginning after Jan. 1, 1978.

1976

Sept. 1	Research grants, centers of research grants, beginning after July 1, 1978.
Sept. 15	Education programs, consultants grants, beginning after December 1977.

Interested persons may wish to contact the staff members listed below for further information concerning the various programs of the National Endowment for the Humanities, which is located at 806 15th St., N.W., Washington, D.C. 20506.

Chairman: Ronald Berman.
Deputy Chairman: Robert Kingston.

PUBLIC INFORMATION OFFICE

Public Information Officer: Darrel deChaby, 202 382-5721.

DIVISION OF RESEARCH GRANTS

Director: Harold Cannon, 202 382-1072.
Deputy Director: Leeds Barroll, 202 382-1072.
Assistant Director, General Research Program: Philip Marcus, 202 382-3414.
Assistant Director, Research Materials Program: George Farr, 202 382-1072.
Assistant Director, Centers of Research Program: Margaret Child, 202 382-5857.

DIVISION OF FELLOWSHIPS

Director: James Blessing, 202 382-1491.
Deputy Director: Guinevere Griest, 202 382-1491.
Program Officer, Fellowships for Independent Study and Research: David Coder, 202 382-5827.
Program Officer, Fellowships in Residence for College Teachers: Karen Fuglie, 202 382-5827.
Program Officer, Fellowships for the Professions: Julian MacDonald, 202 382-3771.
Program Officer, Summer Seminars and Summer Stipends: Majorie Berlincourt, 202 382-3771.

DIVISION OF EDUCATION PROGRAMS

Director: Abraham Ascher, 202 382-5891.
Deputy Director: Richard Ekman, 202 382-5891.
Assistant Director, Institutional Grants: Susan Cole, 202 382-8085.
Program Officer, Elementary and Secondary Education Projects: William Russell, 202 382-7081.
Program Officer, Consultants Grants: Janice Litwin, 202 382-5891.
Program Officer, Humanities Institutes: Cynthia Frey, 202 382-5177.
Program Officer, Cultural Institutions and College Library Program: Terry Krieger, 202 382-5177.

DIVISION OF PUBLIC PROGRAMS

Director: John Barcroft, 202 382-1111.
Deputy Director: Alex Lacy, 202 382-1111.
Assistant Director, Media Program: Steven Rabin, 202 382-5537.
Assistant Director, Museums and Historical Organizations Program: Nancy Englander, 202 382-5714.
Assistant Director, Program Development: Martin Sullivan, 202 382-8333.
Assistant Director, State-Based Programs: Geoffrey Marshall, 202 382-3986.

OFFICE OF PLANNING AND ANALYSIS

Director: Armen Tashdinian, 202 382-5862.
Coordinator, Program of Science, Technology, and Human Values: Richard Hedrich, 202 382-5996.

Coordinator, Youthgrants: Marion Blakey, 202 382-8301.
Evaluation Officer: Arlene Krimgold, 202 382-2495.
Program Development Officer: James Kraft, 202 382-7068.
Planning and Analytical Studies Officer: Stanley Turesky, 202 382-5862.

Dated: December 3, 1976.

ROBERT J. KINGSTON,
Deputy Chairman, National Endowment for the Humanities.

FISCAL YEAR 1977

INFORMATION FOR APPLICANTS

THE NATIONAL ENDOWMENT FOR THE HUMANITIES—ITS HISTORY AND PURPOSE

The National Endowment for the Humanities is an independent federal grant-making agency created by Congress in 1965 to support projects of research, education, and public activity in the humanities. Its establishment came in response to an increased awareness on the parts of educators, legislators, and the general public that the humanities required sustained and widespread federal support.

According to the act which established the Endowment, the humanities include, but are not limited to, the following fields: history, philosophy, languages, literature, linguistics, archeology, jurisprudence, history and criticism of the arts, ethics, comparative religion, and those aspects of the social sciences employing historical or philosophical approaches. This last category includes cultural anthropology, sociology, political theory, international relations, and other subjects concerned with questions of value and not with quantitative matters.

Because man's experience has been principally preserved through books, art works, and other cultural objects, the humanities are often defined in terms of the specific academic disciplines listed above. The National Endowment for the Humanities exists, however, not only—or even primarily—for the support of formal work in these disciplines, but to encourage the understanding of ideals, values, and experiences which have been and will be formative in our culture, and to relate the study of the humanities to national concerns. The programs of the Endowment—and the divisions which administer them—are designed to this end.

MAJOR ENDOWMENT PROGRAMS

The Endowment has four divisions which administer most of its programs. The Division of Research Grants provides support to group projects of research in the humanities, to centers for research, to the preparation of important research tools, and to the editing of significant humanistic texts. The Fellowships Division, through several programs, provides stipends which enable individual scholars, teachers, and members of non-academic professions to study areas of the humanities which may be directly and fruitfully related to the work they characteristically perform. The Division of Education Programs supports projects and programs through which institutions endeavor to renew and strengthen the impact of teaching in the humanities at all levels. The Public Programs Division, through projects in the media, projects involving individual academic humanists, and projects of non-academic public institutions such as museums, libraries, and historical organizations, seeks to encourage broad national dissemination and increased understanding of the humanities. This division also administers a State-Based Program, through which specially formed groups in each state act as re-grant agencies in support of projects designed to infuse humanistic knowledge into the discussion of important issues at the state and community level. In addition, there is the Youthgrants in the Humanities Program, which operates through the Endowment's Office of Planning and Analysis and which supports projects designed and conducted specifically by young people.

OFFICE OF PLANNING AND ANALYSIS PROJECTS

The Endowment is also interested in projects in the humanities which do not readily fall within the scope of the established programs outlined above. Such projects are the direct responsibility of the NEH Office of Planning and Analysis (OPA). The Office particularly encourages project ideas in the following areas:

OPA program development. In order to promote innovative programming, the Office supports a selected number of projects designed to develop and test new applications of humanistic knowledge or new dissemination modes which show promise of enhancing the use of humanistic knowledge. These programs should be conceived as experiments or models and involve a component of evaluation. Especially sought are proposals seeking to:

Promote activity and interest in the humanities among groups and sectors of the society not normally involved in humanistic study;

Test new uses of various forms of the media for non-traditional study in the humanities;

Test effective ways of utilizing scholars and resources in order to add a humanistic dimension to the work of non-educational institutions; and

Develop joint community-wide planning and resource-sharing among different kinds of institutions conducting humanities programs.

Examples of OPA Program Development have included Courses by Newspaper, media experimentation, humanistic programs in performing arts institutions, and non-traditional study programs for adults.

Evaluation and analytical studies. As an aid in understanding national needs in the humanities and designing new or improved programs to meet such needs, OPA also invites proposals for the following:

Collection and analysis of data assessing the status and effectiveness of important sectors of humanistic activity;

Research and development of more efficient, lower-cost ways of exploring, organizing, and disseminating humanistic knowledge;

Testing and demonstration of improved management and administrative systems for humanities organizations; and

Design of evaluation models, techniques, and instruments suitable for assessing institutional humanities programs.

SCIENCE, TECHNOLOGY, AND HUMAN VALUES

Another area of Endowment interest is the relationship between science, technology, and human values, in response to growing national concern about the value implications of new advances in science and technology, the National Endowment for the Humanities and the National Science Foundation have jointly announced a special interest in fostering research, education, and public-oriented activities on this subject. Proposals for projects in which the disciplines of the humanities will be predominantly employed may be submitted to the Endowment through one of its established divisional programs. For projects requiring major involvement of scientists, preliminary inquiry may also be made to the National Science Foundation, concerning the appropriateness of concurrent submission and review and with a view to possible joint funding by the two agencies. Endowment efforts in this area are coordinated through the Program of Science, Technology, and Human Values in the Office of Planning and Analysis.

As part of the NEH program, the Office also seeks proposals for developing models for collaborative, interdisciplinary work between humanists and social and behavioral scientists on approaches to value questions arising from emerging social and economic issues.

SUPPORT FOR PROJECTS IN THE SOCIAL SCIENCES

The Endowment supports those aspects of the social sciences which have humanistic content and employ humanistic methods. The Endowment is particularly interested in two kinds of social science projects: first, those in which historical or philosophical approaches predominate; and second, those which suggest new possibilities for a humanistic discipline by combining it with one of the social sciences.

For social science projects in which statistical measurement and clinical approaches predominate, support is available from the National Science Foundation, the National Institutes of Education, and other government agencies. Endowment applicants whose projects are eligible for support from these other agencies may apply to them and the Endowment at the same time, but they should indicate to the Endowment that they are doing so.

SUPPORT FOR PROJECTS IN THE ARTS

The National Endowment for the Humanities does not offer support for creative, original works in the arts or for performance or training in the arts. His-

torical, theoretical, and critical studies in the arts are, however, eligible for Endowment support. Projects dealing with appreciation of the arts may also be suitable for support, but a severe limitation of funds available in this area dictates that such projects must clearly relate art appreciation to other fields of the humanities, rather than to fields of the creative and performing arts. Thus a project designed to develop a broader perspective of a culture by examining the values reflected in its arts might qualify for support, while a project focusing on the arts as such probably would not.

At the time of its founding the National Endowment for the Humanities was joined with the National Endowment for the Arts under the National Foundation on the Arts and the Humanities. Though there is a shared staff for administrative functions, the two Endowments are essentially autonomous and have separate budgets. Federal support for the creative and performing arts is the essential responsibility of the National Endowment for the Arts. The Arts Endowment has grantmaking programs in, for example, architecture and environmental arts, dance, education, expansion arts, folk arts, literature, music, theater, and the visual arts. It also provides a limited number of fellowships to creative and performing artists of exceptional talent. Inquiries to the National Endowment for the Arts (Washington, D.C. 20506) should specify an area of interest.

AREAS NOT FUNDED

Because of limited funds, the Endowment cannot at this time give consideration to requests for support for:

Predoctoral fellowships, except insofar as they may be integral parts of a broader program and requested by the institution undertaking such a program;

Construction or restoration costs, except for limited amounts incidental to carrying out other purposes of an application;

Museum or library acquisitions, except for limited amounts incidental to carrying out other purposes of an application;

Editorial costs of journals, or production costs of any publications, including books;

Costs of permanent equipment which is not essential to the carrying out of a broader program or project;

Research undertaken in pursuit of an academic degree; and

Individual requests for travel to professional meetings. (Requests for aid in traveling abroad to international meetings should be addressed to the American Council of Learned Societies, which has a small grant from the Endowment for that purpose.)

WHO IS ELIGIBLE FOR ENDOWMENT SUPPORT

The Endowment's function is to encourage the understanding and use of humanistic knowledge at all levels. It serves its various constituencies by supporting the work of individual humanists and of a variety of non-profit institutions and organizations engaged in projects involving the humanities. Those institutions include: universities; four-year colleges; junior and community colleges; elementary and secondary schools; educational, cultural, professional and community groups; museums; historical organizations; libraries; public agencies; and radio and television stations. The Endowment welcomes applications for support from all such institutions and groups, from individual United States citizens or nationals and from foreign nationals who have been living in the United States or its territories for at least three years at the time of application. Applications are not usually accepted from others, but support may be given to any individual or organization whose work, in the judgment of the National Council on the Humanities (or the Chairman acting in the Council's behalf) promises significantly to advance knowledge and understanding of the humanities in the United States.

Certain institutions may receive support from several divisions of the Endowment, as well as from State-Based Committees. These include:

Libraries. All of the Endowment's divisions have supported library projects. The Fellowship Division's program of Fellowship Support to Centers for Advanced Study provides funds to independent research libraries for stipends to resident scholars. The Education Programs Division supports library projects through its joint College Library Program with the Council on Library Resources, as well as through its experimental Cultural Institutions Program. Numerous library projects are funded through the Division of Research Grants' Centers of Research Programs. The Public Program Division supports special public library projects for adults through its Program Development section. Finally, the Office of Planning and Analysis has given a number of grants to libraries and library organizations for projects which do not fit into any of the divisional categories.

Museums. In addition to the Public Programs Division's support to exhibitions, through its Museums and Historical Organizations Program, the Education Programs Division supports museum projects—of an educational nature—through its Projects Program, its Consultants Program and its Cultural Institutions Program. Research projects involving museum collections are eligible for support through the Division of Research Grants. Museums may also apply to the Office of Planning and Analysis if they have projects which fall within that office's current priorities; and to the Division of Fellowships if they may qualify as institutes of advanced studies.

Historical organizations. These organizations—some of which are closer to libraries in their functions, and others to museums—can receive support for exhibitions, interpretive programs, and personnel development from the Museums and Historical organizations program within the Division of Public Programs. Such organizations may also apply for the support of educational projects to the Education Division's Projects and Consultants Programs. They may apply for funding for specific research projects through the Division of Research Grants. In addition, experimental activities involving these organizations might be eligible for support through the Endowment's Office of Planning.

Centers for research. These centers may receive funds with which to offer stipends to resident fellows through the Fellowships Division's program of Fellowship Support to Centers for Advanced Study. Their research activities are supported through the Research Division's Centers of Research Program.

Public radio and television stations. These stations may apply to the Division of Public Programs' Media Program for funds with which to develop and produce high quality humanities programs for broadcast to the general public audience. Media projects for use as part of an educational curriculum may receive support through the Projects Program within the Education Programs Division. Other media projects which do not fall within the guidelines for these two programs may be eligible for support through the Office of Planning.

HOW TO APPLY

Prospective applicants should read this brochure carefully and write to the appropriate division for more detailed information about the program which interests them. Unless they plan to apply for a fellowship, applicants should submit to the division concerned a preliminary description of their project. This preliminary step enables Endowment staff to inform the applicant whether his proposal meets the criteria of the program to which he intends to submit it, or whether any other Endowment program or other federal agency might more appropriately consider it. Submission of a preliminary description also enables the division to furnish additional material to the prospective applicant in the form of specific guidelines and instructions and to determine what additional information about the project is needed to ensure complete and accurate evaluation by reviewers and panelists.

Deadlines for all Endowment programs are listed on pages 22 and 23 and summarized in calendar form on page 6. Applicants who plan to begin projects by a particular date are strongly advised to submit their proposals well in advance of that date in order to ensure against possible delays in the processing or announcing of grants.

HOW GRANTS ARE AWARDED

Unlike some federal agencies, the National Endowment for the Humanities does not provide funds of a "formula" or "program" nature to sustain ongoing institutional or individual activities. Its grants are awarded competitively and on individual merit, following a careful review process. All applications are reviewed individually by professionals outside of the federal government and judged in competition with one another

within each program by non-federal panels. Four times each year, the National Council on the Humanities, an advisory council appointed by the President of the United States, meets to consider all applications, along with reviewers' and panelists' comments. During Council meetings all applications and review summaries are considered within Council committees and finally brought before the full Council for its recommendations. The Chairman of the Endowment, who also serves as Chairman of the National Council on the Humanities, makes the final decision on each proposal after receiving the Council's recommendation, and notifies the applicant of that decision.

A recommendation to fund may be of several types. An outright award may be made, either in the full amount requested or in a reduced amount. A gifts-and-matching award, which utilizes the Endowment's Congressional authorization to provide Treasury funds to match private gifts, may be made in support of a project. And a combination of outright and gifts-and-matching funds is frequently recommended. A fuller explanation of gifts-and-matching grants follows.

NON-DISCRIMINATION

The programs of the National Endowment for the Humanities are administered in harmony with the goals of Title VI of the Civil Rights Act of 1964 prohibiting discrimination in Federally assisted programs on the ground of race, color, or national origin; Title IX of the Education Amendments of 1972 prohibiting discrimination on the basis of sex under any education program or activity receiving Federal financial assistance; and Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination solely by reason of a handicap of an otherwise qualified handicapped individual under any program or activity receiving Federal financial assistance.

GIFTS-AND-MATCHING GRANTS

As a supplement to an outright grant or as the sole form of Endowment support, an applicant may sometimes be offered a "gifts-and-matching" grant. When the Endowment offers to support a project through one of these grants, it is up to the grantee to raise gifts up to a level approved by the Endowment and have them donated to the Endowment. The Endowment then matches this money with federal funds and disburses the whole.

A gift for a particular project will not be accepted by the Endowment until the National Council on the Humanities has made a favorable recommendation to the Chairman. When an applicant does receive from the Endowment a formal offer of support contingent upon the receipt of gift money for his project, he should ask the donors to make their gifts payable to the Endowment.

The Endowment may accept and pass on an unlimited number and amount of gifts, but the sum which can be federally matched is limited by the annual Congressional appropriations. Donors wishing to support work in the humanities generally, rather than a specific project, may make unrestricted gifts to the Endowment, which will match them to the limit of the Congressional appropriation and apply them to assist individual projects recommended by the National Council.

DIVISION OF RESEARCH GRANTS

GENERAL SCOPE

The purpose of the Endowment's Division of Research Grants is to strengthen American Scholarship in the humanities, provide support for the discovery of new knowledge, and deepen our present humanistic understanding. In particular, the Division's programs are aimed at building up the materials and resources necessary for conducting humanistic research in this nation. The Division of Research Grants provides support for General Research, Research Materials, and Centers of Research.

Research projects are usually long-range collaborative efforts, but in no case does the Division provide permanent support for institutions. Nor does the Division support international scholarly conferences. Individuals who are seeking support for short-term (one year or less) research or study projects should apply to the Division of Fellowships rather than to the Division of Research Grants. Exceptions to this general rule are the following areas in which the Division of Research Grants has a specific program interest: state and local history, editing, and research tools.

GENERAL RESEARCH PROGRAM

A wide range of scholarship in the humanities is supported through the General Research Program. Like projects in the other two programs, those in General Research tend to be long or middle-term and to involve the efforts of several individuals at the professional, assistant, and clerical levels. The program encourages the development of collaborative, interdisciplinary research projects focused on the humanistic disciplines, as well as customary individual scholarship. One particular activity supported under the General Research Program is the research and writing of serious narrative history on the state and local levels. Other areas of consideration in this program include humanistic research in archeology, history, literature, philosophy, and social sciences.

RESEARCH MATERIALS PROGRAM

Research tools. This program is designed to support the production of basic reference works for advanced scholarly research in the humanities: e.g., dictionaries, bibliographies, guides, and catalogs. Its purpose is to help the various disciplines create the basic tools necessary to strengthen humanistic research in this country.

Editing. Through the Editing Program the Division supports the work of making historical and literary papers or works more available for scholarly purposes. Editing projects, by their nature, usually involve long-term commitments; therefore the number of such projects which can be supported by the Endowment in a given period is limited.

CENTERS OF RESEARCH PROGRAMS

This program provides support for a small number of major research collections and centers which focus their activities on a particular area in the humanities. The purpose of this program is to help these centers make their research collections more accessible and carry out innovative programs of collaborative scholarly research. Archival projects in state and local history should also be directed to the Centers of Research Programs. In all cases, NEH support will be temporary (three to five years), and a substantial non-federal contribution will be required of each grant.

HOW TO APPLY

Because research projects are, for the most part, collaborative efforts, the proposals tend to be rather complex. In addition, the competition for research grants is very strong. It is most important, therefore, that applicants make initial inquiry of the staff concerning their projects. The staff can frequently direct applicants to programs that would be appropriate for their projects or offer advice for strengthening proposals. In all the research programs, inquiries should be submitted no later than eight weeks prior to a deadline. A brochure describing all the research programs in greater detail is available upon request from the Division. Specific guidelines and application forms are also available for each of the programs.

Persons who have institutional affiliations must apply through their institutions. Individuals unaffiliated with institutions may apply directly to the Endowment for support.

Preliminary inquiries and requests for application instructions should be addressed to:

The Division of Research Grants, Mail Stop 350, National Endowment for the Humanities, Washington, D.C. 20506.

DIVISION OF FELLOWSHIPS

GENERAL SCOPE

The purpose of the Endowment's fellowship and stipend awards is to support individual humanists in their work as scholars, teachers and interpreters of the humanities. The funds provided under these awards are designed to free the time of individuals for full-time study or research for periods of one year or less. By contrast, the Division of Research Grants supports projects which require more than a single investigator or substantial expenses for research assistants, secretarial or clerical services, equipment, or materials. Problems pertinent to an applicant's teaching of his subject are an appropriate object of fellowship study, but proposals for the planning of curricula or the development of teaching materials are not eligible for

fellowship support. Inquiries about grants for educational projects should be addressed to the Division of Education Programs.

Applicants for fellowship grants must have completed their professional training before applying. Active candidates for degrees are not eligible to apply, nor are persons seeking support for work leading toward degrees, although an applicant need not have an advanced degree to qualify.

The Fellowships Division has the following programs: Fellowships for Independent Study and Research, Fellowships in Residence for College Teachers, Summer Stipends, Summer Seminars for College Teachers, and Fellowships for the Professions. In addition, the Division supports fellowship programs at independent centers for advanced study.

FELLOWSHIPS FOR INDEPENDENT STUDY AND RESEARCH

These fellowships are intended for scholars, teachers, writers, and other interpreters of the humanities who have made, or demonstrated promise of making, significant contributions to humanistic knowledge. Their purpose is to provide support for uninterrupted, full-time study or research. These fellowships are available for continuous periods of either six or twelve months of tenure and carry a maximum stipend of $10,000 for six months or $20,000 for twelve. Tenure of fellowships for 1978–79 may begin any time between January 1, 1978 and the beginning of the spring term of the Fellow's 1978–79 academic year. Stipends are designed primarily to replace salary lost through the taking of leave. Although they sometimes include allowances for travel, no special allowances are made for other research expenses. Funds permitting, approximately 180 fellowships will be available for 1978–79.

For 1978–79 fellowships, the application deadline will be June 1, 1977. Awards will be announced late in November, 1977. Application forms and instructions will be available from the Fellowship Division early in 1977.

FELLOWSHIPS IN RESIDENCE FOR COLLEGE TEACHERS

This program is intended for teachers in undergraduate and two-year colleges who are concerned primarily with increasing their own knowledge and understanding of the subjects they teach. The fellowships will be held in residence at designated universities throughout the country, with libraries suitable for advanced study, during the academic year 1977–78. Under the program, a Fellow participates in a seminar directed by a distinguished scholar and undertakes a personal program of study and research, of his own choosing, over and beyond the work for the seminar. The Endowment plans to offer sixteen seminars in 1977–78, if funds permit. Fourteen, in different disciplines of the humanities and the humanistic social sciences, will be open to all eligible applicants; two, in English and history, will be open only to teachers in two-year colleges. Residential Fellowships carry a maximum stipend of $14,500 for the academic year, plus a travel and moving allowance of $500.

To be eligible, applicants must have faculty positions in two-year, four-year, or five-year colleges or universities at the time of their application. Faculty members of departments with doctoral programs are not eligible to apply for these fellowships. Preference is given to college teachers who have been teaching on that level for at least three years.

The application materials, including instructions, forms and descriptions of the seminars, will be available from the Fellowships Division in September, 1976, when the seminar directors and locations are announced. The application deadline for the 1977–78 program will be November 8, 1976.

SUMMER STIPENDS

If funding permits, approximately 200 summer stipends will be available for 1977 for college and university teachers and other humanists. Each Summer Stipend will provide $2,000 for two consecutive months of full time study or research. These stipends are available to senior as well as younger humanists. Their purpose is to free recipients from summer employment and to provide support for travel and other research expenses so that they can devote this period to concentrated study and research.

An applicant for a summer stipend must be nominated by the president, dean, or other designated officer of the college or university employing him. Every college and university in the United States and its territorial possessions may nominate three members of its faculty or staff for a summer stipend, selecting each on the basis of his ability or promise as a scholar or teacher. Of the three nominees selected by an institution two should be in an early stage of their careers, and one should be in a more advanced stage. If an institution declines nomination of a member of its faculty because his appointment is terminating, he may apply directly to the Endowment without nomination. Persons not employed by colleges or universities may apply directly to the Endowment.

For the summer of 1977, the application deadline is October 18, 1976. Application forms will be available from presidents or academic deans and from the Endowment after September 1, 1976.

SUMMER SEMINARS FOR COLLEGE TEACHERS

This program is intended to provide opportunities during the summer for teachers at undergraduate and two-year colleges to work in their areas of interest with distinguished scholars at institutions with libraries suitable for advanced study. Funds permitting the Endowment plans to offer approximately 75 seminars, each with twelve members, in all disciplines of the humanities and the humanistic social sciences, during the summer of 1977. The seminars will be held at institutions broadly distributed throughout the country.

Applicants must have been teaching for at least three years at two-year, four-year, or five-year colleges or universities. Faculty members of departments with doctoral programs are not eligible to apply. The stipend amounts is $2,000 plus a housing and travel allowance of $250, if needed.

A list of the seminars to be offered in the summer of 1977 will be publicized widely in December 1976, and will also be available from the Division of Fellowships. College teachers desiring application instructions will be asked to write directly to the seminar director offering the seminar they wish to attend. The application deadline will be March 1, 1977.

Individuals interested in directing summer seminars may obtain instructions from the Fellowships Division. Applications from those who wish to direct seminars in 1978 must be submitted by July 1, 1977.

FELLOWSHIPS AND STIPENDS FOR THE PROFESSIONS

The purpose of this program is to give persons in professions outside teaching an opportunity to stand back from their work to study the historical, social, cultural, and philosophical dimensions of their professional interests. Its intention is to deepen their understanding of the humanistic context of these interests and to improve the quality of their leadership in their professions. Preference will be given to applicants with at least five years of professional experience.

It is expected that fellowships and month-long seminars for journalists, practicing lawyers, medical practitioners, public administrators, school administrators, and members of other professions will be offered in 1977.

Information about these awards including application instructions, will be available in December 1976, and will be disseminated widely to the professions concerned.

FELLOWSHIP SUPPORT TO CENTERS FOR ADVANCED STUDY

Centers for advanced study, research libraries, and other equivalent institutions independent of universities are eligible to apply for funds with which to offer fellowships for study and research in the humanities. Instructions for applying for these funds may be obtained from the Fellowships Division. There are four deadlines: March 1, June 1, August 1, and December 1. Applications received after a deadline date will be considered at the following deadline. Decisions will be announced about 3½ months after the deadline.

HOW TO APPLY

No one may have applications pending in more than one program at the same time except that an application for participation in a summer seminar may be submitted while another application is pending, but should be withdrawn if the other application is successful and the other award accepted.

DIVISION OF EDUCATION PROGRAMS

GENERAL SCOPE

The Division of Education Programs seeks to help educational institutions of all levels and of various kinds to improve instruction in the disciplines of the humanities. The Division seeks to capitalize on the successes of individual scholarship and looks principally to the application of scholarship to teaching. The Division of Education Programs wishes to support what may be determined to be the most interesting and practicable programs in humanities education, whether innovative or traditional in emphasis.

The Division of Education Programs is organized into six main programs: The Institutional Grants Program, the Education Projects Program, the Humanities Institutes Program, the Cultural Institutions Program, the National Board of Consultants, and the College Library Program.

INSTITUTIONAL GRANTS

Institutional grants support the design, testing and implementation of pervasive and long-range programs which will strengthen the humanities curriculum within the context of individual colleges and universities and thus effect institutional changes. Institutional grants are of three kinds: Pilot, Program, and Development. Two- and four-year colleges, universities, graduate schools, and professional schools are eligible for these grants.

Pilot grants. The purpose of a Pilot grant is to allow an institution to test a new set of humanities courses before making a substantial commitment to the new program in terms of staffing and allocation of other resources. Pilot grants support those activities necessary to implement the testing of new humanities courses in the curriculum. Workshops for faculty to engage in the final planning of course content, released time for faculty to teach the new courses, and the hiring of consultants to evaluate the new program are the kinds of activities supported under Pilot grants.

Program grants. A Humanities Program grant supports a group of related courses or an ordered program of studies in the humanities focusing on a particular area. For example, a Program grant might address a specific region, culture or historical era, or it might improve instruction within a particular discipline (e.g. foreign languages). Program grants are awarded to institutions which intend to include the proposed program in the permanent humanities curriculum of the institution.

Development grants. Development Grants are intended to extend the impact of the humanities on the academic life of a total institution through the reorganization of departments of instruction, basic revision of curricula and improvement of instructional methods. Such grants are distinguished from Program grants in that they support the entire refurbishing of a humanities curriculum, as opposed to the invention or expansion of a particular program within that curriculum. Before preparing a Development Grant application, an institution will generally have conducted a feasibility study or pilot program to test its plans.

EDUCATION PROJECTS PROGRAM

The purpose of the Education Projects Program is to encourage the development and testing of imaginative approaches to education in the humanities by supporting demonstration projects which can be completed within a specified period of time, which address a particular topic in humanities education and which promise to have widespread impact in many educational institutions. Most projects are planned by small groups of faculty and are designed to be completed within two years. Projects usually emphasize the training of faculty in new approaches to their disciplines, the pilot period of a program, or the design of new curriculum materials. Recently, successful applications have included specific ways of influencing the curricula of other institutions and have been collaborative in design.

Education Projects are of two kinds: those whose principal impact is in the teaching of the humanities in institutions of higher education, and those whose principal impact is in the teaching of the humanities at the elementary and secondary levels.

HUMANITIES INSTITUTES PROGRAM

The purpose of the Humanities Institutes Program is to encourage excellence in teaching and to promote serious interdisciplinary attention to central issues in the humanities by bringing into residence for a year at a time a number of distinguished senior faculty and promising younger faculty from widely scattered and differing colleges and universities as Fellows for intensive discussion and curriculum planning. Each National Institute will be located at a major university where demonstrated faculty interest in interdisciplinary teaching and scholarship and excellent library facilities in the proposed field of study would provide a sound basis for the operations of the Institute.

Two National Humanities Institutes have been established: at Yale University, in American Studies, and at the University of Chicago, in Technology and the Humanities. Each Institute has a life span of four years—one year devoted to planning and three operational years—during which time it is devoted to the examination of a theme of broad educational and intellectual importance, particularly for undergraduate colleges.

Inquiries about and nominations to the existing Institutes are welcome.

NATIONAL BOARD OF CONSULTANTS

The National Board of Consultants serves two- and four-year colleges, universities, professional schools and cultural institutions needing advice on how to build successful humanities programs. The Consultants Program awards institutions small grants to engage the services of consultants who are selected from a register of outstanding former reviewers and project directors of Education Program grants. The Consultants Program, unlike the other Education Programs of the Endowment, is not aimed at institutions which have completed most of the planning for new projects or directions in the humanities. Rather it is intended for institutions which are in the early stages of planning new programs or are in the process of reconsidering existing curricula and which wish to seek the advice and assistance of outside teachers, scholars or administrators on how best to meet their particular needs.

CULTURAL INSTITUTIONS PROGRAM

The Cultural Institutions Program is an experimental program to help libraries, museums, and other cultural institutions become centers of formal education for their communities. In its initial experimental period, the program is helping a small number of major libraries and museums develop and offer distinctive educational programs: NEH Learning Library and Learning Museum Programs. In its initial experimental period, formal application to the Cultural Institutions Program is by invitation only, but interested institutions may make inquiries to the Division.

COLLEGE LIBRARY PROGRAM

The College Library Program is a joint program of the Council on Library Resources and the National Endowment for the Humanities. Its purpose is to support programs at accredited four-year colleges and universities designed to encourage cooperation between librarians and faculty members, promote relationships between library services and academic programs, and increase and improve the use of libraries by students. These programs are to be related to the humanities or those areas of the social and natural sciences that share the concerns and employ the methods of the humanities.

Library staff members, faculty members, administrators and, in appropriate instances, students should participate in the planning of programs for which funds will be sought from the College Library Program. Inquiries or preliminary proposals should be addressed to the College Library Program, Council on Library Resources, One Dupont Circle, Washington, D.C. 20036.

HOW TO APPLY

The Division welcomes the opportunity to offer individual guidance to those in the process of applying for grants and asks that applicants make initial inquiry at least eight weeks before the deadline date in order to discuss with a staff member the eligibility of the proposal and its overall prospects for support. A full draft should be submitted at least six weeks before the deadline date so that a staff member can study the proposal and make suggestions concerning its content, format, and completeness.

A brochure describing in detail the various programs of the Division and its application procedures is available upon request from:

The Director of Education Programs, National Endowment for the Humanities, Washington, D.C. 20506.

DIVISION OF PUBLIC PROGRAMS

GENERAL SCOPE

All the activities of the Public Programs Division are predicated on the conviction that the humanities are a valuable and useful resource to all members of our society, both as citizens and as individuals. The programs of the Division support efforts to design and mount projects that will make the humanities available to the adult, nonstudent population through a wide variety of channels.

To be eligible for consideration a proposed projects must meet three standards: first, it must draw upon the resources of the humanities to a substantial degree; second, it must aim to involve and serve the adult public; and third, it must fall within one of the areas of support described below. Applications are welcomed from museums; historical organizations; libraries; radio, film and television stations and groups; professional and service organizations; civic groups; educational institutions; and other interested groups.

STATE-BASED PROGRAM

This program makes grants to independent citizens' committtees that have been established in each state. These committees, in turn, support humanities projects that are designed for the general adult public and that examine important issues of public policy. The state-based committees provide this support through open competition grant-making, and any non-profit group, organization or institution is eligible to apply to them. An application to a state-based committee must propose a project that will: (1) draw in an important way upon the substance of the humanities; (2) involve scholars in the humanities in central roles in the project; (3) address itself to issues of public policy; and (4) reach and involve the adult public. Most states have developed additional guidelines that further define eligibility.

The State-Based Program is one of the Endowment's most important efforts to create greater public access to the humanities, and individuals and organizations within each state are urged to contact their committee directly. In this program, the Endowment itself deals only with the individual state-based committees.

MUSEUMS AND HISTORICAL ORGANIZATIONS PROGRAM

This area supports programs by museums and historical organizations designed to convey effectively and interpret our cultural legacy to the general public. Categories of support include:

Exhibitions. Interpretive exhibitions are eligible for support if they present works of art, artifacts, documents or other objects of material culture in such a way as to communicate information and ideas about man's history and values. This includes assistance for the interpretation of permanent collections, assistance for temporary exhibitions, and assistance for the sharing of collection resources.

Interpretive programs. These programs include, but are not limited to: public symposia, lectures, seminars, and discussions; thematic film programs; and printed materials, slides, or films which interpret a collection or aspects of that collection.

In the areas of Exhibitions and Interpretive Programs, grants are available for both the planning and actual implementation of projects.

Personnel development. The Endowment supports training projects for both professionals and volunteers who have program responsibility at their institutions. Support is available for workshops, seminars, institutes, and other training programs designed to increase the ability of participants to integrate the substance of the humanities into the activities of their institutions. Included in the personnel development area is a pilot program to provide the opportunity for a limited number of curators from American museums to participate in a training experience in France designed to enhance their skills in interpreting museum resources for the public.

MEDIA PROGRAM

The Media Program is designed to encourage and support film, radio and television production that: (1) advances public understanding and use of the humanities; (2) is of the highest caliber both in terms of scholarship in the humanities and in terms of technical production; and (3) is suitable for national or regional broadcast and distribution in the case of television—or for national, regional or local broadcast in the case of radio.

Applications to the Media Program will be accepted from any non-profit organization, institution or group capable of involving competent scholars in the humanities and fully experienced production personnel in collaboration on projects meeting the above standards.

Grants in this program are made primarily in the following categories:

"Development grants" to finance the research and writing of a full script;

"Pilot grants" to finance the full production of a pilot film or, in the case of a series, of a program;

"Production grants" to finance the full production of a project, whether it is a single film or program, or an entire series; and

A limited number of "planning grants" to support projects which bring together scholars in the humanities and production personnel to develop humanities programs in new media formats and to explore ways in which humanists and production professionals can cooperate to develop high-quality humanities programs.

Applications for support of radio projects are especially encouraged when the project deals with imaginative subjects and uses experimental formats.

Applications for support of production grants are encouraged to utilize the gifts-and-matching provision.

Applicants to this part of the Public Programs Division are asked to note that their state committee for the humanities may also be a funding source for similar projects when such projects relate centrally to the topic selected by the state committee for its grant-making.

PROGRAM DEVELOPMENT

The Public Programs Division makes a limited number of experimental grants to test new ways of making the humanities increasingly available to the adult public. Current priorities include:

Public libraries. The Endowment will support projects that test the way in which public libraries can better use their humanities holdings to serve the needs and interests of the adult nonstudent population.

National Organizations. National organizations may develop nationwide programs which make central use of resources and scholars in the humanities in exploring topics of interest to the adult members of such organizations.

Previously Undeveloped Program Models. Very limited support is available to test new methods of bringing the humanities to bear on the interests of the adult public. An application will be acceptable under this category only if it proposes a genuinely untried approach which shows promise of becoming a widely applicable program model.

Program Development grants proceed frequently by invitation. Unsolicited applications should be submitted in draft form well in advance of the application deadline in order to determine eligibility.

HOW TO APPLY

Applicants to Media, Museums and Historical Organizations, and Program Development are encouraged to submit a brief description of their project several weeks prior to the deadlines listed in order to determine their eligibility within the criteria of the programs. In the absence of such preliminary correspondence, there are usually delays in acceptance of and action on proposals. Detailed program guidelines should be studied for the specific requirements of each program and may be obtained upon request from:

Media Program/Museums and Historical Organizations Program/or Program Development
Division of Public Programs
National Endowment for the Humanities
Washington, D.C. 20506

YOUTHGRANTS IN THE HUMANITIES

GENERAL SCOPE

The Youthgrants in the Humanities Program supports humanities projects developed and conducted by students and other young people. To be considered for a Youthgrants award, a proposed project must meet three basic conditions:

It must relate in a clear way to the humanities;

It must have a specific purpose, a clearly designed scope, a carefully designed plan of work, an identifiable end product and a high promise of helping individuals to develop their critical faculties and their understanding of humanistic knowledge; and

Although teachers and scholars are encouraged to serve as advisors or consultants, young people must carry the major responsibility for its initiation, development and execution.

The Youthgrants Program is expressly designed to encourage ventures similar to those conducted by more experienced professionals within the Endowment's other programs. Proposed projects may, therefore, concern the design or execution of an education program (of either a formal and institutional or informal and public nature); humanistic research or study of a specific problem (including historical, philosophical or literary analysis designed to place a current problem or issue into a wider perspective); or other activities (either traditional or experimental) aimed at applying humanistic knowledge or disseminating it through film, exhibitions, public presentations and other media.

KINDS OF SUPPORT

Prospective applicants should note that the Youthgrants Program supports only specific projects. It does not provide scholarships, fellowships, loans or other types of student aid for general study at any educational level, in the United States or abroad; nor does the Endowment support individual research or publication projects (e.g., seminar papers, M.A. theses, Ph.D. dissertations) undertaken specifically as work towards an academic degree. However, academic work which both promises to have broad appeal and is already assured of wide dissemination is eligible, and acceptance of the project for credit by an academic institution does not preclude Endowment support in the Youthgrants Program.

Youthgrants awards for individual projects average under $2,500, but grants for group projects may range up to $10,000.

HOW TO APPLY

A Youthgrants applicant is not required to have either academic affiliation or an academic degree. Secondary school students, college and university students, and young persons not in school may submit applications, either directly or through nonprofit organizations. The project director and principal participants should preferably not be over 30 years of age at the time the grant is awarded, and first consideration will be given to projects conducted by persons who are in their teens and early twenties and who have not completed professional training.

The general Youthgrants application and grant process is outlined in a special brochure available upon request. Potential applicants should review the brochure and then send a preliminary proposal and any question they may have about the program to the Endowment at least two months before the deadline dates noted below. This procedure will enable the staff to advise about potential problems and to assist the applicant in preparing a formal application.

For copies of the Youthgrants information brochure or other information about the program, write to:

Youthgrants in the Humanities
Mail Stop 103
National Endowment for the Humanities
Washington, D.C. 20506

Proposals may be submitted at any time, but should be submitted well in advance of the deadline dates, listed on page 23.

SPECIAL YOUTH PROJECTS

The Youthgrants Program is designed for young people with strong backgrounds in the humanities who can design and carry out independent humanities projects which contribute to new knowledge or to the dissemination and use of existing knowledge. The Endowment also plans to support in 1976–77 a limited number of experimental or special projects aimed at stimulating the interest of young people of junior high school, high school and college age in the disciplines of the humanities and at increasing their understanding and application of humanistic work. These projects:

- should be designed and guided by experienced professionals in the humanities;
- provide large groups of young participants with learning opportunities which go beyond those of in-school programs.
- may involve research, instructional, community or media activities,
- should have strong likelihood of continuation without NEH support and/or serve as a model for replication in many locations; and
- preferably would be sponsored by an educational, cultural, scholarly, civic, media or youth organization operating at the national, regional or local level.

Ideas for such projects are invited and should be directed to the Office of Planning and Analysis, Special Youth Projects.

SUMMARY OF PROGRAM DEADLINES

RESEARCH GRANTS

General Research. For projects beginning after October 1, 1977, applications should be postmarked no later than December 1, 1976. For projects beginning after April 1, 1978, applications should be postmarked no later than June 1, 1977. For projects beginning after October 1, 1978, applications should be postmarked no later than December 1, 1977. For projects (in archeology) beginning after March 1, 1979, applications should be postmarked no later than June 1, 1977.

Research materials. For projects beginning after October 1, 1977, applications should be postmarked no later than November 8, 1976. For projects beginning after April 1, 1978, applications should be postmarked no later than May 2, 1977. For projects beginning after October 1, 1978, applications should be postmarked no later than November 15, 1977.

Centers of research. For projects beginning after August 1, 1977, applications should be postmarked no later than December 1, 1976. For projects beginning after July 1, 1978, applications should be postmarked no later than September 1, 1977.

FELLOWSHIPS

FELLOWSHIPS FOR INDEPENDENT STUDY AND RESEARCH

For 1978–79 fellowships, applications should be postmarked no later than June 1, 1977.

FELLOWSHIPS IN RESIDENCE FOR COLLEGE TEACHERS

For 1977–78, applications should be postmarked no later than November 8, 1976.

SUMMER STIPENDS

For 1977, applications should be postmarked no later than October 18, 1976.

SUMMER SEMINARS FOR COLLEGE TEACHERS

For 1977, applications should be postmarked no later than March 1, 1977. Applications to direct seminars in 1978 must be submitted no later than July 1, 1977.

FELLOWSHIPS AND STIPENDS FOR THE PROFESSIONS

Application instructions will be disseminated widely to the professions concerned in December 1976.

FELLOWSHIP SUPPORT TO CENTERS FOR ADVANCED STUDY

Applications may be submitted at any time.

EDUCATION PROGRAMS

PILOT GRANTS

For projects beginning after March 1977, applications should be postmarked no later than November 15, 1976. For projects beginning after September 1977, applications should be postmarked no later than April 15, 1977.

PROGRAM GRANTS

For projects beginning after June 1977, applications should be postmarked no later than January 2, 1977. For projects beginning after November 1977, applications should be postmarked no later than July 1, 1977.

DEVELOPMENT GRANTS

For projects beginning after July 1977, applications should be postmarked no later than January 2, 1977. For projects beginning after April 1978, applications should be postmarked by August 1, 1977.

PROJECTS GRANTS

For projects beginning after April 1977, applications should be postmarked no later than November 1, 1976. For projects beginning after October 1977, applications should be postmarked no later than April 1, 1977.

CONSULTANTS GRANTS

For projects beginning after March 1977, applications should be postmarked no later than December 15, 1976. For projects beginning after June 1977, applications should be postmarked no later than March 15, 1977. For projects beginning after September 1977, applications should be postmarked no later than June 15, 1977. For projects beginning after December 1977, applications should be postmarked no later than September 15, 1977.

COLLEGE LIBRARY PROGRAM

For projects beginning after April 1977, applications should be postmarked no later than October 1, 1976.

PUBLIC PROGRAMS

MEDIA, MUSEUMS AND HISTORICAL ORGANIZATIONS, AND PROGRAM DEVELOPMENT

For projects beginning after April 1, 1977, applications should be received by November 19, 1976. For projects beginning after July 1, 1977, applications should be received by March 4, 1977. For projects beginning after October 1, 1977, applications should be received by June 3, 1977. For projects beginning after January 1, 1978, applications should be received by August 26, 1977.

YOUTHGRANTS

For projects beginning after May 1, 1977, applications should be postmarked no later than November 15, 1976. For projects beginning after October 1, 1977, applications should be postmarked no later than April 15, 1977.

STATE-BASED COMMITTEES

ALABAMA

Alabama Committee for the Humanities and Public Policy, Box 700, Birmingham-Southern College, Birmingham, Alabama 35204, (205) 324–1314.

ALASKA

Alaska Humanities Forum, 429 D Street, Room 211, Loussac Sogn Building, Anchorage, Alaska 99501, (907) 272–5341.

ARIZONA

Arizona Council on the Humanities and Public Policy, Suite 816, 34 West Monroe Street, Phoenix, Arizona 85003, (602) 257–0335.

ARKANSAS

Arkansas Humanities Program, Student Services Building, University of Arkansas at Little Rock, Little Rock, Arkansas 72204, (501) 568–2200, Ext. 377.

CALIFORNIA

California Council on the Humanities in Public Policy, 111 New Montgomery Street, 6th Floor, San Francisco, California 94105, (415) 543–3865.

COLORADO

Colorado Humanities Program, 855 Broadway, Boulder, Colorado 80302, (303) 442–7298.

CONNECTICUT

Connecticut Humanities Council, 287 High Street, Wesleyan Station, Middletown, Connecticut 06457, (203) 347–6888, 347–3788.

DELAWARE

Delaware Humanities Council, 2600 Pennsylvania Avenue, Wilmington, Delaware 19806, (302) 738–8491.

FLORIDA

Florida Endowment for the Humanities, Building 54, Room 128, University of West Florida, Pensacola, Florida 32504, (904) 476–9500, Ext. 374.

GEORGIA

Committee for the Humanities in Georgia, Georgia Center for Continuing Education, Athens, Georgia 30601, (404) 542–5481.

HAWAII

Hawaii Committee for the Humanities, 2615 South King Street, Suite 3H, Honolulu, Hawaii 96814, (808) 947–5891.

IDAHO

The Association for the Humanities in Idaho, P.O. Box 424, Boise, Idaho 83701, (208) 345–5346.

ILLINOIS

Illinois Humanities Council, 134 South Neil Street, Room 203, Champaign, Illinois 61820, (217) 333–7611.

INDIANA

Indiana Committee for the Humanities, 4200 Northwestern Avenue, Indianapolis, Indiana, (317) 925–7195.

IOWA

Iowa Board of Public Programs, in the Humanities, c/o Division of Extension and University Services, C–207 East Hall, University of Iowa, Iowa City, Iowa 52240, (319) 353–6754.

KANSAS

Kansas Committee for the Humanities, 616 Merchants Bank Building, 8th and Jackson Streets, Topeka, Kansas 66612, (913) 357–0359.

KENTUCKY

Kentucky Humanities Council, Inc., 206 Breckinridge Hall, University of Kentucky, Lexington, Kentucky 40506, (606) 258–5932.

LOUISIANA

Louisiana Committee for the Humanities, Box 12, Loyola University, New Orleans, Louisiana 70118, (504) 865–9404.

MAINE

Maine Council for the Humanities and Public Policy, P.O. Box 7202, Portland, Maine 04112, (207) 773–5051.

MARYLAND

Maryland Committee for the Humanities and Public Policy, 2 East Redwood Street, Baltimore, Maryland 21202, (301) 837–1938.

MASSACHUSETTS

Massachusetts Foundation for the Humanities and Public Policy, 237 E. Whitmore Administration Building, University of Massachusetts, Amherst, Massachusetts 01002, (413) 545–1936.

MICHIGAN

Michigan Council for the Humanities, Department of Continuing Education, Kellogg Center, Room 7, Michigan State University, East Lansing, Michigan 48824, (517) 355–0160.

MINNESOTA

Minnesota Humanities Commission, Metro Square, St. Paul, Minnesota 55101, (612) 224–5739.

MISSISSIPPI

Mississippi Committee for the Humanities, P.O. Box 335, University, Mississippi 38677, (601) 232–5901.

MISSOURI

Missouri State Committee for the Humanities, Inc., 6922 Millbrook Boulevard, St. Louis, Missouri 63130, (314) 863–0100, Ext. 3164.

MONTANA

Montana Committee for the Humanities, University of Montana, Missoula, Montana 59801, (406) 243–6022.

NEBRASKA

Nebraska Committee for the Humanities, R.F.D. 2, Box 65A, Kearney, Nebraska 68847, (308) 234–2110.

NEVADA

Nevada Humanities Committee, P.O. Box 8065, Reno, Nevada 89507, (702) 784–6587.

NEW HAMPSHIRE

New Hampshire Council for the Humanities, Box 271, Meriden, New Hampshire 03770, (603) 469–3203.

NEW JERSEY

New Jersey Committee for the Humanities, Rutgers University, 43 Mine Street, New Brunswick, New Jersey 08903, (201) 932–7726.

NEW MEXICO

New Mexico Humanities Council, 300 Scholes Hall, The University of New Mexico, Albuquerque, New Mexico 87131, (505) 277–3705.

NEW YORK

New York Council for the Humanities, 33 West 42nd Street, New York, New York 10036, (212) 354–3040.

NORTH CAROLINA

North Carolina Humanities Committee, 1209 West Market Street, Greensboro, North Carolina 27403, (919) 379–5325.

NORTH DAKOTA

North Dakota Committee for the Humanities and Public Issues, Box 136, Dickinson State College, Dickinson, North Dakota 58601, (701) 227–2125.

OHIO

Ohio Committee for Public Programs in the Humanities, 2199 East Main Street, Columbus, Ohio 43209, (614) 236–6879.

OKLAHOMA

Oklahoma Humanities Committee, 11018 Quail Creek Road, Oklahoma City, Oklahoma 73120, (405) 751–8694.

OREGON

Oregon Committee for the Humanities, 1633 S.W. Park, Portland, Oregon 97201, (503) 229–4821.

PENNSYLVANIA

Public Committee for the Humanities in Pennsylvania, Bucknell University, Lewisburg, Pennsylvania 17837, (717) 524–1333.

PUERTO RICO

La Comision de Puerto Rico para el Desarrollo de las Humanidades, Oficina del Presidente, Universidad de Puerto Rico, San Juan, Puerto Rico 00936.

RHODE ISLAND

Rhode Island Committee for the Humanities, 86 Weybosset Street, Room 307, Providence, Rhode Island 02903, (401) 521-6150.

SOUTH CAROLINA

South Carolina Committee for the Humanities, McCrory Building, 2801 Devine Street, Columbia, South Carolina 29205, (803) 799-1704.

SOUTH DAKOTA

South Dakota Committee on the Humanities, Box 35, University Station, Brookings, South Dakota 57006, (605) 688-4823.

TENNESSEE

Tennessee Committee for the Humanities, Suite 300, Coleman Building, 3716 Hillsboro Road, Nashville, Tennessee 37215, (615) 298-4469.

TEXAS

Texas Committe for the Humanities and Public Policy, P.O. Box 19096, University of Texas at Arlington, Arlington, Texas 76019, (817) 273-3174.

UTAH

Utah Endownment for the Humanities in Public Policy, 10 West Broadway, Broadway Building, Suite 200, Salt Lake City, Utah 84101, (801) 524-4569.

VERMONT

Vermont Council on the Humanities and Public Issues, Grant House, P.O. Box 58, Hyde Park, Vermont 05655, (802) 888-5060.

VIRGINIA

Virginia Foundation for the Humanities and Public Policy, 205 Miller Hall, University of Virginia, Charlottesville, Virginia 22903, (804) 924-3296.

WASHINGTON

Washington Commission for the Humanities, Inc., Olympia, Washington 98505, (206) 866-6510.

WEST VIRGINIA

Committee for Humanities and Public Policy in West Virginia, Inc., Box 204, Institute, West Virginia 25112, (304) 766-3522.

WISCONSIN

Wisconsin Humanities Committee, 716 Langdon Street, Madison, Wisconsin 53706, (608) 262-0706.

WYOMING

Wyoming Council for the Humanities, Box 3274, University Station, Laramie, Wyoming 82071, (307) 766-6496.

[FR Doc.76-36226 Filed 12-8-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

SCIENCE FOR CITIZENS PROGRAM

Availability of Materials Relating to Establishment

The National Science Foundation announces the availability to the public of materials relating to the establishment of the Science for Citizens program. These materials, which are on file in the NSF Office of Science and Society, include the transcripts of seven public hearings held in December 1975 and January 1976; all statements and other documents submitted by participants in those hearings; all other letters, statements, and documents relating to the SFC program submitted directly to the Foundation prior to January 31, 1976; all reports prepared for the Foundation and by the Foundation for submission to the Congress in connection with the SFC program. A detailed listing of these materials and indexes of names and organizations have been prepared by the Office of Science and Society and may be consulted as a guide to the location of specific items. Persons who wish to consult these files and make use of the materials they contain are welcome to do so at the Foundation's offices. Applications for appointments should be made directly to Office of Science and Society, National Science Foundation, Washington, D.C. 20550.

ALEXANDER J. MORIN,
Director,
Office of Science and Society.

DECEMBER 6, 1976.

[FR Doc.76-36136 Filed 12-8-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-367]

BAILLY GENERATING STATION, NUCLEAR-1

Request for Order To Show Cause

Notice is hereby given that by Petition dated November 24, 1976, the Porter County Chapter of the Izaak Walton League of America, Inc.; Concerned Citizens Against Bailly Nuclear Site; Businessmen for the Public Interest, Inc.; James E. Newman; Mildred Warner, and George Hanks filed a request for an Order to Show Cause why Construction Permit No. CPPR-104 should not be suspended and revoked. The requested order would be issued to Northern Indiana Public Service Company. In accordance with the procedures specified in 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Westchester Township Public Library, 125 South Second Street, Chesterton, Indiana 46304.

Dated at Bethesda, Maryland this 30th day of November 1976.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc.76-35984 Filed 12-7-76;8:45 am]

[Docket No. 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Issuance of Amendment To Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-69 issued to Baltimore Gas and Electric Company for operation of the Calvert Cliffs Nuclear Power Plant, Unit 2 located in Calvert County, Maryland. Amendment No. 2 authorizes the licensee to operate the facility at full power. However, the amended license is conditioned to require completion of a series of incomplete construction items, preoperational tests, startup tests and other items prior to initial criticality, and provides for further Commission approval following competition of these items.

In accordance with the Commission's General Statement of Policy (41 FR 34707, August 16, 1976), Baltimore Gas and Electric Company was issued Facility Operating License No. DPR-69 on August 13, 1976 authorizing operation of Calvert Cliffs Nuclear Power Plant, Unit 2 at a reactor core power level not to exceed 25.60 megawatts thermal (1 percent) for testing purposes, limited to a cumulative fuel exposure of 300 megawatt days. Subsequently, the Commission issued Supplemental General Statement of Policy (41 FR 49898, November 11, 1976) which concluded that full-power licensing of light water reactors may be resumed on a conditional basis using existing fuel cycle impact values (Table S-3) for reprocessing and waste management, provided the revised values presented in the Commission's notice of proposed rulemaking of October 8, 1976 (41 FR 45849) were also examined to determine the effect on the cost-benefit balance for operating the plant. This examination has been performed by the Commission staff and is set forth in the "Environmental Assessment, Calvert Cliffs Nuclear Power Plant, Unit 2, Fuel Cycle Considerations and Full Power Operation." The appraisal concludes that use of such revised values would not tilt the cost-benefit balance against issuance of the operating license.

The application for this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. The Commission has also made appropriate findings which are set forth in this license amendment regarding the environmental impacts associated with operation of the facility. Amendment No. 2 also includes the condition that the license is subject to the outcome of the proceedings in *Natural Resources Defense Council* v. *NRC* (D.C. Circuit, July 21, 1976), Nos. 74-1385 and 74-1586. In addition, Amendment No. 2 includes (1) The requirement for a permanent means of overpressure protection; (2) The requirement for additional surveillance to provide early detection of reactivity or power distribution anomalies; and (3) Modifications to the Appendix B Technical Specifications to reflect Thermal Effluent Limitations set forth in the NPDES permit issued by the State of Maryland. After considering the potential for environmental impacts of plant operation as a result of these Appendix B modifications, for the reasons given in the

Appendix B Technical Specifications we have determined that the modifications do not alter effluent types or total amounts and will not result in any significant environmental impact. Having made this determination, we have further concluded that these modifications involve an action which is insignificant from the standpoint of environmental impact and pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of these modifications. This change does not involve significant new safety information of a type not considered by a previous Commission safety review of the facility. It does not involve a significant increase in the probability or consequences of an accident, does not involve a significant decrease in a safety margin, and therefore does not involve a significant hazards consideration. We have also concluded that there is reasonable assurance that the health and safety of the public will not be endangered by this action.

Facility Operating License No. DPR-69 initially contained conditions requiring completion of a number of incomplete construction items, preoperational tests and startup tests. Many of these items have been completed to the satisfaction of the Commission and have been deleted by Amendment No. 2.

Amendment No. 2 is effective as of the date of issuance. Facility Operating License No. DPR-69, as amended, shall expire at midnight, July 7, 2009. This action completes the licensing action encompassed in the "Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing Pursuant to 10 CFR Part 50, Appendix D, Section C, dated March 20, 1972."

For further details with respect to this action, see (1) The application for amendment dated October 25, 1976, (2) Amendment No. 2 to License No. DPR-69, (3) The "Environmental Assessment Calvert Cliffs Nuclear Power Plant, Unit No. 2, Fuel Cycle Considerations and Full Power Operation," and (4) The Commission's Supplement No. 7 to the Safety Evaluation Report. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. Single copies of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 30th day of November, 1976.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc.76-35988 Filed 12-8-76;8:45 am]

[Docket Nos. 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 26 and 25 to Facility Operating License Nos. DPR-19 and DPR-25, issued to Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of the Dresden Station Unit Nos. 2 and 3 (the facilities) located in Grundy County, Illinois. The amendments are effective as of their date of issuance.

These license amendments revised the Technical Specifications for the facilities to require that the structural integrity of the primary coolant system boundary be maintained at the level required by Section XI of the 1974 Edition of the ASME Boiler and Pressure Vessel Code. This specification supersedes a previous requirement that was based upon Section III of the 1965 Edition of the ASME Code.

The application, as supplemented, for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) The application for amendments dated October 13, 1976, and supplement thereto dated October 19, 1976, (2) Amendment Nos. 26 and 25 to License Nos. DPR-19 and DPR-25, and (3) The Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of November, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc.76-35811 Filed 12-8-76;8:45 am]

[Docket No. P-636A, etc.]

FLORIDA POWER AND LIGHT CO.

Order

In the matter of Florida Power and Light Company, (South Dade Nuclear Units), Docket No. P-636A; Florida Power and Light Company, (St. Lucie Plant, Units 1 and 2), Docket Nos. 50-335A, 50-389A; Florida Power and Light Company, (Turkey Point Plant, Units 3 and 4), Docket Nos. 50-250A, 50-251A.

The prehearing conference and oral arguments set by the Licensing Board and Petition Board in these matters for December 9, 1976 has been postponed at the request of the parties.

These matters will be heard beginning at 1:30 P.M. on December 13, 1976 at the East West Towers Building, 4350 East West Highway, 5th Floor, Bethesda, Maryland 20014.

It is so ordered.

Dated at Bethesda, Maryland, this 1st day of December 1976.

For the Atomic Safety and Licensing Board,

IVAN W. SMITH,
Chairman of the Boards.

[FR Doc.76-35812 Filed 12-8-76;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment to the Technical Specifications adds a section which will incorporate a program for the surveillance of shock suppressors (snubbers) on safety related systems.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated September 24, 1975, as superseded by letter dated May 17, 1976, (2) Amendment No. 24 to License No. DPR–49, and (3) The Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 26th day of November, 1976.

For the Nuclear Regulatory Commission,

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76–35813 Filed 12–8–76;8:45 am]

[Docket Nos. STN 50–568 and STN 50–569]

NEW ENGLAND POWER CO., ET AL.

Establishment of An Addiitonal Local Public Document Room for NEP–1 and NEP–2

Please take notice that effective on November 1, 1976 the Nuclear Regulatory Commission established a second local public document room where members of the public may view documents relating to the application for construction permits for the proposed NEP–1 and NEP–2 nuclear plants submitted by the New England Power Company, et al. The second local public document room is in the University Library, Publications Office of the University of Rhode Island, Kingston, Rhode Island 02881 and hours of operation are Monday through Sunday from 8:30 am. to 12 midnight. In addition to the establishment of this second local public document room, documents may still be viewed at the Cross Mill Free Public Library, Old Post Road, Charlestown, Rhode Island 02831 and at the public document room located at 1717 H Street, NW, Washington, D.C.

Dated at Bethesda, Maryland this 29th day of November 1976.

For the Nuclear Regulatory Commission,

SYDNEY MINER,
Acting Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.76–35814 Filed 12–8–76;8:45 am]

[Docket No. 50–272]

PUBLIC SERVICE ELECTRIC AND GAS CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR–70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company, and Atlantic City Electric Company for the Salem Nuclear Generating Station, Unit No. 1, located in Salem County, New Jersey. Amendment No. 3 authorizes Public Service Electric and Gas Company to operate the facility at full power. However, the amended license is conditioned to provide a sequential approach to full power which takes into account a series of incomplete construction items, preoperational tests, startup tests and other items, and provides for further Commission approval at various stages of these activities.

In accordance with the Commission's General Statement of Policy (41 FR 34707, August 16, 1976), Public Service Electric and Gas Company, et al was issued Facility Operating License No. DPR–70 on August 13, 1976 authorizing operation of Salem Nuclear Generating Station, Unit No. 1, at a reactor core power level not to exceed 33.38 megawatts thermal (1 percent) for testing purposes, limited to a cumulative fuel exposure of 300 megawatt days. Subsequently, the Commission issued Supplemental General Statement of Policy (41 FR 49898, November 11, 1976) which concluded that full-power licensing of light water reactors may be resumed on a conditional basis using existing fuel cycle impact values (Table S–3) for reprocessing and waste management, provided the revised values presented in the Commision's notice of proposed rulemaking of October 18, 1976 (41 FR 45849) were also examined to determine the effect on the cost-benefit balance for operating the plant. This examination has been performed by the Commission staff and is set forth in the "Environmental Assessment, Salem Nuclear Generating Station, Unit No. 1, Fuel Cycle Considerations." The assessment concludes that use of such revised values would not tilt the cost-benefit balance against issuance of the operating license.

The amendment complies with the standards and requirements of the Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. The Commission has also made appropriate findings which are set forth in the license amendment regarding the environmental impacts associated with operation of the facility. Amendment No. 3 also includes the condition that the license is subject to the outcome of the proceedings in *Natural Resources Defense Council* v. *NRC* (D. C. Circuit, July 21, 1976), Nos. 74–1385 and 74–1586.

In addition, Amendment No. 3 includes (1) the requirement for a long-term means of providing overpressure protection, (2) the temporary limitation of power operation to twenty percent of rated core power until the Emergency core Cooling System performance is re-evaluated by modeling the upper head temperature as the hot leg temperature, and (3) changes to the Appendix A Technical Specifications concerning (a) the high efficiency particulate air filters in the auxiliary building exhaust air filtration system and (b) the surveillance requirements for the control room, auxiliary building, and fuel handling air filtration systems. These three items are discussed in the Safety Evaluation dated December 1, 1976. Facility Operating License No. DPR–70 initially contained several conditions relating to environmental matters. Since these conditions are included in the Appendix B Technical Specifications, they have been deleted from the license proper.

Amendment No. 3 is effective as of the date of issuance. Facility Operating License No. DPR–70, as amended, shall expire at midnight, September 25, 2008. This action is in furtherance of the licensing action encompassed in the "Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing," dated October 6, 1972.

For further details with respect to this action, see (1) the application for amendment dated November 8, 1976; (2) Amendment No. 3 to License No. DPR–70; (3) the Commission's related Safety Evaluation, dated December 1, 1976; (4) the "Environmental Assessment, Salem Nuclear Generating Station Unit No. 1, Fuel Cycle Considerations," (5) the report on the Advisory Committee on Reactor Regulation's Safety Evaluation Report and Supplements Nos. 1 and 2 thereto, dated October 11, 1974, June 28, 1976 and August 13, 1976 respectively; (7) the Final Safety Analysis Report and amendments thereto; (8) the applicants' Environmental Report dated June 30, 1970 and supplements thereto; (9) the Draft Environmental Statement dated October 1972; and (10) the Final Environmental Statement dated April 1973. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey.

Single copies of items (2), (3), (4), (5), (6) and (10) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 1st day of December, 1976.

For the nuclear regulatory commission

I. VILLALVA,
Acting Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc.76–35989 Filed 12–8–76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory

Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 8, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 8, "Code Case Acceptability—ASME Section III Materials," list those Code Case Acceptability—ASME Section III Materials," list those Code Cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. These two guides were revised to update the listings of acceptable Code Cases.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 29th day of November 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-35818 Filed 12-8-76;8:45 am]

REGULATORY GUIDE

Withdrawal

The Nuclear Regulatory Commission staff has withdrawn Regulatory Guide 4.3, "Measurements of Radionuclides in the Environment, Analysis of I-131 in Milk." This guide was issued in September 1973 to describe one acceptable method for the determination of iodine-131 in milk which would meet the guidelines for iodine-131 does to the thyroid of infants as given in Regulatory Guide 1.42, "Interim Licensing Policy on as Low as Practicable for Gaseous Radioiodine Releases from Light-Water-Cooled Nuclear Power Reactors." With the adoption of Appendix I to 10 CFR Part 50 as an effective rule and the adoption of a series of implementing guides, there was no longer a need for Regulatory Guide 1.42 and it was withdrawn. Since Regulatory Guide 4.3 was issued, a number of acceptable alternative methods and techniques for the determination of low levels of iodine-131 in milk have been demonstrated, including the analysis of milk containing preservatives and the use of beta-gamma coincidence counting techniques. Also since Regulatory Guide 4.3 was issued, there has been a recognition of the need to consider the effects of relatively high and variable concentrations of stable iodine in milk on the calculated radiochemical recovery and of the resultant need for determinations of stable iodine in milk. Because of the existence of acceptable alternative procedures, and the general recognition of the practicality of determining low levels of iodine-131 in milk, the detailed procedural guidance of Regulatory Guide 4.3 is no longer needed. Current licensing commitments based on Regulatory Guide 4.3 will not need to be reexamined as a result of this withdrawal.

Regulatory guides are developed to describe and make available to the public methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems. Guides may be withdrawn when they are superseded by the Commission's regulations, when equivalent recommendations have been incorporated in applicable and approved codes and standards, or when changing methods and techniques have made them obsolete.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 30th day of November 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76-35987 Filed 12-8-76;8:45 am]

[Docket No. 50-57]

STATE UNIVERSITY OF NEW YORK AT BUFFALO AND THE NUCLEAR SCIENCE AND TECHNOLOGY FACILITY

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. R-77 issued to State University of New York at Buffalo which will revise Technical Specifications for operation of the Nuclear Science and Technology Facility, located in Buffalo, New York.

The amendment would revise the provisions in the Technical Specifications to reflect (1) the proposed installation of a 24 element capacity fuel storage tank in the facility hot cell and (2) the proposed expansion of the existing vault fuel storage capacity from 8 to 30 elements in accordance with the licensee's application for amendment dated August 10, 1976.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By January 10, 1977 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceedings, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated August 10, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Public Health Library, Mr. August La Rocco, New York City De-

partment of Health, 125 Worth Street, New York, New York 10013.

Dated at Bethesda, Maryland this 30th day of November, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-35815 Filed 12-8-76;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation (the licensee), for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont.

In accordance with the licensee's application for amendment, dated November 5, 1976, the amendment would revise the provisions in the Technical Specifications relating to the spent fuel pool. As amended, the Technical Specifications would permit the licensee to replace the storage racks in the present spent fuel storage pool, increasing its capacity in phases from 600 fuel assemblies to 2000 fuel assemblies.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By January 10, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. John A. Ritsher, Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated November 5, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattlesboro, Vermont.

Dated at Bethesda, Maryland, this 26th day of November 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-35816 Filed 12-8-76;8:45 am]

[Dockets Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 26 to Facility Operating Licenses Nos. DPR-32 and DPR-37, issued to Virginia Electric & Power Company (the licensee), which added a condition to the license for Surry Unit 2 and revised Technical Specifications for operation of the Surry Power Station Units Nos. 1 and 2 (the facilities) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments concern changes required as a result of the steam generator repair for Surry Unit 2 and the consequent need for revision to the emergency core cooling system evaluation and the power distribution and power distribution monitoring requirements. The revised emergency core cooling system evaluation also fulfills the requirements of the Commission's Order for Modification of License dated August 27, 1976.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 27, 1976, as supplemented October 29, 1976, and the licensee's submittals dated October 19, 1976, and November 15, 1976, (2) Amendments No. 26 to Licenses Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 26th day of November 1976.

For The Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-35983 Filed 12-8-76;8:45 am]

[Dockets Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 21 and 26 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company, which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

These amendments consist of changes in the Environmental Technical Specifications relating to the intake, discharge and ambient temperature combined sensor and recorder error. Specifically, these amendments authorize an increase in combined sensor and recorder error from ±1°F to ±2°F.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 3, 1976, (2) Amendment No. 21 to License No. DPR-24, (3) Amendment No. 26 to License No. DPR-27, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the University of Wisconsin—Stevens Point Library, ATTN: Mr. Arthur M. Fish, Stevens Point, Wisconsin 54481.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 29th day of November, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.75-35817 Filed 12-8-76;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) located in Rowe, Massachusetts. The amendment is effective as of the date of issuance.

The amendment changes the values for the "Core XII Allowable Peak LHGR Versus Exposure" in the Technical Specifications to remove an inconsistency in the application of these values in the specified procedure for determining the allowable fraction of full power.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 12, 1976, (2) Amendment No. 32 to License No. DPR-3 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555, and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01581. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactor.

Dated at Bethesda, Maryland, this 23rd day of November 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-35985 Filed 12-8-76;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), for the operation of the Yankee Nuclear Power Station (Yankee-Rowe) located in Rowe, Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

This amendment revises the rod ejection accident analysis in the "Yankee Nuclear Power Station Core XII Performance Analysis" which is incorporated by reference in the present Technical Specifications. Concurrently, this amendment changes the potential ejected rod worth at zero power specified in the new format Technical Specifications (issued on July 14, 1976, with Amendment No. 27 and effective as of January 1, 1977) in Section 3.1.3.1, "Movable Control Rods—Control Rod Operability", consistent with the rod worth assumptions in the revised rod ejection accident analysis.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 17, 1976, (2) Amendment No. 31 to License No. DPR-3, and (3) The Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Greenfield Public Library, 422 Main Street, Greenfield, Massachusetts 01581. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of November 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-35986 Filed 12-8-76;8:45 am]

[Docket No. P-560-A]

CENTRAL MAINE POWER COMPANY, ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated November 29, 1976.

You have requested our further advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application.

On March 1, 1976, we advised the Commission that our review of information submitted by the lead applicant, Central Maine Power Company, for itself and other systems potentially interested in the unit, as well as other information relating to electric utility competition in New England, did not indicate any need for an antitrust hearing on this nuclear facility. You have now provided us with antitrust information submitted by two other applicants, Bangor Hydro-Electric

Company and Taunton Municipal Lighting Plant.

Bangor Hydro, which serves electric customers in Eastern Maine with a 1975 peak load of 177.8 megawatts, is committed to a 3.65 percent share of Sears Island Unit No. 1, or approximately 40 megawatts of nuclear generating capacity. Taunton Municipal Lighting, which supplies electric power in the Taunton, Massachusetts area (1974 peak load 60.4 megawatts), will own a .5 percent share of the unit (approximately 6 megawatts).

Our review of the information submitted by Bangor Hydro and Taunton, as well as other relevant information, has disclosed no basis upon which to change our earlier conclusion that no antitrust hearing will be necessary in the matter.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by January 10, 1977, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn.: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group Nuclear Reactor Regulation.

[FR Doc.76-36265 Filed 12-8-76;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Availability of Partial Initial Decision of the Atomic Safety and Licensing Board for the Indian Point Nuclear Generating Unit No. 2 and Issuance of Amendment to Facility Operating License No. DPR-26

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's Regulations in 10 CFR Part 51, notice is hereby given that a Partial Initial Decision dated November 30, 1976, has been issued by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of a license amendment to the Consolidated Edison Company of New York, Inc., for operation of Indian Point Nuclear Generating Unit No. 2, located in Westchester County, New York.

The Partial Initial Decision is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. The Partial Initial Decision is also being made available at the New York State Division of the Budget, State Capital, Albany, New York 12224, and the Tri-State Regional Planning Commission, 1 World Trade Center, 56 South Street, New York, New York 10048.

Any decision or action taken by the Atomic Safety and Licensing Board in connection with the Partial Initial Decision may be reviewed by the Atomic Safety and Licensing Appeal Board.

Pursuant to the above mentioned Initial Decision, the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License DPR-26 to Consolidated Edison Company of New York, Inc., for operation of a pressurized water nuclear reactor known as the Indian Point Nuclear Generating Unit No. 2. The license is amended by changes which state that a natural draft, closed-cycle, wet cooling tower system is the preferred system for installation at Indian Point Unit No. 2 and that the date for termination of once through cooling from May 1, 1979 shall be postponed accordingly.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. The application for the license amendment complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license amendment is effective as of its date of issuance.

Copies of the (1) Partial Initial Decision dated November 30, 1976; (2) Amendment No. 22 to Facility Operating License DPR-26; (3) licensee's application for license amendment dated December 2, 1974 and Environmental Report on Economic and Environmental Impacts of Alternative Closed-Cycle Cooling Systems for Indian Point Unit No. 2 dated December 1, 1974 and supplements thereto; (4) Final Environmental Statement (NUREG-0042) dated August 1976, are available for public inspection at the above designated locations in Washington, D.C., and New York. Single copies of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis. Copies of item (4) are available from the National Technical Information Service, Springfield, Virginia 22161 ($10.75 printed copy; $3.00 microfiche).

Dated at Bethesda, Maryland, this 1st day of December 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-36266 Filed 12-8-76;8:45 am]

[Docket No. RM-50-5]

MIXED OXIDE FUEL

Environmental Statement; Supplemental Notice of Hearing

On January 6, 1976, the Nuclear Regulatory Commission ("Commission") published a Notice of Hearing in the captioned proceeding (41 F.R. 1133). The purpose of this Supplemental Notice of Hearing is to set forth special additional rules regarding the conduct of the proceeding insofar as Restricted Data or other National Security Information may be involved.

1. On December 6, 1976, the Commission published in the FEDERAL REGISTER a revision of 10 CFR Part 2, Subpart I "Special Procedures Applicable to Adjudicatory Proceedings Involving Restricted Data or other National Security Information," to become effective on January 5, 1977 (41 F.R. 53328). This subpart would not by its terms apply to the captioned proceeding. Nevertheless, the Commission desires that procedures for dealing with classified information in this proceeding be established. Therefore, all of the provisions of Subpart I, as modified and supplemented by this notice are hereby made applicable to this proceeding.

2. For purposes of application of Subpart I to this proceeding, only a full participant may qualify as a "party" or "interested party" and the hearing board shall be the "presiding officer."

3. Mr. Robert F. Whipp, Division of Security, Nuclear Regulatory Commission Office of Administration has been designated as the Commission's representative to advise and assist the hearing board and the participants with respect to security classification of information and the safeguards to be observed.

4. Except for the NRC Staff, classified documents or other materials to which access has been granted to any full participant may only be inspected by such full participant at the Commission's offices in the Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland. Unless specifically provided otherwise in the order granting access, or specifically provided otherwise by the hearing board or the Commission, no copying, notes, or summaries of Restricted Data or other National Security Information will be allowed.

5(a). Except as otherwise provided by the presiding officer or the Commission for good cause: (1) An application for access to classified information which has not been introduced into the proceeding but which is the subject of a notice of intent § 2.907 of the revised subpart I) filed by any full participant, including the participant requesting access, must be filed not later than 7 days after the notice of intent has been filed or received; (2) An application for access to classified information which has been introduced into the proceeding by another full participant without filing a prior notice of intent must be filed not later than 7 days after the data or information has been introduced into the proceeding; and (3) An application for access to classified information which has not been introduced into the proceeding and is not the subject of a prior notice of intent must be filed not later than 45 days before commencement of the relevant portions of the hearing.

(b) In addition to the provisions of subparagraph (a), the Commission or the hearing board may deny a request for

access to classified information where (1) the full participant delayed in filing his request for an unreasonable period of time after first becoming aware, or for an unreasonable time after he should have been aware, that access was needed, and (2) the proceeding will be substantially delayed because of the need to process the party's request for access.

6. Requests for security clearances should be filed in advance of or accompany the first request by a full participant for access to Restricted Data or other National Security Information.

7. Any hearing sessions where Restricted Data or other National Security Information is received in evidence will be conducted in camera, with participants who have not been granted access to the data or information excluded, and with a separate classified transcript being kept. Any hearing sessions where classified information is received in evidence will be conducted at the Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland.

Dated at Washington, D.C. this 1st day of December, 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-36267 Filed 12-8-76;8:45 am]

[Docket Nos. 50-546A and 50-547A]

PUBLIC SERVICE COMPANY OF INDIANA, INC. AND NORTHERN INDIANA PUBLIC SERVICE CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene On Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated November 29, 1976.

You have requested our advice pursuant to the provisions of Section 105c of the Atomic Energy Act of 1954, as amended, in connection with the above cited application.

Marble Hill Nuclear Generating Station will be located on a site in Southeastern Indiana and will consist of two nuclear units, each with a net electrical output of 1150 megawatts. Unit No. 1 is scheduled to begin operation in 1983, with the second unit coming on line in the following year. The total cost of the project is estimated to exceed $2 billion. By letter to you dated April 15, 1975, we rendered advice with respect to Public Service Company of Indiana's application to construct these units. 40 FR 18511. In that letter, we noted that Northern Indiana Public Service Company (NIPSCO) would also be a participant in the facility. You have asked us now to review the antitrust aspects of NIPSCO's application to purchase a 20 percent share of this plant.

On November 11, 1971, we advised you concerning NIPSCO's application to construct the Bailly Generating Station. 36 FR 22325. At that time, we advised you that if certain commitments proferred [sic] by NIPSCO were imposed as conditions to the Bailly license, there would be no need for an antitrust hearing. In connection with the instant application, we have examined the antitrust information submitted by NIPSCO, as well as other pertinent information with respect to the competitive situation in the NIPSCO service area. None of the foregoing information provides any basis for changing the conclusion which we set forth with regard to NIPSCO's earlier application. Therefore, we see no need for an antitrust hearing in connection with the NIPSCO's application to own a share of the Marble Hill Nuclear Generating Station.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by January 10, 1977, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group Nuclear Reactor Regulation.

[FR Doc.76-36268 Filed 12-8-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-50]

MARINE CASUALTY REPORT AND SAFETY RECOMMENDATIONS; RESPONSES TO HIGHWAY AND PIPELINE RECOMMENDATIONS

Availability and Receipt

A report on the sinking of the U.S. freighter *SS Silver Dove* in the North Pacific on April 2, 1973, is now available to the public. The report, No. USCG/NTSB-MAR-76-1, was released jointly by the National Transportation Safety Board and the U.S. Coast Guard on November 28.

The 7,667-ton *Silver Dove* was en route from Guam to the Panama Canal with a bulk cargo of raw sugar when it listed suddenly to port; the vessel sank 41 hours later 180 miles southwest of Johnston Island. Investigation indicated that water had been leaking through a crack in the hull for several days. The crew's attempts to repair the hull were unsuccessful, and the vessel stopped in Guam for temporary repairs. After leaving Guam, the leak continued, however, and the ship listed slightly to starboard. The sudden list to port occurred when the master shifted weight to the port side to correct the starboard list. The crew was rescued before the ship sank.

The Safety Board determined that the probable cause of the sinking was the loss of transverse stability when the master was unable to assess the vessel's stability and incorrectly transferred fuel and water at a time when a crack was allowing seawater to leak into the sugar cargo. Contributing factors were the inability of the repair crew to repair the crack in the hull properly, the Coast Guard inspector's release of the ship without insuring proper temporary repairs because he had no inspection instructions, the inability of the ship's crew to remove the leaking water, and the creation of empty cargo space when the sugar dissolved to form the viscous sugar-water solution.

As a result of his analysis of this accident, the Safety Board on November 23 submitted the following recommendations to the Commandant, U.S. Coast Guard:

Develop or adapt existing crack detectors to provide its marine inspectors with a reliable means of detecting small cracks in ship hulls and utilize such detectors once developed. (M-76-11)

Develop detailed procedures for making hull thickness measurements during periodic Coast Guard inspections—these procedures to insure that reliable ultrasonic readings are obtained, that low readings are highlighted as potential origins of cracks or leaks, and that areas covered by sheathing on insulation are measured by more reliable means such as drill gauging. (M-76-12)

Conduct a one-time special inspection of all certificated U.S. seagoing break-bulk vessels constructed before 1965 to detect wastage of hull plating that is covered by insulation and sheathing and wastage of ventilation systems and piping systems that have openings outside the hull, this special inspection to be completed within 2 years. (M-76-13)

Assisted by the Portland Cement Association, develop guidelines for the use of cement for making watertight temporary repairs aboard ship and inspection of such repairs and issue these guidelines in a Navigation and Vessel Inspection Circular. (M-76-14)

Develop standards for and require portable pump(s) with the necessary ancillary equipment to remove seawater which may leak into the cargo holds of ships which carry bulk cargoes. (M-76-15)

Identify those "dry" bulk cargoes which can threaten a ship's stability when water is added and publish this information with a description of the hazard in a Navigation and Vessel Inspection Circular. (M-76-16)

Assisted by the National Cargo Bureau, Inc., establish procedures for detecting water infiltration into bulk cargoes while the vessel is at sea. (M-76-17)

Establish a means to provide rapid technical advice to vessel masters and to Coast Guard field personnel regarding vessel stability and the effects of water entry into bulk cargo. (M-76-18)

Advise masters of vessels carrying bulk cargoes that may affect ship stability adversely when water is added to alert the Coast Guard immediately if water leaks into the cargo. (M-76-19)

Recommendations M-76-12, M-76-13, M-76-14, M-76-16, M-76-18, and M-76-19 are designated "Class II" for priority followup; M-76-11, M-76-15, and M-76-17 are Class III recommendations, for longer term followup.

RESPONSES TO SAFETY RECOMMENDATIONS

Highway.—Federal Highway Administration's letter dated November 22 is in answer to the Safety Board's inquiry of November 4 which sought clarification of FHWA's intent in implementing recommendation H-76-21. (See 41 FR 49904,

November 11, 1976.) This recommendation concerned the operation of active grade crossing protection devices. FHWA states, "It is intended that all information involved in grade crossing safety, including that contained in the recommendation, will be explicitly stated in the contents of the handbook."

Pipeline.—The American Petroleum Institute (API) has provided three letters, each dated November 15, in answer to recommendations issued by the Safety Board following investigations of pipeline accidents which occurred at Devers, Texas, on May 12, 1975; at Romulus, Michigan, on August 2, 1975; and at Cartwright, Louisiana, on August 9, 1976.

Recommendation P–76–42 is the subject of one API letter; the recommendation was issued in connection with the Devers, Texas, accident and asked API to implement a May 1972 recommendation made in the Safety Board's special study, "A Systematic Approach to Pipeline Safety" (No. NTSB–PSS–72–1). The original recommendation was that API develop guidelines for the use of system safety by liquid pipeline operators, the work to be undertaken in cooperation with the American National Standard Institute's Section Committee for liquid petroleum transportation piping systems (ANSI–B31.4).

At the time of issuance of the 1972 recommendation, according to the response letter, API was "already aware of system safety analytical tools and was investigating their application to petroleum production and transportation operations." The results of this investigation were embodied in API RP–14C, *"Recommended Practice for Analysis, Design, Installation and Testing of Basic Surface Safety Systems on Offshore Production Platforms"* (1974) and API RP–1111, *"Recommended Practice for Design, Construction, Operation and Maintenance of Offshore Hydrocarbon Pipelines"* (1976), which have been furnished to the Safety Board.

Concerning its cooperation with the ANSI B31.4 Sectional Committee, API notes that cooperation was underway when the original recommendation was issued, and that subsequently the Committee reviewed the Board's special study and the ANSI Code itself "to ensure that the systematic and proven requirements contained in the code were systematic in the sense that word was used in the special study." This review preceded publication of the 1974 edition of the Code and that edition embodies its results, according to API. API holds that publication of the 1974 Code, its support for the criteria contained in that Code, and publication of its recommended practices above noted "are positive action on the subjects discussed in the Board's 1972 special study."

API states that its review of the special study revealed "Board preferences for certain analytic techniques and implied recommendations in which the petroleum industry does not concur." "As an example," the letter notes, "the technique of fault tree analysis is not particularly useful or effective in application to petroleum pipelines which are hydrostatically (i.e. destructively) tested after installation and in which most failures originate outside the system (i.e. gross mechanical damage by construction equipment and external corrosion)." API further states, "Here some form of hazard analysis is usually more useful than fault tree analysis. Since petroleum pipelines are hydraulic systems, or combinations of such systems, they must necessarily be treated systematically."

API considers direct action on the 1972 special study "complete" and states, "We are thus surprised that the Board chose to adopt recommendation P–76–42." "Since the B31.4 Code is thoroughly systematic," according to API, "and since API RP–14C and RP–1111 cover specialized elements of offshore pipelining additional to those in B31.4, it is not clear that any positive benefit would accrue from further action on the 1972 recommendation."

API will, however, take recommendation P–76–42 under advisement and will again review the earlier recommendation. API has distributed both the report on the Devers, Texas, incident and the related safety recommendation to the operators of liquid petroleum pipelines and has placed the subject on the agenda of the next meeting of its technical committee.

In another November 15 letter, API responds to recommendations P–76–61 and P–76–62 which were issued in connection with the Romulus, Michigan, accident (41 FR 41766, September 23, 1976). API indicates agreement with the Board's intent in issuing these recommendations, and has taken steps to insure wide distribution of the report and accompanying safety recommendatons to the owners and operators of the nation's petroleum pipelines, as requested.

The third API letter concerns recommendations P–76–74 and P–76–75, issued after Board investigation of the Cartwright, Louisiana, accident (41 FR 48616, November 4, 1976). In response, API shares the Board's concern with the problems created by excavation operations impinging upon pipelines, and, as requested by P–76–74, API will take immediate steps to advise its members of the circumstance involved in the accident which led to the issuance of the recommendation. API states that it is already urging its members to participate in or establish damage prevention programs, including "one-call" notification systems, and is actively supporting the work of the Utility Location and Coordination Council which functions under the American Public Works Association—all in support of recommendation P–76–75.

The marine casualty report and the safety recommendation letter are available to the general public; single copies may be obtained without charge. Copies of the letters in response to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the marine casualty report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

DECEMBER 6, 1976.

[FR Doc.76–36212 Filed 12–8–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19780]

ALLEGHENY PITTSBURGH COAL CO. ET AL.

Post-Effective Amendment Regarding Open Account Advances to Subsidiary Coal Company

DECEMBER 1, 1976.

Notice Is Hereby Given that The Potomac Edison Company ("PE"), Monongahela Power Company ("Monongahela"), and West Penn Power Company ("West Penn"), electric utility subsidiary companies of Allegheny Power System, Inc., a registered holding company, and Allegheny Pittsburgh Coal Company ("AP Coal"), a jointly-owned subsidiary of West Penn, Monongahela, and PE, have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to section 12(b) of the Public Utility Holding the following proposed transactions. Rule 45 promulgated thereunder regarding the following proposed transactions All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated October 2, 1974, and January 2, 1976 (HCAR Nos. 18593 and 19327), applicants-declarants were authorized to enter into a series of transactions including the purchase by AP Coal of a coal mine ("Cowen mine"). West Penn, PE, and Monongahela were authorized to make open account advances in a total aggregate amount of up to $14,000,000 (in proportion to their respective ownership of AP Coal) to finance partially the Cowen mine and for certain other purposes. Jurisdiction was reserved in the order of October 2, 1974, with respect to the permanent financing of AP Coal and the price to be charged by AP Coal for coal sales to system companies.

It is now proposed that Monongahela, West Penn, and PE make additional open account interest bearing advances (in proportion to their ownership interests in AP Coal) to AP Coal in an amount not to exceed $3.4 million, which sum will enable AP Coal to make the second annual installment payment of $2,500,000 for the Cowan Mine due January 2, 1977,

and which will provide AP Coal with funds necessary to pay real estate taxes, licensing fees, and expenses in connection with obtaining permits and the like. In all other respects the transactions remain unchanged.

The West Virginia Public Service Commission and the State Corporation Commission of Virginia have jurisdiction over the proposed advances. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses expected to be incurred in connection with the proposed transactions are estimated not to exceed $500.

Notice Is Further Given that any interested persons may, not later than December 27, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavits or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36115 Filed 12-8-76;8:45 am]

[Release No. 9545]

ANCHOR RESERVE FUND, INC. AND ANCHOR DAILY INCOME FUND, INC.

Application Pursuant to Section 17(b) for Order Exempting a Proposed Transaction From Section 17(a) of the Act

NOVEMBER 30, 1976.

Notice Is Hereby Given that Anchor Reserve Fund, Inc. ("Reserve") and Anchor Daily Income Fund, Inc. ("ADIF") (collectively, "Applicants"), open-end, diversified management companies registered under the Investment Company Act of 1940 ("Act"), filed an application on November 1, 1976 pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed reorganization of Reserve with and into ADIF. All interested persons are referred to the application on file with the Commission for a statement of the representations contained herein, which are summarized below.

Applicants represent that Reserve was incorporated in Delaware on December 14, 1971, is authorized to issue one class of shares, and had net assets of $8,065,200 on September 30, 1976; and that ADIF was incorporated in Maryland on July 19, 1974, is authorized to issue one class of shares, and had net assets of $33,496,000 on September 30, 1976.

Applicants state that they have the same investment adviser, Anchor Corporation, a Delaware corporation ("Anchor"), serving each Applicant pursuant to substantially identical agreements which provide for the same services by Anchor at the same rate of compensation. They additionally state that Anchor also serves as principal underwriter for Reserve, but not for ADIF which is a no-load fund and as such does not have a principal underwriter. It is also represented that the Boards of Directors of Applicants are identical, except that Mr. Leon T. Kendall, a director of Reserve, is not a director of ADIF; that Applicants have substantially identical executive officers and substantially similar governing instruments; and that each Applicant employs the same counsel, custodian and transfer agent, and auditors. Accordingly, Applicants state that each may be deemed to be under common control and, therefore, affiliated persons of each other pursuant to section 2(a)(3)(C) of the Act.

Applicants represent that they have essentially the same investment objectives, restrictions and polices; and that the difference between them is primarily that (1) ADIF is a no-load fund; and (2) shareholders of Reserve have an exchange privilege permitting them to exchange their shares for shares in any other fund in the group of funds managed by Anchor, while such exchange privilege has to date not been available to stockholders of ADIF. They further represent that such privilege will be made available to ADIF shareholders effective January 1, 1977, and in their opinion Reserve's continued existence is no longer necessary.

Accordingly, they have entered into an Agreement and Plan of Reorganization ("Agreement"), dated as of October 20, 1976, pursuant to which Reserve will transfer substantially all of its assets and liabilities to ADIF in exchange for shares of ADIF, which shares will then be distributed to stockholders of Reserve in a plan of complete liquidation. Applicants state that the proposed transaction ("Proposal") is subject to the approval of the holders of a majority of Reserve's shares, and to the receipt of an opinion of counsel to the effect that the transfer of the assets of Reserve to ADIF constitutes a tax-free reorganization.

Applicants represent that Reserve will transfer, at 10:00 a.m. on December 31, 1976, to ADIF all of its assets, except for its net income (a liquidating dividend of all net income earned through December 31, 1976 will be declared, payable to stockholders of record December 31, 1976); both Applicants will value their assets as provided in their respective charters and prospectuses as of the close of business on December 31, 1976; and ADIF will issue to Reserve that number of shares of ADIF equal in value to the value of the assets of Reserve transferred to ADIF (presently expected to be 10 shares of ADIF for each share of Reserve).

Applicants state that a $2,500 minimum initial investment requirement of ADIF will be waived for stockholders of Reserve who become ADIF stockholders as a result of the proposed transfer of assets, and that ADIF will not exercise its option to close any account with a value of less than $1,000 with respect to such accounts.

Applicants submit the right of accummulation, which applies to all of the Anchor Funds except ADIF and permits aggregating shares of such funds for purposes of obtaining a reduced sales charge, will continue to apply to shares of Reserve exchanged for shares of ADIF. Each Applicant will bear its own expenses in connection with the Proposal.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company, acting as principal, knowingly to sell to or purchase from such registered investment company any security or other property. Pursuant to section 17(b) of the Act the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants submit that the terms of the Proposal are fair and reasonable and do not involve overreaching on the part of any person concerned since shares of ADIF will be issued for shares of Reserve on the basis of the respective net asset values of each. Applicants further submit that the Proposal is consistent with the policies of each registered investment company and with the general purposes of the Act, for the reasons set forth above.

Notice Is Further Given that any interested person may, not later than December 24, 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 Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36118 Filed 12-8-76;8:45 am]

[Release No. 9548]

F.G. MUTUAL FUND, INC. AND NEW WORLD FUND, INC.

Filing of Application Pursuant to Section 17(b) of the Act for an Order Exempting a Proposed Transaction From Section 17(a) of the Act

NOVEMBER 30, 1976.

Notice is hereby given that F.G. Mutual Fund, Inc. ("F.G.") and New World Fund, Inc. ("New World") (hereinafter collectively referred to as "Applicants"), both registered under the Investment Company Act of 1940 ("Act") as diversified, open-end investment companies, filed an application on November 4, 1976, pursuant to section 17(b) of the Act, for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale by F.G. of substantially all of its assets to New World in exchange for shares of New World. 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.

F.G., a California corporation, was organized in 1969, and as of September 30, 1976, had 271,778 shares outstanding and net assets of $2,032,589. New World, also a California corporation, was organized in 1962, and as of September 30, 1976, had 662,180 shares outstanding and net assets of $7,530,375. Each of the Applicants employs Farmers New World Management Company (the "Adviser"), a wholly-owned subsidiary of Farmers Group, Inc. ("FGI"), as its investment adviser. The board of directors and the officers of each of the Applicants are identical. Navillus Associates, a partnership having as one of its four members Mr. Gerald J. Sullivan ("Sullivan"), a director of both Applicants, owns 76,825 shares, or approximately 28.3 percent of F.G. Mr. Thomas E. Leavey ("Leavey"), a director of both Applicants and Chairman of the Board of FGI, owns 15,278 shares, or approximately 5.6 percent, of F.G.

F.G. and New World have entered into an Agreement and Plan of Reorganization, dated October 18, 1976, ("Agreement") providing for the acquisition of substantially all of the assets of F.G. by New World, and the liquidation and subsequent dissolution of F.G. The proposed transaction is contingent upon the receipt of a ruling from the Internal Revenue Service or an opinion of F.G.'s legal counsel to the effect that the acquisition by New World of substantially all of the assets of F.G. solely in exchange for New World voting stock will constitute a tax-free reorganization, and that no gain or loss will be recognized by Applicants or their shareholders as the result of the transaction. The Agreement is subject to approval by the affirmative vote of at least a majority of the outstanding voting securities of F.G. If the Agreement is approved by shareholders at the annual shareholder's meeting called for December 30, 1976, it is anticipated that the proposed transaction will take place on December 31, 1976.

At the closing date of the proposed transaction ("Closing Date") F.G. will transfer to New World all of its existing assets except for cash in an amount estimated to be sufficient to pay all liabilities of F.G. existing at the Closing Date and to pay the expenses of carrying out the Agreement, including the expenses of liquidation and dissolution. In addition, F.G. will retain cash for the purpose of paying dividends to shareholders equal to at least 90 percent of its undistributed net investment income, if any. The number of shares of New World to be issued to shareholders of F.G. will be determined on the basis of the relative net asset values per share (the "Exchange Ratio") of each of the Applicants computed as of the close of the New York Stock Exchange ("Exchange") on the Closing Date. The net asset value per share of each of the Applicants will be determined by dividing the total value of the investments and other assets of each of the Applicants less any liabilities by the total number of shares outstanding. Upon consummation of the proposed transaction as contemplated by the Agreement, each F.G. shareholder will have an account established in his name on the books of New World credited with the number of New World shares (including fractional shares carried to four decimal places) determined by multiplying the Exchange Ratio times the number of shares held by each such shareholder on the Closing Date. The Agreement provides that any unspent portion of funds retained by F.G. to pay liabilities and expenses of carrying out the Agreement will be delivered to New World in exchange for additional shares of New World valued at net asset value on the date of such delivery, and any such additional shares of New World will be distributed to the F.G. shareholders.

As of September 30, 1976, New World and F. G. had total tax-loss carry-overs of $189,091 and $1,297, respectively. As of September 30, 1976, New World had net unrealized depreciation on investments of $652,974, and F. G. had net unrealized appreciation on investments of $46,577. Applicants have agreed that no adjustment need be made in the computation of Applicants' respective net asset values to reflect any potential income tax impact on the shareholders of Applicants which might result from differences in proportionate amounts of realized and unrealized capital gains and losses in their respective portfolios. It is submitted that the actual impact of capital loss carry-overs and current net unrealized appreciation or depreciation is not readily determinable and would be largely a matter of speculation and would depend on many different factors, including each individual shareholder's personal tax status. If the proposed transaction had taken place on September 30, 1976, the shareholders of F.G. would have received approximately 178,748 shares of New World or approximately 21.2 percent of the shares of New World.

Applicants state that, because Sullivan and Leavey each own directly or indirectly more than 5 percent of the outstanding voting securities of F.G., F.G. is an affiliated person as defined by section 2(a)(3) of the Act of both Sullivan and Leavey, who are affiliated persons of New World by virtue of their positions as directors of New World. In addition, since the boards of directors and officers of the Applicants are identical, the Applicants might be deemed to be under "common control", and each of the Applicants might be deemed to be an "affiliated person" of the other.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants submit that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, since the assets of F.G. are being sold to New World in exchange for shares of New World on the basis of the respec-

tive net asset values of the Applicants. Applicants represent that the shareholders of F.G. will benefit from a more favorable ratio of expenses to total net assets than would be experienced by F.G. as a separate company because of the elimination of certain presently duplicated expenses. Applicants assert that F.G. shareholders will also benefit from the elimination of the redemption charge on F.G. shares of 2 percent or $10.00 whichever is less; New World has no redemption charge. It is submitted that New World shareholders will also benefit from the acquisition of additional assets which will tend to reduce the ratio of operating expenses to total net assets.

It is stated that the proposed transaction is consistent with the policies of both F.G. and New World and the general purposes of the Act. F.G.'s primary investment objective is long-term growth of capital with current income as an incidental consideration. The primary investment objective of New World is long-term capital growth with current income as another but less important objective. Applicants submit that their investment restrictions are substantially similar. New World may invest no more than 20 percent of the value of its total assets in the securities of companies in any one industry; F.G. may invest up to 25 percent of the value of its assets. F.G. is permitted to borrow up to 5 percent of its gross assets valued at cost or market, whichever is lower, as a temporary measure for extraordinary or emergency purposes; New World may borrow for temporary emergency purposes only so long as the total amount of such borrowing at any time does not exceed 10 percent of its net assets valued at cost or market, whichever is lower, provided that immediately after any such borrowing New World has a 300 percent asset coverage for such borrowings. It is represented that neither of the Applicants has ever borrowed any money. New World may not invest in restricted securities; F.G. has no such policy. The investment policies and restrictions of New World will be continued if the proposed transaction is consummated. It is asserted that there are a number of overlapping positions in the portfolios of F.G. and New World and that, in the opinion of the Adviser, the Applicants' portfolios are compatible and no sales of securities are expected to be required as a result of the proposed transaction.

Each of the Applicants will bear its own expenses in connection with the proposed transaction which are subject to the expense reimbursement provisions of the investment advisory contracts with the Adviser. The Adviser is required to reimburse New World for the amount of expenses, exclusive of interest and taxes, which exceed 1 percent of average daily net asset value of New World in a fiscal year; F.G. has a 1½ percent expense reimbursement provision, exclusive of interest, taxes and brokerage commissions. New World's expense limitation will continue in effect if the proposed transaction is consummated. Under the foregoing expense reimbursement provisions, the Adviser reimbursed $4,618 in 1974, $2,388 in 1975, and $1,937 in 1976 to F.G., and $1,464 in 1975 to New World. It is submitted that, on the basis of present costs and asset values, it is anticipated that no reimbursement would be required to be made if the proposed transaction is consummated, thus benefiting the Adviser by the amount of reimbursement that would otherwise be required.

Notice is further given that any interested person may, not later than December 27, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law 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 issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36120 Filed 12-8-76;8:45 am]

[Rel. No. 9544]

LORD, ABBETT AND CO.

Application Pursuant to Section 6(c) of the Act for Exemption From Section 22(d) of the Act

NOVEMBER 30, 1976.

Notice Is Hereby Given that Lord, Abbett & Co. ("Applicant"), the principal underwriter for and investment adviser to Affiliated Fund, Inc., Lord Abbett Income Fund, Inc., Lord Abbett Bond-Debenture Fund, Inc., and Lord Abbett Developing Growth Fund, Inc. (collectively referred to as the "Funds"), each of which is registered as an open-end investment company under the Investment Company Act of 1940 ("Act"), filed an application on March 22, 1976, and an amendment thereto on October 12, 1976, for an order pursuant to Section 6(c) of the Act for an exemption from section 22(d) in connection with transactions described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is the sponsor of a prototype individual retirement account ("the Lord, Abbett IRA") pursuant to the provisions of section 408 of the Internal Revenue Code of 1954 (the "Code") as amended by the Employee Retirement Income Security Act of 1974 ("ERISA"). An individual retirement account ("IRA") is a custodian account through which eligible individuals can invest limited amounts for retirement on a tax deferred basis.[1]

Applicant states that the Lord, Abbett IRA provides that an individual may invest in any of the Funds or in a regular savings account at the United Missouri Bank of Kansas City, N.A. ("Bank"). In this connection, Applicant proposes to offer a "Savings Account Option" pursuant to which individuals would be permitted to invest up to 25 percent of any annual contribution or "roll-over" contribution (a lump sum distribution from another tax-qualified retirement plan) in a savings account at the Bank. At least 75 percent of any annual contribution must be invested in the Funds. The Savings Account Option contemplates that after the investors have made their initial investment in the Funds, such investors would be free to redeem their shares in the Funds and invest the proceeds in a savings account. Thereafter, they could reinvest any or all the money in any of the Funds, with no sales charge applicable to such reinvestment of up to the amount of the prior redemptions. A sales charge would be paid only to the extent that the amount of money, if any, transferred from the savings account to the Funds exceeded the amount of the prior redemptions. The Savings Account Option would be made available also to any other IRA under another plan or prototype, and to IRAs which are transferred from the Lord, Abbett IRA to a savings account other than one maintained by the Bank and then back to the Lord, Abbett IRA. Sales charges will be eliminated only with respect to the reinvestment of funds derived from redemption of shares of the Funds for which sales charges previously had been paid.

Section 22(d) of the Act, in pertinent part, prohibits a registered investment company and its principal underwriter from selling redeemable securities to any person other than a dealer, a principal underwriter or the issuer except at a current public offering price described in the prospectus. Rule 22d–1 under the Act, in paragraph (f), affords an exemption from the provisions of section 22(d) for uniform offers to tax-exempt organiza-

[1] Section 408 of the Code provides for two general types of IRAs: a "group IRA" covering various employees of a single employer, or an "individual IRA" relating to only one employee.

tions and certain tax-qualified plans, and to non-qualified plans to the extent necessary to permit the sale of securities at prices which reflect reductions in, or eliminations of, the sales load, as follows:

(f) Upon the sale pursuant to a uniform offer described in the prospectus and made to tax-exempt organizations enumerated in sections 501(c) (3) or (13) of the Internal Revenue Code, or employees' trusts, pension, profit-sharing, or other employee benefit plans qualified under section 401 of the Internal Revenue Code, or employee benefit plans not qualified under section 401 of such Code provided such non-qualified plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales related expense selected by the issuer and described in the prospectus. As used in this paragraph, "employee benefit plan" shall mean any plan or arrangement which provides a means for employees or an employer on behalf of employees to purchase shares of a registered open-end investment company or companies by means of periodic payroll deductions or otherwise, and "employer" shall mean a single employer or two or more employers each of which is an affiliated person of the other under section 2(a)(3)(C) of the Investment Company Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application may exempt any transaction or class of transactions from any provision of 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.

Applicant states that the requested exemption is necessary to correct the anomalous situation where its Savings Account Option may be utilized by, among others, investors in Keogh (H.R. 10) Plans which frequently cover only one individual, and employees of a single employer under a group IRA plan on the grounds that such group IRA plan may be encompassed by the definition of "employee benefit plan" in Rule 22d–1(f) under the Act; yet the proposed option may not be utilized by investors in individual IRAs. Applicant asserts that this result stems from the fact that the language of Rule 22d–1(f) is not broad enough to take into account the development of individual IRAs under ERISA, and asserts that there is no policy reason for this differing treatment. Applicant further asserts that the requested exemption from section 22(d), of the Act would be consistent with the policies behind that Section and the rules thereunder.

Notice Is Further Given that any interested person may, not later than December 24, 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 Applicant at the address stated above. Proof of such service (by affidavit, or in case of 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 herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–36117 Filed 12–8–76;8:45 am]

[Release No. 19781]

MIDDLE SOUTH UTILITIES, INC.

Proposed Issuance and Sale of Common Stock at Competitive Bidding

DECEMBER 2, 1976.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration which is summarized below for a complete statement of the proposed transaction.

Middle South proposes to issue and sell at competitive bidding 9,000,000 shares of its authorized but unissued common stock, par value $5 per share (Additional Common Stock) to underwriters or investment bankers who will agree promptly to make a public offering thereof. Middle South estimates that the sale will result in aggregate cash proceeds of approximately $135,000,000. The net proceeds from the sale of the Additional Common Stock will be applied toward the repayment of then outstanding bank loans made to Middle South, pursuant to the Credit Agreement between Middle South and various commercial banks dated as of June 1, 1976. The amount of such bank loans presently estimated to be outstanding at the time of the sale is $178,500,000.

Middle South believes that the sale of the Additional Common Stock may require the assistance of underwriters if market conditions at the time of the offering of the securities are unfavorable. Accordingly, Middle South may amend this application-declaration to seek an exemption from the competitive bidding requirements of Rule 50 so that it may offer the Additional Common Stock through a negotiated public offering.

The fees and expenses to be incurred in connection with this transaction will be supplied by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice Is Further Given that any interested person may, not later than December 27, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations permitted under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–36116 Filed 12–8–76;8:45 am]

[Release No. 19776]

MIDDLE SOUTH UTILITIES, INC. AND ARKANSAS-MISSOURI POWER CO.

Proposed Issue and Sale of Notes by Subsidiary Company and Acquisition Thereof by Holding Company

NOVEMBER 29, 1976.

Notice Is Hereby Given that Arkansas-Missouri Power Company ("Ark-Mo"), a subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Middle South have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10(a), 12(b), and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ark-Mo proposes to issue and sell to Middle South from time to time through December 31, 1977, up to $2,100,000 of its unsecured short-term promissory notes of a maturity of not more than twelve months. The net proceeds to be received by Ark-Mo from the issuance and sale of the notes will be applied to the pay-

ment at maturity of its presently outstanding notes. The notes will be payable not more than twelve months from the date of issuance and will bear interest at a rate per annum equivalent to ¼ of 1 percent above the commercial loan rate in effect at the Manufacturers Hanover Trust Company from time to time. The notes will, at the option of Ark-Mo, be prepayable in whole or in part at any time without premium or penalty.

It is stated that the Arkansas Public Service Commission has jurisdiction over the issuance and sale of the notes by Ark-Mo, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees, commissions or expenses to be incurred in connection with the proposed transactions will not exceed $4,000.

Notice is further given that any interested person may, not later than December 23, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36119 Filed 12-8-76;8:45 am]

[Release No. 34-13039; File No. SR-MSE-76-25]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 22, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

ARTICLE III, RULE 6, MIDWEST STOCK EXCHANGE RULES

Rule 6. Compensation Committee

There shall be a Compensation Committee which shall consist of the Chairman of the Board, the Vice Chairman of the Board, and a Public Governor. It shall have the responsibility of establishing the compensation of the President and of coordinating with the President to determine a comprehensive corporate compensation policy. The comprehensive corporate compensation policy shall include the structure and the administration of the determined compensation policy, the advisability and use of outside consultants, and a periodic review of the manner in which the determined policy is being administered.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is the establishment of a Compensation Committee which will provide a Board of Governors level review of overall compensation policy while necessarily leaving the power to appoint, dismiss and fix the compensation of officers with the President of the Exchange as provided for in the Exchange Constitution.

The proposed rule change represents fair administration of the Exchange's affairs by providing governance over employee compensation.

Comments have neither been solicited nor received.

The Midwest Stock Exchange, Incorporated believes that no burden has been placed on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All comments should refer to the file number referenced in the caption above and should be submitted on or before January 3, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

DECEMBER 3, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36239 Filed 12-8-76;8:45 am]

[Release No. 34-13036]

STREET NAME STUDY

Transmittal of Report to Congress

The Securities and Exchange Commission today announced that on December 3, 1976, pursuant to section 12(m) of the Securities Exchange Act of 1934 (the "Act"), the Commission transmitted to Congress the Final Report of the "Street Name Study."

Added to the Act by the Securities Acts Amendments of 1975, section 12(m) authorized and directed the Commission to undertake a study and investigation of the practice of recording the ownership of securities in the records of the issuer in other than the name of the beneficial owner of such securities and to determine (1) whether such practice is consistent with the purposes of the Act, with particular reference to sections 12(g), 13, 14, 15(d), 16, and 17A, and (2) whether steps can be taken to facilitate communications between issuers and the beneficial owners of their securities while at the same time retaining the benefits of such practice.

In the Final Report, the Commission discusses the benefits of the practice and concludes that the use of nominee and street name registration is essential to the establishment of a national system for clearance and settlement and to the facilitation of securities transactions generally. Thereafter, the Commission considers the impact of the practice on issuer-shareowner communications and concludes that the existing system for transmitting communications from issuers to their beneficial owners is, on the whole, effective. The Commission, however, recommends several steps to improve the performance of the system.

Next, the Commission considers the effect of the practice on the disclosure and dissemination of information regarding the beneficial owners of securities and concludes that current approaches to disclosure may not satisfy fully the objective of making publicly available information identifying shareowners who potentially may influence corporate management or affect the market in an issuer's securities. The Commission recommends implementation of a more comprehensive system for gathering and disseminating this information.

Finally, the Commission examines the effect of the practice on jurisdictional provisions of the Act which are based, in part, on shareholder-of-record standards, and concludes that the increased use of nominee and street name registra-

tion has not had the effect of excluding or removing issuers from the operation of the Act. The Commission makes recommendations in this area intended to anticipate increased registration of securities in the nominees of securities depositories.

Copies of the Final Report will be available to the public early next year from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

By the Commission.

SHIRLEY E. HOLLIS,
Acting Secretary.

DECEMBER 2, 1976.

[FR Doc.76-36240 Filed 12-8-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0184]

TSM CORP.

Issuance of License To Operate as a Small Business Investment Company

On September 2, 1976, a notice was published in the FEDERAL REGISTER (41 FR 37174) stating that TSM CORP., 1000 Hawkins Boulevard, El Paso, Texas 79990, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the rules and regulations governing small business investment companies (13 CFR 107.102 (1976)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business September 17, 1976, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other information SBA has issued License No. 06/06-0184 to TSM CORP., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Busniess Investment Companies)

Dated: November 24, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-36149 Filed 12-8-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76 214]

NATIONAL BOATING SAFETY ADVISORY COUNCIL

Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the National Boating Safety Advisory Council has been renewed by the Secretary of Transportation for a two-year period beginning December 20, 1976 through December 20, 1978.

The National Boatting Safety Advisory Council was established under Section 33 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1482) to advise the Secretary on any policy matters relating to recreational boating safety.

Interested persons may seek additional information by writing:

CFR M. TUBELLA, JR., USCG, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BA), Washington, D.C. 20590.

or by calling: 202-426-1080.

Dated: November 9, 1976.

D. F. LAUTH, RADM USCG,
Chief, Office of Boating Safety.

[FR Doc.76-36215 Filed 12-8-76;8:45 am]

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 122—PLANNING FOR 50 KHz VOR/ILS CHANNELING

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Special Committee 122—Planning for KHz VOR/ILS Channeling to be held January 18-19, 1977, Conference Room 5A, Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. commencing at 9:30 a.m. The Agenda for this meeting is as follows: (1) Approval of Minutes of Seventh Meeting held January 8, 1975; (2) Discussion and reconciliation of member inputs on MPS/MOC revision; (3) Consider application of DO-160 Environmental Standards to VOR/ILS/DME MPSs; and (4) Develop recommendations for consideration by the RTCA Executive Committee.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on December 1, 1976.

KARL F. BIERACH,
Designated Officer.

[FR Doc.76-36074 Filed 12-8-76;8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP76-13; Notice 1]

AMERICAN JAWA LTD.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

American Jawa, Ltd. of Plainview, New York, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.123, Motor Vehicle Safety Standard No. 123, *Motorcycle Controls and Displays*, on the basis that it is inconsequential as it relates to motor vehicle safety.

Table III of Standard No. 123 requires that motorcycle speedometers be marked with major graduations and numerals at intervals of 10 mph, with minor graduations at the 5 mph intervals. The speedometers of approximately 450 Jawa-Babetta motor-driven cycles imported and distributed by American Jawa have minor graduations at the 4 and 2 mph intervals between the 10 mph major graduations instead of the single 5 mph graduation that the standard requires. The speedometer does not measure more than 40 mph, and the spread from 0 to 40 covers approximately two-thirds of the speedometer face. In the company's view, "the noncompliance * * * does not present any safety hazard and is inconsequential as it relates to motor vehicle safety * * *." Corrections have been made in production.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit written data, views and arguments on the petition of American Jawa, Ltd. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: January 10, 1977.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on December 3, 1976.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.76-36106 Filed 12-8-76;8:45 am]

MONITOR TRAVEL TRAILER SUSPENSION SYSTEM OVERLOAD

Public Proceeding

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of

1966, as amended (Pub. L. 93-492, 88 Stat. 1470; October 27, 1974) 15 U.S.C. 1412, the Associate Administrator, Motor Vehicle Programs, has made an initial determination that a defect relating to motor vehicle safety exists with respect to 1965, 1966, and pre-April 1967 model 17- and 19-foot Monitor travel trailers manufactured by Wickes corporation. Specifically, the suspension system's rated capacities are inadequate for normal use loading and operation, and such a condition will result in normal loading and operation of the trailer beyond its rated capacity. This can result in failure of suspension system components, creating an unreasonable risk of accidents.

A public proceeding will be held at 10 a.m., January 6, 1977, in Room 5332, Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C. 20590, at which Wickes Corporation will be afforded an opportunity to present data, views, and arguments to establish that the alleged defect does not exist or does not relate to motor vehicle safety.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Nancy Martus, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, Tel. (202) 426-2850, before the close of business (4:15 p.m.) on January 3, 1977. A transcript will be kept and exhibits may be accepted. There will be no cross examination of witnesses.

The agency's investigative file regarding this matter is available for public inspection during regular working hours (7:45 a.m.-4:15 p.m.) in the Technical Reference Division, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on December 3, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-36216 Filed 12-8-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CORDAGE OF MAN-MADE FIBERS MEASURING 3/16 INCH OR OVER IN DIAMETER FROM THE REPUBLIC OF KOREA

Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on October 28, 1976, alleging that payments or bestowals conferred by the Government of the Republic of Korea upon the manufacture, production or exportation of cordage of man-made fibers measuring 3/16 inch or over in diameter from the Republic of Korea constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The man-made fiber cordage specified in the petition is classifiable under item 316.6020 of the Tariff Schedules of the United States Annotated (TSUSA), and it is dutiable at the rate of 12.5 cents per pound plus 15 percent ad valorem. It is not eligible for preferential treatment under the Generalized System of Preferences.

Pursuant to section 303(a)(4), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such petition. Therefore, a preliminary determination on this petition will be made no later than April 28, 1977, as to whether or not the alleged payments or bestowals conferred by the Government of the Republic of Korea upon the manufacture, production, or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than October 28, 1977.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and section 159.47(c), Customs Regulations (19 CFR 159.47(c)).

Approved: December 3, 1976.

VERNON D. ACREE,
Commissioner of Customs.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-36133 Filed 12-8-76;8:45 am]

Office of Revenue Sharing

ENTITLEMENT PERIODS SEVEN AND EIGHT

Final Date of Allocations

Pursuant to § 51.23(a) of Title 31 of the Code of Federal Regulations (Part 51), promulgated under the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512, 31 U.S.C. Supp. V, chapter 24), and pursuant to the notices of procedure for improvement of entitlement data for Entitlement Period Seven published in the FEDERAL REGISTER on February 11, 1976 (41 FR 6079), February 18, 1976 (41 FR 7432), February 27, 1976 (41 FR 8508), and July 2, 1976 (41 FR 27393), notice is hereby given that the final date for the determination of allocations and entitlements, including adjustments thereto, applicable to Entitlement Periods Seven and Eight will be December 31, 1976.

This date has been chosen for Entitlements Period Eight because the data used to calculate the allocations for all States and units of local government for Entitlement Period Eight are based on the same data definitions that are in effect for the calculation of allocations for Entitlement Period Seven. Accordingly, there has been ample opportunity for recipient governments to challenge these data through the data improvement program and supplemental data improvement program for Entitlement Period Seven described in the above-mentioned FEDERAL REGISTER notices.

This closing date will not be applicable for those recipient governments which have a request pending as of December 31, 1976, for substantiation or correction of data elements by the Office of Revenue Sharing filed pursuant to the abovementioned FEDERAL REGISTER notices or filed to protest their data elements for Entitlement Period Eight on or before December 31, 1976. A protest to either Entitlement Period Seven or Eight pending as of December 31, 1976 will be considered a protest to the data elements of both of those entitlement periods for those recipient governments that are otherwise eligible for both Entitlement Periods Seven and Eight. However, after December 31, 1976 protest will be considered only for Entitlement Period Eight as provided below.

Additionally, § 102(b) of the State and Local Fiscal Assistance Act of 1972 as amended by § 6(e)(2) of the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94-488; 90 Stat. 2347; 31 U.S.C. 1221) provides that for entitlement periods beginning with Entitlement Period Eight, no adjustment shall be made to increase or decrease a payment for such entitlement periods, unless a demand therefor shall have been made by such government or the Secretary within one year of the end of the entitlement period with respect to which the payment was made.

Accordingly, the Office of Revenue Sharing will close the allocations for Entitlement Period Eight on December 31, 1976 for recipient governments but will give effect, to the extent provided by law and regulations, to demands by recipient governments or the Secretary up to and including September 30, 1978 to make adjustments to their payments for Entitlement Period Eight. This procedure will provide recipient governments with final and definite entitlement amounts for Entitlement Period Eight except where such a demand for adjustment is made. In that event, the adjustment, if any, will affect only the recipient government for which a demand for adjustment has been made.

Dated December 6, 1976.

JEANNA D. TULLY,
Director,
Office of Revenue Sharing.

[FR Doc.76-36288 Filed 12-7-76;11:40 am]

INTERSTATE COMMERCE COMMISSION

[Volume No. 60]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

NOTICE

DECEMBER 3, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before January 10, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's "General Rules of Practice" (49 CFR 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 115495 (Sub-Nos. 3, 4, 7, 14, 16, 20, 22, 24G, and 25G) (Notice of Filing of Petition to Delete Restrictions) filed November 17, 1976. Petitioner: UNITED PARCEL SERVICE, INC., an Ohio Corporation, 300 N. Second St., St. Charles, Ill. 60174. Petitioner's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Petitioner holds motor *common carrier* Certificates in No. MC 115495 (Sub-Nos. 3, 4, 7, 14, 16, 20, 22, 24G, and 25G), issued January 18, 1962, January 19, 1965, November 8, 1965, September 9, 1966, May 7, 1971, July 23, 1975, July 3, 1973, September 9, 1976, and July 22, 1976, respectively, authorizing transportation over irregular routes, of *general commodities*, with the usual exceptions, between points in the United States (except points in an area generally bounded by the Canadian border on the north, the southern border of Virginia on the south, the Atlantic Ocean on the east, and the eastern borders of Ohio and Kentucky on the west, and points in Texas, Oklahoma, Kansas, and portions of Arkansas, Missouri, and Nebraska), restricted, as pertinent, (1) in all of the above Sub-Nos. as follows: "No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location in any one day"; (2) in Sub-Nos. 3, 4, 14, 16, 20, 22, and 25G above as follows: "No service shall be rendered between department stores, specialty shops and retail stores or the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof on the one hand, and, on the other, the premises of the customers of such stores"; and (3) in all of the above Sub-Nos. as follows: "No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment." Petitioner also holds a motor *common carrier* Certificate in No. MC 115495 (Sub-No. 2), issued January 17, 1961, authorizing transportation over irregular routes of *general commodities*, with the usual exceptions, between points in a portion of California, on the one hand, and, on the other, points in a portion of Arizona, restricted as pertinent, as in (3) above.

By the instant petition, petitioner seeks to delete restrictions (1) and (2) above in all of the involved Sub-Nos. Restriction (3) above will be retained to maintain petitioner's status as a specialized small package delivery service. Petitioner states that it intends to ask for the cancellation of its Permits in No. MC 13426 and (Sub-Nos. 3, 7, 8, and 9) concurrently with the granting of this petition.

No. MC 116200 (Sub-Nos. 2, 3, and 5) (Notice of Filing of Petition to Delete Restrictions) filed November 17, 1976. Petitioner: UNITED PARCEL SERVICE, INC., a New York Corporation, Room 810, 643 West 43rd St., New York, N.Y. 10036. Petitioner's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Petitioner holds motor *common carrier* Certificates in No. MC 116200 (Sub-Nos. 2, 3, and 5), issued March 4, 1963, June 26, 1964, and March 27, 1967, respectively, authorizing transportation over irregular routes, of *general commodities*, with the usual exceptions, between points in an area generally extending from the Canadian border on the north to the southern border of Virginia on the south, and from the Atlantic Ocean on the east to the eastern borders of Ohio and Kentucky, restricted, as pertinent, in all of the above Sub-Nos., as follows: (1) "No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day"; (2) "No service shall be rendered between department stores, specialty shops and retail stores or the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores"; and (3) "No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined and each package or article shall be considered as a separate and distinct shipment." By the instant petition, petitioner seeks to delete restrictions (1) and (2) above in all the above Sub-Nos. Restriction (3) above will be retained to maintain petitioner's status as a specialized small package delivery service. Petitioner states that it intends to ask for the cancellation of its Permits in No. MC 63063 and (Sub-No. 4) upon the approval of this petition and the petition in No. MC 116200 (Sub-No. 2).

No. MC 135637 (Notice of Filing of Petition to Modify Territorial Description and Change Names of Contracting Shippers) filed November 9, 1976. Petitioner: SHAPIRO-LAMPERT EXPRESS CO., INC., 41 Ruth Blvd., Commack, N.Y. 11725. Petitioner's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Petitioner holds a motor *contract carrier* Permit in No. MC 135637, issued June 7, 1972, authorizing transportation over irregular routes, of *wearing apparel* and *piece goods*, between Inwood, N.Y., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission, under a continuing contract, or contracts, with the following shippers: Omnico, a Division of U.S. Industries, Inc., Ro-Nat Sportswear Co., Inc., Inwood, N.Y., Sidney Gould Company, Ltd., Inwood, N.Y.

By the instant petition, petitioner seeks (I) to modify the territoral description above by adding Lawrence, N.Y. as an additional base point, and by adding Bergen, Essex, Hudson, Middlesex, Passaic and Union Counties, N.J. as additional radial points; and (II) to change the names of the contracting shippers above by deleting Ro-Nat Sportswear Co., Inc., Inwood, N.Y., and Sidney Gould Company, Ltd., Inwood, N.Y., and substituting in lieu thereof Sheridan Creations, Inc., Checkmate Originals, Ltd., and Rafique, Inc. of Lawrence, N.Y. The names of Omnico, a Division of U.S. Industries, Inc. of Inwood, N.Y. is to remain in the authority above.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission on or before January 10, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's "General Rules of Practice" (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 60186 (Sub-No. 51G) (Republication), filed January 28, 1974, pub-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

lished in the FEDERAL REGISTER issues of February 20, 1975 and November 5, 1975, republished this issue. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Building, Pennsylvania Ave. and 13th Street NW., Washington, D.C. 20004. An Order of the Commission, Division 1, Acting as an Appellate Division, dated November 16, 1976 and served November 24, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of, *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, frozen foods, frozen foodstuffs, dairy products as described in Appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, imitation liquid milk and cream and cholocate candies, (1) between points in Maine and New Hampshire, on the one hand, and on the other, points in Connecticut, Delaware, Pennsylvania, and New York (except points in Westchester, Suffolk, and Nassau Counties) and the District of Columbia, (2)(a) between Ayer, Billerica, Fall River, Fitchburg, Gardner, Greenfield, Lawrence, Lowell, Lunenburg, Monroe, North Adams, Pittsfield, Shrewsbury, and Worcester, Mass.; (b) between points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., (c) between points in Westchester County, N.Y., and those on Long Island west of New York State Highway 112, and (d) between Albany, Austerlitz, Green River, Hudson, Poughkeepsie, Rhinebeck, Rock City, and Valatie, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania, and New York (except points in Nassau, Suffolk, and Westchester Counties), and the District of Columbia, and (3) between points in Maine, on the one hand, and, on the other, points in New Hampshire, restricted in (1) and (3) above against the transportation of fresh fish (including shell fish); that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's actual grant of authority.

No. MC 133591 (Sub-No. 21) (Republication) filed September 26, 1975, and published in the FEDERAL REGISTER issue of October 23, 1975, and republished this issue. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, Mo. 65712. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. An Order by the Commission, Review Board Number 1, dated October 21, 1976, and served October 28, 1976, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes in the transportation of: (1) *Animal and pet food* (except commodities in bulk), from Rolla, Mo., to points in Oklahoma, Minnesota, Iowa, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Louisiana, Nebraska, Arkansas, and Mississippi; (2) *paper bags* from Houston, Tex.; Louisville, Ky.; Nashville, Tenn.; and Pensacola, Fla., to Rolla, Mo.; and (3) *such commodities* as are used as ingredients in the manufacture of animal and pet food (except liquid commodities in bulk) (a) from Dakota City, Lincoln, Omaha, Schuyler, West Point, and points in Scotts Bluff County, Nebr.; and (b) from Des Moines, Sioux City, Cedar Rapids, Victor, and Ames, Iowa; Emporia, Hutchinson, and Wichita, Kans.; Battle Creek, Mich.; Owen and Adell, Wis.; Chicago, Quincy and Decatur, Ill.; Dallas and Amarillo, Tex.; Toledo, Ohio; Terre Haute, Ind.; Tupelo, Miss.; Fargo, Pembina, and points in Walsh and Grand Forks Counties, N.Dak.; and points in Clay County, Minn., to Rolla, Mo., restricted in (3)(a) above to the transportation of shipments originating at the named origins. The purpose of this republication is to indicate applicant's broadening of: (a) territorial description to include Pensacola, Fla., as named origin point as stated in (2) above; (b) to include origins of Fargo, N.Dak.; Lincoln, Nebr.; Quincy and Chicago, Ill.; Tupelo, Miss.; Hutchinson, Kans.; Victor, Iowa; Toledo, Ohio and Terre Haute, Ind.; and (c) to restrict the authority sought from the Nebraska points in (3) of the application to the transportation of traffic originating at the named origins.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's "General Rules of Practice" (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. "Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing."

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2135 (Sub-No. 14) filed November 12, 1976. Applicant: D. J. MCNICHOL CO., a Corporation, 6951 Norwitch Drive, Philadelphia, Pa. 19153. Applicant's representative: Harold P. Boss, 1100 Seventeenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such foods, commodities and equipment* as are used in connection with the operation of cafeterias, from Philadelphia, Pa., to the District of Columbia and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and Virginia; and to transport on return to Philadephia, shipments which have been accepted by a consignee and which are subsequently to be returned to ARA Services, Inc., located at Philadelphia; and between Philadelphia, Pa., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont, under a continuing contract or contracts with ARA Services, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 5470 (Sub-No. 115) filed November 8, 1976. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Bldg., 918 Sixteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Scrap metals* in dump vehicles, between points in Connecticut, Massachusetts, New Jersey (except points in the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem), New York and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Washington, D.C.

No. MC 5470 (Sub-No. 116) filed November 15, 1976. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, between Elmira, N.Y. and Buffalo, N.Y., on the one hand, and, on the other, points in Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y. or Washington, D.C.

No. MC 8964 (Sub-No. 31) filed November 12, 1976. Applicant: WITTE TRANSPORTATION COMPANY, a Corporation, 2481 Cleveland Avenue North, St. Paul, Minn. 55113. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Kansas City, Mo. and points in its commercial zone and Boone, Iowa: (1) From Kansas City over Interstate Highway 35 to its junction with U.S. Highway 30; thence over U.S. Highway 30 to Boone, and return over the same route; and (2) from Kansas City over Interstate Highway 35 to its junction with Iowa Highway 141; thence over Iowa Highway 141 to its junction with Iowa Highway 17; thence over Iowa Highway 17 to its junction with U.S. Highway 30; thence over U.S. Highway 30 to Boone, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Kansas City, Mo.

No. MC 19105 (Sub-No. 44) filed November 9, 1976. Applicant: FORBES TRANSFER COMPANY, INC., P.O. Box 3544, Wilson, N.C. 27893. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco*, in mixed loads, with supplies and equipment (except chemicals, in bulk, in tank vehicles), used in or in connection with the marketing, packing, processing and handling of unmanufactured leaf tobacco, (1) between points in Kentucky, Tennessee and Ohio; and (2) between points in Kentucky, Tennessee and Ohio, on the one hand, and, on the other, points in Georgia, North Carolina, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C. or Washington, D.C.

No. MC 19227 (Sub-No. 231) (Correction) filed October 6, 1976, published in the FR issue of October 29, 1976, and republished as corrected this issue. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th St., Miami, Fla. 33152. Applicant's representative: Thomas A. Leonard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock crusher equipment*, from the plantsite of Hewitt-Robins, Inc. located in Richland County, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to indicate South Carolina as the origin point in lieu of South Dakota as was published in error. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C. or Atlanta, Ga.

No. MC 28088 (Sub-No. 22), filed November 4, 1976. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 S. Main St., P.O. Box Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in packages; (2) *pepper*, in packages, in mixed shipments with salt in packages, and (3) *materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries in packages, in mixed shipments with salt in packages, from the plantsites and warehouse facilities of Morton Salt Company located at Rittman, Ohio and Morton, Lake County, Ohio, to points in Virginia, and points on and east of U.S. Highway 220 in West Virginia, Maryland and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisonburg, Va. or Washington, D.C.

No. MC 35628 (Sub-No. 386) filed November 9, 1976. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, S.W., Grand Rapids, Mich. 49502. Applicant's representative: Michael P. Zell, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and facilities of McDonough Power Equipment, Inc., at or near McDonough, Ga., as an off-route point in connection with applicant's otherwise authorized operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 42011 (Sub-No. 26) filed November 8, 1976. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, 13309 East Apache Street, Tulsa, Okla. 74115. Applicant's representative: Marvin J. McDonald, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing and pipe, plain or fabricated, other than oilfield*, from Mannford and Sand Springs, Okla. to points in California, New Jersey, New York, Ohio, Pennsylvania and Tennessee, restricted to shipments originating at the facilities of Southwest Tube Manufacturing Co., at Mannford and Sand Springs, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 52657 (Sub-No. 738) filed November 8, 1976. Applicant: ARCO AUTO CARRIERS, INC., 16 W 151 Shore Court, Burr Ridge, Ill. 60521. Applicant's representative: James Bouril (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *and trailer converter dollies* in initial movements in truckaway service, from points in McMinn County, Tenn., to points in the United States, including Alaska but excluding Hawaii; (2) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *and trailer converter dollies* in secondary movements in truckaway service; and (3) *motor vehicle bodies, packer bodies, lift gates, and containers and hoists and materials, supplies and parts* (except commodities in bulk) used in the manufacture, assembly or servicing of the commodities described in (1), (2), and (3) above, between points in the United States, including Alaska, but excluding Hawaii, on the one hand, and, on the other, points in McMinn County, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52657 (Sub-No. 739), filed November 15, 1976. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, Ill. 60521. Applicant's representative: James Bouril, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, (except agricultural tractors and agricultural machinery), from Forest City, Iowa, to points in the United States, including the District of Columbia, but excluding Alaska, Hawaii, Washington, Oregon, Montana, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 56082 (Sub-No. 71), filed November 8, 1976. Applicant: DAVIS & RANDALL, INC., 42 Central Avenue, Fredonia, N.Y. 14063. Applicant's representative: Roy D. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, frozen, preserved and canned; and (2) *materials, equipment and supplies* for production, sale and distribution of items

listed in (1) above, (1) between points in Chautauqua County, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire and Vermont; and (2) from points in Maine, New Hampshire and Vermont, to points in Chautauqua County, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y. or Washington, D.C.

No. MC 61231 (Sub-No. 97), filed November 11, 1976. Applicant: ACE LINES, INC., 4143 East 43rd Street, 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: *Clay pipe, pipe fittings, pipe joints, and accessories, materials and supplies* used in the installation thereof, from the plantsite and warehouse facilities of Clow Corporation located at or near Carol Stream, Ill., to points in Minnesota, North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Chicago, Ill.

No. MC 65626 (Sub-No. 31), filed November 3, 1976. Applicant: FREDONIA EXPRESS, INC., Route 60, P.O. Box 222, Fredonia, N.Y. 14063. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Angola, N.Y., to points in Delaware, Indiana, Maryland, Michigan, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 65941 (Sub-No. 41), filed November 5, 1976. Applicant: TOWER LINES, INC., 3rd and Warwood Avenue, P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between the plantsite of Huntington Alloys, Inc., in Boyd County, Ky., on the one hand, and, on the other, Huntington, W. Va.; and (2) from the plantsite of Huntington Alloys, Inc., in Boyd County, Ky., to points in Pennsylvania on and west of U.S. Highway 219.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.; Pittsburgh, Pa.; or Washington, D.C.

No. MC 65941 (Sub-No. 42), filed November 11, 1976. Applicant: TOWER LINES, INC., 3rd and Warwood Avenue, Box 6010, Wheeling, W. Va. 26003. Applicant's representative: Kim G. Meyer, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hospital and medical supplies* moving in mixed shipments with textile products, from the plantsite of Parke-Davis and Company, located in Greenwood County, S.C., to McKees Rocks, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charleston, W. Va., or Pittsburgh, Pa.

No. MC 73165 (Sub-No. 394), filed October 26, 1976. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd St., Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum products, and supplies, materials and equipment*, used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsites of Alumax, Inc., at Decatur, Ala.; Casa Grande, Ariz.; Long Beach, Riverside, Visalia, Parris Valley and Woodland, Calif.; Loveland, Colo.; Ocala and Plant City, Fla.; Peachtree City and Jonesboro, Ga.; Twin Falls, Idaho; Chicago and Morris, Ill.; Lebanon, Bristol, and Franklin, Ind.; McPherson, Kans.; Frederick, Md.; Montevideo, Minn.; St. Louis, Mo.; Hernando, Miss.; Reidsville, N.C.; Cleveland, Ohio; Tulsa and Checotah, Okla.; Stayton, Oreg.; Bloomsburg, Pa.; Mansfield, Tex.; Harrisonburg, Va.; Spokane and Ferndale, Wash.; and Marshfield, Wis., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska).

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 73165 (Sub-No. 396), filed November 8, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel fittings*, from the facilities of Pittsburgh Standard Fittings, located at or near Avinger, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas or Houston, Tex.

No. MC 82079 (Sub-No. 47), filed November 9, 1976. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue, S.W., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food and food products, fresh and frozen meat and packinghouse products* in mechanically refrigerated vehicles, (except commodities in bulk), from Chicago, Ill., and its Commercial Zone to points in Michigan on, north and west of a line beginning at the intersection of U.S. Highway 23 and the Michigan/Ohio border north to the intersection of U.S. Highway 23 and Michigan highway 21 and east of Michigan highway 21 to Michigan and north on Michigan highway 15 to Bay City, Mich.; and (2) *food and food products* in mechanically refrigerated vehicles (except commodities in bulk), from Chicago and Carol Stream, Ill., and their Commercial Zones to points in Michigan on, north and west of a line beginning at the intersection of U.S. Highway 23 and Michigan/Ohio border north to the intersection of U.S. highway 23 and Michigan highway 21 and east on Michigan highway 21 and north on Michigan highway 15 to Bay City, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Lansing or Detroit, Mich.

No. MC 94201 (Sub-No. 145) filed November 10, 1976. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of Certain-Teed Corporation located in Granville County, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia; (2) *Materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, from the destination points named in (1) above, to the plantsite and warehouse facilities of Certain-Teed Corporation located in Granville County, N.C.; and (3) *Roofing, building and insulating materials*, and *materials equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, between the plantsites and warehouse facilities of Certain-Teed Corporation located in Granville County, N.C., on the one hand, and, on the other, the plantsites and warehouse facilities of Certain-Teed Corporation located at points in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayes County, Okla., York County, Pa. and Dallas County, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 95876 (Sub-No. 194) filed November 5, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Min. 56301. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by mo-

tor vehicle, over irregular routes, transporting: *Composition, board, plywood, accessories and materials* used in the installation and sale thereof, from the plant and warehouse facilities of the Abitibi Corporation, located at Chicago, Ill., to points in Iowa, Minnesota, North Dakota, South Dakota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Chicago, Ill.

No. MC 104523 (Sub-No. 65) filed November 8, 1976. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 17, Friend, Nebr. 68359. Applicant's representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile*, from points in Texas, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at or destined to the facilities utilized by Color Tile Supermart, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 105007 (Sub-No. 34), filed November 12, 1976. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, Minn. 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and materials* used in the manufacture of liquid fertilizer, between points in Minnesota on and south of U.S. Highway 14, on the one hand, on the other, points in Iowa on and north of U.S. Highway 18.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 106398 (Sub-No. 759) filed November 8, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building parts and accessories*, from the plantsite and storage facilities of H. H. Roberston Company, at Ambridge, Pa., to points in Arizona, California, Florida, Georgia, Idaho, Nevada, North Carolina, Oregon, South Carolina, Utah, Virginia, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 106644 (Sub-No. 227) filed November 10, 1976. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, N.W., Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson, P.O. Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear and by-product materials, radioactive equipment, component parts and associated materials*, between points in Texas, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.; Galveston, Tex.; or Washington, D.C.

No. MC 106674 (Sub-No. 217) filed November 5, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcined alumina*, in bags, from the plantsites of Aluminum Company of America and Reynolds Company located at or near Bauxite, Ark., to the plantsite of Johns-Manville Sales Corporation, located at Waukegan, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107295 (Sub-No. 838) filed November 15, 1976. Applicant: PRE-FAB TRANSIT CO., a Coporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed car bodies*, from points in Arizona, Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 111231 (Sub-No. 206) filed November 8, 1976. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles; aluminum articles*, from Schaumberg, Ill., to points in Alabama, Arkansas, Colorado, Georgia, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, Texas and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 112210 (Sub-No. 3) filed November 4, 1976. Applicant: ROBERT G. OWEN TRUCKING, INC., 49 Ohio Street, Navarre, Ohio 44662. Applicant's representative: Richard H. Brandon, 229 West Bridge Street, Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper sheets and paper boxes*, (1) from the plantsite of Massillon Container Corporation, located at Navarre, Ohio, to Mountaintop, Pa.; and (2) from the plantsite of Ohio Packaging Corporation, located at Massillon, Ohio, to Pittsburgh, Monaca and Scottsdale, Pa., under a continuing contract, or contracts, with Massillon Container Corporation and Ohio Packaging Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 113106 (Sub-No. 45) filed November 10, 1976. Applicant: THE BLUE DIAMOND COMPANY, a Corporation, 4401 E. Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zublut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt, salt products, mixtures of salt products, mixtures of salt and calcium chloride and pepper*, in packages, in mixed shipments with salt, and *materials and supplies* used in the agricultural, wholesale grocery, water treatment, food processing, and institutional supply industries, from points in Chemung, Livingston, Schuyler and Wyoming Counties, N.Y., to points in Delaware, Pennsylvania, New Jersey, Maryland, Virginia and the District of Columbia; and (2) *salt, salt products, mixtures of salt and calcium chloride*, and *materials and supplies* used in the agricultural, wholesale grocery, water treatment, food processing and institutional supply industries, from points in Tompkins County, N.Y., to points in Maryland, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 344) filed November 1, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A. M. F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Searcy, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Memphis, Tenn.

No. MC 113678 (Sub-No. 645) filed November 15, 1976. Applicant: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Denver, Colo., to points in Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 114004 (Sub-No. 156), filed November 26, 1976. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), and *buildings* in sections, mounted on wheeled undercarriages (except prefabricated buildings), in initial movements, from points in Alabama (except Reform, Alabama and the plantsites of Winston Industries and Metador Homes), Georgia, Florida, Kansas (except Hutchinson and Newton, Kansas), Maryland, New Hampshire, Ohio, Oklahoma and Texas, to points in the United States, including Alaska, but excluding Hawaii; (2) *trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), in initial movements, from points in Arkansas (except Hempstead County), Louisiana (except Acadia and Caddo, Rapides and Caldwell Parishes), Michigan (except Ironwood), Nebraska, North Carolina (except Pembroke and Rockingham, Forsyth, Carteret and Orange Counties), New York (except Saratoga Springs and Madison County), Pennsylvania (except Schuylkill County), South Carolina (except Orangeburg County), Tennessee (except Dyer, Knox, and Sumner Counties), and Virginia (except Winchester and Abingdon), to points in the United States, including Alaska, but excluding Hawaii, restricted in Parts (1) and (2) above against service on trailers from points in Kansas, Michigan, Nebraska and Oklahoma to points in Alaska.

(3) *Trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), and *buildings*, in sections, mounted on wheeled undercarriages (except prefabricated buildings), from points in Colorado (except from the plant site of Champion Homes at Berthoud, Colo.), and New Mexico, to points in Texas, Oklahoma and those points in that part of the United States east of the western boundaries of Minnesota, Iowa, Missouri, Arkansas and Louisiana; (4) *buildings*, in sections, when mounted on wheeled undercarriages (except prefabricated buildings), in initial movements, from points in Arkansas, Michigan (except Ironwood), New York (except Saratoga Springs), North Carolina (except Morrisville and Pembroke), Pennsylvania (except Schuylkill County), South Carolina, Tennessee (except Sumner County), and Virginia, to points in the United States, including Alaska, but excluding Hawaii; and (5) *buildings*, in sections, when mounted on wheeled undercarriages (except prefabricated buildings), in secondary service, from points in Alabama, Florida, Georgia, Indiana (except the plant sites and facilities of the C & G Corporation, Elkhart Trailer Corporation, Elcoma Homes Corporation, Skyline Corporation, and Coachman Industries, Inc.), Louisiana, South Carolina, and Texas, to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Memphis, Tenn.

No. MC 114004 (Sub-No. 157), filed November 26, 1976. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), and *buildings*, in sections when mounted on wheeled undercarriages (except prefabricated buildings), in initial service, from Reform, Ala.; Hutchinson and Newton, Kans.; Ironwood, Mich.; Saratoga Springs, N.Y.; Pembroke, and Morrisville, N.C.; those points in Arcadia, Rapides, Caddo and Caldwell Parishes, La.; Madison County, N.Y.; Forsyth, Carteret, Orange and Rockingham Counties, N.C.; Orangeburg County, S.C.; Schuylkill County, Pa.; and Dyer, Knox and Sumner Counties, Tenn.; and points in Arizona, California, Indiana, Minnesota, Mississippi, Nebraska, Oklahoma, Oregon, Virginia and Wisconsin, to points in the United States including Alaska, but excluding Hawaii; (2) *trailers*, designed to be drawn by passenger automobiles, and *buildings*, in sections, mounted on wheeled undercarriages, from points in Colorado and New Mexico, to points in the United States west of the western boundaries of Minnesota, Iowa, Missouri, Oklahoma and Texas including Alaska, but excluding Hawaii; and (3) *buildings*, in sections, when mounted on wheeled undercarriages (except prefabricated buildings), in secondary service, from points in California, Kansas, Mississippi, North Carolina, and Oregon, to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 114273 (Sub-No. 269), filed November 8, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denver, Ft. Morgan, Greeley and Sterling, Colo., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Note: Common control may be involved.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 153), filed November 8, 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: *Such merchandise* as is dealt in by retail and wholesale department and hardware stores (except commodities in bulk), (1) from points in that part of the United States in and east of Alabama, New York, Pennsylvania, Tennessee, Virginia, and West Virginia, to the facilities of Coast to Coast Stores Central Organization, Inc., located at or near Crawfordsville, Ind.; (2) from points in that part of the United States in and east of Alabama, Indiana, Kentucky, Michigan and Tennessee, to the facilities of Coast to Coast Stores Central Organization, Inc., located at Kansas City, Mo.; (3) from points in that part of the United States in and east of Alabama, Illinois, Missouri, Tennessee and Wisconsin, to the facilities of Coast to Coast Stores Central Organization, Inc.; located at or near Brookings, S. Dak.; and (4) from points in that part of the United States in and east of Alabama, Illinois, Missouri, Tennessee, Minnesota, and Wisconsin, to the facilities of Coast to Coast Stores Central Organization, Inc., located at or near Springfield, Oreg.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 114632 (Sub-No. 85), filed November 1, 1976. Applicant: APPLE LINES, INC., 212 S.W. Second St., P.O. Box 287, Madison, S. Dak. 57042. Applicant's representative: Bob Gisvold, 1000 First National Bldg., Minneapolis, Minn. 55402. 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 hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp., at Albert Lea, Minn., to Chicago, Ill., and points located within the Chicago Commercial Zone, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or Kansas City, Mo.

No. MC 14632 (Sub-No. 86), filed November 11, 1976. Applicant: APPLE LINES, INC., 212 S.W. Second St., Madi-

son, S. Dak. 57042. Applicant's representative: Robert Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. 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 hides and commodities in bulk), (1) from Fort Dodge, Iowa., to points in Illinois and Wisconsin; and (2) from Schuyler and Fremont, Nebr., to points in Iowa, Illinois, Indiana, Michigan, and Wisconsin; and (3) from Spencer, Iowa, to points in Indiana, Michigan and Wisconsin, restricted to traffic originating at the plantsite and facilities utilized by Spencer Foods, Inc., and destined to the above named destination points.

NOTE.—Applicant holds contract carrier authority in No. MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 115162 (Sub-No. 339), filed November 10, 1976. Applicant: POOLE TRUCK LINES, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles, cassetts, tape and tubing* (except commodities in bulk, in tank vehicles), from points in Lee County, Ala., to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas; and (2) *materials and supplies* used in the manufacture and production of the commodities named in (1) above (except commodities in bulk, in tank vehicles), from the destination points named in (1) above, to points in Lee County, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga. or Birmingham, Ala.

No. MC 115654 (Sub-No. 59), filed November 8, 1976. Applicant: TENNESSEE CARTAGE COMPANY, INC., Candy Lane, P.O. Box 23193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from the warehouse facilities of Ward Foods, Inc., at or near Atlanta, Ga., to points in Alabama, Arkansas, Kentucky, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 115841 (Sub-No. 527), filed November 11, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 168, Concord, Tenn. 37922. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, and related advertising equipment, materials and supplies and advertising premiums*, in vehicles equipped with mechanical refrigeration, from Covington, Tenn., to points in Arizona, Idaho, Iowa, Michigan, Minnesota, Nebraska, New Mexico, North Carolina, Ohio, South Carolina, Utah, Washington, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Philadelphia, Pa.

No. MC 116045 (Sub-No. 46), filed November 11, 1976. Applicant: NEUMAN TRANSIT CO., INC., P.O. Box 38, Rawlins, Wyo. 82301. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent sulphuric acid*, in bulk, from Louviers, Colo., to Laramie, Wyo. and points within five (5) miles thereof, and Jeffrey City, Wyo. and points within five (5) miles thereof.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 117068 (Sub-No. 73), filed November 3, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cast concrete products*, from Coates, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of precast concrete products (except commodities in bulk), from the destination area specified in (1) above, to Coates, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 117765 (Sub-No. 217), filed November 11, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th Street, 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 frozen foodstuffs, meats, meat by products, dairy products, and articles distributed by meat-packinghouses), from the plantsite and facilities of Beaver Valley Canning Co., located at Grimes, Iowa; Reinbeck Canning Co. located at Reinbeck, Iowa; and Vista Products located at Storm Lake, Iowa, to points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 117765 (Sub-No. 218), filed November 8, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th Street, 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: *Dry dog food*, in bags or bales, from Hutchinson, Kans., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deeemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 117815 (Sub-No. 259), filed November 3, 1976. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite warehouse facilities of Jeno's Inc., located at Duluth, Minn., to points in Iowa, Kansas, Missouri, Nebraska and South Dakota, restricted to traffic originating at the above-named plantsite and destined to the above-named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 119641 (Sub-No. 137), filed November 10, 1976. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 109 B JFK Circle, Atlantis, Fla. 33462. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial cooling towers and ventilating equipment*, from Kokomo, Ind., to points in the United States (except Arizona, California, Idaho, Nevada, Oregon, Utah and Washington), restricted to traffic originating at the plantsite and warehouse facilities of Zurn Industries, located at or near Kokomo, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 332), filed November 2, 1976. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Wichita, Kans., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, and points in

Illinois, Indiana, Tennessee, Kentucky, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 121656 (Sub-No. 3), filed November 8, 1976. Applicant: SPRINGFIELD EXPRESS, INC., P.O. Box 153, Springfield, Tenn. 38172. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, classes A and B explosives, commodities in bulk, and articles requiring special equipment), (1) Between Nashville, Tenn., and Springfield, Tenn., serving all intermediate points in Robertson County, Tenn.: From Nashville over U.S. Highway 41 to Springfield, and return over the same route; (2) Between Nashville, Tenn., and Springfield, Tenn., serving all intermediate points in Robertson County, Tenn., and serving Barren Plains, Tenn., as an off-route point in connection with carrier's regular-route operations: From Nashville over U.S. Highway 431 to Springfield, and return over the same route; and (3) Between Springfield, Tenn., and Russellville, Ky., serving all intermediate points: From Springfield over U.S. Highway 431 to Russellville, and return over the same route, restricted in (1), (2) and (3) above, against the transportation of traffic which originates at or is destined to Louisville, Ky., and points in its commercial zone, on the one hand, and, on the other, which originates at or is destined to points in Davidson County, Tenn.

NOTE.—Applicant's Sub 2 Certificate embodies the above routes. Applicant states it is filling this application to revise the restriction that is contained in its existing Sub 2 Certificate. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 121664 (Sub-No. 17), filed October 27, 1976. Applicant: G. A. HORNADY, CECIL M. HORNADY AND B.C. HORNADY, a Partnership, doing business as HORNADY BROTHERS TRUCK LINE, Box 846, Monroeville, Ala. 36460. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Particleboard, plywood and/or lumber* in straight or mixed truckloads, from the plant sites of Mac Millan Bloedel, Inc., located at or near Pine Hill (Wilcox County), and Opelika, Ala., to points in the United States east of and including Iowa, Kansas, Minnesota, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Montgomery or Birmingham, Ala.

No. MC 123061 (Sub-No. 84), filed November 11, 1976. Applicant: LEATHAM BROTHERS INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 315 East 2nd South, Suite 400, Salt Lake City, Utah 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool*, from Pueblo, Colo., to Laurel, Mont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Salt Lake City, Utah.

No. MC 123407 (Sub-No. 337), filed October 29, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel tubing*, from Sebewaing, Mich., to points in Illinois, New York and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 338), filed November 11, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities and plantsite of National Pipe and Tube Company located in Liberty County, Tex., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota and Wisconsin, restricted to the transportation of traffic originating at the named plantsite and facilities of National Pipe and Tube Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124896 (Sub-No. 16), filed November 8, 1976. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralson Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Banquet Foods Corporation, located at Carrollton, Macon, Marshall and Moberly, Mo., to points in North Carolina, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Kansas City, Mo., or Springfield, Ill.

No. MC 125335 (Sub-No. 6), filed November 8, 1976. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plant sites and storage facilities of Hanover Brands, Inc., located at or near Hanover, Centre Hall, Bloomsburg, Allentown and Scranton, Pa., to points in Virginia, restricted to traffic originating at and destined to the above-named origins and destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 125433 (Sub-No. 88), filed November 9, 1976. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Michael J. Norton, Suite 404 Boston Bldg., P.O. Box 2135, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Kansas City, Mo., to points in Arizona, California, New Mexico, Nevada and Utah, restricted to traffic originating at the plantsite and warehouse facilities of Armco Steel Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo. or Salt Lake City, Utah.

No. MC 125777 (Sub-No. 180), filed November 4, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46406. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Savannah, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Viginia, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126139 (Sub-No. 2), filed November 2, 1976. Applicant: AARON SMITH TRUCKING CO., INC., U.S. 117 South, Dudley, N.C. 28333. Applicant's representative: Ralph McDonald, 1010 Insurance Bldg., P.O. Box 2246, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated metal tobacco curing buildings*, set up, knocked down, or in sections together with integral firing and loading accessories, from Lake City, S.C. and Goldsboro, N.C., to points in Florida, Georgia, North Carolina, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Goldsboro or Raleigh, N.S.

No. MC 126853 (Sub-No. 6), filed November 1, 1976. Applicant: PRINCL TRANSFER LINES, INC., Mishicot, Wis. 54228. Applicant's representative: Frank

M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distillate fuel oils number 1, 2 and 3* in bulk in tank trucks, from Superior, Wis., to Silver Bay, Taconite Harbor and Two Harbors, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 127304 (Sub-No. 14), filed November 9, 1976. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North West Street, Valley Center, Kans. 67147. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of American Beef Packers, Inc., at Omaha, Nebr., to Wichita, Kans., under contract with American Beef Packers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128016 (Sub-No. 5), filed November 8, 1976. Applicant: BRUCE G. BESH, doing business as BRUCE G. BESH TRUCKING, 4101 Center, Cedar Falls, Iowa 50613. Applicant's representative: Thomas J. Beener, P.O. Box 5000, Waterloo, Iowa 50704. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal* used in recycling, between the plant site and recycling facilities of Weissman Industries, located at Waterloo, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Weissman Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Minneapolis, Minn.

No. MC 128527 (Sub-No. 72), filed November 4, 1976. Applicant: MAY TRUCKING COMPANY, an Idaho Corporation, P.O. Box 398, Payette, Idaho 83611. Applicant's representative: Edward G. Rawle, 4635 S. W. Lakeview Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, supplies and accessories*, from Idaho Falls, Blackfoot and Caldwell, Idaho to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho or Portland, Oreg.

No. MC 128638 (Sub-No. 12), filed November 8, 1976. Applicant: CENTRAL GRAIN HAULERS, INC., Route No. 1, Van Meter Road, P.O. Box 746, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Rockcastle County, Ky. to Cincinnati, Columbus, Dayton, Fairborn and Hamilton, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington, Ky. or Cincinnati, Ohio.

No. MC 129326 (Sub-No. 24), filed November 12, 1976. Applicant: CHEMICAL TANK LINES, INC., S. R. 60 West, P.O. Drawer 437, Mulberry, Fla. 33860. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses, liquid feeds and liquid feed supplements*, in bulk, from Auburndale, Fla. to points in Alabama and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla. or Washington, D.C.

No. MC 133424 (Sub-No. 6), filed November 9, 1976. Applicant: AARON COPE, doing business as: AARON COPE TRUCKING COMPANY, Old Morrison Road, P.O. Box 429, McMinnville, Tenn. 37110. Applicant's representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) between points in Georgia and Alabama; (2) between points in Georgia and Tennessee; and (3) from points in Tennessee to points in Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Washington, D.C.

No. MC 133689 (Sub-No. 89), filed November 3, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale and retail department stores, and in connection therewith materials and supplies used in the conduct of such business (except commodities in bulk), from points in Connecticut, Delaware, Illinois (except those points north of U.S. Highway 24), Indiana, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia, to Duluth, Minn., restricted to traffic destined to the facilities of Gateway Distributing Co., located at or near Duluth, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133708 (Sub-No. 27), filed November 5, 1976. Applicant: FISKE BROS. INC., 12647 East South Street, Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from the plantsite of Kaiser Gypsum Company, Inc., located at Long Beach, Calif., to points in Maricopa County, Ariz.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134477 (Sub-No. 127), filed November 5, 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: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (1) from Fort Dodge, Hartley and Spencer, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Nebraska, Ohio and Wisconsin; and (2) from Schuyler and Fremont, Nebr., to points in Illinois, Indiana, Iowa, Minnesota, Michigan, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134755 (Sub-No. 82), filed November 3, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, vehicle body sealers, deadner compounds, oil filters, and air filters*, from Bradford, Petrolia, Rouseville, Reno, Oil City, Karns City, Emlenton, and Farmers Valley, Pa., and Congo and St. Marys, W. Va. to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee and Texas, restricted against the transportation of commodities in bulk.

NOTE.—Applicant holds contract carrier authority in No. MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Kansas City, Mo.

No. MC 134922 (Sub-No. 208), filed November 12, 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: *Nonfrozen milk food products*, from Columbus, Ohio to points Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah and Washington, restricted to the transpor-

tation of traffic originating at the plantsite and storage facilities of Ross Laboratories, Division of Abbott Laboratories, located at Columbus, Ohio.

NOTE.—Applicanat states that this application involves a relocation of applicant's authority authorized in MC 134922 (Sub-No. 10) from Mitchell, S. Dak., to Columbus, Ohio; applicant will rely upon the Commission's decision in Smith & Solomon 61 M.C.C. 748–1953 in the prosecution of this matter. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Little Rock, Ark.

No. MC 136086 (Sub-No. 5), filed November 8, 1976. Applicant: BACIL GUILEY, doing business as GUILEY TRUCKING, 8615 Pecan Avenue, Fontana, Calif. 92335. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated mobile home and travel trailer chassis components*, from Whittier, Calif., and points in the Los Angeles Harbor Commercial Zone, Calif., as defined by the Commission, to Phoenix and Casa Grande, Ariz., under contract with Zieman Manufacturing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136545 (Sub-No. 8), filed November 5, 1976. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad Street, Prentice, Wis. 54556. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Hydraulic loading equipment, and component parts of hydraulic loading equipment*, between the plantsites of Omark Industries, Inc., located at or near Prentice, Wis. and Zebulon, N.C.; (b) *hydraulic loading equipment*, from the plantsites of Omark Industries, Inc., located at or near Prentice, Wis. and Zebulon, N.C., to points in the United States (except Alaska; Hawaii; Zebulon, N.C.; and Prentice, Wis.); and (c) *materials, supplies and equipment* used in the manufacture of hydraulic loading equipment (except in bulk), from points in Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan, to the plantsites of Omark Industries, Inc., located at or near Prentice, Wis. and Zebulon, N.C.; (2) *four-wheel drive heavy-tired woods tractors*, (a) from Franklin, Va., to Prentice, Wis.; and (b) from Prentice, Wis., to points in Illinois, Iowa, Michigan, and Minnesota; and (3) (a) *portable log splitters and portable wheel crushers*, from the plantsite of the La Font Corporation located at or near Prentice, Wis., to points in the United States (except Alaska, Hawaii, and Wisconsin); and (b) *materials, supplies and equipment* used in the manufacture of portable log splitters and portable wheel crushers, from points in the United States (except Alaska, Hawaii, and Wisconsin), to the plantsite of the La Font Corportion, located at or near Prentice, Wis., restricted in parts (1), (2), and (3) above to traffic originating at and destined to the named points.

NOTE.—Applicant states that the purpose of Part I of this application is to convert its Permit in No. MC 124121 (Sub-Nos. 6 and 8), issued August 2, 1971 and October 26, 1971 respectively, to a Certificate of Public Convenience and Necessity. Applicant states further that it will tender said Permits for cancellation if the authority requested above is granted. Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.; Minneapolis-St. Paul, Minn.; Milwaukee, Wis.; or Chicago, Ill.

No. MC 136620 (Sub-No. 2), filed November 4, 1976. Applicant: HUSKY TRUCKING CO., INC., 20 South River Street, Plains, Pa. 18705. Applicant's representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Quilted materials and linings*, from Plains, Pa., to points in Alabama, Arkansas, California, Colorado, Delaware, Kansas, Louisiana, Maine, Maryland, North Dakota, Oklahoma, South Dakota, Texas, Vermont and Wisconsin, under a continuing contract, or contracts, with Active Quilting Division of Rockville Fabrics Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 136644 (Sub-No. 3), filed November 4, 1976. Applicant: U.W.S. MATERIALS & SUPPLY CO., a Corporation, 2001 Broadway, Vallejo, Calif. 94590. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard* and *materials* used in the installation and application of gypsum wallboard, (1) from the plantsite of Kaiser Gypsum Company, Inc., located at or near Antioch, Calif., to points in Oregon; and (2) from the plantsite of Kaiser Gypsum Company, Inc., located at or near Antioch, Calif., to the port facilities, located at Oakland, Calif., under a continuing contract, or contracts, with Kaiser Gypsum Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 138387 (Sub-No. 2), filed November 9, 1976. Applicant: FOOSE TRANSPORT, INC., 286 Glen Avenue, Dumont, N.J. 07628. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of pulpboard, from Ridgefield, N.J., to points in Arizona, California, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, Washington and Wisconsin, under a continuing contract, or contracts, with Lowe Paper Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J. or New York, N.Y.

No. MC 138469 (Sub-No. 35), filed November 1, 1976. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, bicycle parts, bicycle accessories, and materials and supplies* used in the manufacture, assembly, distribution or sale of bicycles, from Los Angeles, Calif.; New Orleans, La.; Elizabeth, N.J.; Charleston, S.C.; Houston, Tex.; and Seattle, Wash., to Enid, Okla.

NOTE.—Applicant holds contract carrier authority in MC 136375 (Sub-Nos. 2, 4 and 6); therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Kansas City, Mo.

No. MC 139163 (Sub-No. 7), filed November 3, 1976. Applicant: ELECTRONIC RIGGERS OF FLORIDA, INC., 1256 La Quinta Drive, Orlando, Fla. 32809. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines and parts, materials and supplies* used in the manufacture, installation or sale of such commodities, between Lake City, Fla., on the one hand, and, on the other, points in Appling, Atkinson, Bacon, Berrien, Brantley, Brooks, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Colquitt, Cook, Decatur, Echols, Effingham, Evans, Glynn, Grady, Irwin, Jeff Davis, Lanier, Liberty, Long, Lowndes, McIntosh, Pierce, Screven, Seminole, Tattnall, Thomas, Tift, Toombs, Ware, and Wayne Counties, Ga., under a continuing contract or contracts with Xerox Corporation, Des Plaines, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Atlanta, Ga.

No. MC 139196 (Sub-No. 12), filed November 10, 1976. Applicant: RAY WAGNER & SON TRUCKING CO., INC., Box 117, Owen, Wis. 54460. Applicant's representative: Ray Wagner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in liquid, in tank vehicles), from Minneapolis, Minn., to points in New York, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 139481 (Sub-No. 3), filed November 4, 1976. Applicant: CARLTON TRUCKING, INC., 4588 State Route 82, Mantua, Ohio 44255. Applicant's representative: Peter A. Greene, 1625 K Street,

NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and plastic pipe fittings*, and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Carlon Products Division of Indian Head Corporation located in Mantua Township (Portage County), Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted in (2) above to traffic moving in mixed loads with the commodities named in (1) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Washington, D.C.

No. MC 139733 (Sub-No. 4), filed November 5, 1976. Applicant: J. L. HUTCHISON, doing business as HUTCHISON TRUCKING, R.R. No. 3, Freeport, Ill. 61032. Applicant's representative: Fred H. Figge, 513 Lewis Street, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain and storage bins*, with or without unloading augers, *feed processing equipment, grain bin flooring*, and *grain drying equipment*, from Milford, Bluffton, Nappanee, and Indianapolis, Ind., to points in Ogle, Stephenson and Winnebago Counties, Ill.; and (2) *Irrigation systems, liquid manure handling systems*, and *equipment, materials and supplies* used or useful in the installation and maintenance thereof, when moving on flat bed equipment (a) from Prairie City, Ill., to points in Wisconsin (except Milwaukee, Wis.); and (b) from Albany, Wis., to points in that part of Illinois on and north of Illinois Highway 30 (except Chicago).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140010 (Sub-No. 7) filed November 9, 1976. Applicant: JOSEPH MOVING & STORAGE CO., INC., doing business as ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road, N.E., Atlanta, Ga. 30324. Applicant's representative: Edward J. Kiley, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities requiring special equipment, Classes A and B explosives, those of unusual value, and commodities in bulk), from the facilities of Southeastern Bonded Warehouses, Inc., located at or near Atlanta, Ga., to points in Alabama, Florida, North Carolina, South Carolina and Tennessee, under a continuing contract, or contracts, with Southeastern Bonded Warehouses, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 140033 (Sub-No. 20) filed November 8, 1976. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: Lawrence A. Winkle, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphur*, in bags (except commodities in bulk), from the plantsite and warehouse facilities of International Chemicals, Inc., located at or near Mt. Pleasant, Tex., to points in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, North Carolina, Oklahoma, Tennessee and Virginia; and (2) *empty bags* on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Shreveport, La.

No. MC 140153 (Sub-No. 1) filed November 10, 1976. Applicant: JOE BRAND, INC., 1001 South Rockwell, Oklahoma City, Okla. 73108. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, in packages and containers, in refrigerated equipment, from the plantsite of Wilsey-Bennett Company of Oklahoma, Inc., located at Oklahoma City, Okla., to points in Alabama, Arizona, California, Florida, Georgia, Louisiana, New Mexico, Mississippi, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 140665 (Sub-No. 2) filed November 5, 1976. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, Mo. 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Welding equipment and welding supplies*, from Baltimore, Md.; Riverton, N.J.; and points in Ohio, to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Montana, Oregon, Washington, Utah, and Wyoming.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oakland, Calif.

No. MC 140829 (Sub-No. 26) filed November 4, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and storage facilities of Farmland Foods, Inc., located at or near Garden City, Kans., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia, restricted to the transportation of traffic originating at the named origin and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in No. MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140829 (Sub-No. 27) filed November 4, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Section A 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 warehouse facilities of Wilson Foods Corp., located at Cherokee, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia, restricted to the transportation of traffic originating at the named origin and destined to the above-named destination points.

NOTE.—Applicant holds contract carrier authority in No. MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141260 (Sub-No. 2) filed November 3, 1976. Applicant: SIDLES TRANSPORTATION, INC., 7302 Pacific Street, Omaha, Nebr. 68114. Applicant's representative: Donald L. Stern, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive parts and supplies*, from points in Illinois, Indian, Kansas, Michigan, Missouri, Ohio and Wisconsin, to the facilities of Midlands Automotive Warehouse, Inc., located at Des Moines, Iowa, Omaha, Nebr., and Denver, Colo.; (2) *automotive parts and supplies, and appliances*, from the facilities of Midlands Automotive Warehouse, Inc. and Sidles Distributing Company located at Omaha, Nebr., to points in Colorado and Iowa; (3) *automotive parts and supplies, and appliances*, from the facilities of Midlands Automotive Warehouse, Inc. and Sidles Distributing Company located at Des Moines, Iowa, to points in Missouri; (4) *appliances*, from the facilities of Sidles

Distributing Company located at Denver, Colo., to points in New Mexico; and (5) *automotive parts and supplies, and appliances*, from the facilities of Midlands Automotive Warehouse, Inc. and Sidles Distributing Company located at Omaha, Nebr., to points in Minnesota, North Dakota and South Dakota, under a continuing contract, or contracts, with Sidles Distributing Company and Midlands Automotive Warehouse, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 141426 (Sub-No. 3) (Partial correction), filed September 23, 1976, published in the FEDERAL REGISTER issue of November 4, 1976, and republished as corrected this issue. Applicant: WHEATON CARTAGE CO., a Corporation, Millville, N.J. 08332. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. N.W., Washington, D.C. 20001. NOTE.—The purpose of this partial correction is to indicate the correct territory sought to read: Between the facilities utilized by Wheaton Industries, Dorchester Industries, Inc., and Decora, Inc., located at points in Atlantic, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean and Salem Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusets, New Hampshire, Pennsylvania, Rhode Island, and Vermont, restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to a transportation service to be performed under a continuing contract or contracts with Wheaton Industries, and Dorchester Industries, Inc., both of Millville, N.J. and Decora, Inc. of Williamstown, N.J., the rest remains the same.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 14205 (Sub-No. 1) (Amendment) filed October 18, 1976, published in the FEDERAL REGISTER issue of November 18, 1976, and republished as amended this issue. Applicant: McNEIL TRANSPORT LIMITED, 147 North Augusta Road, Brockville, Ontario, Canada K6V 2Y1. Applicant's representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, N.Y. 13202. 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 Ogdensburg, N.Y., on the one hand, and, on the other, the port of entry on the International Boundary line between the United States and Canada, located at or near Ogdensburg, N.Y., restricted to the transportation of traffic originating at or destined to points in the Province of Ontario, Canada, or Montreal, Canada.

NOTE.—The purpose of this republication is to indicate applicant's Canadian points of service. If a hearing is deemed necessary, the applicant requests it be held at either Syracuse or Buffalo, N.Y.

No. MC 142268 (Sub-No. 6) filed November 11, 1976. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada NOR 1GO. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada located on the Detroit, St. Clair, Niagara and St. Lawrence Rivers, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit or Lansing, Mich. or Washington, D.C.

No. MC 142268 (Sub-No. 7) filed November 1, 1976. Applicant: GORSKI BULK TRANSPORT INC., R.R. No. 4, Harrow, Ontario, Canada NOR 1GO. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products from corn, and blends* containing products derived from corn, in bulk, in tank vehicles, from Detroit, Mich. and Decatur, Ill., and from the plaintsites of Clinton Corn Processing Company located at Montezuma, N.Y. and Clinton, Iowa, to ports of entry on the International Boundary line between the United States and Canada located in Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Vermont and Washington, restricted to the transportation of traffic destined to points in Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill.; Detroit, Mich. or Washington, D.C.

No. MC 142268 (Sub-No. 8) filed November 11, 1976. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. Harrow, Ontario, Canada NOR 1GO. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in Fresno, Madera, San Joaquin and Sonoma Counties, Calif., to Allen Park, Mich. and Paducah, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn.; Detroit, Mich.; Chicago, Ill. or Washington, D.C.

No. MC 142607 (Sub-No. 1) filed November 3, 1976. Applicant: A. FUSCO SERVICE, INC., 3138 Webster Avenue, Bronx, N.Y. 10467. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Small electric kitchen applicances, cartoned and uncartoned*, between Baldwin, Castile, East Rochester, Mineola, and Perry, N.Y., and points in the New York, N.Y. Commercial Zone as defined by the Commission; Secaucus and South Kearny, N.J., and Manchester, Ky.; (2) *small electric kitchen appliances, cartoned and uncartoned*, from Baldwin, Castile, East Rochester, Mineola and Perry, N.Y.; Secaucus and South Kearny, N.J., and Manchester, Ky., to San Diego, Calif.; Miami, Fla.; Brownsville and Houston, Tex., and Seattle, Wash.; (3) *returned, refused and rejected shipments* of the commodities described in (2) above, from the destination points to the origin points named in (2) above; and (4) *materials, parts, equipment and supplies* used in the manufacture, packaging, sale and distribution of small electric kitchen appliances, from Canonsburg and Canton, Pa.; Bloomfield, Hoboken, Phillipsburg, Secaucus, South Kearny and Vineland, N.J.; Buffalo, Mineola, Mt. Kisco, Syosset and Tonawanda, N.Y.; and points in the New York, N.Y. Commercial Zone as defined by the Commission, and Muskogee, Okla., to Castile, East Rochester, Mineola and Perry, N.Y.; Secaucus and South Kearny, N.J.; and Manchester, Ky., restricted in (1) through (4) above to a transportation service to be performed under a continuing contract, or contracts, with Van Wyck International Corporation, Mineola, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142612 (Sub-No. 1) filed November 8, 1976. Applicant: LONNIE KEENER, Box 551, Sublette, Kans. 67877. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation pipe and irrigation equipment*, from York and Hastings, Nebr., to points in Kansas on and south of Kansas Highway 96, and on and west of U.S. Highway 183, under contract with Geis Irrigation Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 142629 filed November 4, 1976. Applicant: ED HOPSON PRODUCE COMPANY, INC., 211 Meadow Avenue, Oxford, Ala. 36201. Applicant's representative: Ronald L. Stichweh, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Pipe, valves, couplings, gaskets, fittings, hydrants, and castings*, from the plantsite of United States Pipe and Foundry Company, Chattanooga Division, located at or near Chattanooga, Tenn., and the plantsite of United States Pipe and Foundry Company, Anniston Division located at or near Anniston, Ala., to points in the United States; and (B)

machinery, materials and supplies used in the manufacture of pipe, valves, couplings, gaskets, fittings, hydrants, and castings, from points in the United States to the plantsite of United States Pipe and Foundry Company, Chattanooga Division, located at or near Chattanooga, Tenn., and the plantsites of United States Pipe and Foundry Company, located at or near Anniston, Birmingham, and Bessemer, Ala., under a continued contract or contracts with United States Pipe and Foundry Company, Chattanooga and Anniston Divisions.

NOTE.—Applicant holds common carrier authority in MC 118128 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 142640 filed November 4, 1976. Applicant: P.W.K TERMINALS, INC., 3 N 236 W. Mary Lane, St. Charles, Ill. 60174. Applicant's representative: James R. Madler, 120 W. Madison St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel, tin, and plastic containers*, and *materials, equipment and supplies*, used in manufacture or distribution (except in bulk) of steel, tin and plastic containers, between West Chicago and Addison, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan and Wisconsin, under contract with Vulcan Containers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 142641 filed November 4, 1976. Applicant: VICTOR J. TURR, P.O. Box 113, Minisink Hills, Pa. 18341. Applicant's representative: Stanley P. Ticktin, 814 Monroe Street, Stroudsburg, Pa. 18360. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead keels*, to be used as ballasts for sail boats; and (2) *scrap lead*, used to manufacture ballasts of finished boats, from Stroudsburg, Pa., to points in Florida, under contract with Pocono Ferns Campgrounds, Inc., t/a Cast Marine Products.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 142655 filed November 1, 1976. Applicant: BAKER TRANSPORT, INC., P.O. Box 870, Hartselle, Ala. 35640. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising, materials and supplies* used in connection therewith, from San Antonio and Fort Worth, Tex., and Evansville, Ind., to points in Alabama.

NOTE.—Applicant holds contract carrier authority in MC 136898 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 142662 filed November 11, 1976. Applicant: STEWART & STEVENSON TRANSPORTATION, INC., 4104 Harrisburg Blvd., Houston, Tex. 77001. Applicant's representative: David A. Sutherlund, 1150 Connecticut Avenue, NW., Suite 400, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: (1) *Material handling, drilling and electrical equipment, engines and machinery;* and (2) *material handling, drilling and electrical equipment, engine and machinery parts, materials and supplies*, between points in Texas, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with: Stewart & Stevenson Services, Inc.; Stewart & Stevenson Oil-tools, Inc.; C. Jim Stewart & Stevenson, Inc., and International Switchboard Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 142664, filed November 10, 1976. Applicant: IMPORT DEALERS SERVICE CORPORATION, 2222 East Sepulveda, Carson, Calif. 90744. Applicant's representative: William P. Jackson, 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, having a prior or subsequent movement by water or rail, between Port Hueneme, Calif., on the one hand, and, on the other, points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oakland, Calif.

PASSENGER APPLICATIONS

No. MC 140247 (Sub-No. 1), filed October 20, 1976. Applicant: ALLSTATE CHARTER LINES, INC., 3491 West Dudley Ave., Fresno, Calif. 93705. Applicant's representative: John Paul Fischer, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in scheduled, round trip, special and charter operations, (a) beginning and ending at points in Fresno (except the points of Burrel, Coalinga, Huron, Kingsburg, Lanare, Orange Cove, Parlier, Reedley, Riverdale, San Joaquin and Selma), Merced, Santa Barbara and Ventura Counties, Calif., and extending to points in Colorado, Idaho, Montana, New Mexico, Utah and Wyoming; and (b) beginning and ending at points in Ventura County, Calif., and extending to points in Arizona, California, Nevada, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 142638, filed November 5, 1976. Applicant: HARRIET KAISER, doing business as CITY EXPRESS, Box 4227, New Windsor, N.Y. 12550. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in charter and special operations, between points in Orange County, N.Y., on the one hand, and, on the other, New York, N.Y.; Newark and East Rutherford, N.J.; Bridgeport, Conn.; points in Albany and Westchester Counties, N.Y.; and points in Vermont, restricted to a maximum of 15 passengers in any one vehicle.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 142642, filed November 5, 1976. Applicant: ANN MUZIO, doing business as STEWART LIMOSINE SERVICE, 162 Route 17K, Newburgh, N.Y. 12550. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in charter and special operation, between points Orange County, N.Y., on the one hand, and, on the other, New York, N.Y.; Newark and East Rutherford, N.J.; Bridgeport, Conn.; points in Westchester County, N.Y., and points in Vermont, restricted to a maximum of 15 passengers in any one vehicle.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 142652, filed November 11, 1976. Applicant: BRANDON TRANSPORT INC., 143 Dequoy, St-Gabriel de Brandon JOK 2NO P.Q. Canada. Applicant's representative: Guy Poliquin, 580 East, Grande-Allee, #140 Quebec G1R 2K3 P.Q. Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter and special operations, from ports of entry on the International Boundary line between the United States and Canada located at Maine, New Hampshire, Vermont, New York and Michigan to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Montreal, St-Gabriel de Brandon in the province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H.

No. MC 142653, filed November 11, 1976. Applicant: AUTOBUS LACHANCE INC., P.O. Box 91, St-Martin (Beauce) P. Q. Canada. Applicant's representative: Guy Poliquin, 580 East, Grande-Allee, #140, Quebec G1R 2K3 P. Q. Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter and special operations, from ports of entry on the International boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, New York and Michigan to points in the United States (except Alaska and

Hawaii), restricted to traffic originating at Quebec, Levis, and St-Georges in the province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H.

No. MC 142654, filed November 11, 1976. Applicant: TRANSPORT FONTAINE LTEE, St-Gervais, Bellechasse P.Q. Canada. Applicant's representative: Guy Poliquin, 580 East, Grande-Allee, No. 140, Quebec G1R 2K3 P.Q. Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter and special operations, from ports of entry on the International Boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, New York and Michigan to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Quebec, Levis in the province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H.

BROKER APPLICATIONS

No. MC 130422, filed October 27, 1976. Applicant: HOLIDAY TOURS, INC., 519 Edgewood Avenue, Thomasville, N.C. 27360. Applicant's representative: Olive Kay (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Thomasville, N.C., to sell or offer to sell the transportation of *Passengers and their baggage* in round-trip charter and special operations, by common and contract motor carrier service under arrangements between motor, air, water and rail carriers, beginning and ending at points in Davidson County, N.C. and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Thomasville or High Point, N.C.

No. MC 130423, filed October 26, 1976. Applicant: SOUTHERN WEST VIRGINIA AUTO CLUB, a Corporation, 4000 MacCorkle Avenue, SE, Charleston, W. Va. 25304. Applicant's representative: Gerald R. Martin (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Charleston, Beckley, St. Albans and Lewisburg, W. Va., to sell or offer to sell the transportation of *passengers*, in groups, and *their luggage*, by motor carrier, in guided and arranged tours, beginning and ending at points in Boone, Clay, Fayette, Greenbrier, Kanawha, Nicholas, Putnam and Raleigh Counties, W. Va., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charleston, W. Va.

No. MC 130424, filed November 18, 1976. Applicant: MARIETTA LAVONNE & McKEEHAN, doing business as MAC's TRAVEL SERVICE, 19060 La Puente Road, West Covina, Calif. 91792. Applicant's representative: Marietta Lavonne McKeehan, 1449 Lassiter Drive, Walnut, Calif. 91789. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at West Covina, Calif., to sell or offer to sell the transportation of *Passengers and their baggage*, as individuals and in groups, by motor, water, rail and air carriers, beginning and ending at points in California and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

FREIGHT FORWARDER APPLICATIONS

No. FF-462 (Sub-No. 1), filed November 3, 1976. Applicant: MERCHANTS INTERNATIONAL, INC., 520 Van Dorn Street, Alexandria, Va. 22304. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of: *Used household goods and unaccompanied baggage* between points in the United States (including Hawaii, but excluding Alaska), on the one hand, and, on the other, points in Alaska.

NOTE.—Applicant states that the purpose of this application is to add Alaska to its present authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. FF-490, filed November 11, 1976. Applicant: 44 AIR EXPRESS SYSTEMS, INC., 20 Henry Street, Teterboro, N.J. 07608. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities which because of size or weight require the use of special equipment, motor vehicles, and unaccompanied baggage), between points in the United States, including Alaska and Hawaii, restricted to the transportation of shipments having an immediately prior or subsequent movement by air in the air forwarder service of 44 Air Express Systems, Inc.

NOTE.—Applicant states that the purpose of this application is to add Alaska and Hawaii to its present authority. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before January 10, 1977. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's "General Rules of Practice" (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13002. Authority sought for purchase by GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Highway 103 East, Lufkin, TX., 75901, of a portion of the operating rights of BRAY LINES, INC., P.O. Box 1191, Cushing, OK., 74023, and for acquisition by BENNIE W. HASKINS, KENNETH HASKINS, MARIE HASKINS, and HAYDEN HASKINS, of control of such rights through the purchase. Applicants' attorney: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX., 75201. Operating rights sought to be transferred: *Forest products (except paper and paper products), lumber, composition board, plywood, flooring, millwork, molding, doors, wood cabinets, wood cabinet parts, and accessories* used in the installation thereof, as a *common carrier* over irregular routes from points in California to points in Arizona, Arkansas, Colorado, Idaho, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized; *Composition board, flooring, millwork, molding, doors, wood cabinets, wood cabinets parts,* and *accessories* used in the installation thereof, from points in California to points in Illinois and Iowa, with no transportation for compensation on return except as otherwise authorized; *forest products* (except paper and paper products), *lumber, composition board, plywood, and millwork,* from points in Arizona and New Mexico to points in California, with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii), and as a contract carrier in Mississippi, Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Oklahoma, Louisiana, Arkansas, Texas, Kansas, Colorado, and New Mexico. Application has not been filed for temporary authority under section 210a (b).

No. MC 13020. Authority sought for purchase by GRAY MOVING & STORAGE INC., P.O. Box 10096, Denver, CO. 80210, of the operating rights of AMERICAN SECURITY VAN LINES, 4410 Wendell Ave., N.W., Atlanta, GA., 30336, and for acquisition by DAVID R. GRAY, VAYANN D. GRAY, of 27826 Alabraska Lane, Evergreen, CO. 80439 and DAVID R. GRAY II, 1290 South,

Pearl Street, Denver, CO. 80210, of control of such rights through the purchase. Applicant's attorney: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes, between points in Massachusetts, Rhode Island, and Connecticut, New York, N.Y., points in Nassau, and Westchester Counties, N.Y., that part of Suffolk County, N.Y., on and west of New York Highway 112, and those in Bergen, Passaic, Hudson, Essex, Morris, Union, Somerset, Middlesex, and Monmouth Counties, N.J., between the above-specified points on the one hand, and, on the other, the remaining points in New York and New Jersey and those in Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Michigan (Lower Peninsula), New Hampshire, North Carolina, Ohio, Pennsylvania, South Carolina, Vermont, Virginia, and the District of Columbia, between Atlanta, Ga., and points within 135 miles thereof on the one hand, and, on the other, points in Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Kentucky, Virginia, Ohio, Indiana, Illinois, Michigan, Pennsylvania, New York, New Jersey, Maryland, and the District of Columbia; between points in Georgia, Florida, Alabama, Tennessee, North Carolina, and South Carolina, between points in Louisiana, Maryland, Mississippi, Texas, Virginia, New York, and the District of Columbia, on the other hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee; *bakery goods, advertising matters*, and *display racks* from New York, N.Y., to Jersey City, Newark, Paterson, and Perth Amboy, N.J. and Mt. Vernon, N.Y., with no transportation for compensation on return except as otherwise authorized.

Under MC 7971 (Sub-No. E–1), *household goods*, (1) between points in Ala., on the one hand, and, on the other, points in Mich., N.J., Ohio, and Pa.; (2) between points in Ala., on the one hand, and, on the other, points in Conn., Me., Mass., N.H., R.I., and Vt.; (3) between points in Ark., on the one hand, and, on the other, points in Conn., Me., Mass., N.H., R.I., and Vt.; (4) between points in Fla., on the one hand, and, on the other, points in Ill., Ind., Ky., Mich., N.J., Ohio, and Pa.; (5) between points in Fla., on the one hand, and, on the other, points in Conn., Me., Mass., N.H., R.I., and Vt.; (6) between points in Fla., on the one hand, and, on the other, points in Kansas; (7) between points in Fla. (except those in Escambia and Santa Rosa Counties), on the one hand, and, on the other, points in Okla.; (8) between points in Ga., on the one hand, and, on the other, points in Ark., Ill., Ind., Ky., Mich., N.J., Ohio, Okla., and Pa.; (9) between points in Ga., on the one hand, and, on the other, points in Conn., Me., N.H., R.I., and Vt.; (10) between points in Ga., on the one hand, and, on the other, points in Kans.; (11) between points in La., on the one hand, and, on the other, points in Md., Mich., N.J., N.Y., Ohio, Pa., Va., and the D.C.; (12) between points in La., on the one hand, and, on the other, points in Conn., Me., Mass., N.H., R.I., and Vt.; (13) between points in La., on the one hand, and, on the other, points in Dela.; (14) between points in Md., on the one hand, and on the other, points in Ark. and Okla.; (15) between points in Miss., on the one hand, and, on the other, points in Md., N.J., N.Y., Pa., Va., and the D.C.; (16) between points in Miss., on the one hand, and, on the other, points in Conn., Me., Mass., N.H., R.I., and Vt.; (17) between points in N.C., on the one hand, and, on the other, points in Ark., Ill., and Okla.; (18) between points in N.C., on the one hand, and, on the other, points in Me., N.H., and Vt.; (19) between points in Okla., on the one hand, and, on the other, points in Conn., Me., Mass., N.H., and R.I.; (20) between points in S.C., on the one hand, and, on the other, points in Ark., Ill., Ind., Ky., Mich., and Okla.; (21) between points in S.C., on the one hand, and, on the other, points in Me., N.H., and Vt.; (22) between points in S.C., on the one hand, and, on the other, points in Kans.; (23) between points in Tenn., on the one hand, and, on the other, points in Conn., Me., Mass., N.Y., R.I., and Vt.; (24) between points in Texas, on the one hand, and, on the other, points in Md., N.J., N.Y., Pa., Va., and the D.C.; (25) between points in Texas, on the one hand, and, on the other, points in Conn., Me., Mass., N.H., R.I., and Vt.; (26) between points in Texas, on the one hand, and, on the other, points in Dela.; (27) between points in Va., on the one hand, and, on the other, points in Ark. and Okla.; and (28) between points in the D.C., on the one hand, and, on the other, points in Ark. and Okla.

Under MC 7971 (Sub No. 9G) pending, authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and the District of Columbia, except, (1) between points in Arkansas, Kansas, Kentucky, Missouri, and Oklahoma and (2) between points in Delaware, Maine, New Hampshire and Vermont. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and 135 miles thereof, Westchester County, N.Y., Monmouth County, N.J., and Fort Smith, Ark. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13021. Authority sought for control and merger by DENVER-MIDWEST MOTOR FREIGHT, INC., 5555 East 58th Avenue, Commerce City, CO 80022, of the operating rights and properties of (B) DARLING TRANSFER, INC., and (BB) UNITED FREIGHTLINES, INC., both of 468 South 26th Street, Kansas City, KS 66105, and for acquisition by GENERAL INDUSTRIES, INC., 5555 E. 58th Avenue, Commerce City, CO 80022, of control of such rights and properties through the transaction. Applicants' attorney: Earl H. Scudder, Jr., Nelson, Harding, Marchetti, Leonard & Tate, P.O. Box 82028, Lincoln, NE 68501. Operating rights sought to be controlled and merged: (B) *Household goods*, as defined by the Commission and *general commodities*, except those of unusual value Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, serving points in the Kansas City, Mo., Kansas City, Kans., Commercial Zone, as defined by the Commission as intermediate and off-route points in connection with carrier's regular route operations to and from Kansas City, Mo., and Kansas City, Kans., between Horton, Kans., and South St. Joseph, Mo., serving the intermediate and off-route points of Hiawatha, Kans., restricted to agricultural implements moving to or from Kansas City and St. Joseph, Mo., and livestock and household goods moving to or from Kansas City, Mo.; St. Joseph, Mo., Kansas City, Kans., and points within 15 miles of Horton, Kans. (other than Hiawatha, Kans.), without restriction; between Horton, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Hiawatha, Kans., restricted to agricultural implements moving to or from Kansas City and St. Joseph, Mo., and livestock and household goods moving to or from Kansas City, Mo.; St. Joseph, Mo., Kansas City, Kans., and points within 10 miles of Horton, Kans., (other than Hiawatha, Kans.), without restriction.

General commodities, with exceptions between Auburn, Nebr., and Lincoln, Nebr., serving all intermediate points, and the off-route points of Firth and Hickman, Nebr.; between Auburn, Nebr., and Lincoln, Nebr., serving all intermediate points, and the off-route points of Prairie Homo, Nehawka, Otoo, Avoca, Alvo, Wooping Water, Manley, Elmwood, and Murdock, Nebr.; between Auburn, Nebr., and Lincoln, Nebr., serving all intermediate points; between Auburn, Nebr., and Beatrice, Nebr., serving all intermediate points, and the off-route points of DuBois, Steinauor, Mayberry, Wymoro, Blue Springs, Elk Crook, Bernsteon, Liberty, Armour, and Holmesville, Nebr.; between Auburn, Nebr., and Beatrice, Nebr., serving all intermediate points, and the off-route point of Graf,

Nebr.; between Auburn, Nebr., and Shubert, Nebr., serving all intermediate points; between Auburn, Nebr., and Peru, Nebr., serving all intermediate points; between Auburn, Nebr., and Lorton, Nebr., and points between Union and between Lincoln, Nebr., and Nebraska City, Nebr., serving all intermediate points and the off-route points of Palmyra and Syracuse, Nebr.; between Falls City, Nebr., and Omaha, Nebr., serving the intermediate points of Plattsmouth, Nebr., and points between Union and Falls City, Nebr., and the off-route points of Council Bluffs, Iowa and Murray, Julian, Paul, Barada, Rule, Preston, Salem, and Verdon, Nebr.; between Falls City, Nebr., and St. Joseph, Mo., serving all intermediate points; and the off-route points of Rule, Salem, Verdon, and Barada, Nebr., and White Cloud and Iowa Point, Kans.; except that service is not authorized to or from Atchison, Kans., and St. Joseph, Mo., for pick-up and delivery of traffic originating at one and destined to the other of the said two points; *General commodities*, with exceptions, serving the plant site of Missouri Beef Packers, Inc., located at or near Phelps City, Mo., as an off-route point in connection with carrier's presently authorized regular route operations.

General commodities, with exceptions, serving the facilities of Western Electric Company, Inc., at or near Underwood, Iowa, as an off-route point in connection with carrier's otherwise authorized regular-route operations from and to Omaha, Nebr.; *Livestock*, over irregular routes between Auburn, Nebr., and Points in Nebraska within 20 miles thereof, and all other points in Richardson County, Nebr., on the one hand, and, on the other, St. Joseph and Kansas City, Mo.; *Household goods and emigrant movables*, between Auburn and Falls City, Nebr., and Points in Nebraska within 25 miles of Auburn, Nebr., on the one hand, and, on the other, points in Missouri, Kansas, and Iowa; *Contractors' equipment, machinery, and supplies*, between points in Nebraska on the regular routes specified above, on the one hand, and, on the other, points in Missouri, Kansas, and Iowa; *Food, and Lubricating oil and grease in containers*, from Kansas City, Kans., to Auburn, Nebr., with no transportation for compensation on return except as otherwise authorized. (BB) UNITED FREIGHT-LINES, INC., has no operating authority under the ICC ACT. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, and Nebraska. Application has been filed for temporary authority under Section 210a(b).

No. MC F–13026. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, OH., 44309, of a portion of the operating rights of EASTERN FREIGHT WAYS, INC., SIDNEY B. GLUCK, TRUSTEE IN BANKRUPTCY, c/o Edgar H. Booth, 405 Park Avenue, New York, N.Y. 10022, and for acquisition by ROUSH VOTING TRUST, 1077 Gorge Blvd., Akron, Ohio 44309, of control of such rights through the purchase. Applicants' attorneys: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014 and William W. Becker, 1819 H Street, N.W., Suite 950, Washington, D.C. 20006. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Philadelphia, Pa., and Chincoteague Island, VA., between Laurel, Del., and Milford, Del., between Greenwood, Del., and Dover, Del., service is authorized to and from all intermediate points, between Baltimore and Cambridge, Md., and Milford, Del., serving all intermediate points; and the off route points in Delaware, those in Maryland east of the Susquehana River and Chesapeake Bay, those in Virginia on and east of U.S. Highway 13 and on and north of Virginia Highway 175, and those in Maryland within 20 miles of Baltimore, Md., between Oak Hill, Va., and Exmore, Va., serving all intermediate points; *general commodities*, with exceptions as a *common carrier* over irregular routes between Cambridge and Mount Vernon, Md., on the one hand, and on the other, points in Northhampton and Accomac Counties, Va., except Greenbackville, Franklin City, Chincoteague Island, Wattsville, and New Church, Va. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Connnecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC F–13028. Authority sought for purchase by THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, TN. 37662, of a portion of the operating of ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, OH. 44309, and for acquisition by E. WILLIAM KING, 1315 Belmeade Drive, Kingsport, TN. 37660, JOHN R. KING, 4505 Hickory Hill Road, Kingsport, TN. 37660, and M. K. NORRIS, 1400 Belmeade Place, Kingsport, TN. 37660, of control of such rights through the purchase. Applicants' attorney: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Erie, Pa. and Buffalo, N.Y., serving the intermediate points in New York. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, North Dakota, South Dakota, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

Operating Rights Application(s) Directly Related to Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before January 10, 1977. Such protests shall comply with Special Rule 247(d) of the Commission's "General Rules of Practice" (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 10761 (Sub-No. 279 (Hearing notice), filed October 13, 1976, published in the Federal Register issue of November 24, 1976, and republished for the purpose of indicating hearing assignment this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Drive, S.E., Grand Rapids, Mich. 49506. Applicant's representative: A. David Millner, 167 Fairfield Road, Fairfield, N.J. 07006.

Note.—The issues published in the Federal Register of November 24, 1976 remain as previously noticed. The purpose of this notice is to indicate that this matter will be heard on a consolidated record in a continued hearing with *Campbell Sixty-Six Express, Inc.*—Purchase (Port.)—*Transamerican Freight Lines, Inc.*, MC F–12713, and *Campbell Sixty-Six Express, Inc.*, MC 75320 Sub 186, on January 4, 1977, at 9:30 a.m. Local Time, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Administrative Law Judge Harold J. Sarbacher.

No. MC 105457 (Sub-No. 87) (Amendment), filed October 15, 1976 published in the Federal Register issue of November 18, 1976, republished as amended this issue. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, N.C. 28206. Applicant's representative: Roland Rice, 501 Perpetual Bldg., 1111 E Street, N.W., Washington, D.C. 20004. 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), from points in Connecticut, Massachusetts and Rhode Is-

land, to points in North Carolina within 45 miles of Lenoir. The purpose of this filing is to eliminate the gateways at points in New York and New Jersey.

NOTE.—The purpose of this republication is to indicate applicant's change of authority. This is a matter directly related to a section 5(2) finance proceeding in MC F-12530 published in the FEDERAL REGISTER issue of May 29, 1975. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142586, filed October 29, 1976. Applicant: JIMCO, INC., 500 Court Square Bldg., Nashville, Tenn. 37201. Applicant's representative: Don R. Brinkley, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods and commodities which because of size or weight require special equipment), between points in Blount, Calhoun, Cherokee, Clebourne, Colbert, Cullman, DeKalb, Etowah, Fauette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, St. Clair, Talladega, Walker, and Winston Counties, Ala.; Clay, Craighead, Crittenden, Cross, Greene, Lee, Mississippi, Phillips, Poinsett and St. Francis Counties, Ark.; Bartow, Catoosa, Chattanooga, Dade, Floyd, Gordon, Murray, Polk, Walker, and Whitfield Counties, Ga.; Alexander, Massac, and Pulaski Counties, Ill.; Clark, Floyd, Gibson, Harrison, Posey, Vanderburg, Warrick, and Washington Counties, Ind.; Adair, Allen, Anderson, Ballard, Barren, Bell, Bourbon, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Edmondson, Fayette, Franklin, Fulton, Gallatin, Garrad, Grant, Graves, Grayson, Green, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Knox, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, McCracken, McCreary, McLean, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pulaski, Rock Castle, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley, and Woodford Counties, Ky.; Alcorn, Benton, Chicksaw, Coahoma, Desoto, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Tate, Tawamba, Tishomingo, Tunica, and Union Counties, Miss.; Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, and Scott Counties, Mo.; Smyth and Washington Counties, Va. and Tennessee, restricted to traffic having a prior or subsequent movement by rail.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section (5)(2) finance proceeding in MC-F-13011, published in the FEDERAL REGISTER issue of November 18, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

ABANDONMENT APPLICATIONS

Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers on or before January 10, 1977, unless the instructions set forth in the notices are followed.

[Docket No. AB-1 (Sub-No. 6)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY—ABANDONMENT BETWEEN TEKAMAH AND LYONS, BURT COUNTY, NEBRASKA

Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on September 23, 1976, a finding, which is administratively final, was made by the Commission, Division 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in "Chicago, B. & Q. R. Co., Abandonment," 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a portion of its branch line between Tekamah and Lyons in Burt County, Nebraska, beginning at milepost 80.7 at Tekamah and extending in a northerly direction to the end of the line at milepost 58.3 at Lyons, a distance of 22.4 miles. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-1 (Sub-No. 21)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN HORTONVILLE AND LARSEN IN OUTAGAMIE AND WINNEBAGO COUNTIES, WISCONSIN

Notice of Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on September 23, 1976, a finding which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in "Chicago, B. & Q. R. Co., Abandonment," 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of that portion of its line of railroad located in Winnebago and Outagamie Counties, Wisconsin, extending from milepost 0.2 near Hortonville, Outagamie County, Wisconsin, in a southerly direction to railroad milepost 10.3 near Larsen, Winnebago County, Wisconsin, a distance of 10.1 miles. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will

be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-1 (Sub-No. 26)]

CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN DAKOTA CITY AND WAYNE, NEBRASKA

Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision and order entered on September 21, 1976, a finding, which is administratively final, was made by the Commission, Division 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in "Chicago, B. & Q. R. Co., Abandonment," 257 I.C.C. 700, and further subject to the condition that all interstate rates constructed by use of ratemaking distances computed by utilizing the line presently operated between Sioux City, Dakota City and Wayne, Nebr., will continue to be constructed by use of the same ratemaking distances, the present and future public convenience and necessity permit the abandonment by the Chicago and Northwestern Transportation Company of its line of railroad beginning at milepost 7.3 near Dakota City, Dakota County, Nebr., and extending in a southwesterly direction to milepost 28.9 near Emerson, Thurston County, Nebr., and from milepost 0.0 near Emerson to the end of the line at milepost 19.0 near Wayne, Wayne County, Nebr., a total distance of 40.6 miles, all in Dakota, Thurston, Dixon and Wayne Counties, Nebr. A certificate of abandonment will be issued to the Chicago and Northwestern Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-3 (Sub-No. 12)]

MISSOURI PACIFIC RAILROAD COMPANY ABANDONMENT AT EDINBURG, TEXAS, AND OVER THE MCALLEN BRANCH BETWEEN EDINBURG AND MCALLEN, IN HIDALGO COUNTY, TEXAS

Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered October 5, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in "Chicago, B. & Q. R. Co., Abandonment," 257 I.C.C. 700, the present and future public convenience and necessity permit the abandoment by the Missouri Pacific Railroad Company (1) of a portion of its line extending from engineer's chainage station 396+00 in a westerly direction to the end of the line in Edinburg, a distance of 1.91 miles in Hidalgo County, Texas, and (2) of operations over a line of railroad of the Southern Pacific Transportation Company extending from milepost 143.51 at Edinburg to milepost 142.86 junction with McAllen branch, and then on and over the McAllen branch from milepost 142.71 in a southerly direction to milepost 151.86 at McAllen, together with connecting tracks at each end, a distance of 10.18 miles in Hidalgo County, Texas, for a total distance of 12.09 miles. A certificate of abandonment will be issued to the Missouri Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-6 (Sub-No. 26)]

BURLINGTON NORTHERN, INC., ABANDONMENT BETWEEN MAITLAND AND SKIDMORE, WITHIN HOLT AND NODAWAY COUNTIES, MISSOURI

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on October 14, 1976, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in "Chicago, B. & Q. R. Co., Abandonment," 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of its line of railroad ex-

tending from milepost 14.74 near Maitland, Missouri, to milepost 20.67 at the end of the line near Skidmore, Missouri, all within Holt and Nodaway Counties, Missouri, a distance of 5.93 miles. A certificate of abandonment will be issued to the Burlington Northern Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the insrtuctions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-7 (Sub-No. 23)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN GRANVILLE AND OGLESBY, IN PUTNAM AND LASALLE COUNTIES, ILLINOIS

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on September 21, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in "Chicago, B. & Q. R. Co., Abandonment," 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of its line of railroad extending from milepost 95.6 near Granville to milepost 106.12 at end of line near Oglesby, a distance of approximately 13.31 miles, exclusive of the station at Granville, which is to remain, all in Putnam and LaSalle Counties, Illinois. A certificate of abandonment will be issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-55 (Sub-No. 5)]

SEABOARD COAST LINE RAILROAD COMPANY—ABANDONMENT IN WASHINGTON, BEAUFORT COUNTY, NORTH CAROLINA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on September 28, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in "Chicago, B. & Q. R. Co., Abandonment," 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of its line of railroad extending from about milepost AAB-158.86 to milepost AAB-159.33, all located in Washington, Beaufort County, North Carolina, a distance of approximately .47 miles of main track. A certificate of abandonment will be issued to the Seaboard Coast Line Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-87 (Sub-No. 1)]

SUSQUEHANNA CONNECTING RAILROAD COMPANY, ABANDONMENT BETWEEN WINTON AND DICKSON CITY, IN LACKAWANNA COUNTY, PENNSYLVANIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on September 27, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in "Chicago, B. & Q. R. Co., Aban-

donment", 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Susquehanna Connecting Railroad Company of its line of railroad known as the Winton Branch, extending from Sterrick Creek Junction, Winton, Pennsylvania, in a westerly direction to Storrs Junction, Dickson County, Pennsylvania, a distance of 4.41 miles, all within Lackawanna County, Pennsylvania. A certificate of abandonment will be issued to the Susquehanna Connecting Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-88]

BESSEMER AND LAKE ERIE RAILROAD COMPANY ABANDONMENT PORTION MEADVILLE BRANCH, AT MEADVILLE JUNCTION, CRAWFORD COUNTY, PENNSYLVANIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on September 30, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, Stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Bessemer and Lake Erie Railroad Company of a portion of its Meadville Branch extending from the junction with B&LE main line at Meadville Junction (Valuation Station 572+65.4), to the northerly right-of-way line of State Highway Route No. 82 (Valuation Station 65+89.6) a distance of 14.19 miles, all in Crawford County, Pennsylvania. A certificate of abandonment will be issued to the Bessemer and Lake Erie Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-124]

WATERLOO RAILROAD COMPANY ABANDONMENT BETWEEN GILBERTVILLE AND CEDAR RAPIDS IN BLACK HAWK, BUCHANAN, BENTON, AND LINN COUNTIES, IOWA

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on October 6, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in "Chicago, B. & Q. R. Co., Abandonment," 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Waterloo Railroad Company of its line of railroad between milepost 11.44 near Gilbertville, Iowa, and milepost 60.53 in Cedar Rapids, Iowa, a distance of approximately 49.09 miles, in Black Hawk, Buchanan, Benton and Linn Counties, Iowa. A certificate of abandonment will be issued to the Waterloo Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER

on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before January 10, 1977.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 112713 (Deviation No. 41), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed November 29, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Huntington, W. Va., over Interstate Highway 64 (using portions of U.S. Highway 460 where Interstate Highway 64 is incomplete) to St. Louis, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Huntington, W. Va., over U.S. Highway 52 to Portsmouth, Ohio, thence over Ohio Highway 73 to Wilmington, Ohio, thence over U.S. Highway 68 to Xenia, Ohio, thence over U.S. Highway 35 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's "General Rules of Practice" (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall "not" be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 56866, filed November 12, 1976. Applicant: PAK MOVING, INC., 601 Highway 12, P.O. Box 249, Suisun, Calif. 94585. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111 Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* as follows: 1. Between all points and places in the San Francisco Territory, as described in Note A herein, on the one hand, and, on the other hand, all points and places on or within 10 miles of points on the following routes: (a) Interstate Highway 80, between Vallejo and Vacaville, Okla., inclusive; and (b) California State Highway 12, between Fairfield and Rio Vista, Okla., inclusive. (Except that, pursuant to the authority herein granted, carrier shall not transport any shipments of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard or straw matting), 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis, 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers, 4. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles, 5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit, 7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle. 8. Logs. 9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; and 10. Fresh fruits and vegetables.) In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

NOTE.—A San Francisco Territory. San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary; Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way to Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanante; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13).

Northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said Waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

Florida Docket No. 760801–CCT, filed November 12, 1976. Applicant: TRANS-FLORIDA EXPRESS, INC., 4100 West Kennedy Blvd., Suite 322, Tampa, Fla. 33609. Applicant's representative: Felix A. Johnston, Jr., 1030 E. Lafayette Street, Suite 112, Tallahassee, Fla. 32301. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Applicant seeks to extend its present authority under Certificate 0081 so as to authorize the transportation, in common carriage, of *General commodities* (except the following: commodities in bulk, cement, salt, fertilizer and fertilizer materials in bags; petroleum products in packages, cases, cans or drums; Class A explosives; household goods; malt beverages; beer sodium hypochlorite; building and construction materials and supplies in truckload lots; sugar in truck load lots; empty glass containers and bottles and closures therefor; lumber and commodities requiring temperature controlled equipment), on regular routes and regular schedules, to, from and between all points on U.S. 41, U.S. 441, and U.S. 1, between Tampa and Ft. Lauderdale via Miami, to include five (5) miles from the municipalities of Miami and Ft. Lauderdale, with closed door operations on points between Tampa and Sarasota on shipments originating with applicant in Tampa and points in Pinellas County, only, and restricted against the movement of local shipments originating and delivered between Miami and Ft. Lauderdale, Fla.

Applicant also seeks authority to serve the Cities of Inglewood, Cape Coral, Ft. Myers Beach, Deerfield Beach and Marco Island as off route points. Alternate routes are also requested for operating convenience only from Ft. Lauderdale on State Road 84, to its interesection with U.S. 41 and from Miami on U.S. 27 to its intersection with Road 70, thence West on State Road 70 and State Road 675 to its intersection with U.S. 301 at Parrish, Fla. thence North on U.S. 301 to Tampa, Fla.

Applicant seeks interstate and foreign commerce authority to the same extent as the above said request for intrastate authority as well as for all points and places which it is presently authorized to serve under this Certificate No. 1081.

No duplication of authority is requested. Applicant seeks to tack its existing authority with the new authority requested herein. Applicant seeks authority for a common carrier certificate under Section 323,03, Florida Statutes.

Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

Missouri Docket No. T–25,449 (Sub-No. 3), filed November 15, 1976. Applicant: SOUTHERN MISSOURI FREIGHT, INC., P.O. Box 1091 C.S.S., Springfield, Mo. 65803. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Certificate of Public Convenience and Necessity sought to operate a freight service as follows, over regular routes: *General commodities* (except those of unusual value, dangerous explosives, uncrated household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Springfield, Mo. over U.S. Highway 60 to its junction with By-Pass 60, at or near Aurora, Mo., thence over By-Pass 60 its junction with U.S. Highway 60, at or near Verona, Mo., and return. Serving from, to and between Marionville, Aurora and Verona, Mo., as intermediate points, in connection with carrier's regular route operations between Springfield, Mo., and Monett, Mo., over U.S. Highway 60 and serving the junctions of U.S. Highway 60 and By-Pass 60 for purposes of joinder. Applicant seeks to provide through service, at through rates prescribed by this Commission, between all points sought to be served herein and all points applicant is presently authorized to serve over its presently authorized regular routes, and to provide joint line service at applicable through rates authorized and prescribed by this Commission for certificated motor common carriers. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place scheduled for January 13th and 14th, 1977, at 10 a.m. at the Public Service Commission, 10th Floor, 100 E. Capitol Ave., Jefferson City, Mo. 65101. Requests for procedural information should be addressed to the Missouri Public Service Commission, Jefferson Building, Jefferson City, Mo. 65101 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

Secretary.

ROBERT L. OSWALD,

[FR Doc.76-36095 Filed 12-8-76;8:45 am]

[Notice No. 208]

ASSIGNMENT OF HEARINGS

DECEMBER 6, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC–C–8995, Dugan Truck Line, Inc.—Investigation and Revocation of Certificates and Certificates of Registration and MC 120657 (Sub-No. 6), Dugan Truck Line, Inc., now assigned December 21, 1976, at Wichita, Kans., will be held at the Internal Revenue Service, Training Room, 412 South Main Street.

MC 121684 (Sub No. 2), Orlando Transit Company now being assigned February 15, 1977 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC–C–9025, Kane Transfer Company-v-Jacobs Transfer, Inc., has been continued to December 20, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

F.D. No. 28322, Chicago, South Shore and South Bend Railroad Discontinuance of all Train Service, now assigned *January 3, 1977*, at Michigan City, Indiana, will be held in the Michigan City Police Department, Court Room Facilities, 102 West 2nd Street; *January 7, 1977*, at South Bend, Indiana, in the County City Building Council Chambers 4th Floor, N.E. Jefferson & LaFayette Street; *January 8, 1977*, at Gary, Indiana, in City Hall Council Chambers 2nd Floor, 401 Broadway; *January 12, 1977*, Hammond, Indiana in City Hall Council Chambers 2nd Floor, 5229 Calumet Avenue; *January 13, 1977*, at East Chicago, Indiana, in City Hall Council Chambers 2nd Floor, 4527 Indianapolis Boulevard and *January 14, 1977*, at Chicago, Illinois, in Court Room 1903, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 101186 (Sub-No. 14), Arledge Transfer, Inc., now assigned January 11, 1977, at Des Moines, Iowa is postponed to February 8, 1977 (9 days), at Des Moines, Iowa, in Room 113, Federal Building, 210 Walnut Street.

MC 109533 (Sub-76), Overnite Transportation Company, now assigned January 25, 1977 at *Birmingham*, Alabama is cancelled and reassigned January 25, 1977 (9 days), at *Huntsville*, Alabama; in the Hilton Inn-Huntsville Freedom Plaza, 401 Williams Avenue.

MC–F 12929, CRST, Inc.—Purchase (Portion)—Chi-Fli, Inc. and MC 114273 (Sub No. 253), CRST, Inc. now being assigned February 14, 1977 (1 week), at Chicago, Illinois in a hearing room to be later designated.

MC 82492 (Sub 134), Michigan & Nebraska Transit Co., Inc. now being assigned February 10, 1977 (2 days), at Chicago, Illinois in a hearing room to be later designated.

MC 142169, O. D. Thompson, dba T & S Company now being assigned February 9, 1977 (1 day), at Chicago, Illinois in a hearing room to be later designated.

MC 67450 (Sub No. 58), Peterlin Cartage Co. now being assigned February 8, 1977 (1 day), at Chicago, Illinois in a hearing room to be later designated.

MC 130378, B.W.C. Transportation Agency, Inc. now assigned December 13, 1976 at Buffalo, New York and will be held in Room No. 1320, 111 West Huron Street instead of 1111 West Huron Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36231 Filed 12-8-76;8:45 am]

[Notice No. 82]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before January 10, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76694, filed August 9, 1976. Transferee: SPEED MOTOR EXPRESS OF WESTERN NEW YORK, INC., 11 Botsford Place, Buffalo, NY 14216. Transferor: Kendall's Express, Inc., 99 John Street, Akron, NY 14001. Applicants' representative: William J. Hirsch, Esquire, Suite 1125, 43 Court Street, Buffalo, NY 14202. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 120730 (Sub-No. 1), issued December 9, 1963, evidencing authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Certificate of Public Convenience and Necessity No. 1005 dated October 10, 1960, issued by the New York Public Service Commission. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76770, filed November 28, 1976. Transferee: HORSELESS CARRIAGE CARRIERS, INC., 150 Fayette Avenue, Wayne, N.J. 07470. Transferor: Seigle's Express, Inc., 81 Porete Avenue, North Arlington, N.J. 07032. Applicants' representative: Robert J. Gallagher, Attorney-at-Law, 1000 Connecticut Ave., Suite 1200, Washington, D.C. 20036. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 54200 (Sub-No. 1), issued June 20, 1975, as follows: Antique automobile and used classic cars, in secondary movements, in truckaway service, between points in New Jersey, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76796, filed October 22, 1976. Transferee: FIOCCA TRUCKING, INC., 5117 Kershaw Street, Philadelphia, PA 19131. Transferor: C. veneziale Trucking, Inc., Route 309, Souderton, PA. Applicants' representative: Alan Kahn, Esquire, 1920 Two Penn Center, Philadelphia, PA 19102. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 11940 and MC 11940 Sub 7, issued March 27, 1959, and August 31, 1967, respectively, as follows: Clay products, farm machinery, lumber, livestock, and wooden silos, knocked down, from, to, and between specified points in Pennsylvania, Delaware, Maryland, New Jersey, New York, Ohio, Massachusetts, and Connecticut; and lumber between Newark, and Elizabeth, N.J., on the one hand, and, on the other, Easton and Bristol, Pa., points in Delaware County, Pa., points in New Jersey, and points in a described part of New York. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76797, filed October 26, 1976. Transferee: Dean McCary, Doing Business as FLYING "S" FEED EXPRESS, 1120 Hull Street, Clovis, New Mex. 88101. Transferor: Bernie Lynn Snipes, Doing Business As Flying "S" Feed Express, Route 4, Box 84, Clovis, New Mex. 88101. Applicants' representative: James E. Snead, Esquire, 215 Lincoln Avenue, P.O. Box 2228, Santa Fe, New Mex. 87501. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–139520 Sub 1, issued December 5, 1975, as follows: Livestock feed, other than liquid commodities, in bulk, in tank vehicles, between points in Arizona, Colorado, Kansas, New Mexico, Oklahoma, and Texas. Transferee presently holds no authority from this Commission. Application for temporary authority under Section 210a(b) has been granted.

No. MC–FC–76836, filed November 19, 1976. Transferee: Anne Marie James, doing business as James Travel Tours, 2230 Scenic Drive, Salt Lake City, Utah 84109. Transferor: Elmer Asper James doing business as James Travel Tours, 2230 Scenic Drive, Salt Lake City, Utah 84109. Applicant's representative: Irene Warr, Attorney-at-Law, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought for purchase by transferee of the operating rights of transferor set forth in License No. MC 12697, issued November 12, 1965, authorizing operations as a broker at Salt Lake City, Utah, in connection with the transportation by motor vehicle in interstate or foreign commerce, of passengers and their baggage, in special and charter operations, in round-trip all-expense tours, beginning and ending at Salt Lake City, Utah, and extending to points in the United States, except points in Hawaii; and beginning and ending at points in Utah (except Salt Lake City), Idaho, Arizona, Nevada, and California, and extending to points in the United States (including Alaska and Hawaii). Transferee presently holding no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76837, filed November 28, 1976. Transferee: Carter & Evans Transportation, Inc., 859 Third Avenue, Gallipolis, Ohio 45631. Transferor: Carter & Evans, Inc., 87 Olive St., Gallipolis, Ohio 45631. Applicants' representative: John L. Alden, Attorney-at-Law, 1396 W. Fifth Avenue, Columbus, Ohio 43212. Authority sought for purchase by transferee of the operating rights set forth in Certificate of Registration No. MC 98641 (Sub-No. 1), issued December 29, 1971, to transferor as follows: Property from and to any points in Gallia County, Ohio, with certain specified restrictions. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36229 Filed 12-8-76;8:45 am]

[Notice No. AB 69 (Sub-No. 3)]

WESTERN MARYLAND RAILWAY CO.—ABANDONMENT—HENRY, GRANT COUNTY, WEST VIRGINIA TO END OF LINE—IN GARRETT COUNTY, MARYLAND

Railway Abandonment

NOVEMBER 22, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment of the 2.4 mile Kempton Branch of the Western Maryland Railway Company between Henry, W. Va., and Kempton, Md., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that abandonment of the subject line will not change existing environmental and economic conditions in the affected area because (1) there has been no traffic on this line since 1968, (2) the dismantling of the line should create only minimal environmental impacts, (3) there is no definitive economic development related to the line, and (4) there will be no historic impacts involved.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before January 4, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36230 Filed 12-8-76;8:45 am]

[Notice No. 83]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 9, 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-76815. By application filed September 9, 1976, WHATLEY SUPPLY COMPANY, INC., dba WHATLEY EQUIPMENT COMPANY, 230 Ross Clark Circle, N.E., Dothan, Alabama, 36301, seeks temporary authority to lease the operating rights of ANNIE D. CARROLL, an individual and executrix of the estate of Earnest E. Carroll, dba CARROLL TRUCKING COMPANY, 200 6th Street, North Montgomery, Alabama, 36104, under section 210a(b). The transfer to WHATLEY SUPPLY COMPANY, INC., DBA WHATLEY EQUIPMENT COMPANY, of the operating rights of ANNIE D. CARROLL, an indiivdual and executrix of the estate of Earnest E. Carroll, DBA CARROLL TRUCKING COMPANY is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36228 Filed 12-8-76;8:45 am]

federal register

THURSDAY, DECEMBER 9, 1976

PART II:

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

Availability and Solicitation for Comments

FEDERAL ELECTION COMMISSION

[Notice No. 1976-66, AOR 1976-105 and AOR 1976-106]

ADVISORY OPINION REQUESTS

Availability and Request for Comments

Pursuant to 2 U.S.C. § 437f(c) and the procedures reflected in Part 112 of the Commission's Notice of Proposed Rulemaking, published on May 26, 1976 (41 FR 21590), advisory opinion requests 1976-105 and 1976-106 have been made public at the Commission. Copies of AOR 1976-105 and AOR 1976-106 were made available on November 30, 1976. These copies of advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, N.W., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1976-105: Whether a political committee established by the American Institute of Certified Public Accountants would comply with the Federal Election Campaign Act of 1971, as amended.—Requested by Kenneth J. Bialkin of Willkie Farr & Gallagher for the American Institute of Certified Public Accountants, New York, New York.

AOR 1976-106: Whether employees who participate in a corporation's stock ownership plan are "stockholders" within the meaning of 2 U.S.C. § 441b. Requested by Anthony L. Hodges, Counsel for Conoco Employees' Good Government Fund, Houston, Texas.

Dated: December 3, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.76-36124 Filed 12-8-76;8:45 am]

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THURSDAY, DECEMBER 9, 1976



PART III:

ENVIRONMENTAL PROTECTION AGENCY

■

TIMBER PRODUCTS

Interim Pretreatment Standards for Existing Sources

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 654–5]

PART 429—TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources; Interim Final Rulemaking

Pretreatment standards for existing sources set forth in interim final form below are hereby promulgated by the Environmental Protection Agency (EPA or Agency). On April 18, 1974, EPA promulgated a regulation adding Part 429 Title 40 to the Code of Federal Regulations (39 13942). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the timber products processing point source category. Pretreatment standards for existing sources in the timber products processing point source category were proposed April 18, 1974 (39 FR 13952), January 16, 1975 (40 FR 2834) and June 2, 1975 (40 FR 23829). The regulations established here for the following subcategories have been modified from the form in which they were proposed. The regulation set forth below will amend 40 CFR Part 429—timber products processing point source category by adding § 429.14 to the barking subcategory (Subpart A), § 429.24 to the veneer subcategory (Subpart B), § 429.34 to the plywood subcategory (Subpart C), § 429.44 to the hardboard-dry process subcategory (Subpart D), § 429.54 to the hardboard-wet process subcategory (Subpart E), § 429.64 to the wood preserving subcategory (Subpart F), § 429.74 to the wood preserving-steam subcategory (Subpart G), § 429.84 to the wood preserving-boultonizing subcategory (Subpart H), § 429.94 to the wet storage subcategory (Subpart I), § 429.104 to the log washing subcategory (Subpart J), § 429.114 to the sawmills and planing mills subcategory (Subpart K), § 429.124 to the finishing subcategory (Subpart L), § 429.134 to the particleboard subcategory (Subpart M), § 429.174 to the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory (Subpart Q), and § 429.184 to the wood furniture and fixture production with water wash spray booths or with laundry facilities subcategory (Subpart R), pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317(b) and (c), 1251, 1317(b), 86 Stat. 816 et seq.; Pub. L. 92–500) (the Act). Except for the subcategories applicable to the wood preserving segment of the industry, which have limitations for specific pollutants, the subcategories listed above are limited only by the general provisions of this regulation.

(a) Legal Authority

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 dischargers. Sections 429.14, 429.24, 429.34, 429.44, 429.54, 429.64, 429.74, 429.84, 429.94, 429.104, 429.114, 429.124, 429.134, 429.174, and 429.184 set forth below establish pretreatment standards for existing sources within the affected subparts of the timber products processing point source category.

(b) Summary and Basis of Pretreatment Standards for Existing Sources

The regulation set forth below establishes pretreatment standards for pollutants introduced to publicly owned treatment works from existing sources within the subparts set forth in paragraph (a) above. This regulation is intended to implement the concepts of the general regulation for pretreatment standards for existing sources set forth in 40 CFR Part 128. This general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The general pretreatment standard divides pollutants into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not limited by specific or numerical pretreatment standards. Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133. The amounts of pollutants which would impede the operation of a publicly owned treatment works are prohibited by the provisions of 40 CFR 128.131. Additionally, local pretreatment requirements may apply pursuant to section 510 of the act.

The general pretreatment regulation (40 CFR Part 128) described above and its application to effluent limitations and standards has sometimes caused confusion. In order to correct any lack of clarity, 40 CFR Part 128 is set aside for existing sources within the subparts set forth in paragraph (a) above. In its place, the specific pretreatment standards applicable to each subcategory are set forth in detail below as the limitations or standards for that subcategory. This mechanism will eliminate any possible confusion as to the materials which are limited or controlled by the pretreatment standard for each subcategory.

Sections 429.14, 429.24, 429.34, 429.44, 429.54, 429.64, 429.74, 429.84, 429.94, 429.104, 429.114, 429.124, 429.134, 429.174 and 429.184 of the regulation set forth below are intended to implement the concepts of 40 CFR 128.133, by stating specific limitations for pollutants which may be discharged to publicly owned treatment plants based upon best practicable control technology currently available. This is accomplished by setting § 128.133 and related sections aside and substituting the specific limitation.

A supplemental technical study was made to determine the levels of pretreatment requirements which are appropriate considering the limitations established for direct dischargers under sections 301 and 304 and the requirements of section 307(b). The findings of this study and technical rationale for the establishment of pretreatment standards are summarized in Appendix A to this preamble.

The report entitled "Supplemental for Pretreatment to the Development Document for the Timber Products Processing Point Source Category" details the additional technical analysis undertaken in support of the interim final regulation set forth herein and is available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., SW., Washington, D.C. 20460, at all EPA Regional offices and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also 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 technical documentation 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.

(c) Public Participation

Prior to this publication, many agencies and groups were consulted and given an opportunity to participate in the development of these standards. As a result of comments received following publication of the proposed regulation and upon further consideration by the Agency, additional study of the pretreatment requirements for the timber products processing category has been made. Immediately prior to this rulemaking the results of this study were circulated for additional comments to persons known to be interested. A summary of public participation in this rulemaking, public comments and the Agency's response and reconsideration of these is contained in Appendix B of this preamble.

(d) Economic Impact and Inflationary Impact Analysis

No economic impact is expected for any of the timber processing subcategories other than the wood preserving subcategories. The economic impact for the wood preserving subcategories of the timber processing industry is expected to affect less than 10 percent of the total plants. Total industry investment required to comply with the pretreatment standards is estimated at 5.84 million dollars. Total annual cost is estimated at 1.72 million dollars per year. A small

price increase as a result of the regulations is expected although it is unlikely that the full cost of the regulation will be passed on to the consumer. Based on the economic analysis a total of six plants are listed as potential closures, three inorganic salt plants and three plants which use organic preservatives or both types of preservatives. The economic impact is discussed in greater detail in Appendix A.

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. (Civ. No. 2153–73, 75–0172, 75–1698 and 75–1267) which requires the promulgation of pretreatment standards for this industry category no later than October 15, 1976. This order also requires that such regulations become effective on December 9, 1976.

It has not been practicable to develop and republish regulations for this category in proposed form, to provide a 30-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 U.S.C. 553 (b) that notice and comment on the interim final regulations prior to promulgation 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 are particularly requested from small wood preserving plants, as information on these plants is most important in assessing the likely economic impact. Comments should be submitted 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 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 suggest amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing pretreatment standards, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(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, SW., Washington, D.C. 20460. A copy of the technical study and economic study referred to above, and certain supplementary materials will 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.

All comments received within sixty days 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 addition, section 8 of the FWPCA authorizes the Small Business Administration, through its economic disaster loan program, to make loans to assist any small business concern in effecting additions to or alterations in their equipment, facilities, or methods of operation so as to meet water pollution control requirements under the FWPCA, if the concern is likely to suffer a substantial economic injury without such assistance.

For further details on this Federal loan program write to EPA, Office of Analysis and Evaluation, WH–586, 401 M St., SW., Washington, D.C. 20460.

In consideration of the foregoing, 40 CFR Part 429 is hereby amended as set forth below.

Dated: November 30, 1976.

RUSSELL E. TRAIN,
Administrator.

APPENDIX A—TECHNICAL SUMMARY AND BASIS FOR REGULATIONS

This Appendix summarizes the basis of interim final pretreatment standards for existing sources.

(1) *General methodology.* The pretreatment standards set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate pretreatment standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw materials used, product produced, manufacturing process employed, age, size, wastewater constituents and other factors require development of separate standards 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 wastewater. The constituents of the waste waters which should be subject to pretreatment standards 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-plant 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 pretreatment technology. In identifying such technologies, various factors were considered. These included the total cost of application of technology, 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 sections of the timber products processing point source category.

(1) *Categorization.* The timber products processing point source category was subcategorized, in support of the direct discharger limitations, primarily on process considerations. With the exception of the wood preserving segment of the industry, the pollutants resulting from these operations were compatible with POTW capabilities to treat without interference to the operation of the POTW. Therefore, these subcategories are not required to meet specific pollutant parameter limitations, only the general provisions applicable to all dischargers to POTW.

The wood preserving industry was previously subcategorized for the direct discharging segment based on process factors. Consideration of wood preserving processes determined the volume of process wastewater generation. At the time the direct discharger subcategorization was finalized, study of two subcategories showed process wastewater generation was minimum; opportunities for reuse of the water existed, and were in fact practiced by a significant number of plants.

The wood preserving industry has made significant improvements with regard to the quality and quantity of process wastewater generated in the three year period since the Agency undertook the development of effluent limitations and standards for the direct discharging segment of the industry.

Subcategorization, as it relates to wood preserving facilities that discharge to POTW, in addition to considering process, raw materials, plant age, plant size, and other factors also considers the treatability of the POTW, and their affect on the operation of the POTW. Consideration of these factors and the Congress' report, that indicated that it was the intent of the Congress to promote the use of publicly owned treatment works, as long as the pollutants discharged to the POTW did not interfere with, or pass through untreated, led the Agency to the conclusion that, with the exception of the wood preserving subcategory (Subpart F), effluents from all other subcategories in the industry, including the wood preserving-steaming subcategory (Subpart G), and the wood preserving-boultonizing subcategory (Subpart H), would be acceptable to the receiving POTW.

The report that serves as technical base for these limitations suggested that the wood preserving industry could be subcategorized on the type of preservative used i.e., water based, or petroleum based. This suggestion was made because the volume of process wastewater generated was in the same range for both the steam subcategory and the boultonizing subcategory, and because the quality of the wastewater generated was in the same range.

The standards presented below are subcategorized in the same manner as the direct discharging segment. This approach was taken to keep the regulation (40 CFR Part 429) in a straightforward, understandable

format. Because the wastewater characteristics are generally the same for the wood preserving-steam and wood preserving-boultonizing subcategories, the pretreatment technology requirements and the applicable limitations are the same for these two subcategories.

(ii) *Waste characteristics.* The volume of the process water generated by the timber industry, for most segments is usually minimal, most segments are essentially non water using establishments. Exceptions to this are the wet process hardboard, wet storage, and some portions of the wood preserving industry. The primary pollutants present in wastewater from the majority of this industry are BOD5, total suspended solids and pH, compatible pollutants according to 40 CFR Part 128. The volume of wastewater discharged by the wood preserving segment is similar to the volume discharged by plants discharging directly to the environment. Thirty two percent of plants discharging to a POTW discharge less than 1,000 gallons per day. The average volume discharged is less than 8,000 gallons per day. Fifty nine percent of these plants discharge once-through cooling water.

Materials present in wood preserving waste waters include phenols, COD, oil and grease, pentachlorophenol copper, chromium, arsenic, zinc, boron, ammonia nitrogen and phosphate. Average discharges of phenol and pentachlorophenol are 3.66 and 0.24 kilograms per day, respectively. Average waste loading per plant for copper, chromium, and arsenic are 5.5, 16.4, and 0.9 grams per day, respectively. Zinc discharge averages 0.2 kilograms per day, and boron averages 0.02 kilograms per day. Average concentration of these pollutants found during the study supporting these regulations are: phenols, 165 mg/1; pentachlorophenol 26 mg/1; oil and grease 267 mg/1; COD, 4368 mg/1; copper 2.2 mg/1, total chromium 1.7 mg/1; arsenic 0.04 mg/1; boron 0.8 mg/1. Zinc was found at a level of 41 mg/1, however, this plant did not practice a treatment technology for reduction of zinc.

(iii) *Origin of wastewater pollutants.* Typically, waste waters from creosote and pentachlorophenol treatments have high phenolic, COD, and oil contents and may have a turbid appearance that results from emulsified oils. They are always acid in reaction, the pH values usually falling within the range of 4.0 to 6.0 The high COD contents of such wastes are caused by entrained oils and by wood extractives, principally simple sugars, that are removed from wood during steam conditioning. These waste waters may also contain traces of copper, chromium, arsenic, zinc, and boron at plants that use the same retort for both waterborne salts and oil-type preservatives, or that apply dual treatments to the same stock; i.e., treat with two preservatives, one of which is a salt formulation.

(iv) *Treatment and control technology.* Wastewater treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable pretreatment technology.

The technology required to achieve the limitation presented for the wood preserving subcategory (Subpart F) includes the implementation of the following practices and procedures:

Elimination of equipment and piping leaks, and minimization of spills by the use of good housekeeping techniques; recovery and reuse of contaminated water, generated in processes employing salt-type preservatives and fire-retardant formulations, such as the water used to flush the retort when production switches from salt-type to oil-type preservative treatment, as make-up water for treating solutions; the installation of a cover or roof to prevent precipitation (rain and snow) from entering the treating area, and a concrete slab to direct process drainage to solution make-up system; segregation of contaminated and uncontaminated water streams. The latter includes condensate from heating coils and heat exchangers, and noncontact cooling water.

Achievement of the pretreatment limitations for the wood preserving-steam subcategory (Subpart G) and the wood preserving-boultonizing subcategory (Subpart H) include:

The use of oil separation equipment and the use of flocculation-filtration, flocculation-decantation, or comparable technology to reduce the oil and grease so that, at the point of discharge to the POTW, it is less than 100 mg/1; segregation of contaminated and uncontaminated process water streams; minimization of wastewater volume by the implementation of rigorous in-plant water conservation practices; elimination of equipment and plumbing leaks; the use of equalization facilities to assist in the maintenance of a uniform flow through the treatment train; the segregation of salt-type treating solutions and oil-type treating solutions in solution preparation and recovery systems.

The regulation presented below establishes limits for copper, chromium and arsenic for wood preserving plants treating with both oil- and water-based solutions. These limitations are based levels being currently achieved by plants. There is no treatment technology required to achieve these levels for metals. Housekeeping procedures currently practiced in the industry will result in the achievement of this level of control.

Solid waste control must be considered.

Pretreatment 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. These 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.

(v) *Cost estimates for control of wastewater pollutants.* It is estimated that the average capital costs and total annual costs of achieving a level of pretreatment equivalent to primary oil-water separation, flocculation, filtration and pH adjustment for organic preservative plant (Subparts G and H, wood preserving subcategories) would be an estimated $138,500 capital cost and $52,480 annual costs. Specific conditions or circumstances may exist that would require a given plant to spend more than this amount.

Plants treating with inorganic salts only and discharging raw waste to the POTW can adopt and install technology currently used by the industry to achieve zero discharge of process wastewater at an average estimated capital cost per plant of $50,000. The estimated number of such plants is 14. Special conditions or circumstances may exist that would require a given plant to spend more than $50,000.

(vi) *Energy requirements and nonwater quality environmental impacts.* The energy costs related to the implementation of these regulations are limited to the pumps for liquid transfer. Most of this equipment is already in place, i.e., oil separation is currently practiced at 95+ percent of plants. The flocculation filtration step includes chemical fuel pumps (2 pumps at three horsepower, operating four hours per day).

(vii) *Economic impact analysis.* This section summarizes the economic and inflationary impacts of the pretreatment standards for the Timber Processing Point Source Category. No economic impact is expected for any of the Timber Processing Subcategories other than the wood preserving subcategories. Thus, this summary deals only with the wood preserving subcategories.

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 directed that all regulatory actions which are likely to exceed any of the following four criteria will require certification.

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.

2. Total additional cost of production of any major product is more than 5 percent of the selling price of the product.

3. Net national energy consumption will be increased by the equivalent of 25,000 barrels of oil a day (equal to 50×10^{12} BTU per year or 5×10^{9} kilowatt-hours per year).

4. Additional annual demands are created or annual supply is decreased by more than 3 percent for any of the following materials by the attainment date, if applicable, or within five years of implementation: plate steel, tubular steel, stainless steel, scrap steel, aluminum, copper, manganese, magnesium, zinc, ethylene, ethylene glycol, liquified petroleum gases, ammonia, urea, plastics, synthetic rubber, or pulp.

The table below presents the estimated cost of complying with the Pretreatment Standards for the Wood Preserving Subcategories.

Estimated Pretreatment Costs[1]

Subcategory [2]	Total [3] investment	Total [3 4] annual cost	Percent of selling price [5]
Inorganic preservatives only	550	130	1.0- 6.7
Organic preservatives only	2,632	1,004	.9-10.5
Both type of preservatives	1,858	610	.9- 7.2
Total	5,040	1,744	

[1] Represent the additional investment and annual costs required to meet the pretreatment standards for dischargers to publicly owned treatment works.

[2] Subcategories are those employed by the economic impact analysis and not that used in the regulations.

[3] All costs are in thousands of 1976 dollars.

[4] Total annual costs are equal to operation and maintenance costs plus a capital cost based on a ten (10) yr depreciation and a ten (10) pct interest rate.

[5] Represents the range of unit annual costs as a percent of selling price for each of the plants in the subcategory. Based on August 1976 price tie 6 in x 8 in x 8 ft 6 in, Chicago, red oak, carload lots.

Source: Draft "Supplement for Pretreatment to the Development Document for the Timber Processing Point Source Category," Environmental Protection Agency estimates.

As can be seen above, total national annualized costs of compliance for the Pretreatment Standards are well below $100 million per year. Energy consumption will be increased by a nominal amount. The projected increase in demand or decrease in

supply for any of the above materials is nominal. The increase in cost of production is greater than 5 percent of the selling price in some cases and thus an inflationary impact statement is necessary.

The Agency has considered the economic impact of the internal and external costs of the effluent limitations guidelines. Internal costs (see table above) are defined as investment and annual costs, where annual cost is composed of operating costs, maintenance costs, the cost of capital, and depreciation. External cost deals with the assessment of the economic impact of the internal costs in terms of price increases, production curtailments, plant closures, resultant unemployment, community and regional impacts, international trade, and industry growth.

For the inorganic salt-type plants a substantial portion of abatement cost will be passed on to the consumer through a price increase. Based on estimates by the economic impact contractor only three (3) plants owned by single plant firms are potential closures.

For the plants using organic and both types of preservatives a small price increase is also expected. It is unlikely that the full costs of the Pretreatment Standards will be passed on to the consumer. Based on estimates by the contractor it is estimated that three (3) plants using organic or both types of preservatives are potential closures as a result of the Pretreatment Standards.

Appendix B—Summary of Public Participation

Prior to this publication, a draft supplement for pretreatment to the development document for the timber products processing point source category 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) American Wood Preservers Institute; (4) American Wood Preservers Association; (5) Quality Wood Preservers Society; (6) Society of American Wood Preservers; (7) National Forest Products Association; (8) Southern Pressure Treaters; and (9) U.S. Department of Commerce.

The following responded with comments: American Wood Preservers Institute; American Wood Preservers Association; Effluent Standards Water Quality Information Advisory Committee; U.S. Department of Commerce; EPA, Region VI, Permit Branch; and EPA, National Enforcement Investigation Center.

The more significant issues raised in the development of the interim final pretreatment standards and the treatment of these issues herein are as follows:

(1) One comment was that wood preserving plants discharging to a POTW are usually located in urban areas, and the cost of urban land is higher in urban areas; the use of land-based technology to control pollutant discharge is too costly.

In the technical study supporting these regulations, about twenty-five percent of known wood preserving plants discharging to POTW were visited. Land availability was not a problem at any of these plants. The maximum area of land needed to install the technology capable of achieving the limitations promulgated is equal to 0.10 hectare (0.25 acre).

(2) A comment suggested that the discussion of metal salt treating solutions should include ammonical copper arsenate (ACA) and chromated zinc chloride (CZC) as well as fluor chrome arsenate phenol (FCAP).

The Agency agrees with this comment. The document supporting these standards has been revised to clarify this section. The levels of control possible using available currently practiced treatment and control technology, as presented in the draft document as well as the section on industry subcategorization, illustrate that these salt materials were considered.

(3) A commenter objected that the subcategorization scheme presented in the draft report separates salt treating (water-based) operations from processes using oil-based preservatives.

The rationale for presenting a separate subcategory for salt-only plants is that process water used in salt-only treating plants is 100 percent recyclable. Approximately 80 percent of salt-only plants are currently achieving no discharge of process wastewater pollutants. It is technically and economically feasible for this segment of the industry to eliminate the discharge of process wastewater pollutants while, for oil-based plants, it may not be.

(4) One comment indicated that pentachlorophenol (PCP) was soluble in water within a range of 15 to 40 milligrams per liter (mg/l), depending on temperature, pH, and entrained oil content of the water. Therefore, the support document underestimates the solubilities that would be found in process waste waters when it states 15 to 20 mg/l solubility.

PCP is more soluble in water at higher temperatures and at higher pH, in particular at pH greater than 9. The usual pH range of process water after treatment is in the range of 4.5 to 6, according to the information available to the Agency at this time. During the analytical measurements conducted during this study, PCP concentrations of less than 8 mg/l were found in twenty-five percent of the samples. The apparent conclusion from this is that PCP is selectively absorbed in the oil phase of the process stream. It is the preliminary conclusion that effective oil removal will reduce the PCP levels to less than its solubility in water. The Agency solicits any additional information regarding this phenomenon that is available.

(5) A number of comments were received regarding apparently unclear statements in the draft document, errors in conversions between English units and metric units, definitions of terms, and transposed numbers in the tabulations.

Clarification of terms and meanings, corrections in tables, correction of mathematical errors have been made in the document supporting these standards (EPA 440/1-76/080).

(6) One comment indicated that technology from the petroleum industry is not readily transferable to the wood preserving industry because there are significant differences in the processes, penta-oil emulsions, creosote petroleum emulsions, and emulsified solids.

The levels of PCP presented in the draft document are the levels currently being discharged by nine of the fifteen plants sampled during this study. Six of those plants treat wood with pentachlorophenol. The support document does not suggest the transfer of technology from the petroleum industry. Oil separation is currently practiced in the wood preserving industry. The type of oil separating equipment used in the wood preserving industry frequently is American Petroleum Institute (API) type equipment, i.e., patterned after oil separating equipment developed and refined by API.

(7) A commenter questioned the cost estimate (in his opinion low) presented in the draft document for installing the equipment or facilities that a salt-only plant would need to achieve no discharge from a plant.

The cost estimate ($50,000) presented in the draft report was determined from actual cost information supplied by plants. These costs were reviewed by competent engineers knowledgeable of the construction field. The Agency agrees that there may be specific situations where the costs may be underestimated. However, these costs are considered average. The Agency solicits the submission of cost information to support the contention that the costs presented are too low.

(8) A question was asked about the levels of control presented in the draft report; were the levels determined from the average of the effluent from the better existing plants or from what the better existing plants are expected to perform?

The levels of control presented in the draft document reflected effluent quality currently being achieved by plants with the type of treatment systems presented in the document. Twenty-five out of thirty-six oil and grease samples analyzed during this study were less than 100 mg/l.

(9) One comment stated that the charging of fifty percent of the operating costs of the oil separation-flocculation process to normal plant operating expense as opposed to pollution control cost was invalid.

Agency review of this item indicated that the assumption may have been invalid. Costs were recalculated, based on charging the total operating costs to pollution control. The Agency believes, however, that there is some economic benefit to the plant resulting from effective oil control. These cost estimates were then used in the economic impact analysis.

(10) The ability of an API separator to achieve 80 mg/l was questioned. Presence of emulsions, process mechanics and other variables such as seasonal variation of the raw wood product were given as reasons for doubting this performance level.

The draft document considers the application of a flocculation-flitration or -decantation system in conjunction with an oil separation stage. Sampling conducted during the study indicated that 67 percent of the samples analyzed were less than 80 mg/l. The document also stated that in order to obtain effective flocculation filtration results, effective oil separation is essential. The promulgated oil and grease limit is 100 mg/l.

(11) One comment questioned a statement in the document that implied biological treatment could reduce oil and grease levels to less than 10 mg/.

This statement in the report was probably unclear. Oil and grease concentrations are usually not reduced by biological treatment. The oil and grease may settle out, or be picked up in the sludge generated by the biological treatment, rather than being reduced by biological activity.

(12) A commenter questioned the stochiometric ratios presented in the document, stating that there are three formulations of CCA preservative, each with different ratios of active ingredients.

The Agency is aware that there are three formulations. CCA, Type B, was used because it has the highest weight percentage of copper. Copper, at the highest concentration found, was the basis for the achievable level of control for the metals. The stochiometric method of determining the limitation has been eliminated.

(13) One commenter stated that he understood that the law required "that specific pollutant limits be determined by the ability of the POTW to handle that concentration without detrimentally affecting its operation."

That is true. In addition to that consideration, the Agency must develop controls for those pollutants that would not be effectively treated by the POTW.

(14) A commenter questioned the consideration of the application of biological treatment as a pretreatment technology.

The Agency was attempting, in the document, to present the full range of treatment

and control technology. Situations may exist, in the field, where pollutants present in this wastewater would not be adequately treated by a POTW. Raw waste waters require an acclimated biota for effective treatment; the biota might not be present in the POTW, resulting in inadequate treatment. Biological treatment, with acclimated biota, is feasible. It is not, however, a basis for the promulgated standard.

(15) One commenter indicated that the draft document did not adequately consider the practicality of a no discharge limitation for the steam and boultonizing subcategories. It is being achieved, and at least one State is currently issuing permits that allow no discharge of process wastewater after July 1, 1977.

While "no discharge of process wastewater" may be achievable in certain situations, it is not feasible for a national standard at this time. Further investigation and study will be made to evaluate its feasibility.

(16) One commenter questioned the information on the effect of metals on anaerobic digestion because the information did not indicate where the concentrations of metals in the system occurred.

Review of the reference indicates that the metals concentrations that inhibited biological activity were found in the mixed liquor phase of the system.

§ 429.10 [Amended]

1. Section 429.10 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

2. Subpart A is amended by adding § 429.14 as follows:

§ 429.14 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the barking subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the barking subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 429.20 [Amended]

3. Section 429.20 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

4. Subpart B is amended by adding § 429.24 as follows:

§ 429.24 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the veneer subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the veneer subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 429.30 [Amended]

5. Section 429.30 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

6. Subpart C is amended by adding § 429.34 as follows:

§ 429.34 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the plywood subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the plywood subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 429.40 [Amended]

7. Section 429.40 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

8. Subpart D is amended by adding § 429.44 as follows:

§ 429.44 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the hardboard-dry process subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the hardboard-dry process subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall

not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designated to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 429.50 [Amended]

9. Section 429.50 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

10. Subpart E is amended by adding § 429.54 as follows:

§ 429.54 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the hardboard-wet process subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the hardboard-wet process subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 429.60 [Amended]

11. Section 429.60 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

12. Subpart F is amended by adding § 429.64 as follows:

§ 429.64 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the wood preserving subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the wood preserving subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pretreatment standard. No discharge of process wastewater pollutants.

§ 429.70 [Amended]

13. Section 429.70 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

14. Subpart G is amended by adding § 429.74 as follows:

§ 429.74 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the wood preserving-steam subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the wood preserving-steam subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard	
	Maximum for any 1 day (milligrams per liter)	Maximum for any 1 day (grams per cubic meter production)
Oil and grease	100	20.5
Copper	5	.62
Chromium	4	.41
Arsenic	4	.41

§ 429.80 [Amended]

15. Section 429.80 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

16. Subpart H is amended by adding § 429.84 as follows:

§ 429.84 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the wood preserving-boultonizing subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the wood preserving-boultonizing subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standard	
	Maximum for any 1 day (milligrams per liter)	Maximum for any 1 day (grams per cubic meter production)
Oil and grease	100	20.5
Copper	5	.62
Chromium	4	.41
Arsenic	4	.41

§ 429.90 [Amended]

17. Section 429.90 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

18. Subpart I is amended by adding § 429.94 as follows:

§ 429.94 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the wet storage subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the wet storage subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a), the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD_5	No limitation.
TSS	Do.
pH	Do.

§ 429.100 [Amended]

19. Section 429.100 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the words "discharges."

20. Subpart J is amended by adding § 429.104 as follows:

§ 429.104 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under Section 307 (b) of the Act for a source within the log washing subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the log washing subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of polltuants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD_5	No limitation.
TSS	Do.
pH	Do.

§ 429.110 [Amended]

21. Section 429.110 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

22. Subpart K is amended by adding § 429.114 as follows:

§ 429.114 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the sawmills and planing mills subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the sawmills and planing mills subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quan-

tity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 429.120 [Amended]

23. Section 429.120 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

24. Subpart L is amended by adding § 429.124 as follows:

§ 429.124 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the finishing subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the finishing subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 429.130 [Amended]

25. Section 429.130 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

26. Subpart M is amended by adding § 429.134 as follows:

§ 429.134 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the particleboard subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the particleboard subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 429.170 [Amended]

27. Section 429.170 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

28. Subpart Q is amended by adding § 429.174 as follows:

§ 429.174 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under section 307 (b) of the Act for a source within the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 429.180 [Amended]

29. Section 429.180 is amended by inserting the phrase "and to the introduction of pollutants into treatment works which are publicly owned" after the word "discharges."

30. Subpart R is amended by adding § 429.184 as follows:

§ 429.184 Pretreatment standard for existing sources.

For the purpose of establishing pretreatment standards under Section 307 (b) of the Act for a source within the wood furniture and fixture production with water wash spray booth(s) or with laundry facilities subcategory, the provisions of 40 CFR Part 128 shall not apply. The pretreatment standards for an existing source within the wood furniture and fixture production with water wash spray booth(s) or with laundry facilities subcategory are set forth below.

(a) No pollutant (or pollutant property) introduced into a publicly owned treatment works shall interfere with the operation or performance of the works. Specifically, the following wastes shall not be introduced into the publicly owned treatment works:

(1) Pollutants which create a fire or explosion hazard in the publicly owned treatment works.

(2) Pollutants which will cause corrosive structural damage to treatment works, but in no case pollutants with a

pH lower than 5.0, unless the works is designed to accommodate such pollutants.

(3) Solid or viscous pollutants in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(4) Pollutants at either a hydraulic flow rate or pollutant flow rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standard establishes the quality or quantity of pollutants or pollutant properties controlled by this section which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

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federal register

THURSDAY, DECEMBER 9, 1976



PART IV:

ACTION

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PRIVACY ACT OF 1974

Systems of Records

ACTION
PRIVACY ACT OF 1974
Notice of Systems of Records

The purpose of this document is to give notice that the systems of records identified in the notices published in the Federal Register on Wednesday, September 10, 1975, in 40 FR No. 176 at p. 42113, Friday, September 26, 1975, in 40 FR, No. 188 at p. 44530 and Thursday, November 4, 1975, in 40 FR No. 213 at p. 51216 continue in effect except for system number ACTION/AF-4, Data Entry Statistics of Keypunch Operations. The aforementioned notices were published in accord with 5 U.S.C. 552a(e) (4) and (11) of the Privacy Act of 1974 (Pub. L. 93-570).

This notice does not include specific identification of certain systems of records in the custody of the Agency due to the fact that other Federal agencies have assumed responsibility for publishing government-wide notices with respect thereto. Primarily this includes publication of systems of records pertaining to Federal employee personnel records by the United States Civil Service Commission.

Special note should be taken of the Preliminary Statement to the systems of records containing an indication of general routine uses, general exemptions from disclosure, general regulations as to notification, access and contest, and other material applicable to ACTION record systems generally. The Agency desired to avoid unnecessary repetition and duplication in the publication of each system of records which might make it difficult for the public to review and locate a system in which a record might be available. The publication of general routine uses and exemptions does not serve as an indication that each system will be normally used or usable for such purposes or subject to such exemptions, but that the use of any system for such routine use shall be permitted upon request of a designated routine user. Included in the preliminary statement of routine uses are certain indications of special exemptions with respect to volunteer personnel files and medical/psychiatric records as to which special procedures are required to comply with the Agency's special responsibility to volunteers and to personnel as to whom it maintains medical/psychiatric information.

Changes made to Systems:

1. System No. Change—The following system numbers have been changed to reflect current organizational location:
   From ORC—1 to AF—28;
   From 10—8 to AF—29;
   From ORC—4 to DO—10;
   From ORC—5 to DO—11;
   From 10—9 to AF—30;
   From ORC—2 to DO—8;
   From ORC—3 to DO—9.

2. System Name—Systems AF—1, AF—5, AF—28, AF—29, AF—30, IO—4, DO—3, DO—8, DO—9, DO—10, DO—11 were amended to reflect either new organizational identification after system name or the system name was further clarified by the addition of a few words.

3. Location—All headquarters systems were changed to reflect 806 Connecticut Avenue, NW., the official mailing address. Systems Af—2, AF—3, AF—8, AF—9, AF—10, AF—12, AF—13, AF—15, AF—16, AF—17, AF—18, AF—19, AF—21, AF—22, AF—26, AF—28, AF—29, AF—30, DO—9, DO—11 were changed to reflect organizational changes, address changes or add additional locations.

4. Categories of Individuals—DO—2 and DO—5 were further clarified. IO—4 deleted Peace Corps staff members.

5. Categories of Records—Systems AF—5 and AF—27 corrected to further clarify records, AF/28 corrected to delete one category, IO—5 reflects organizational change.

6. Authority—System GC—3 had the incorrect heading "Routine uses of records maintained in the system, including categories of users and the purposes of such uses" where the title "Authority for maintenance of the system" should have been. The heading has been corrected. AF—18 to reflect PC Act 22 U.S.C. 2501 et. seq.

7. Routine Use—IO—4 deleted staff member. AF—20, IO—5 change made to reflect organizational change.

8. Storage—System AF—1, AF—13, AF—14, AF—23, AF—24, AF—25, AF—27, AF—28, IO—1, IO—6, DO—1, DO—2, DO—3, DO—7, DO—11 are changed to reflect correct storage.

9. Safeguards—Systems AF—1, AF—2, AF—5, AF—6, AF—18, AF—21, AF—29, AF—30, DO—8, DO—10 reflect organizational changes, System AF—22 has been changed to reflect correct safeguarding.

10. Retention and Disposal—AF—1, AF—5, AF—7, AF—11, AF—13, AF—14, AF—21, AF—24, AF—27, AF—29, AF—30, IO—1, IO—2, IO—3, IO—4, IO—5, IO—10, IO—12, IO—13, IO—14, IO—15, OD—1, OD—2, OEO—1, DO—1, DO—2, DO—5, DO—11 have been changed in accordance with the currently approved ACTION records schedule retention standards.

11. System Manager and Address—All headquarters system managers addresses have been changed to 806 Connecticut Avenue, NW. Systems AF—3, AF—5, AF—6, AF—8, AF—9, AF—10, AF—12, AF—13, AF—15, AF—16, AF—17, AF—18, AF—19, AF—21, AF—22, AF—23, AF—26, AF—28, AF—29, AF—30, IO—1, DO—2, DO—8, DO—11 have been changed to reflect organizational changes.

12. Record Source Categories—Systems AF—13, AF—17, AF—25, AF—27, AF—29, AF—30, IO—4, OEO—1, DO—2, DO—8, DO—10 are changed because of organization changes, to clarify sources, or to eliminate extraneous information.

This notice is issued in Washington, D.C. on November 30, 1976.

John L. Ganley,
Deputy Director, ACTION.

NOTICE OF SYSTEMS OF RECORDS

Preliminary Statement

Operating Units—Identification of the operating units within the Agency to which a particular system of records pertains appears as "ACTION" followed by a designated abbreviation. The abbreviations and their meanings are as follows:

OD—Office of the Director
DO—Office of Domestic and Anti-Poverty Operations
IO—Office of International Operations
OPP—Office of Policy and Planning
CA—Office of Congressional Affairs
GC—Office of General Counsel
EO—Office of Equal Opportunity
AF—Office of Administration and Finance
PA—Office of Public Affairs
SA—Office of Special Affairs
IG—Office of the Inspector General

Offical Personnel Files—Official personnel files of Federal employees in the General Schedule in the custody of the Agency are considered the property of the Civil Service Commission. Access to such files shall be in accordance with such notices published by the Commission. Access to such files in the custody of the Agency will be granted to individuals to whom such files pertain upon request to the Office of the Director, Personnel Management Division, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Files of employees in the Foreign Service which are not specifically covered by the Civil Service Commission publication are inter-filed with all other personnel files and treated in the same manner. The Commission publication of notice for official personnel files is therefore adopted by reference for Foreign Service personnel files in the custody of the Agency provided however that access, contests and appeals as to any record shall be heard as provided in accord with ACTION Regulations under the Privacy Act.

Various offices in the Agency maintain files which contain miscellaneous copies of personnel material affecting ACTION employees. This would include copies of standard personnel forms, evaluation, etc. These files are kept only for immediate office reference use and are considered by the Agency to be part of the personnel file system. The Agency's internal regulations provide that such information is a part of the general personnel files and can only be disclosed through the Office of the Director, Personnel Management Division, in order that he may insure that any material to be disclosed is relevant, material, current, and fair to the individual employee. It is also the policy of the Agency to limit the use of such files and to encourage the destruction of as many as possible.

Statement of General Routine Uses—The following routine uses are incorporated by this reference into each system of records set forth herein, unless such incorporation is specifically limited in the system description.

1. In the event that a record in a system of records maintained by the Agency indicates any violation or potential violation of the law whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant record in this system of records may be referred, as a

routine use, to the appropriate agency, whether Federal, state, local or foreign charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statue, rule, regulation, or order issued pursuant thereto; such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law or before an administrative board or hearing, and (2) such other interagency referrals as may be necessary to carry out the receiving agencies assigned law enforcement duties.

2. In the event the Agency receives a request from a Federal, state or local instrumentality under the jurisdiction of the United States for a record to be used for a civil or criminal law enforcement activity, authorized by law, such record shall be disclosed to such agency or instrumentality provided ACTION receives a written request from the head of such agency or instrumentality specifying the particular portion of the record desired and the law enforcement activity for which the record is sought.

3. A record may be disclosed as a routine use to designated officers and employees of other agencies and departments of the Federal government having an interest in the individual for employment purposes including the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter involved, provided however, that other than information furnished for the issuance of authorized security clearances, information divulged hereunder as to full-time volunteers under Title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951) or the Peace Corps Act (22 U.S.C. 2501) shall be limited to the provision of dates of service and a standard description of service as heretofore provided by the Agency.

4. A record may be disclosed as a routine use in the course of presenting evidence to a court, magistrate or administrative tribunal of appropriate jurisdiction and such disclosure shall include disclosures to opposing counsel in the course of settlement negotiations.

5. A record may be disclosed as a routine use to a member of Congress submitting a request involving an individual who is a constitutent of such member who has requested assistance from the member with respect to the subject matter of the record.

6. Information from certain systems of records especially those relating to applicants for Federal employment or volunteer service may be disclosed as a routine use to designated officers and employees of other agencies of the Federal government for the purpose of obtaining information as to suitability, qualifications and loyalty to the United States government.

7. Information from records systems may be disclosed to any source from which information is requested in the course of an investigation to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

8. Information in any system may be used as a data source, for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or the Privacy Act or to locate specific individuals for personnel research or other personnel management functions.

9. Information in any system of records may be disclosed to a Congressional office, in response to an inquiry from any such office, made at the request of the individual to whom the record pertains.

Exemption of Disclosure—National Defense and Foreign Policy Matters—Certain systems of records covered by the Act and maintained by the Agency may from time to time contain materials subject to specific exemptions authorized by 5 U.S.C. 552a(k)(1) relating to national defense and foreign policy materials. Such materials, as an example, might consist of classified cables or other documents properly classified under Executive Order. The Agency maintains the right to exempt such materials from disclosure wherever they might appear in such systems of records, but only to the extent necessary to protect such material as required by Executive Order and various statutes in the interest of national defense and foreign policy.

Partial Exemption of Medical/Psychiatric Information—Certain systems of records maintained by the Agency contain medical/psychiatric information, the disclosure of which might harm an individual if disclosed directly to him. As to such records, if in the sole judgment of appropriate officials of the Agency such disclosure could have an adverse effect upon an individual under the provisions of 5 U.S.C. 552a(f)(3), disclosure may be limited to a physician chosen by the requesting individual or his authorized representative.

Location of Regional Offices—The Agency maintains ten Regional Offices in which certain systems, or parts of systems are maintained. The Agency also maintains State offices under the jurisdiction of the Regional Offices. The Regional Offices, their address, and the States within their respective jurisdictions are listed below. In the event of any doubt as to whether a record is maintained in a Regional Office, a query may be directed to the Director, Administrative Services, ACTION, Washington, D.C. 20525, who shall furnish all assistance necessary to locate a specific record.

ACTION Region I, John W. McCormack Federal Bldg., Room 1420, Boston, Massachusetts 02109 (Massachusetts, Maine, New Hampshire, Vermont, Rhode Island and Connecticut).

ACTION Region II, 26 Federal Plaza, 16th Floor, Suite 1611, New York, New York 10007 (New York, New Jersey, Puerto Rico and Virgin Islands).

ACTION Region III, 320 Walnut Street, Suite 600, Philadelphia, Pennsylvania 19106 (Pennsylvania, Maryland, District of Columbia, Delaware and Virginia).

ACTION Region IV, 730 Peachtree Street, N.E., Room 895, Atlanta, Georgia 3008 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee).

ACTION Region V, 1 North Wacker Drive, 3rd Floor, Rm. 322, Chicago, Illinois 60606 (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin).

ACTION Region VI, Corrigan Tower Building, Suite 1600, 212 No. St. Paul Street, Dallas, Texas 75201 (Arkansas, Louisiana, New Mexico, Oklahoma and Texas).

ACTION Region VII, II Gateway Center, Suite 330, 4th and State, Kansas City, Kansas 66101 (Iowa, Kansas, Missouri and Nebraska).

ACTION Region VIII, 514 Prudential Plaza, 1050 17th Street, Denver, Colorado 80202 (Colorado, Wyoming, Montana, North Dakota, South Dakota and Utah).

ACTION Region IX, 211 Main St. 5th Floor, San Francisco, California 94105 (Arizona, California, Hawaii and Nevada).

ACTION Region X, 1601 Second Avenue, Seattle, Washington 98101 (Alaska, Idaho, Oregon and Washington).

Notification—Individuals may inquire as to whether any system contains information pertaining to them by addressing the System Manager in writing. Such request should include the name and address of the individual, his or her social security number, and any relevant data concerning the information sought. Where possible, the place of assignment or employment, etc. In case of any doubt as to which system contains a record, interested individuals may contact the Director, Administrative Services, ACTION, Washington, D.C. 20525, who has overall supervision of records systems and who will provide assistance in locating and/or identifying appropriate systems.

Access and Contest—In response to a written request by an individual, the appropriate System Manager shall arrange for access to the requested record or advise the requester if no such record exists. If an individual wishes to contest the content of any record, he or she may do so by addressing a written request to the Director, Administrative Services, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. The Director shall provide all necessary information regarding such contest and appeal.

ACTION

Index of Systems of Records

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ACTION Travel File
Classified Document Security Violation File
Combined Domestic Operations and International Volunteer Applicant System
Conflict of Interest Records
Congressional Files System
Contractors and Consultants Records File
Discrimination Complaint File
Domestic Full-Time Volunteer Census Master File
Domestic and International Volunteer Security File
Domestic Program Applicant Medical Records
Domestic Volunteer Appeal File
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Domestic Volunteer Full-Time Legal File
Domestic Volunteer Full-Time Personnel File
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ACTION/OD—1

System name: Office of the Director Personnel Records—ACTION/OD

System location: Office of the Director, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525

Categories of individuals covered by the system: Staff employees of ACTION serving in the Office of the Director.

Categories of records in the system: Resumes, job descriptions and miscellaneous copies of personnel forms.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq. and the Domestic Volunteer Service Act, 42 U.S.C. 4951 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9/10/75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION staff with a need for such records in the performance of their duties.

Retention and disposal: Any documents which should be placed in the official personnel file are forwarded to the Office of Personnel Management upon the employee's termination of employment with ACTION. Thereafter all other records are destroyed within one year following the termination of employee.

System manager(s) and address: Administrative Assistant to the Director, ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: The individual to whom the record pertains, supervisors, and other ACTION personnel.

ACTION/OD—2

System name: National Advisory Council File

System location: Office of the Director, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Present, past and prospective members of the National Volunteer Advisory Council.

Categories of records in the system: Resumes, Form 171s, clearance forms, and miscellaneous related documents.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq. and the Domestic Volunteer Service Act, 42 U.S.C. 4951 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9/10/75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION staff with a need for such records in the performance of their duties.

Retention and disposal: Any documents which should be placed in the official personnel file are forwarded to the Office of Personnel Management upon the personnel's termination of service with ACTION. Thereafter all other records are destroyed within one year following the termination of personnel's service.

System manager(s) and address: Administrative Assistant to the Director/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: The individual to whom the record pertains, other ACTION staff personnel, and other governmental authorities concerned with the appointment of a person whose records exist in the system.

ACTION/CA—1

System name: Congressional Files System—ACTION/CA

System location: Office of Congressional Affairs/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Members of Congress.

Categories of records in the system: The records in this system consist of bio-data, voting records, ACTION programs in members districts or states, indications of program concerns of members of Congress affecting ACTION, and copies of incoming and outgoing correspondence between personnel of ACTION and members of Congress.

Authority for maintenance of the system: Peace Corps Act, 22 U.S.C. 2501 et seq. and Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system are not subject to routine use outside the Agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are maintained in file folders in metal filing cabinets in a room locked at the close of the business day in a building having a 24-hour security guard.

Retrievability: Records in this system concerning members of committees concerned with ACTION legislation are filed by Congressional committee and within each committee alphabetically; Congressional correspondence is filed alphabetically by last name of the member.

Safeguards: Records in this system are generally available only to personnel of ACTION having a need for such information in the performance of their official duties as such.

Retention and disposal: Records in this system are maintained permanently.

System manager(s) and address: Assistant Director for Congressional Affairs/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information in system of record is obtained from the following category of sources: 1. The Congressional Directory, Congressional Records, Congressional Quarterly, Periodicals and standard reference materials. 2. Members of Congress and their staffs. 3. ACTION employees. 4. Newspaper and magazine publications.

ACTION/OEO—1

System name: Discrimination Complaint File

System location: Office of Equal Opportunity, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any employee or applicant for employment who has filed a complaint of discrimination against ACTION.

Categories of records in the system: Affidavits maintained concerning the following information: the complaint, correspondence related to the complaint and copies of personnel records and information how the complaint was resolved.

Authority for maintenance of the system: Executive Order 11478 and 5 CFR 713, 222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Civil Service Commission for hearings and/or administrative appeals on the complaint of discrimination; b. To the Department of Justice in connection with any suits brought against the agency for alleged discrimination. c. To the Equal Employment Opportunity Commission for advice and counsel within its jurisdiction.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Files are indexed alphabetically.

Safeguards: Records in the system are available only to appropriate personnel in the Office of Equal Opportunity and other designated officials of ACTION with a need of such records in the performance of their duties.

Retention and disposal: Records are destroyed five years after the close of the case.

System manager(s) and address: Director, Equal Employment Opportunity, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Data in this system is obtained from the following categories of sources: 1. Employees or applicants of ACTION involved as complainants, witnesses, etc. in discrimination complaints. 2. Reports of investigations and other materials prepared by Equal Employment Opportunity Officers, counsellors and investigators. 3. Copies of Agency documents relevant to any EO investigation. 4. Records of hearings on complaints.

ACTION/AF—1

System name: Former Peace Corps Volunteer Medical Records and claims—ACTION/AF

System location: Office of Health Services/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Former Peace Corps Volunteers and claim cards.

Categories of records in the system: Records maintained contain all medical histories of former Volunteers.

Authority for maintenance of the system: Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed as follows: To the Office of Workers Compensation programs of the Department of Labor in connection with claims filed under the Federal Employees Compensation Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in a room locked with a manipulation proof combination lock built into the door.

Retrievability: Files are retrieved alphabetically by last name.

Safeguards: Records in the system are available only to appropriate Health Services personnel and other appropriate officials of ACTION having a need of such records in the performance of their official duties.

Retention and disposal: Records are retained for two years after the volunteer terminates and are then retired to the Federal Records Center. The Federal Records Center retains the record for 23 years and then destroys them. In addition, normal x-rays are retained for five years and then destroyed. Abnormal x-rays are retained 25 years and then destroyed. All records are destroyed by burning and shredding.

System manager(s) and address: Chief, Health Benefits and Analysis Division Office of Health Services/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information is obtained from the following categories of sources: 1. Physicians, dentists, and other medical personnel who have treated or examined the individual or his records. 2. Peace Corps medical personnel. 3. Individuals who are the subjects of the records.

ACTION/AF—2

System name: Travel Authorization File—ACTION/AF

System location: Fiscal Services Branch Administration and Finance ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any ACTION employee, volunteer or person invited to travel for ACTION.

Categories of records in the system: Files consist of copies of obligated travel authorizations, travel vouchers, receipts, records of payments, and other materials related to official travel.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2051 et seq.; The Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and the Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury which receives a copy of the travel voucher forwarded with the Voucher and Schedule of Payment (SF-116) for forwarding to the payee.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in file folders in filing cabinets with bar locks, key locks or manipulation proof combination locks when not in immediate use.

Retrievability: Files are indexed alphabetically by last name.

Safeguards: Records in the system are available only to apropriate personnel, Fiscal Services Branch, and other appropriate officials of ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records are held for three years and retired to the Federal Records Center in accordance with General Accounting Office instructions.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Data in this system is obtained from forms submitted by individuals engaging in official travel, and other ACTION employees.

ACTION/AF—3

System name: ACTION Employees Occupational Injury and Illness Reports—ACTION/AF

System location: Maintained at Headquarters, ACTION and all ACTION Domestic Regional Offices and Peach Corps countries.

Categories of individuals covered by the system: ACTION employees who have had job-related injuries or illnesses.

Categories of records in the system: Reports of occupational injuries and illnesses and medical reports with respect thereto.

Authority for maintenance of the system: The Occupational Safety and Health Act of 1970 Executive Order 11807 Federal Employees Compensation Act Regulations of the U.S. Department of Labor

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Occupational injury and

illness reports are maintained in order to provide data, including statistical data required by the following agencies: Office of Federal Agency Programs, Occupational Safety and Health Administration, Department of Labor; Office of Workers Compensation Programs, the Department of Labor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION employees having a need for such records in the performance of their official duties.

Retention and disposal: Files in this system are retained for a period of five years following the calendar year to which they are related and then destroyed by burning or shredding in accordance with standard procedures.

System manager(s) and address: Chief, Health Benefits and Analysis Branch, Health Services Division, ACTION 806 Connecticut Avenue, N.W. Washington, D.C. 20525

Record source categories: Information contained in the system is obtained from the following categories of sources: Employees who have suffered a work-related illness or injury ACTION Supervisory personnel Medical personnel treating or examining the employee Witnesses to an accident or occurrence giving rise to a claim.

ACTION/AF—5

System name: Peace Corps Applicant and Trainee Medical History and Payment Record—ACTION/AF

System location: Division of Health Services; ACTION; 806 Connecticut Avenue, NW., Washington, D.C. 20525

Categories of individuals covered by the system: Applicants for Peace Corps and Peace Corps trainees.

Categories of records in the system: Records maintained in this system consist of medical histories and physical examinations and payment records.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: 1. Information in this system may be provided to medical personnel engaged in treatment of the individual to whom the record pertains upon request in situations where it is not feasible to obtain the consent of such individual. 2. Information will be given to a physician of the applicant's choice upon written request of the individual to whom the record pertains.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks.

Retrievability: Records are maintained in alphabetical order.

Safeguards: Records in this system are available only to authorized Health Services personnel with a need for such records in the performance of their duties.

Retention and disposal: Records of applicants who do not become trainees are retained for one year and destroyed. Records of trainees who do not become volunteers are retained for two years and then destroyed. Psychiatric records are maintained separately and do not accompany the trainee/volunteer overseas. Psychiatric records are destroyed two years after termination. Records of Peace Corps volunteers accompany the volunteers overseas and upon termination of service the record is retired to the Federal Records Center and destroyed after 25 years in accord with its schedule by burning and shredding.

System manager(s) and address: Chief, Medical Screening and Services Branch Office of Health Services, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in this system is obtained from the following sources: 1. The individual applicant or trainee. 2. Physicians and other medical personnel who have examined or treated the individual. 3. Personnel in the Office of Health Services.

ACTION/AF—6

System name: Domestic Volunteer Applicant Psychiatric Report System—ACTION/AF

System location: Division of Health Services/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any person who has applied as a volunteer in an ACTION domestic program who reports, or is reported by a physician or counselor, to have a history of psychiatric treatment.

Categories of records in the system: The records maintained in this system consist of histories of psychiatric or psychological treatment.

Authority for maintenance of the system: Domestic Volunteer Service Act of 1973 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be dislosed and used as follows: (a) Psychiatrists or clinical psychologists when necessary for treatment of the individual to whom the record pertains. To the extent practicable such disclosures will not be made without the approval of such individual. (b) The existence of these records but not their contents may be disclosed to designated officers and employees of other agencies and departments of the Federal Government and the District of Columbia Government having an interest in an individual for employment purposes including a security clearance or access determination.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in metal filing cabinets with manipulation proof combination locks.

Retrievability: These records are maintained in alphabetical order.

Safeguards: Records are available only to Health Services personnel having a need for such records in the performance of their duties.

Retention and disposal: Records of applicants who do not become volunteers are destroyed at the end of two years by shredding or burning. Records of applicants who do become volunteers become part of the volunteer's medical folder and are retained in the Federal Records Center and destroyed in accordance with this regulation.

System manager(s) and address: Chief, Medical Screening and Services Branch, Division of Health Services/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information in this system is obtained from the following sources: Category of Sources: 1. Individuals who are subject to the records. 2. Physicians, psychiatrists and psychiatric medical personnel.

ACTION/AF—7

System name: Classified Document Security Violation File—ACTION/AF

System location: Facilities and Property Management Division Office of Administrative Services/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any ACTION employee responsible for using or taking care of classified documents.

Categories of records in the system: Records maintained contain information about security violations and the handling of classified documents in the National defense of the United States, copies of notices sent to employees, and action taken with respect to such violations.

Authority for maintenance of the system: Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be used and disclosed for routine uses noted in paragraphs 1 and 2 of the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in a safe.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in this system are available only to ACTION employees having a need for such records in the performance of their duties.

Retention and disposal: Records are kept for two years and then destroyed by shredding.

System manager(s) and address: Chief, Facilities and Property Management Division Administrative Services Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information obtained from individuals allegedly committing a security violation and security building guards.

ACTION/AF—8

System name: Grievance, Appeal and Arbitration—ACTION/AF

System location: Labor and Employee Relations Branch Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any individual involved in a grievance or grievance appeal or who has filed a complaint with the Department of Labor, Federal Labor Relations Council, Federal Mediation and Conciliation Service, or similar organization.

Categories of records in the system: This system contains copies of petitions, complaints, charges, responses, rebuttals, evidentiary material, briefs, affidavits, statements, records of hearings and decisions or findings of fact with respect thereto and incidental correspondence regarding complaints and appeals with respect to grievances and arbitration matters.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq. and the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and provisions of the Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: 1. To the Civil Service Commission on request in conjunction with any appeal or in conjunction with its official duties with regard to personnel matters and investigation regarding complaints of Federal employees and applicants. 2. To designated officers and employees of other Federal agencies conducting investigations of an individual for the purpose of granting a security clearance or access determination, and having a need to evaluate qualifications, suitability, and loyalty to the United States Government in connection with employment. 3. In the event of any indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred, as a routine use, to the appropriate Federal agency, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. Such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, provided, however, that in the event of a request for records in this system from a Federal agency for a civil or criminal law enforcement activity, authorized by law, the record shall be disclosed only upon written request signed by the head of such agency or instrumentality specifying the particular portion desired in the law enforcement activity for which the record is sought. 4. To designated hearing examiners, arbitrators and third-party appellate authorities involved in the hearing or appeal processes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders in metal file cabinets with three way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in the system are available only to ACTION officials having need for such records in the performance of their official duties.

Retention and disposal: Records are retained indefinitely in the files of the Labor and Employee Relations Division.

System manager(s) and address: Chief, Labor and Employee Relations Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in the system is obtained from the following categories of sources: 1. ACTION employees. 2. Witnesses to any occurrence giving rise to a grievance, appeal or other action. 3. Hearing records and affidavits and other documents used or usable in connection with such hearings.

ACTION/AF—9

System name: Domestic Volunteer Appeal File—ACTION/AF

System location: Labor and Employee Relations Branch Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Persons serving as volunteers in ACTION domestic full-time programs appealing any action terminating such volunteer, or any action of the Agency affecting such individual selected for volunteer service and any other appealable matters affecting domestic volunteers and applicants.

Categories of records in the system: The records contain applications or petitions relating to volunteers' appeals, including replies, rebuttals, hearing records, documentary evidence, determinations and records of resulting actions.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be used and disclosed as follows: 1. In the event of any indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred, as a routine use, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. Such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, provided however, that in the event of a request for records in this system from a Federal agency for a civil or criminal law enforcement activity, authorized by law, the record shall be disclosed only upon written request signed by the head of such agency or instrumentality specifying the particular portion desired in the law enforcement activity for which the record is sought.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in the system are generally available only to employees of the Agency having the need for such records in the performance of their duties.

Retention and disposal: Records in this system are maintained for 3 years and then retired to the Federal Records Center for disposition in accordance with regulations.

System manager(s) and address: Chief, Labor and Employee Relations Branch Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information in this system is obtained from the following sources: 1. Volunteers and trainees. 2. ACTION officials. 3. Officials of sponsoring organizations. 4. Individuals with personal knowledge of the occurrence which are the subject of any appeal.

ACTION/AF—10

System name: Employees Indebtedness Files—ACTION/AF

System location: Labor and Employee Relations Branch Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Present and former ACTION employees on whom correspondence has been received to the effect that they have failed to honor a debt.

Categories of records in the system: The system contains records which are primarily correspondence regarding alleged indebtedness of ACTION employees, including employees' responses, the Agency's response to the employee and/or creditor and administrative correspondence and records relating to Agency assistance to the employee in resolving the indebtedness, if appropriate.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq. and the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the provisions of the Federal Per-

sonnel Manual and the Foreign Affairs Manual relating to employee indebtedness.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To designated officers and employees of other agencies and departments of the Federal Government, having an interest in an individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government. b. In the event of any indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred, as a routine use, to the appropriate Federal Agency, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. Such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, provided however, that in the event of a request for records in this system from a Federal agency for a civil or criminal law enforcement activity, authorized by law, the record shall be disclosed only upon written request signed by the head of such agency or instrumentality specifying the particular portion desired in the law enforcement activity for which the record is sought.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in the system are maintained in file folders in metal file cabinets with three way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: These records are generally available only to personnel of Labor and Employee Relations Branch and other ACTION officials having a need for such records in the performance of their official duties.

Retention and disposal: The system is purged on a bi-annual basis. Any records as to which the problem has been resolved are destroyed at such time.

System manager(s) and address: Chief, Labor and Employee Relations Branch Personnel Management Division/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information in this system is obtained from the following category of sources: 1. Alleged creditors of employees. 2. Employees. 3. ACTION officials.

ACTION/AF—11

System name: ACTION Travel Files—ACTION/AF

System location: Chief, Travel and Transportation Division Office of Administrative Services/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any ACTION employee, volunteer, consultant, contractor or other individual who travels on agency business.

Categories of records in the system: Records maintained contains travel authorization itinerary Government Bills of lading, packing letter and passport numbers which are included for overseas travel, and other travel related material.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. Section 4951 et seq.; the Peace Corps Act, 22 U.S.C. Section 2501 et seq.; The Budget and Accounting Act of 1921; the Accounting and Auditing Act of 1950; the Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in key locked cabinets.

Retrievability: Records are arranged alphabetically by name in accord with categories, i.e., staff travel file, Peace Corps volunteer travel file, Domestic Volunteer travel file, and consultants, experts and invitational travel files.

Safeguards: Records are available only to appropriate personnel, Office of Travel and Transportation Division and other appropriate officials of ACTION with need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Travel and Transportation Division one year after the employee leaves the agency and are then burned.

System manager(s) and address: Chief, Travel and Transportation Division Office of Administrative Services ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: Information is obtained from the following categories of sources: Individual travellers ACTION employees.

ACTION/AF—12

System name: Accounts Receivable (Collection of Debts Record and Claims Record)—ACTION/AF

System location: Fiscal Services Branch/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any person whether vendor or volunteer, or employee of ACTION as well as former volunteers and former employees allegedly erroneously overpaid by ACTION.

Categories of records in the system: This system contains the following categories of records: 1. Register of debts claimed. This record consists of names and addresses of individuals who are indebted to ACTION including the date of the debt, a claim number, the amount of the debt, and the date the debt is paid if that has occurred. 2. Claim Record Card. This record consists of the same information in shorter form as that contained in the Register. 3. File Folders. This record consists of the initial billing, follow up letters for collection of debt and related correspondence together with a copy of the check or checks paying the debt if that has occurred.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 and the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951; The Budget and Account Act of 1950. In addition to the above two Acts granting general powers of management to the Director of ACTION there are additional Federal statutes requiring and permitting the administrative settlement of claims by agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system may be disclosed in the following circumstances: To the General Accounting Office (GAO) for cases of administrative error amounting to over 200 dollars of overpayment and situations in which the agency has been unable to collect such debt. Disclosure will also occur in which the agency requests a waiver for error caused by overpayment of salary in excess to 500 dollars.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal files cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: These records are available only to officials of ACTION having a need for such records in the performance of their official duties and for the routine uses listed above.

Retention and disposal: These records are maintained until the settlement of a claim and then retired to the Federal Record Center to be destroyed in accord with their schedule of destruction.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in the system was obtained from the following categories of sources: Domestic Regional Offices Peace Corps Country Posts Headquarters Payroll Office Employees of ACTION having knowledge of the facts.

ACTION/AF—13

System name: Peace Corps Trainee and Volunteer Personnel and Pay Record—ACTION/AF

System location: ACTION, International Volunteer Support Services Branch, Administration and Finance, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any person accepted as a Peace Corps Trainee or Volunteer.

Categories of records in the system: Individual trainee and volunteer files contain the following information about the particular person: Permanent Address, Social Security Number, Birthdate,

Marital Status, Description of Peace Corps Service, Location of Peace Corps Service, Change of Address, W-2 Forms, Base Salary, Oath, Educational Level, Next of Kin, Designation of Beneficiary, Termination Documents, Trainee Registration Form, Payroll Card containing payments, allotments, withdrawals and related records.

Authority for maintenance of the system: Peace Corps Act, 22 U.S.C. 2501 et seq.; Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used for routine uses contained in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets in a room locked with a manipulation proof combination lock built into the door.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in the system are available only to appropriate officials of ACTION with the need for access to such records for the performance of their duties.

Retention and disposal: Records in this system are maintained in the office for two years after the volunteer termination date and are then retired to the Federal Records Center where they are retained for seventy five years. After this period, they are destroyed by burning or shredding.

System manager(s) and address: Chief, International Volunteer Support Services Branch/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information supplied by the volunteers and ACTION.

ACTION/AF—14

System name: Theft of Employee Property File—ACTION/AF

System location: Facilities and Property Management Division Office of Administrative Services, ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: ACTION employees who have been robbed of personal or government property.

Categories of records in the system: Records maintained contain forms filled out on the theft of personal and Federal government property.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.; the Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Those contained in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in a metal filing cabinet with key lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in this system are available only to designated ACTION employees having a need for such records in the performance of their duties.

Retention and disposal: Records of thefts are kept for two years and then destroyed by shredding

System manager(s) and address: Chief, Facilities and Property Management Division Administrative Services Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Data in this system is obtained from the following categories of sources: 1. ACTION Employees. 2. Police reports. 3. Witness statements.

ACTION/AF—15

System name: Staff Security Files

System location: Employee Security Branch, Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Current and former applicants for employment in ACTION. Current and former Federal employees of ACTION. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs.

Categories of records in the system: These records contain investigative information regarding an individual's character, conduct, behavior in the community where he or she lives; arrests and convictions for any violations against the law; reports of interviews with former supervisors; co-workers, associates, educators, etc; reports about the qualifications of an individuals for a specific position; reports of inquiries with law enforcement agencies; former employers, educational institutions attended; and other similar information developed from the above.

Authority for maintenance of the system: Executive Order 10450 Federal Personnel Manual, Chapter 731, et seq. In addition to the provisions cited above, there are various acts of Congress relating to personnel investigations authorizing the same by the Civil Service Commission which responsibility can, under Civil Service Regulations and law, be delegated in whole or in part to agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Civil Service Commission as a part of the central CSC personnel investigation records system. b. To any source from which information is requested in the course of an investigation, but only to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three way combination locks in a room which is locked when not in use.

Retrievability: Records are indexed in alphabetical order.

Safeguards: All officials or employees having access to such files are required to have an appropriate security clearance. Generally these files are available only to personnel of the security office or to agency office heads or other agency personnel having a need for such files in the performance of their duties.

Retention and disposal: Files are maintained in the personnel security office for three years after the termination, death or retirement of an employee, or for the same period of time after consideration of an applicant. Thereafter, said files are transferred to the Federal Records Center where they are maintained for twenty-seven years and then destroyed in accordance with regulations of the General Services Administration.

System manager(s) and address: Chief, Employee Security Branch Personnel Management Division, ACTION, Room 400, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in the system was obtained from the following categories of sources: a. Applications and other personnel and security forms furnished by the individual. b. Investigative material furnished by other Federal agencies. c. By personal investigation or written inquiry from such sources as employers, schools, references, etc. d. Neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, and other such sources as may be developed from the above.

ACTION/AF—16

System name: Voucher Payment Record and Schedules of Payments File—ACTION/AF

System location: Fiscal Services Branch, Administration and Finance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any current or former ACTION, employee, volunteer or vendor.

Categories of records in the system: The Voucher Payment Record is a single index card form containing the following data: Invoice number or date, amount paid, voucher and schedule number, grant, contract or purchase order number and type of payment (advance, partial or final). The Schedule of Payments File consists of the invoice received, document authorizing the action to be taken such as travel authorization or purchase order and the voucher making the payment as well as the SF-1166 (Voucher and Schedule of Payments) and SF-081 (Voucher and Schedule of Withdrawals and Credits—used in government only) and to which the other documents are attached.

Authority for maintenance of the system: Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; Peace Corps Act, 22 U.S.C. 2501 et seq.; Budget and Accounting Act of 1921; Account-

ing and Auditing Act of 1950; and the Federal Claims Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The content of these records may be disclosed and used as follows: The Treasury Department receives the Schedule of Payment and a copy of voucher for payment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Voucher Payment Records are stored in an index card box placed in a metal file cabinet with bar locks, key locks or manipulation proof combination locks when not in immediate use. Schedule of Payment is stored in the same way.

Retrievability: Voucher Payment Record is indexed by last name alphabetically. Schedule of Payments is filed numerically by schedule number.

Safeguards: Records in the system are available only to appropriate personnel, Fiscal Services Division, and other appropriate officials of ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records are held for three years and retired to the Federal Records Center in accordance with General Accounting Office instructions.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Data is obtained from documents provide by the individual or the vendor.

ACTION/AF—17

System name: Employee Reemployment and Repromotion Priority Consideration File—ACTION/AF

System location: Recruitment, Staffing and Outplacement Branch, Personnel Management Division, Office of Administration and Finance/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Current and previous ACTION employees eligible for priority consideration for reemployment and repromotion under U.S. Civil Service Commission and ACTION regulations.

Categories of records in the system: The records contain a listing of a person's name and the positions he was considered for and dates of consideration.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973; 42 U.S.C. 4951 et seq.; Ch 351, Federal Personnel Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The content of these records and files may be disclosed and used as follows: a. To the Civil Service Commission as part of the CSC personnel management evaluation system. b. To the Civil Service Commission for information concerning the reemployment and repromotion rights of individuals covered under the Civil Service System.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in loose-leaf binders placed in metal file cabinets with three-way combination locks when not in immediate use.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records in this system are available only to appropriate personnel, Office of Personnel Management and other appropriate officials of ACTION with a need for such records in the performance of their duties.

Retention and disposal: A person's name is retained on the list in accordance with reemployment eligibility: former career-conditional employees, one year; former career employees, two years. Retention for repromotion eligibility is indefinite or until repromoted to the grade previously held.

System manager(s) and address: Chief, Recruitment, Staffing and Outplacement Branch, Office of Personnel Management Division/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information is received from Labor and Employee Relations Branch, Personnel Management Division, ACTION.

ACTION/AF—18

System name: Performance Evaluation File—ACTION/AF

System location: Personnel Operations Branch, Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: ACTION employees and former employees up to one year after their termination of employment with the Agency.

Categories of records in the system: This system consists of annual performance evaluations of employee performance prepared by supervisors and reviewed by supervisory reviewing officials, together with comments, if any, by the employees evaluated.

Authority for maintenance of the system: Chapters 250 and 430, Federal Personnel Manual and the Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. To the Civil Service Commission in connection with any request for information or inquiry as to Federal Personnel Regulations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Only personnel of the Personnel Management Division with a need for such records in the performance of their duties, the individual about whom such record is maintained, or supervisory employees of the agency with a need to know in the performance of their duties are granted access to these files.

Retention and disposal: All evaluations are held for one year and then are destroyed by shredding.

System manager(s) and address: Chief, Personnel Operations Branch, Personnel Management Division, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in the system was obtained from the following sources: Supervisors of ACTION employees. Reviewing officials who review evaluation reports submitted by supervisors. Employees who make comments with respect to their evaluations when given an opportunity to do so at the time the record is made.

ACTION/AF—19

System name: Management-Union Records System—ACTION/AF

System location: Labor and Employees Relations Branch, ACTION Personnel Management Division, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: ACTION employees including those who have authorized withholding of Union dues in writing.

Categories of records in the system: The records in this system consist of automated data printouts showing an employee's name, grade, series, title, organizational entity and other associated data which determines his inclusion or exclusion from the bargaining unit under the existing Union contract. The record also contains a printout showing the amount of dues withheld from each employee who has authorized such withholding, and other related data.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501, et seq. and the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and various Executive Orders concerning management relations with employee organizations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records in this system may be disclosed and used for the following uses: 1. The ACTION Employees Union for maintenance of its records with respect to dues and inclusion in the bargaining. 2. The Treasury Department for preparation of payroll checks with appropriate withholding of dues. 3. To the Civil Service Commission for union related reporting in the area of management/labor relations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are maintained in metal filing cabinets.

Retrievability: As to the dues withholding list, records are maintained alphabetically within salary blocks. As to the list of employees in or out of the bargaining unit, records are maintained alphabetically within each organizational unit.

Safeguards: Records in these systems are available generally only to employees of ACTION with the need for such records in the performance of their duties.

Retention and disposal: The listing of all positions considered as included in or excluded from the bargaining unit are retained as follows. A historical/record copy is retained in Labor Relations for purposes of Union representation identification until it is supplemented or replaced by corrected or updated editions as appropriate. The dues withholding listed are retained until updated by new information.

System manager(s) and address: Chief, Labor and Employees Branch, Personnel Management Division/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in this system is obtained from the following categories of sources: 1. Fiscal and payroll records maintained for each employee. 2. The Official Personnel File.

ACTION/AF—20

System name: Peace Corps Volunteer Authorized Storage File—ACTION/AF

System location: Chief, Travel and Transportation Division, Office of Administrative Services, ACTION,806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps volunteers authorized to store household effects and personal belongings.

Categories of records in the system: Records contain copy of the travel authorization for the volunteer and the household goods storage letter.

Authority for maintenance of the system: Section 5(n) of the Peace Corps Act, 22 U.S.C. Section 2504(n).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained on book shelves in loose leaf binders in a locked room.

Retrievability: Records are arranged alphabetically by name.

Safeguards: Records in this system are available only to appropriate personnel, Office of Travel and Transportation and other appropriate officials of ACTION with a need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Office of Travel and Transportation for two years after the Peace Corps volunteers terminate and are then burned.

System manager(s) and address: Chief, Travel and Transportation Division Office of Administrative Services/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Peace Corps Washington Staff ACTION Overseas Peace Corps Mission Requesting Volunteers

ACTION/AF—21

System name: Personal Service Contracts Records—ACTION/AF

System location: Chief, Procurement Branch, Contracts and Grants Management Division/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any person who has served or is serving as a personal services contractor for the Peace Corps abroad or in the United States.

Categories of records in the system: The records maintained contain the history of employment, including earning records, of individuals hired as personal services contractors.

Authority for maintenance of the system: Section 10(a)(4) of the Peace Corps Act, 22 U.S.C. 2509.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Records are arranged by contract number.

Safeguards: Records in the system are available only to appropriate personnel in the Contracts and Grants Management Division and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Contracts and Grants Management Division for one year after the closing date of the contract and then sent to the Federal Records Center where they are maintained for three years and then destroyed in accordance with regulations governing such destruction of Federal Record Center records.

System manager(s) and address: Chief, Procurement Branch, Contracts and Grants Management Division, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in the system is obtained from the following categories of sources: Individual contractors Peace Corps Overseas Staff Peace Corps Washington Staff.

ACTION/AF—22

System name: Talent Bank—ACTION/AF

System location: Personnel Management Division, Recruitment, Staffing and Outplacement Branch/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Applicants for staff employment with ACTION in GS or Foreign Service positions.

Categories of records in the system: These files contain copies of applications for employment (SF-171), resumes submitted by applicants, and other background information regarding qualifications of the applicant for staff positions in ACTION.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Civil Service Commission with regard to any question of eligibility, suitability or qualifications of an applicant for employment. b. To any source of which information is requested in the course of an inquiry as to the qualifications of an applicant, to the extent necessary to identify the individual, inform the source of the nature and purpose of the inquiry, and to identify the type of information requested.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are generally available only to employees with ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records in these files are updated on a continuous basis.

System manager(s) and address: Chief, Recruitment, Staffing and Outplacement Branch, Personnel Management Division/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in the system was obtained from the following categories of sources: Applications and other personnel forms furnished by the individual. By oral or written inquiries from sources disclosed by the applicant such as: Employers Schools References, etc.

ACTION/AF—23

System name: Staff and Volunteer Household Storage File—ACTION/AF

System location: Office of Administration and Finance/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any employee or volunteer of ACTION whose furniture is authorized for storage.

Categories of records in the system: The records maintained contain the following information: Travel authorization. A Xerox copy of the invoice for payment. Record of partial payment form.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; the Peace Corps Act, 22 U.S.C. 2501 et seq.; and the Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury in connection with payment of invoice received from vendor. b. To the vendor in the event there is a descrepancy between its and ACTION records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in file folders in filing cabinets with bar locks, key locks, or manipulation proof combination locks when not in immediate use.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in the system are available only to appropriate persons in Administration and Finance and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records are retained for two years after a volunteer's or employee's termination (including retirement) and retired to the Federal Records Center.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Administration and Finance, Fiscal Services Branch, Travel Orders, Vendors Invoices.

ACTION/AF—24

System name: Domestic Volunteer Payroll Records—ACTION/AF

System location: Domestic Volunteer Payroll Section/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Full-time volunteers serving in ACTION Domestic programs such as VISTA, UYA, etc.

Categories of records in the system: The records in this system consist of the following: 1. Food and lodging allowance records. 2. Gross and net amounts paid. 3. Stipend amount accrued. 4. Deductions from check for authorization. 5. Overpayments to be collected per pay period. 6. Name of volunteer, sex, age, marital status. 7. Living allowance. 8. Amount of debt, if any, owed to the United States Government and correspondence explaining and relating to such indebtedness.

Authority for maintenance of the system: Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from this system is placed on a computer and ultimately provided on a routine basis to the Social Security Administration for crediting of social security accounts, to the Internal Revenue Service to report on taxes paid, and to the Treasury for the purpose of obtaining payroll checks.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in rooms locked during off-duty hours. A manipulation proof combination lock is built into the door.

Retrievability: Files are indexed alphabetically.

Safeguards: Files are generally available to personnel of the payroll section and other employees of ACTION having a need for such records in the performance of their official duties.

Retention and disposal: Records in this system are destroyed seven years after volunteer termination date.

System manager(s) and address: Chief, Domestic Volunteer Payroll Section, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: ACTION employees and the individual to whom the record pertains.

ACTION/AF—25

System name: Peace Corps Volunteer Personnel and Payroll System (Computer System)—ACTION/AF

System location: Accounting Division, Office of Accounting and Computer Services/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any person who has served or is currently serving as a Peace Corps volunteer.

Categories of records in the system: Records maintained include volunteers' social security number, name and address, next of kin and address, birthdate, sex, marital status, education level, colleges attended, degree and degree type, skills, jobs and source codes. Date entered on duty, date of oath, completion of service date (projected and actual), effective date of transaction, current and prior project information, current and last country served, and number of school age and non-school age children. Also included is financial data required to accrue and disburse monies in volunteer readjustment allowance account, payee name and address for allotments and withdrawals from readjustment allowance account, beneficiary name and social security number for bonds purchased for Peace Corps volunteers.

Authority for maintenance of the system: Peace Corps Act, 22 U.S.C. 2501 et seq.; Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury for the issuance of checks in connection with the payment of volunteer readjustment allowances. b. To the Internal Revenue Service in connection with the filing of W-2 withholding forms for income tax purposes. c. The Social Security Administration in connection with withholdings of social security tax as appropriate on allowances paid including readjustment allowance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained on magnetic discs and tapes which are stored in a locked room with a manipulation proof combination lock built into the door.

Retrievability: Records are indexed by social security number.

Safeguards: Records in the system are available only to appropriate personnel in the Volunteer Support Services Division, Office of Accounting and Computer Services, Administration and Finance, and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: These records are kept permanently.

System manager(s) and address: Chief, International Volunteer Support Services Division, Office of Accounting and Computer Services, Administration and Finance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Data is keypunched from forms completed by the volunteers such as Training Registration Form, Waiver of Coverage of Peace Corps Life Insurance, Designation of Beneficiary Peace Corps Life Insurance, Notice of Volunteer-Trainee Action (Status), Application for allotment or withdrawal, Request for payment of Dental Bills, List of Payments Advanced in Country and Application for U.S. Savings Bonds.

ACTION/AF—26

System name: Domestic and International Volunteer Security Files—ACTION/AF

System location: Employee Security Branch Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps volunteers and volunteer applicants Volunteers serving in full-time domestic volunteer programs under Title I of the Domestic Volunteer Service Act of 1973 including service in such programs as VISTA, UYA, PLS, etc., and applicants for such service.

Categories of records in the system: These records contain investigative information regarding an individual's character, conduct, qualifications and integrity and reputation in the community where he or she lives, including records of arrest and convictions for any violations against the law, reports and recommendations from former supervisors, co-workers, friends, educators, etc.; reports of inquiries with law enforcement agencies, former employers, educational institutions attended, and other information developed from the above.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Civil Service Commission as a part of the central CSC personnel investigation records system. b. To any source from which informa-

tion is requested in the course of an investigation, but only to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks in a room which is locked when not in use.

Retrievability: Records are indexed in alphabetical order.

Safeguards: All officials of employees having access to such files are required to have an appropriate security clearance. Generally, these files are available only to personnel of the security office or to agency office heads or other agency personnel having a need for such files in the performance of their duties.

Retention and disposal: Peace Corps files are maintained in the personnel security office for three years after the termination or death of a volunteer, or for the same period of time after consideration of an applicant. Thereafter, said files are transferred to the Federal Records Center, where they are maintained for twenty-seven years and then destroyed in accordance with regulations of the General Services Administration. All domestic volunteer files are maintained in the personnel security office up to the time of the termination or death of a volunteer when they are destroyed by burning or shredding.

System manager(s) and address: Cheif, Employee Security Branch, Personnel Management Division ACTION, Room 400, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in the system was obtained from the following categories of sources: a. Applications and other personnel and security forms furnished by the individual. b. Investigative material furnished by other Federal agencies. c. By personal investigation or written inquiry from such sources as employers, schools, references, etc. d. Neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, and other such sources as may be developed from the above.

ACTION/AF—27

System name: Employee Pay and Leave Records—ACTION/AF

System location: Office of Administration and Finance/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Persons employed by ACTION.

Categories of records in the system: Personnel actions employing, promoting and terminating employees, savings bond applications, advises of allotments, IRS tax levels, notice of deduction for health insurance, combined Federal campaign, union dues withholdings applications, and educational allowances for children of overseas employees and records regarding collections for overpayments and time and attendance records.

Authority for maintenance of the system: GAO Policy and Procedures Manual; 31 U.S.C. 66(a); and the Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from these records are routinely provide as follows: 1. To the Treasury for payroll and savings bonds and other deduction purposes. 2. To Internal Revenue Service with regard to tax deductions. 3. To participating insurance companies holding policies with respect to Federal employees employed by ACTION.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and looseleaf binders in metal file cabinets with manipulation proof combination locks. The individual Time and Attendance records maintained by designated timekeepers throughout the agency are stored in a metal file cabinet with a key lock or manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in this system are available only to employees of ACTION with a need for such records in the performance of their official duties.

Retention and disposal: Records in this system are maintained for three years after the end of the fiscal year in which an employee terminates his employment with ACTION, and then retired to the Records Center in accordance with GAO instructions.

System manager(s) and address: Designated timekeepers throughout the agency and Chief, Domestic Volunteer and Staff Payroll Branch, Accounting Division, Office of Administration and Finance, ACTION 806 Commecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: ACTION employees and the individual to whom the record pertains.

ACTION/AF—28

System name: Peace Corps Applicant Record System—ACTION/AF

System location: Applicant Records Center, Paperwork Management Branch, Office of Administration and Finance, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any person whose application to ACTION for enrollment as a Peace Corps volunteer has been accepted by an ACTION Service Center.

Categories of records in the system: The records maintained include the application of a Peace Corps applicant, material received from references provided by him, invitations to training and similar material having to do with the enrollment of an individual as a Peace Corps trainee.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501, 2504.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: To host country officials lwhere necessary to obtain visas or to inform such host countries of the impending arrival of the volunteer and for review of such volunteer's qualifications for the intended program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets in a room equipped with a manipulation proof combination lock built into the door.

Retrievability: Records are indexed in terminal digit order.

Safeguards: Records in this system are available only to ACTION employees having a need for such records in the performance of their duties as such.

Retention and disposal: Records of applicants rejected at prescreening process are destroyed within six months of such action. Records of applicants rejected during processing are destroyed within one year after such action. Records of applicants who are accepted become part of the Peace Corps volunteer record system.

System manager(s) and address: Chief, Applicant Records Center, Paperwork Management Branch, Office of Administration and Finance, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Peace Corps applicants References supplied by individuals listed by Peace Corps applicants. Information obtained from United States Government investigative agencies including the Civil Service Commission.

ACTION/AF—29

System name: Peace Corps Medical Evacuation/Administrative System—ACTION/AF

System location: Medical Operations Branch, Health Services Division/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps volunteers and trainees who have had medical problems effecting their continued service.

Categories of records in the system: A. For Peace Corps trainees and volunteers medically cleared to resume service after interruption for medical reasons the files contain cables, memos, letters and forms having to do with travel, per diem, and medical clearance. B. For volunteers and trainees who have been medically terminated, the information contained in subparagraph A is forwarded to the Office of Special Services for maintenance in the Peace Corps termination/consultation system. C. A permanent record card is maintained in a file box which includes the name of the volunteer, his home of record, his next of kin and Peace Corps project number. D. For volunteers completing service but terminating in Washington as a result of medical consultation, the file contains all of the above listed material and a permanent record card as aforesaid is also maintained.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501, 2504.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: To Federal agencies having a need to verify volunteer eligibility for special consideration for Federal employment under Executive Order 11103.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to personnel of the Health Services Division and selected officials of ACTION having a need for information from such records for the performance of their duties.

Retention and disposal: These records are maintained in the Office of Medical Affairs for three years and then destroyed. A record card as indicated above is permanently maintained in the Office of Medical Affairs.

System manager(s) and address: Director, Office of Medical Affairs, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Health Services Division staff, Individual volunteers and trainees, Physicians and other medical personnel.

ACTION AF—30

System name: Peace Corps Medical Evacuation Cards—ACTION AF

System location: Health Services Division, ACTION, 806 Connecticut Avenue, N.W. Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps volunteers and trainees who have had medical problems requiring medical evacuation to Washington.

Categories of records in the system: These cards contain the name of the individual involved, short description of the medical problem, a record of the consulting physcian, treatment, hospitalization and final disposition of the case.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501, 2504(e) and various provisions of the Peace Corps Manual relating to health care.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these cards and files may be disclosed and used as follows: a. To physicians or other medical personnel directly involved in the medical care of Peace Corps volunteers or trainees and having a need for such records for the provision of such services. b. In view of Peace Corps' policy of maintaining medical confidentiality these cards are not otherwise disclosed outside of the agency, and within the agency, only to personnel of the Health Services Division or selected medical staff of ACTION having a need for knowledge of such records in the performance of their official duties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards are maintained in metal file cabinets with manipulation proof combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Cards in the system are available only to appropriate personnel of the Health Services Division having a need for such record in the performance of their official duties as such. Information from these records may be provided to other officials of ACTION having a need for such knowledge in the performance of their official duties.

Retention and disposal: These records are maintained in the Health Services Division for three years and then destroyed.

System manager(s) and address: Chief, Medical Operations Branch, Helath Services Division, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Peace Corps overseas staff, Health Services Division staff, Individual volunteers and trainees, Physicians and other medical personnel.

ACTION/DO—1

System name: Domestic Full-Time Volunteer Personnel File—ACTION/DO

System location: All ACTION Domestic Regional Offices (See Preliminary Statement for Regional Office Addresses).

Categories of individuals covered by the system: Any full-time ACTION Domestic Volunteer working in the following programs: Volunteers in Service to America (VISTA), University Year for ACTION (UYA)c ACTION Cooperative Volunteer (ACV), Program for Local Service (PLS), and Volunteers in Justice (VIJ)

Categories of records in the system: Records maintained contain Volunteers application, forms and copies of correspondence regarding actions occurring during the volunteer's service such as authorization to use a motor vehicle, copy of driver's license, status of volunteer form, future intent form, food and lodging allowance, living allowance, time and attendance, paychange forms, volunteer payment vouchers and evaluation on termination.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The content of these records and files may be disclosed and used as follows: To the volunteer's sponsor concerning his placement, performance, support, and related matters.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks or in a room with a combination lock in the door.

Retrievability: Records are retrievable alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records are retained for one year after the volunteer has terminated service and then retired to the Federal Record Center for 6 years at which time the record is destroyed.

System manager(s) and address: The records are kept in the regional office, the system manager is the Administrative Officer in the region. The files are kept in the state office, the system manager is the State Director.

Record source categories: The data is supplied by the volunteer or through forms signed and executed by the volunteer or Domestic Regional Office personnel or State Program Director.

ACTION/DO—2

System name: Domestic Volunteer Medical File and Medical Claims—ACTION/DO

System location: All ACTION Domestic Regional Offices

Categories of individuals covered by the system: Any person applying as a volunteer in a domestic ACTION program who is over 44 years of age or has reported in his application information which causes ACTION selection officials to require medical examination or history and other with medical problems arising during service.

Categories of records in the system: The records maintained contain the following information: 1. Medical history, medical examination and medical release forms. 2. Medical claims submitted by volunteer for processing and correspondence.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To Group Hospitalization, Inc., contractor under the ACTION health policy, for the purposes of adjudication volunteer claims. b. The United States Department of Labor in connection with claims under the Federal Employees Unemployment Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks or in a room with a manipulation proof combination lock built in the door.

Retrievability: Records are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with the need for such records for the performance of their duties. Information is released only with the writ-

ten consent of the volunteer and only to a physician or medical authority.

Retention and disposal: Files are maintained in the regions during service. Files are returned to the Health Services Division on termination of service and are retired to the Federal Records Center for fifty years, after that they are destroyed.

System manager(s) and address: Administrative Officer, Regional Office is system manager while the file is maintained in the region; Chief, Health Benefits and Analysis Branch (HBAB), Division of Health Services, 806 Connecticut Avenue, NW., Washington, D.C. 20525, is system manager upon retirement. Records are released only by Chief, HBAB.

Record source categories: Data in this system is obtained from the following categories of sources: 1. Medical personnel who have examined or treated a volunteer or applicant. 2. Domestic volunteers and applicants. 3. ACTION staff. 4. Medical contractors.

ACTION/DO—3

System name: Employee Travel File—ACTION/DO

System location: All ACTION Domestic Regional Offices except for Region I.

Categories of individuals covered by the system: Any employee, expert, consultant or other person engaged in travel on USG Travel authorization for a Domestic Regional Office.

Categories of records in the system: Records maintained are travel authorizations and vouchers.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be disclosed and used for the purposes expressed in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks or key locked filing cabinets when not in immediate use.

Retrievability: Records are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with a need for such records for the performance of their duties.

Retention and disposal: Records are retained until the employee has terminated and then are destroyed.

System manager(s) and address: Administrative Officer, ACTION Regional Office

Record source categories: Itinerary provided by individual or supervisor and the voucher submitted by the individual traveller.

ACTION/DO—4

System name: Domestic Full-Time Volunteer Census Master File—ACTION/DO

System location: Management Information System, Domestic Operations Management, ACTION, 806 Connecticut Avenue, Washington, D.C. 20525.

Categories of individuals covered by the system: Any person who has served or is serving as a full-time ACTION domestic volunteer in one of ACTION's full-time domestic operations programs including VISTA, ACTION Cooperative Volunteers (ACV), University Year for ACTION, (UYA), Program for Local Service (PLS), Volunteers in Justice (VIJ) and Veterans Reach (VETREACH).

Categories of records in the system: The records maintained contain information extracted from the volunteer's application, information about the volunteer's period of service, and information about the volunteer's history with ACTION.

Authority for maintenance of the system: Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Generally speaking the information in this file would not be routinely available outside the agency since most routine uses would have to do with the applicant's volunteer file as such. This is a computerized file used for such things as payroll information, etc. The system might be used to verify the fact that an individual has served or is serving in one of ACTION's full-time domestic programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape which is kept in a locked room when not in use.

Retrievability: Records are retrieved by social security number and the first four letters of the last name of the volunteer.

Safeguards: The material on these tapes is generally available only to Programmers and Systems Analysts of the Management Information System and is so coded as to be unavailable to anyone else.

Retention and disposal: These records have no present destruction date and are maintained permanently.

System manager(s) and address: Chief, Management Information System/DO,/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Volunteer application and payroll notices.

ACTION/DO—5

System name: Domestic Full-Time Volunteer Legal File—ACTION/DO

System location: ACTION Domestic Region No. 4 (only) 730 Peachtree Street, N.E. Room 895 Atlanta, Georgia 30308

Categories of individuals covered by the system: Any Region No. 4 full-time ACTION Domestic Volunteer.

Categories of records in the system: The records maintained contain the following information: (1) Claims related to the Federal Tort Claims Act. (2) Claims related to the Federal Employee Compensation Act. (3) Support material for volunteer claims or losses and thefts. (4) Legal support information for volunteer civil and criminal matters. (5) Material related to alleged misuse of General Services Administration vehicles.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: (a) To the Department of Labor in connection with names filed by volunteers for compensation under the Federal Employees Compensation Act. (b) To the General Services Administration in connection with the alleged misuse of GSA vehicles. (c) Volunteer supervisors and sponsors who are involved in legal matters affecting volunteers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Records are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional office and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records are destroyed 5 years after termination of case.

System manager(s) and address: Regional Attorney, Region IV 730 Peachtree Street, N.E., Room 895 Atlanta, Georgia 30308

Record source categories: The source of the information may be the volunteer's sponsor, the Volunteer's supervisor or any other person involved in these legal matters including ACTION employees such as the State Director.

ACTION/DO—6

System name: Domestic Volunteers Status Change System

System location: All ACTION Domestic Regional Offices (See Preliminary Statement for addresses)

Categories of individuals covered by the system: Any person who is serving or has served as a full-time ACTION domestic volunteer under Title I of the Domestic Volunteer Services Act of 1973 (42 U.S.C. 4951) including VISTA, ACTION Cooperative Volunteer (ACV), University Year for ACTION (UYA), Program for Local Services (PLS), Volunteers in Justice (VIJ) and Veterans Reach (VETREACH).

Categories of records in the system: Record maintained in a single index card containing the date volunteer entered training, the date of placement, extra payments made for travel and training and the dates of termination, reenrollments, and extensions.

Authority for maintenance of the system: Title I and Title IV of the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Department of Health, Education and Welfare for the purpose of certifying student loans. b. Verification of present or past volunteer status. c. To volunteer's relatives so that he may be located in case of emergency.

Storage: Files are maintained in folders in metal filing cabinets when not in immediate use.

Retrievability: Records are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records in this system are maintained as a permanent record.

System manager(s) and address: Administrative Officer, Regional Office.

Record source categories: Volunteer personnel records.

ACTION/DO—7

System name: Employee Unofficial Personnel Files

System location: All ACTION Domestic Regional Offices. In some cases, these files may be located in ACTION State Offices. The supervising ACTION Regional Office shall be responsible for all relevant requests in such cases.

Categories of individuals covered by the system: Current ACTION Domestic Regional employees.

Categories of records in the system: The records maintained consist of copies of personnel documents sent to ACTION Headquarters in Washington including employment applications, appointment papers, job descriptions and personnel action change notices. The Official Personnel Folder is maintained in ACTION Headquarters in Washington.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: There are no routine uses other than those in the Preliminary Statement.

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks or locked in a room with a manipulation proof combination lock built into the door.

Retrievability: Records are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Files are retained until the employee terminates his service at the regional office and destroyed by burning or shredding one year after such termination.

System manager(s) and address: Administrative Officer, ACTION Regional Office

Record source categories: The data is obtained from the emloyee, his references and Agency personnel forms.

ACTION/DO—8

System name: Combined Domestic and International Volunteer Applicant System—ACTION/DO

System location: Office of Recruitment and Communications/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any person who applies to ACTION as a full-time volunteer in Domestic or Peace Corps Volunteer programs. This file has been in existence since June 1974.

Categories of records in the system: The records contain the following information: Name, Date of Birth, Sex, Social Security Number, Type of Volunteer Applied for, Marital Status, Personal Statistics, Skills, Educational Level, Method of Recruitment, Date of Availability, Status Codes (Rejection Codes), similar data required to process a person as an applicant and report on processing progress.

Authority for maintenance of the system: Section 404(e) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(e)). Peace Corps Act, 22 U.S.C. 2501, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Storage: Files are contained in disc packs with type backup and are kept in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Files are retrievable through the last name and social security number.

Safeguards: Records in the system are available only to appropriate personnel in the Planning and Evaluation Division, Office of Recruitment and other officials of ACTION with a need of such records in the performance of their duties.

Retention and disposal: Records in the system are maintained indefinitely.

System manager(s) and address: Director, Planning and Evaluation Division, Office of Recruitment, ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information is obtained from the Application provided by the Applicant and Evaluations made by the ACTION Regional Placement Units.

ACTION/DO—9

System name: Volunteer Applicants Record System—ACTION/DO

System location: ACTION Area and Sub-Area Offices and ACTION/ORC Field Service Centers: New York Service Center/ACTION 26 Federal Plaza, 1605, New York, New York 10007. Washington Service Center/ACTION 806 Connecticut Avenue, N.W. P-314, Washington, D.C. 20525. Chicago Service Center/ACTION 1 North Wacker Drive, 3rd Floor, Chicago Illinois 60606, Dallas Service Center/ACTION Corrigan Tower Building, 1620, 212 No. St. Paul Street, Dallas, Texas 75201. San Francisco Service Center/ACTION 211 Main Street, 5th floor, San Francisco, California 94105.

Categories of individuals covered by the system: Any person applying as a full-time ACTION volunteer for domestic or overseas programs under the Peace Corps Act or Title I of the Domestic Volunteer Service Act of 1973.

Categories of records in the system: Records maintained in the system include applications, references, invitations to training, medical fitness reports, correspondence and similar documents.

Authority for maintenance of the system: The Peace Corps Act 22 U.S.C. 2501, et seq.; The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4501 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be disclosed and used as follows: To any source from which information is requested in the course of an investigation of qualifications or suitability of an applicant to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.

Storage: Maintained in file folders in metal filing cabinets with manipulation proof combination locks.

Retrievability: The last initial of the applicant's name and his social security number are used as a personal identifier.

Safeguards: Records in the system are generally available only to ACTION employees having a need for such records in the performance of their official duties.

Retention and disposal: Records of applicants rejected at prescreening process are destroyed in six months. Records of applicants rejected during processing are destroyed within one year. Records of applicants who are accepted for service become a part of the volunteer folder of such individual.

System manager(s) and address: The Placement Manager at each of the ACTION Service Centers acts as manager for his segment of the system.

Record source categories: Information in the system is obtained from the following categories of sources: From the individual to whom the record pertains. From references supplied by the individual to whom the record pertains. From United States Government investigative agencies and local law enforcement officials.

ACTION/DO—10

System name: Peace Corps Applicant File for period 1963 to June, 1974—ACTION/DO

System location: Office of Recruitment/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any person who applied to become a Peace Corps Volunteer between 1963 and June, 1974.

Categories of records in the system: Records maintained contain applicant information as follows: Name, date of birth, sex, social security number, marital status, personal statistics, skills, educational level, method of recruitment, date of availability, and similar data required to process a person as an applicant and report on processing progress.

Authority for maintenance of the system: Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tapes which are maintained in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Records are indexed alphabetically and by Social Security number.

Safeguards: Records in this system are available only to appropriate personnel in the Planning and Evaluation Division, Office of Recruitment and to other appropriate officials of ACTION with the need for access to such records for the performance of their duties.

Retention and disposal: These records are kept indefinitely.

System manager(s) and address: Chief Director Planning and Evaluation Division Office of Recruitment/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information is obtained from the application provided by the applicant and evaluations made by the placement division of the Office of Recruitment.

ACTION/DO—11

System name: Domestic Program Applicant Medical Record—DO

System location: ORC Field Service Centers: New York Service Center/ACTION 26 Federal Plaza, 1605 New York, New York 10007. Washington Service Center/ACTION Office of Health Services 806 Connecticut Avenue, NW., Room P-214 Washington, D.C. 20525. Chicago Service Center/ACTION 1 North Wacker Drive, 3rd Floor Chicago, Illinois 60606 Dallas Service Center/ACTION Corrigan Tower Building, no. 1620 212 No. St. Paul Street Dallas, Texas 75201, San Francisco Service Center/ACTION 211 Main Street, 5th Floor, San Francisco, California 94105.

Categories of individuals covered by the system: Any person applying as a volunteer in a domestic ACTION program who is over 44 years of age or has reported in his application information which causes ACTION selection officials to require medical examination or history.

Categories of records in the system: This system contains medical histories, records of examination, and related medical information.

Authority for maintenance of the system: Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: Information may be provided to a physician or other medical personnel treating the applicant. In situations where it is practicable the applicant's consent will be obtained before releasing such information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are maintained in metal file cabinets locked with a three position combination lock or in a room locked with a three position lock built into the door.

Retrievability: Records are filed alphabetically.

Safeguards: Records in this system are generally available only to ACTION personnel having a need for such information in the performance of their official duties. Information is released only with the written consent of the applicant/volunteer and only to a physician or medical authority.

Retention and disposal: Records of applicants who do not become volunteers are destroyed by burning or shredding after one year. Records of applicants who become volunteers are forwarded to the appropriate Domestic Regional Office. Upon termination of the volunteer's service, these records are returned to the Health Services Division and retired to the Federal Records Center.

System manager(s) and address: Placement Manager of the appropriate Field Service Center is the System Manager of that portion of the system under his or her control; Chief, Health Benefits and Analysis Branch (HBAB), Health Services Division, 806 Connecticut Avenue, NW., Washington, D.C. 20525, is system manager upon retirment. Records are released only by Chief, HBAB.

Record source categories: Information contained in these systems was obtained from the following categories of sources: A. Examining physicians and other medical personnel. B. Applicants for volunteer service. C. ACTION personnel.

ACTION/GC—1

System name: Conflict of Interest Records—ACTION/GC

System location: Office of General Counsel/ACTION/M-607 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Employees, contractors, consultants and other persons employed by or dealing with ACTION.

Categories of records in the system: Statement of personal and family interests in business enterprise correspondence with respect thereto including opinions of counsel and confirmation materials.

Authority for maintenance of the system: 18 U.S.C. 306 and E.O. 11222 (5865).See preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

Retrievability: Records are indexed alphabetically.

Safeguards: Records are generally available only to attorneys and other personnel of the Office of General Counsel and to designated ACTION officials having a need for such knowledge in the performance of their official duties.

Retention and disposal: Records are purged annually and destroyed two years after they are obtained unless there is a specific need for the retention of any specific record.

System manager(s) and address: General Counsel/ACTION/M-607 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Data is obtained from the following categories of sources: 1. Employees of ACTION. 2. Work product of attorneys for ACTION.

ACTION/GC—2

System name: Legal Files—Staff and Applicants (A-Z)—ACTION/GC

System location: Office of the General Counsel/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: 1. Applicants for employment with ACTION. 2. Staff employees of ACTION.

Categories of records in the system: Records of any legal matter affecting any present or former staff member of ACTION or any applicant for employment in ACTION whose employment has raised any legal question. Included among the kinds of records maintained are those involving employee grievances, appeals from adverse actions, claims by and against staff members, records concerning litigation in which ACTION staff members become involved as parties, legal queries from staff members regarding themselves or their employment and answers thereto and any other matter involving a contact between a staff member and an attorney of the Office of General Counsel.

Authority for maintenance of the system: These records are maintained under the general authority of the Office of General Counsel to represent the Agency in connection with its dealings with its employees and the general functions of the Office of General Counsel to provide advice and counsel to the Director of the Agency and his staff.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are not routinely disclosed outside the Agency except in the following cir-

cumstances: 1. To the Department of Justice in conjunction with litigation or potential litigation in situations in which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 2 and 7 of the general routine uses set forth in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are kept in separate file folders in cabinets secured by changeable combination locks or bar locks secured by such combination locks and in room locked when not in use.

Retrievability: Files are maintained under subject headings but access to files concerning individuals may be gained by referring to an alphabetical index.

Safeguards: Files are available only to personnel of the Office of General Counsel which includes attorneys and confidential secretaries.

Retention and disposal: Files are maintained for the duration of the litigation or other matter to which they refer and retired on an annual review basis to the Federal Records Center for 27 years at which time they are destroyed.

System manager(s) and address: General Counsel, ACTION 806 Connecticut Avenue, NW., Room M-607, Washington, D.C. 20525.

Record source categories: Data is obtained from the following categories of sources: 1. ACTION employees. 2. Correspondence and reports from persons and agencies dealing with the agency and its employees. 3. Work product and research of lawyers of the office.

ACTION/GC—3

System name: Legal Files—Volunteers and Applicants (A-Z)—ACTION/GC

System location: Office of the General Counsel-ACTION, Room M-607, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Current and former ACTION volunteers, and applicants for volunteers service.

Categories of records in the system: Records of any legal matter affecting volunteers or applicants for volunteer service, including grievances, appeals from decisions of ACTION staff, claims against volunteers, claims by volunteers, records of litigations in which ACTION is involved as a party, or in conjunction with any obligation under the Peace Corps Act or the Domestic Volunteer Service Act to provide legal defense, legal queries from volunteers or applicants and answers thereto, and any other matter involving contact between a volunteer and the Office of General Counsel.

Authority for maintenance of the system: The Peace Corps Act 22, U.S.C. 2501. The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951. In addition to authority specifically contained in the above-named Acts, these records maintained as an adjunct to the normal requirements of the functions of the Office of General Counsel to provide advice and counsel.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are not routinely disclosed outside the Agency except in the following circumstances: 1. To the Department of Justice in conjunction with litigation or potential litigation in situations in which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 2 and 7 of the general routine uses set forth in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are kept in separate file folders in cabinets secured by changeable combination locks, and in a room locked when not in use.

Retrievability: Files are maintained under subject headings but access may be gained by referring to an alphabetical name index.

Safeguards: Files are available only to personnel of the Office of General Counsel which includes attorneys and confidential secretaries.

Retention and disposal: Files are maintained for the duration of the litigation or other matters to which they refer and retired on an annual review basis to the Federal Records Center for 27 years at which time hey are destroyed.

System manager(s) and address: General Counsel/ACTION, Room M-607, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: ACTION employees and volunteers.

ACTION/IO—1

System name: Peace Corps Volunteer Death Files—ACTION/IO

System location: Office of Special Services/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps Volunteers and Trainees who have died during service or training.

Categories of records in the system: Official cables relating to the death and subsequent disposition of the body Eye Witness or other accounts of the occurrence or event. Medical Reports including an autopsy report if any. Designation of beneficiary statement. Death certificate. Police report. Copies of all correspondence with family and next of kin of deceased volunteers. Proof of receipt of insurance and readjustment allowance check and other financial documents having to do with the death of a volunteer or trainee.

Authority for maintenance of the system: The Peace Corps Act 22 U.S.C. Section 2500, et seq. and Section 2504(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To notify an appropriate insurance company to obtain the payment of life insurance benefits and personal property insurance. b. To notify the Office of the Vice President for the preparation of appropriate condolence letters. c. For notification to the Department of State. d. Notification of the Department of Labor/Office of Federal Employees Compensation. e. To the family and next of kin of the deceased volunteer or trainee.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets in a room locked with a manipulation proof combination lock built into the door.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available to officials of ACTION with a need for such records for the performance of their duties.

Retention and disposal: Records in this system are maintained in ACTION for 7 years at which time they are destroyed by burning or shreading.

System manager(s) and address: Chief, Special Services Branch, Office of Special Services/IO ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in this system was obtained from the following categories of sources: Peace Corps Country Staff American Embassy and Consulates Host Country Police Host Country Ministry Officials Staff of the Office of International Operations, ACTION Insurance Companies Witnesses to any accident or occurrence causing the death of a volunteer or trainee.

ACTION/IO—2

System name: Peace Corps Volunteer Program Correspondence System—ACTION/IO

System location: These records are maintained in the office of each Peace Corps program overseas. There are at present an excess of 60 such offices and this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, Peace Corps, c/o the American Embassy in such country.

Categories of individuals covered by the system: Current and Former Peace Corps Volunteers Current and Former Peace Corps Trainees

Categories of records in the system: Correspondence between Peace Corps staff and volunteer or trainees.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. Section 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: There are no routine uses of this system other than as indicated in the preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and metal file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to the Country Director and his staff with a need for such records in the performance of their duties.

Retention and disposal: These files are retired and destroyed three years after a volunteer terminates, provided that documents, reports, etc., having continuing use in programs may be retrained in appropriate program files.

System manager(s) and address: The Country Director in each country in which Peace Corps serves.

Record source categories: Peace Corps volunteers Peace Corps staff Host country ministry officials.

ACTION/IO—3

System name: Peace Corps Volunteer Financial Records—ACTION/IO

System location: These records are maintained in the office of each Peace Corps program overseas. There are at present in excess of 60 such offices and this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

Categories of individuals covered by the system: Current and former Peace Corps volunteers and trainees.

Categories of records in the system: This system consists of records of all payments or accrued credits to volunteers and trainees, and records of any advances or other items due from volunteers or trainees to the government. The records include those of monthly living allowances, leave allowances, settling in allowances, etc.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. Section 2501, 2504.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To appropriate U.S. Government agencies for monthly payroll preparation. b. To the U.S. Treasury for the purpose of reporting overpayments. c. To the Social Security Administration for the purpose of reporting Social Security withholdings.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and metal file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order in each location.

Safeguards: Records are available only to ACTION staff with a need for such records in the performance of their duties.

Retention and disposal: These files are retained for five years and then are destroyed.

System manager(s) and address: The Country Director in each country in which Peace Corps serves.

Record source categories: Peace Corps Volunteers and Trainees Personnel of ACTION, Office of Administration and Finance.

ACTION/IO—4

System name: Peace Corps Trainees/Volunteers Overseas Health Records—ACTION/IO

System location: These files are maintained in the Office of the Medical Officer in each country in which Peace Corps employs such an official.

Categories of individuals covered by the system: Peace Corps Trainees and Volunteers.

Categories of records in the system: Medical History entrance physical/dental examinations and Record of treatment received while in Peace Corps.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. Section 2501 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To medical personnel in the process of treating the volunteer or staff member or trainee who have a need for such record in order to provide appropriate treatment. b. See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: These records are available only to medical personnel of the Peace Corps.

Retention and disposal: Upon termination of the volunteer/trainee, these records are sent to Health Services Division of Administration and Finance, ACTION, Washington, 806 Connecticut Avenue, NW., Washington, D.C. 20525 for ultimate disposition.

System manager(s) and address: The Medical Officer at any Peace Corps post is System Manager for this system. Upon termination of the volunteer, the system manager is the Chief, Health Benefits and Analysis Branch, Health Services Division, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information is obtained from the following sources: Physicians, dentists and other medical personnel who have treated or examined the individual or his records. 2. Peace Corps medical personnel. 3. Individuals who are the subjects of the records.

ACTION/IO—5

System name: United Nations Volunteer System—ACTION/IO

System location: Office of Multilateral and Special Programs/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: United Nations Volunteer Corps applicants, trainees, volunteers, and returned volunteers.

Categories of records in the system: These records contain applications, correspondence aasociated therewith, and with the placement of the applicant, and other records connected with the application, training and placement of persons wishing to serve or serving as United Nations volunteers. For short periods of time references furnished by the applicant may be kept in the file but they are transferred to the ACTION Office of Recruitment which has the responsibility for the selection process. Similarly, medical history forms are collected but are immediately forwarded to the United Nations or to the Health Services Division (Volunteer Health Service) of ACTION.

Authority for maintenance of the system: The Peace Corps, 22 U.S.C. 2501 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. Designated officers and employees of the United Nations having a responsibility for the selection and placement of United Nations volunteers. b. To officials of a proposed host country desiring the assignment or placement of United Nations volunteers. c. Routine uses as contained in Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are generally available only to personnel of the Office of Multilateral and Special Programs and to other officials of ACTION having a need for such records in the performance of their official duties.

Retention and disposal: Records are maintained in the Ofice of Multilateral and Special Programs for two years following the completion of service of a UN volunteer then forwarded to AF/Volunteer Support Services for maintenance with the Peace Corps records and subsequent removal to the Federal Records Center and are destroyed after five years.

System manager(s) and address: Director, Office of Multilateral and Special Programs, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Applicants for United Nations volunteer programs References named by the applicant Multilateral and Special Programs staff United Nations Staff.

ACTION/IO—6

System name: Peace Corps Property Records—ACTION/IO

System location: These records are maintained in the office of each Peace Corps program overseas. There are at present an excess of 60 such offices and that this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

Categories of individuals covered by the system: Current and former Peace Corps staff Current and former Peace Corps volunteers Current and former Peace Corps trainees who have trained overseas.

Categories of records in the system: These files consist of records of U.S. Government property assigned to Peace Corps staff, volunteers or trainees for which they are accountable and which must be returned to the Peace Corps.

Authority for maintenance of the system: The Peace Corps Act 22 U.S.C. Section 2501, et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: To the Department of State or any other Federal agency having the responsibility for accounting for the disposition of Federal property.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in metal file cabinets.

Retrievability: Files are indexed in alphabetical order in each Peace Corps post overseas.

Safeguards: Files are available only to ACTION/Peace Corps staff having a need for such records in the performance of their official duties. For these purposes, host country nationals employed by the U.S. Government and working for Peace Corps are considered staff.

Retention and disposal: Files in this system are retained at overseas posts for two years after an employee or volunteer leaves the country and then are destroyed by burning, shredding or such other method as is approved by the Department of State for the disposal of such request.

System manager(s) and address: Country Directors in each country in which ACTION/Peace Corps maintains a program.

Record source categories: Peace Corps overseas staff. The individual to whom the record pertains.

ACTION/IO—7

System name: Peace Corps Volunteer Extension/Transfer/Reenrollment Files—ACTION/IO

System location: Office of Special Services/IO—ACTION, 806 Connecticut Avenue, N.W. Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps Trainees and Volunteers.

Categories of records in the system: This system consists of a log book containing the details of all extensions, transfers, reenrollments or reinstatements of volunteers and/or trainees in the Peace Corps. The specific details of the information contained include the name of the volunteer/trainee, the country of assignment, the program number and dates during which actions occurred.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. Section 2501, et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files have no routine uses other than those stated in the general statement of uses and limitations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The log book is maintained in the Office of Special Services in a metal cabinet in a room locked during off duty hours in a building with a 24-hour security guard.

Retrievability: The records are indexed in alphabetical order by country of assignment.

Safeguards: These records are not considered sensitive or confidential. They are generally available to employees of ACTION having a need for them in the performance of their duties.

Retention and disposal: The records in this system are maintained for five years and then destroyed by burning or shredding.

System manager(s) and address: Chief, Office of Special Services/IO, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in the system is obtained from the following categories of sources: Peace Corps Country Staff Individual Volunteers and Trainees. Staff of the Office of Special Services.

ACTION/IO—10

System name: Peace Corps Volunteer Termination/Consultation System—ACTION/IO

System location: Office of Special Services/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Present and former Peace Corps volunteers and trainees who have terminated prior to the end of their tours or been returned to Washington for consultation.

Categories of records in the system: A. Individuals volunteer/trainee files contain the following information: 1. Termination document 2. Description of service 3. Termination report or the statement of resignation 4. Financial information statement 5. Travel agreement 6. Case summary 7. Recommendations of ACTION/Washington staff 8. Relevant cables 9. Early termination questionnaires. B. A monthly early termination log containing information from the above files is maintained. It contains the following information: 1. Name of volunteer/trainee 2. Social Security number 3. Project number 4. Date and coded reason for termination. C. A log is maintained known as the early termination project log containing information from the above files including the name of the volunteer/trainee, the date and the coded reason for termination. D. An early termination permanent card file is maintained by name of the volunteer/trainee as a quick reference to paragraph A above.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq. and various provisions of the Peace Corps Manual and the Foreign Affairs Manual relating to conduct and performance of individuals serving in Peace Corps programs as volunteers.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: To Federal agencies having a need to verify volunteer eligibility for special consideration for Federal employment under Executive Order 11103.

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in the system are available only to appropriate personnel in the Office of Special Services and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Office of Special Services for 4 years and then sent to the Federal Records Center where they are maintained for 3 years and then destroyed.

System manager(s) and address: Chief, Office of Special Services, ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Information contained in the system is obtained from the following categories of sources: Peace Corps volunteers and trainees including the individual about whom the record is maintained. Peace Corps Overseas Staff of the Office of Special Services, Peace Corps Washington Staff Job Supervisors.

ACTION/IO—11

System name: Peace Corps Volunteer Emergency Leave Records ACTION/IO

System location: Office of Special Services/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps Trainees and Volunteers.

Categories of records in the system: A. Fact sheets giving details of the emergency requiring emergency leave, notes and cables on the handling and course of the emergency, cost information, and a volunteer ACTION report. The system also contains a card file

consisting of an alphabetical arrangement which contains name, address, country, project, dates of service and ultimate conclusion of the case as well as a monthly log listing volunteers and trainees home on emergency leave by name giving reasons for the emergency, departure dates, cost, estimated time of return and remarks concerning the emergency.

Authority for maintenance of the system: The Peace Corps Act, (22 U.S.C. Section 2501).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See preliminary statement.

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in this system are available to personnel of the Office of Special Services and other officials of ACTION needing such records in performance of their duties.

Retention and disposal: Records in this system are maintained for two years and then destroyed by shredding or burning.

System manager(s) and address: Chief, Office of Special Services/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Individuals who are the subjects of the system Family of an individual as to whom records are maintained Physicians Staff of the Office of Special Services.

ACTION/IO—12

System name: Overseas Staff Personnel records ACTION/IO

System location: These records are maintained in the office of each Peace Corps program overseas. There are at present an excess of 60 such offices and this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

Categories of individuals covered by the system: Staff employees of ACTION serving overseas who are United States Citizens.

Categories of records in the system: These records contain copies of personnel actions affecting overseas staff, copies of personnel evaluations retained in the Country Files, and an inventory list of Government property contained in residences of overseas staff.

Authority for maintenance of the system: The Peace Corps Act 22 U.S.C. Section 2501 and pertinent sections of the Foreign Affairs Manual adopted by Peace Corps and of the Peace Corps Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Storage: Files are maintained in folders and metal file cabinets with three way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to the Country Director and ACTION staff with a need for such records in the performance of their duties.

Retention and disposal: These records are destroyed one year after the employee leaves the country and has completed all appropriate clearance procedures, including obtaining receipts for any property contained in inventories.

System manager(s) and address: The Country Director in each country in which Peace Corps serves.

Record source categories: The individual employee to whom the record pertains. Supervisors and ACTION personnel officials.

ACTION/IO—13

System name: Overseas Staff Correspondence Files—ACTION/IO

System location: Africa Regional Office as to personnel serving in Africa and Latin America Regional Office as to personnel serving in Latin America, the Caribbean and Central America, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps overseas staff, contractors and consultants.

Categories of records in the system: Correspondence between the Regional Director or the Deputy Director and current overseas staff, consultants or contractors.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9-10-75.

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

Retrievability: Records are indexed by country of service and alphabetically within such countries.

Safeguards: Records in this system are available to regional office personnel and other officials of ACTION needing such records in the performance of their duties.

Retention and disposal: Records in this system are reviewed annually and destroyed after three years.

System manager(s) and address: Regional Director (Africa or Latin America) ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Individuals who are the subjects of the system and staff members of the Regional Offices.

ACTION/IO—14

System name: Regional Volunteer Correspondence Files

System location: Africa Regional Office as to volunteers serving in Africa and Latin America Regional Office as to volunteers serving in Latin America, the Caribbean and Central America, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Present and former Peace Corps volunteers.

Categories of records in the system: These records contain copies and original correspondence to and from volunteers regarding project related activities.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9-10-75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order by country of service.

Safeguards: Records are available only to officials of ACTION needing such records in performance of their duties.

Retention and disposal: These records are reviewed annually and destroyed after three years.

System manager(s) and address: The country desk officer of each country served by Peace Corps volunteers, Latin America Region and Africa Region, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: Peace Corps volunteers and ACTION staff members.

ACTION/IO—15

System name: Regional Peace Corps Personnel Records—ACTION/IO

System location: Africa Region, Latin America Region and North Africa, Near East, Asia and Pacific Region (NANEAP), ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Staff Employees of ACTION serving in Regional Offices or overseas.

Categories of records in the system: These files contain correspondence, copies of resumes, form 171s and other documents regarding personnel matters and actions of current use.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq. and pertinent sections of the Peace Corps Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9/10/75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION staff for the need for such records in the performance of their duties.

Retention and disposal: Any documents which should be placed in the official personnel file are forwarded to the Office of Personnel Management after the employee terminates his employment with ACTION. Thereafter all other records are destroyed after one year following the termination of such employee.

System manager(s) and address: Personnel Analyst, Regional Offices, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: The individual employee to whom the record pertains, supervisors and other ACTION personnel.

ACTION/IO—16

System name: Contractors and Consultants Records File—ACTION/IO

System location: Africa, Latin America and NANEAP Regions, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Individuals who have served or could serve as Contractors/Training Consultants for Peace Corps programs overseas.

Categories of records in the system: These files contain correspondence, resumes, and other materials pertaining to current personal services contractors, training consultants, etc., or perspective applicants for such positions.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9-10-75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order. Alternatively records may be indexed by skills categories but alphabetically within such skills categories.

Safeguards: Records are available only to ACTION staff for the need for such records in the performance of their duties.

Retention and disposal: These records are reviewed annually and those which are no longer necessary for current operations are destroyed.

System manager(s) and address: Contract/Training Specialist, Africa, Latin America or NANEAP Region, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Record source categories: The individual contractor or consultant to whom the record pertains, supervisors and other ACTION personnel.

[FR Doc.76-35623 Filed 11-30-76;2:24 pm]

federal register

THURSDAY, DECEMBER 9, 1976



PART V:

SELECTIVE SERVICE SYSTEM

■

PRIVACY ACT OF 1974

Systems of Records

SELECTIVE SERVICE SYSTEM
PRIVACY ACT OF 1974
Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4), Selective Service System hereby publishes the systems of records as currently maintained by the agency. The systems were originally published at 40 FR 33188 and were amended at 40 FR 41345. Additional changes not previously published in the Federal Register are itemized below.

System of Records—1—General Counsel Violator Records—SSS is deleted. Changes in the addresses at which records are located and the titles of officers to whose attention inquiries should be directed have been made; non-registrants formerly in Registrant Processing Records (SSS-5) have been deleted.

November 30, 1976.

Byron V. Pepitone,
Director.

SSS—2

System name: General Files—SSS, a subsidiary of Registrant Processing Records.

Security classification:

System location: National Headquarters, Selective Service System, 600 E Street, N.W., Washington, D.C. 20435.

Categories of individuals covered by the system: Registrants of the Selective Service System and other individuals and organizations.

Categories of records in the system: Contains current and previous correspondence with individual registrants, private individuals and Government agencies, requesting information or resolution of specific problems related to registrant processing or agency operations.

Authority for maintenance of the system: Section 10(b)(3), Military Selective Service Act (50 U.S.C. App. 460(b)(3)), E.O. 9979, E.O. 9992, E.O. 11623.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Department of Justice—Refer reports received as to possible violations of the Military Selective Serice Act.

Federal Bureau of Investigation—Refer reports received as to possible violations of the Military Selective Service Act.

Department of Defense—Exchange of information respecting status of individuals subject to the provisions of the Military Selective Service Act.

Immigration and Naturalization Service—Response to inquiries concerning aliens.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention and Disposal below:

Storage: Paper copies maintained in routine filing equipment.

Retrievability: Indexed by name and/or Selective Service Number and date of birth.

Safeguards: Maintained in filing areas restricted to Selective Service personnel.

Retention and disposal: Hold file intact for five years from date of latest correspondence, purge 1 percent sample for Archives and destroy balance. If 1 percent sample is not accepted by Archives, the 1 percent sample is also destroyed.

System manager(s) and address:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435
Attn: Records Manager

Notification procedure: Same as the above.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual registrants and private individuals and organizations, Members of the Congress acting on behalf of constituents.

Systems exempted from certain provisions of the act: None.

SSS—3

System name: Reconciliation Service Records—SSS

Security classification:

System location:

Reconciliation Service Division
National Headquarters, SSS
600 E Street, N.W.
Washington, D.C. 20435

Categories of individuals covered by the system: Vietnam era draft evaders and military deserters who have qualified for a period of alternate service as a condition for reconciliation under Presidential Proclamation 4313, signed September 16, 1974.

Categories of records in the system: Assignment File Folder—A folder in which all documents pertaining to an enrollee's period of Reconciliation Service are maintained.

Computer Printouts—Individual's name, address, place of enrollment, Selective Service or Reconciliation Service Control Number, date of birth, term of service, source of referral, enrollee job proposal codes, date of status and enrollee status.

Authority for maintenance of the system: Presidential Proclamation 4313, E.O. 11804, 5 U.S.C. 553, 50 U.S.C. App. 460(b)(3).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the Department of Justice for appropriate action in cases involving unsatisfactory participation.

Referral to the appropriate military referring authority, upon request, in cases involving the updating of military discharges.

Referral to the Presidential Clemency Board, upon request, in cases necessitating additional review.

Referral to Office of Management and Budget, upon request, in cases undergoing investigative review, in conjunction with the specific functions of these agencies.

Exchange of information with Reconciliation Service employers regarding the placement, supervision of and performance of Reconciliation Service by returnees who have agreed to perform such service.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

Storage: Print-out files are maintained in print-out binders. Documents pertaining to an enrollee's status are maintained in assignment file folders. General office files are maintained in indexed file folders. All files are stored in either metal or wood storage and file cabinets.

Retrievability: The system is alphabetically indexed by state and last name.

Safeguards: Office building is secured after 5:00 PM by security guard. Entrance to the building is limited to authorized personnel only.

Retention and disposal: Print-out records are retained for 60 days and then destroyed by shredding. All other records are retained until disposal instructions are received from the Director.

System manager(s) and address:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435
Attn: Reconciliation Service Division

Notification procedure: Same as above. An individual seeking to ascertain whether or not his record is in the system, should include his name, address and Reconciliation Service Control Number when presenting his request.

Record access procedures: An individual desiring to obtain information on the procedures for gaining access to and contesting records may write to:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435
Attn: Reconciliation Service Division

Contesting record procedures: See

Record access procedures: above.

Record source categories: Sources of records in the system are primarily established by the individual at the time and place of enrollment, based on oral and written information given by the enrollee. Other sources of information include the Report of Separation From Active Duty (DD Form 214), referral documents from the referring authority and information provided by an enrollee's employer.

Systems exempted from certain provisions of the act: None.

SSS—4

System name: Registrant Information Bank (RIB) Records—SSS

Security classification:

System location:

Computer Service Center
Selective Service System
2550 Huntington Avenue
Alexandria, Virginia 22303

Categories of individuals covered by the system: Selective Service Registrants commencing with Year of Birth 1955.

Selective Service Registrants who are medical specialists or medical specialty students born prior to the Year 1955 who have not reached age 35.

Categories of records in the system: The Registrant Information Bank (RIB) is an automated data processing system which stores information furnished by the local boards concerning registration, classification, examination, assignment and induction of Selective Service Registrants.

Authority for maintenance of the system: Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Department of Justice—for exchange of information on prosecutive processing of registrants suspected of violation of the Military Selective Service Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

Storage: The records are maintained on tape, input (OCR) forms and computer printouts.

Retrievability: The system is indexed by Selective Service Number.

Safeguards: a. No access to RIB from terminals.

b. Records are handled by authorized personnel of the Selective Service System only.

c. Premises are locked when authorized personnel not on duty.

d. Periodic security checks and emergency planning.

Retention and disposal: When eligible for disposal, the tapes are erased. The records stored on tape in the Registrant Information Bank (RIB) are retained, as follows:

a. Records of medical specialists and medical specialty students are retained until age 35, at which time they are automatically dropped from the system.

b. All others are retained until age 26.

The computer printouts are distributed to the National Headquarters, and destroyed when they have served their purpose by maceration, shredding or burning.

System manager(s) and address:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435

Notification procedure: The address of the agency office to which inquiries should be addressed is:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435
Attn: Manpower Mobilization Planning Div. Man.

It is necessary to furnish the following information in order to identify the individual whose records are requested.

a. Full name of the individual.

b. Date of birth.

c. Selective Service Number.

d. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting records through:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435
Attn: Manpower Mobilization Planning Div. Man.

Contesting record procedures: Same as the above.

Record source categories: OCR forms prepared by the field elements are the input documents for all information recorded in the SSS—Registrant Information Bank (RIB) Records.

Systems exempted from certain provisions of the act: None.

SSS—5

System name: Registrant Processing Records—SSS

Security classification:

System location: Records are stored in the Federal Records Center serving the State until eligible for destruction, with the exception of certain records transmitted to the National Headquarters for storage, destruction, or eventual transfer to the Federal Records Center. Consult National Headquarters.

Categories of individuals covered by the system: Registrants of the Selective Service System.

Categories of records in the system: Individual Processing Records:

a. Registration Card—a locator card identifying the registrant.

b. Registrant File Folder and Contents—contains all information necessary for registrant's processing, including forms, statements, correspondence, and copies of documents relevant to inclusion for, or exemption or deferment from training and service under the Military Selective Service Act and Regulations.

General Processing Records:

a. Correspondence File, Alphabetical—contains information relating to registrants for whom a Registrant File Folder has not been prepared.

b. Administrative Processing Records—relating to processing of registrants for classification, examination, induction or civilian work assignments.

Authority for maintenance of the system: Section 3, 10(b)(3) and 15(b) of the Military Selective Service Act (50 U.S.C. App. 453, 460(b)(3), 465(b)), E.O. 9979, E.O. 9992, E.O. 11623.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Department of Defense—for exchange of information concerning registration, classification, enlistment, examination and induction of individuals, and availability of Standby Reservists.

Alternate service employers—for exchange of information witb employers regarding a registrant who is a conscientious objector for the purpose of placement in and supervision of performance of alternate service in lieu of induction into military service.

Department of Justice—for review and processing of suspected violations of the Military Selective Service Act, or for perjury, and for defense of a civil action arising from administrative processing under such Act.

Federal Bureau of Investigation—for location of an individual when suspected of violation of the Military Selective Service Act.

Immigration and Naturalization Service—to provide information for use in determining an individual's eligibility for re-entry into the United States.

Department of State—for determination of an alien's eligibility for possible entry into the United States and United States citizenship.

Office of Veterans' Reemployment Rights, United States Department of Labor—to assist veterans in need of information concerning reemployment rights.

General Public—Registrant's Name, Selective Service Number, Date of Birth and Classification. Military Selective Service Act Section 6, 50 U.S.C. App. 456.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

Storage: Records are maintained on manually prepared forms in file folders, computer printouts and correspondence files.

Retrievability: The system is indexed by name (within local board) and Selective Service Number.

Safeguards: Measures that have been taken to prevent unauthorized disclosure of records are:

a. Records are maintained by authorized personnel only, who have been trained in the rules and regulations concerning disclosure of information; offices are locked when authorized personnel not on duty.

b. Periodic security checks and other emergency planning.

c. Records transferred for storage are boxed and taped; records in transit for temporary custody of another office are sealed.

Records eligible for destruction are destroyed by maceration, shredding or burning.

Retention and disposal: Individual Processing Records:

1. Registration Card—Retained as permanent record; active to age 35.

2. Registrant File Folder and Contents—Normally destroyed at age 26, with the following exceptions:

a. Files of registrants processed as medical specialists are retained to age 35.

b. Files of registrants who are aliens (including former American Citizens who have expatriated themselves) who were last classified in an available class, or 4-C or whose last classification was 5-A immediately preceded by Class 4-C, are retained as permanent records.

General Processing Records:

1. Correspondence File, Alphabetical—Retained or destroyed, the same as 2 above.

2. Administrative Processing Records—Summary of processing is retained as long retention records. Other administrative processing records are destroyed when administrative needs are fulfilled.

System manager(s) and address:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435

Notification procedure: The agency office address to which inquiries should be addressed and the location at which an individual may present a request as to whether the Registrant Processing Records System contains records pertaining to himself is:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435
Attn: Records Manager

It is necessary to furnish the following information in order to identify the individual whose records are requested:

1. Full name of the individual.

2. Selective Service Number or date of birth and address at time of registration if Selective Service Number is not known.

3. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting records through:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435
Attn: Records Manager

Contesting record procedures: See above.

Record source categories: Information contained in the Registrant Processing Records System is obtained from the individual, and supporting documents from other persons, federal, state and local government agencies, and institutions.

Systems exempted from certain provisions of the act: None.

SSS—6

System name: Reserve and National Guard Personnel Records—SSS

Security classification:

System location:

Manpower Administration Division
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435

Categories of individuals covered by the system: Currently assigned officers and Warrant Officers of the Reserve and National Guard assigned to the Selective Service System, and officers and Warrant Officers formerly so assigned.

Categories of records in the system: The records contain information relating to selection, placement and utilization of military personnel, such as name, rank, Social Security Account Number, date of birth, physical profile, residence and business addresses, and telephone numbers. Information is also recorded on unit of assignment, occupational codes and data pertaining to training, cost factors, efficiency ratings and mobilization assignments and duties, and other information relating to the status of the member.

Authority for maintenance of the system: Section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide information to the individual member's branch of the Armed Forces as required in connection with his assignment to the Selective Service System.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards; Access, Retention and Disposal below.

Storage: Records are maintained in file folders and magnetic tape or disk.

Retrievability: Records are indexed by name and Service Number.

Safeguards: Use of the records or any information contained therein is limited to employees or Reserve Forces Members whose official duties require access. The records are maintained in lockable file containers.

Retention and disposal: Personnel records for SS Reserve Forces are retained for one (1) year after separation and then disposed of in accordance with procedures provided by each Branch of Service.

System manager(s) and address:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435

Notification procedure: Inquiries should include name, address, and Social Security Account Number and be forwarded to:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435
Attn: Administrative and Logistics Division Manager

Record access procedures: Same as the above. SS Reserve Forces Members or former members who wish to gain access to their records should make their request in writing, including their full name, ranks, Branch of Service, address, and Social Security Account Number.

Contesting record procedures: Same as the above.

Record source categories: Information in this system is obtained directly from the individual to whom it applies or is derived from information he supplied or is provided by the individual Branch of the Armed Forces.

Systems exempted from certain provisions of the act: None.

SSS—7

System name: Uncompensated Personnel Records—SSS

Security classification:

System location: The Administrative and Logistics Division Manager, National Headquarters, Selective Service System, 600 E Street, N.W., Washington, D.C. 20435.

Categories of individuals covered by the system: Currently appointed uncompensated local board and appeal board members, and

others appointed in advisory or administrative capacity, and former members appointed in an uncompensated capacity.

Categories of records in the system: The records contain information relating to the selection, appointment and separation of appointees, such as name, date of birth, mailing address, residence and business telephone numbers, state and county of legal residence, organizational location, position title, minority group code, sex code, date of appointment, physical characteristics (i.e. height, weight, etc.), length of service and occupational title.

Authority for maintenance of the system: Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Department of Justice—exchange of information when required in connection with processing of alleged violations of the Military Selective Service Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

Storage: Records are maintained in file folders and magnetic tape.

Retrievability: Records are indexed by name of individual, record identification number and location.

Safeguards: Use of the records or any information contained therein is limited to employees whose official duties require such access. The records are maintained in lockable file containers.

Retention and disposal: Personnel Records for uncompensated appointees are maintained for one (1) year after separation at the servicing personnel office, and then forwarded to a Federal Records Center for destruction 75 years after date of birth of the appointee.

System manager(s) and address:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435

Notification procedure: Inquiries should include name, address (state in which appointed), date of birth, and Social Security Account Number for former appointees, or record Identification Number for current appointees to:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435
Attn: Administrative and Logistics Division Manager

Record access procedures: Same as the above. Appointees who wish to gain access to their records should make requests in writing, including their full name, address (state in which appointed), date of birth and Social Security Account Number for former appointees, or record Identification Number for current appointees.

Contesting record procedures: Same as the above.

Record source categories: Information in this system is obtained directly from the individual or is derived from information he has supplied, or is provided by the agency official with authority to appoint the individual.

Systems exempted from certain provisions of the act: None.

SSS—8

System name: Violator Inventory Monitoring System (VIMS)—SSS

Security classification:

System location:

Computer Service Center
Selective Service System
2550 Huntington Avenue
Alexandria, Virginia 22303

Categories of individuals covered by the system: Alleged violators of the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

Categories of records in the system: Contains the name, Selective Service Number (if any), report of, and disposition data of, alleged violations of the Military Selective Service Act.

Authority for maintenance of the system: Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Exchange of information with the Department of Justice respecting alleged violations of the Military Selective Service Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

Storage: The records are maintained on tape, input (OCR) forms and computer printouts.

Retrievability: Indexed by Selective Service Number.

Safeguards: a. No access to VIMS from terminals.

b. Records are available to authorized SSS personnel only.
c. Office is locked when authorized personnel are not on duty.
d. Periodic security checks.

Retention and disposal: Upon final disposition of violator case, the tapes are erased.

The OCR input forms are destroyed by maceration, shredding or burning immediately after the information has been recorded in VIMS.

Computer printouts distributed to local boards, State Headquarters and National Headquarters are destroyed when they have served their temporary purposes by maceration, shredding or burning.

System manager(s) and address:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435

Notification procedure: Same as the above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Date of birth.
c. Selective Service Number.
d. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting records through:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435
Attn: General Counsel

Contesting record procedures: Same as the above.

Record source categories: OCR forms prepared by the General Counsel are the input documents for all information recorded in VIMS records.

Systems exempted from certain provisions of the act: None.

SSS—9

System name: Master Pay Record—SSS

Security classification:

System location:

Computer Service Center
Selective Service System
2550 Huntington Avenue
Alexandria, Virginia 22303

Categories of individuals covered by the system: Currently assigned civilian employees and former civilian employees who have separated during the current year and first prior calendar year.

Categories of records in the system: Contains payroll information such as name, grade, annual salary, hourly rate, address, Social Security Account Number, birth date, date of hire, service computation date, annual leave category, life insurance and health benefits deductions, Savings Bond data, and other information relating to the status of the employee.

Authority for maintenance of the system: Section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) and Title 5, U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Selected information by name and Social Security Account Number is furnished the Internal Revenue Service, and State and City taxing authorities.

Selected information by name, date of birth and Social Security Account Number is furnished the Civil Service Commission for retirement, life insurance and health benefit accounts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

Storage: Records are maintained in binders, on microfiche and magnetic tape.

Retrievability: Records are indexed by Social Security Account Number.

Safeguards: Use of the records or any information contained therein is limited to employees whose official duties require such access. The records are maintained in lockable file containers.

Retention and disposal: The information on the magnetic tapes is retained for two years, then erased.

The microfiche copies are retained for one year, then destroyed by burning.

The computer printouts are retained until updated, then destroyed by shredding.

System manager(s) and address:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435

Notification procedure: Inquiries should include name, Social Security Account Number, duty station (former employees should indicate last duty station with this agency) and mailing address to which the reply should be mailed. Inquiries should be mailed to:

Mr. Byron V. Pepitone
Director of Selective Service System
National Headquarters
Selective Service System
600 E Street, N.W.
Washington, D.C. 20435
Attn: Administrative and Logistics Division Manager

Record access procedures: Same as the above. Current employees or former employees who wish to gain access to their records should make their request in writing, including their full name, address and Social Security Account Number and duty station. Former employees should indicate last duty station with this agency.

Contesting record procedures: Same as the above.

Record source categories: Information in this system is obtained from the individual to whom it applies or is derived from information the individual supplied, or is provided by the agency official with authority to appoint the individual.

Systems exempted from certain provisions of the act: None.

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30-year Reference Volumes
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