

Federal register

WEDNESDAY, NOVEMBER 12, 1975



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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

International Trade Commission

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

Effective on November 12, 1975, § 213.3339(1) is amended as set out below:

§ 213.3339 United States International Trade Commission.

(1) Two positions of Staff Assistant to a Commissioner.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 75-30450 Filed 11-11-75; 8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

SUBPART K—DELEGATIONS OF AUTHORITY BY THE DIRECTOR OF AGRICULTURAL ECONOMICS

COLLECTION OF CERTAIN DATA; CORRECTION

In FR Doc. 75-25655 appearing at page 44111 in the FEDERAL REGISTER of September 25, 1975, paragraph (a) (10) of § 2.86 is corrected to read (a) (12), and paragraph (a) (7) of § 2.87 appearing at pages 44111 and 44112 is corrected to read (a) (8).

Dated: November 7, 1975.

J. DAWSON AHALT,
Acting Director of
Agricultural Economics.

[FR Doc. 75-20520 Filed 11-11-75; 8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR COMBINED CROP INSURANCE

The county listed below is hereby deleted from the list of counties published

in the FEDERAL REGISTER on April 8, 1975 (40 FR 15905), which were designated for combined crop insurance for the 1975 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations. The crops on which insurance will no longer be offered are shown opposite the name of the county.

INDIANA

Posey.....Corn, Soybeans
(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop
Insurance Corporation.

[FR Doc. 75-30517 Filed 11-11-75; 8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR COMBINED CROP INSURANCE

The county listed below is hereby deleted from the list of counties published in the FEDERAL REGISTER on April 8, 1975 (40 FR 15923), which were designated for combined crop insurance for the 1975 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations. The crops on which insurance will no longer be offered are shown opposite the name of the county.

INDIANA

Greene.....Corn, Soybeans
(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop
Insurance Corporation.

[FR Doc. 75-30518 Filed 11-11-75; 8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR TOBACCO CROP INSURANCE

The county listed below is hereby deleted from the list of counties published in the FEDERAL REGISTER on December 2, 1974 (39 FR 41725-41726), which were designated for tobacco crop insurance for the 1975 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

TENNESSEE

OBION

(Sec. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance
Corporation.

[FR Doc. 75-30519 Filed 11-11-75; 8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 722—COTTON

Marketing Quotas for 1972 and Succeeding Crops of Extra-Long Staple Cotton and Recordkeeping Requirements for Extra-Long Staple and Upland Cotton

The purposes of this amendment are to incorporate the rate of penalty applicable to excess extra-long staple cotton produced in the 1975 crop year and to clarify § 722.90 regarding records to be kept and reports to be made by producers for extra-long staple and upland cotton. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended and the Agricultural Act of 1949, as amended.

Under the Agricultural Adjustment Act of 1938, the extra-long staple cotton penalty rate per pound on the farm marketing excess is equal to the higher of 50 percent of the parity price as of June 15 of the calendar year in which the crop is produced or 50 percent of the 1975 support price of extra-long staple cotton.

Since the rate of penalty is simply a mathematical determination and States, counties, and producers need to know the clarification of § 722.90 as soon as possible, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this document shall become effective on November 12, 1975.

The regulations for Marketing Quotas for the 1972 and Succeeding Crops of Extra-Long Staple Cotton and Recordkeeping Requirements for Extra Long Staple and Upland Cotton (37 FR 25029, 38 FR 20840, 39 FR 30340), are amended as follows:

1. Section 722.73 is amended by adding a new paragraph (c) (4) to read as follows:

§ 722.73 Rate of penalty.

(c) * * *

(4) 1975 ELS cotton penalty rate is 56.0 cents per pound.

2. Section 722.90 is amended by changing paragraphs (a) and (c) to read as follows:

§ 722.90 Records to be kept and reports to be made by producers.

(a) Necessity for records and reports. Each person who produces or who has produced in any crop year, cotton which is subject to the provisions of §§ 722.61 to 722.95 shall, in conformity with the Agricultural Adjustment Act of 1938, as amended and the Agricultural Act of 1949, as amended, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the acts. The records required to be kept pursuant to this section shall be kept until December 31 of the second year following the year in which cotton is planted, or for such longer period of time as may be requested in writing by the State executive director or by the county executive director.

(c) *Farm operator's report.* The farm operator shall file with the county ASCS office for the county in which the farm is located a report of production on Forms ASCS-503 or ASCS-504. Such production report shall be filed within the time period and in the manner prescribed by the Deputy Administrator.

3. Section 722.92 is amended by revising paragraph (b) to read as follows:

§ 722.92 Revision of county committee determinations and erroneous notices.

(b) *Erroneous notices of cotton allotment and planted acreage.* In any case where an erroneous notice of cotton allotment or an erroneous notice of planted acreage is issued, the county committee shall follow the applicable upland or ELS cotton acreage allotment regulations.

(Secs. 346, 347, 373, 375, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 52 Stat. 65, 66, as amended (7 U.S.C. 1346, 1347, 1373, 1375))

Effective date. This amendment becomes effective on November 12, 1975.

Signed at Washington, D.C., on November 5, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-30447 Filed 11-11-75; 8:45 am]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amtd. 1]

PART 775—FEED GRAINS

Subpart—Feed Grain Program for Crop Years 1975-1977

1976 NATIONAL FEED GRAIN ALLOTMENT

On July 3, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 28093) stating that the Secretary of Agriculture proposed to make determinations and issue regulations relative to the 1976 national feed grain allotment. Interested persons were invited to submit written data, views, and recommendations regarding the determinations. The comments and recommendations received have been duly considered.

The regulations governing the Feed Grain Program for Crop Years 1975-1977 are amended by adding a new § 775.4a. The purpose of this section is to determine and proclaim the 1976 national feed grain allotment.

Pursuant to section 105(b)(2) of the Agricultural Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86, 87 Stat. 221, 231 (1973), the Secretary is required, prior to January 1 of each calendar year, to determine and proclaim for the crop produced in such calendar year a national acreage allotment for feed grains which shall be the number of acres he determines, on the basis of the estimated national average yield of the feed grains included in the program for the crop for which the determination is being made, will produce the quantity (less imports) of such feed grains that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of any of the feed grains are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the feed grain allotment by the amount he determines will be accomplished the desired decrease or increase in carryover stocks.

The determination in § 775.4a of the 1976 national feed grain allotment is based on the acreages, yields, and usage set out therein. The determination has been made on the basis of the latest available statistics of the Federal Government. Compliance with the feed grain allotment is not a condition of eligibility for participation in the program, and feed grain acreage on the farm may vary widely from the farm feed grain allotment. Hence, in determining the national allotment, an adjustment for the purpose of increasing carryover stocks to a more desirable level was not considered necessary, and no such adjustment was made.

Part 775 is amended by adding a new § 775.4a to read as follows:

§ 775.4a 1976 national feed grain allotment.

Based on estimated utilization (less imports) for the 1976-77 marketing year of

5,899 million bushels of corn, 860 million bushels of sorghum, and 420 million bushels of barley and estimated national yields of 93.0 bushels per acre for corn, 55.0 bushels per acre for sorghum, and 44.0 bushels per acre for barley, the combined acreage of corn, sorghum and barley needed to produce a quantity of feed grains equal to estimated utilization is determined to be 89.0 million acres and a 1976 national feed grain allotment of 89.0 million acres is hereby proclaimed.

(Sec. 105, 63 Stat. 1054, as amended; 87 Stat. 231 (7 U.S.C. 1441 note))

Effective date. This amendment becomes effective on November 12, 1975.

Signed at Washington, D.C., on November 7, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-30448 Filed 11-11-75; 8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCES AND SHIPPING CONTAINERS THEREON

Importation of Birds

• The purpose of this amendment to the regulations in Part 92 is to provide for maximum utilization of the United States Department of Agriculture quarantine facilities for the importation of birds. •

Statement of considerations. Presently, the use of available USDA quarantine facilities for the importation of birds is limited to small shipments of zoological birds which require special care and handling while in quarantine. To provide greater flexibility in the use of USDA quarantine facilities and to insure maximum utilization of all such facilities, permits and reservations for the importation of all classes of birds through such facilities will be issued as space is available and the use of such facilities will no longer be limited as heretofore.

Accordingly, Part 92, Title 9, Code of Federal Regulations is amended in the following respects: in § 92.11, in paragraph (e) the first sentence is amended to read:

§ 92.11 Quarantine requirements.

(e) *Birds.* Each lot of commercial birds, zoological birds or research birds imported from any part of the world shall be quarantined for a minimum of 30 days, and for such longer period as may be required by the Deputy Admin-

istrator, Veterinary Services, in any specific case, on an "all-in, all-out" basis, at one of the ports of entry specified in § 92.8(b), at a USDA quarantine facility when arrangements have been made in advance by the importer and approval is granted in the permit described in § 92.4, or in facilities which are provided by the importer and which have been approved by the Deputy Administrator as provided in paragraph (f) of this section, prior to the issuance of the permit.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; (21 U.S.C. 111, 134a, 134b, 134c, and 134f); 37 FR 28464; 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective December 1, 1975.

The amendment relieves certain restrictions no longer deemed necessary to prevent the introduction and spread of poultry disease, and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 6th day of November, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc.75-30516 Filed 11-11-75;8:45 am]

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Importation of Birds; Correction

In F.R. Doc. 73-21884 appearing on page 28554 in the FEDERAL REGISTER of Monday, October 15, 1973, the proviso in paragraph (a) of § 92.2 appearing on page 28554 is corrected by changing the term "or birds," to read ", or birds".

Done at Washington, D.C., this 6th day of November 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc.75-30515 Filed 11-11-75;8:45 am]

Title 12—Banks and Banking CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 569a—RECEIVERS FOR INSURED INSTITUTIONS OTHER THAN FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Checking Accounts; Correction

In FR Doc. 75-26647 appearing at page 46094 in the FEDERAL REGISTER of October 6, 1975, the following changes should be made:

1. On page 46094, the reference in the first paragraph of the preamble to "Parts * * * 569 * * *" is corrected to read "Parts * * * 569a * * *".

2. On page 46094, the reference in the last paragraph of the preamble to "§ 571.1(c)(3)" is corrected to read "§ 571.1(c)(3) and (e)(1)".

3. On page 46095, § 569a.4 is corrected by adding the words "and of all offices of such institution" to the end of the fourth sentence of that section and by changing the word "power" in the last sentence of that section to read "powers".

4. On page 46096, § 569a.7 is corrected by adding asterisks after paragraph (a) (5) of that section.

Dated: October 30, 1975.

[SEAL] CHARLES E. ALLEN,
General Counsel.

[FR Doc.75-30488 Filed 11-11-75;8:45 am]

Title 13—Business Credit and Assistance CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 1, Amdt. 2]

PART 114—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Action on Approved Claims

In FEDERAL REGISTER published on December 31, 1974, (39 FR 45211) § 114.111, *Action on approved claims*, a procedure is delineated for action on approved administrative claims submitted under the Federal Tort Claims Act. The procedure to be followed under this section is not clear.

This section is amended to read as set forth below and, being procedural, notice and public participation is not required.

Effective date: November 12, 1975.

Dated: November 4, 1975.

LOUIS F. LAUN,
Acting Administrator.

§ 114.111 Action on approved claim.

(a) Payment of a claim approved under this part is contingent upon the claimant's or his duly authorized agent's or legal representative's executing the requisite copies of Standard Form 95, Standard Form 1145, and Standard Form 1145A. When a claimant is represented by an attorney, the voucher shall designate both the claimant and his attorney as payees. The check shall be delivered

to the attorney, whose address shall appear on Standard Form 1145, voucher for payment of a claim under the Federal Tort Claims Act.

(b) Acceptance by the claimant, his agent, or legal representative, of any award, compromise, or settlement made pursuant to the Federal Tort Claims Act shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

[FR Doc.75-30423 Filed 11-11-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-26-AD, Amdt. 39-2419]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Series Airplanes

AD 75-04-01, Amendment 39-2083 (40 F.R. 5348) as amended by Amendments 39-2130 (40 F.R. 11861, 11862) and 39-2338 (40 F.R. 33432), is an Airworthiness Directive (AD) superseding AD 72-10-5, Amendments 39-1442 (37 F.R. 9385, 9386) and 39-1562 (37 F.R. 25021), which is applicable to Cessna T310, 320, 340, 401, 402, 411, 414 and 421 series airplanes. AD 75-04-01 requires parts replacement, repetitive inspections of the exhaust system and the "V" band clamps on the discharge side of the turbosupercharger for cracks or fractures, and the replacement thereof where necessary.

AD 75-17-38, Amendment 39-2341 (40 F.R. 36107, 36108) is an AD applicable to Cessna 421B series airplanes in which exhaust system slipjoint assembly P/N 5155158-1, -8 or -9 are installed. AD 75-17-38 requires inspection of these assemblies for swelling, buckling, distortion or cracks in the aft area just forward of the ball joint under the radiation heat shield assembly and the replacement thereof where necessary.

Service experience subsequent to the issuance of these ADs establishes a need for a one-time inspection and modification of the overboard exhaust stack and installation of a redundant tailpipe support on Cessna T310, 320, 340, 401, 402, 411, 414 & 421 series airplanes. The agency believes this inspection and modification should be the subject of an AD and that this action, as well as ADs 75-04-01 and 75-17-38 should be consolidated into one AD to reduce the possibility of confusion or error in compliance. Also, the manufacturer has advised that AD 75-04-01 presently applies to some serial numbered airplanes in which the one-piece "V" band clamp installation required by the AD has already been accomplished at the factory. In addition, the agency believes that the incorpora-

tion of a simplified one-piece "V" band clamp inspection and the slip joint inspection required by AD 75-17-38 in the exhaust system repetitive inspection will provide an equivalent level of safety to the similar inspections presently required by AD 75-04-01 and AD 75-17-38 respectively.

Accordingly, in the interest of safety a new AD is being issued applicable to the aforementioned airplanes superseding ADs 75-04-01 and 75-17-38 which will correct AD applicability and require repetitive inspections, special inspections and modifications of the exhaust system.

Since a situation exists which requires expeditious adoption of the amendment and is partially relieving in nature, a notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD:

Cessna. Applies to T310, 320, 340, 401, 402, 411, 414 and 421 series airplanes.

This AD is issued to combine in one document inspections and parts replacements required by previous ADs and require modifications now available which will increase the reliability of the exhaust systems on the affected airplanes.

Compliance: Required as indicated, unless previously accomplished.

To detect incipient failure and improve reliability of the engine exhaust systems installed on the above-noted airplanes, accomplish the following:

I. Repetitive general exhaust system inspection.

A. On all new and in service airplanes listed above, within 50 hours time in service after the effective date of this AD (new airplanes) or 50 hours time in service after the last AD 75-04-01 inspection (in-service aircraft) visually inspect the exhaust system in accordance with the following procedure.

1. Cleaning. In order to properly inspect the exhaust system, components must be clean and free of oil, grease, etc. If required, clean as follows:

a. Spray engine exhaust components with a suitable solvent (such as Stoddard Solvent), allow to drain, and then wipe dry with a clean cloth.

WARNING

NEVER USE HIGHLY FLAMMABLE SOLVENTS ON ENGINE EXHAUST SYSTEMS. NEVER USE A WIRE BRUSH OR ABRASIVES TO CLEAN EXHAUST SYSTEMS OR MARK ON THE SYSTEM WITH LEAD PENCILS.

b. Remove the heat shields from the turbocharger in accordance with heat shield removal procedures in the Service Manual.

c. Remove shields around the exhaust bellows or slip joints, multisegment "V" band clamps at joints, and other items which might hinder inspection of the system.

Note: Do not remove clamps.

2. Visual inspection of complete system.
Note: Conduct this inspection when the engine is cool.

a. Visually inspect exhaust stacks for burned areas, cracks and looseness. Insure that attach bolts are properly torqued in accordance with the aircraft Service Manual.

Note: During this inspection give special attention to condition of bellows and welded areas along seams and around bellows, and weld seams around exhaust system components.

b. Visually inspect the flexible connection between the waste-gate and overboard duct (when applicable) for cracks and security.

c. Correct any major leaks in all areas of the exhaust system except waste-gate to tailpipe flexible coupling (when applicable) by replacement of defective parts or by repair in accordance with Part 43 of the FARs.

d. Visually inspect exhaust joint springs for correct compression. If the joint is disturbed or if springs are obviously loose, proceed with the following inspection. (See Figure 1).

1. Before removal of exhaust joint springs, measure installed length of each spring. Those compressed to less than 0.45 inch must be replaced.

ii. Remove all springs and measure free length. Springs having a free length of less than 0.57 inch must be replaced.

Note: Add AN960-10 washers under head of joint bolts as required to obtain correct dimension.

During installation, joint bolts should be tightened gradually and spring length

checked frequently to prevent over compression of springs.

iii. Reinstall springs and measure installed length. Length must be 0.51 ± .00, — .03 inch.

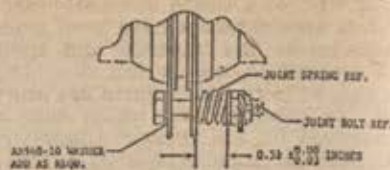


Figure 1. Typical Exhaust Joint Spring Installation

e. If installed, visually inspect the slip-joint(s) for bulges beyond normal manufacturing irregularities of .03 inches and/or cracks. If any bulges and/or cracks are present, replace bulged or cracked slipjoint(s) (refer to Service Manual). See Figure 2.

Note: This inspection was previously required on Model 421B airplanes, S/N 421B0001 through 421B0935 by AD 75-17-38 effective August 22, 1975.

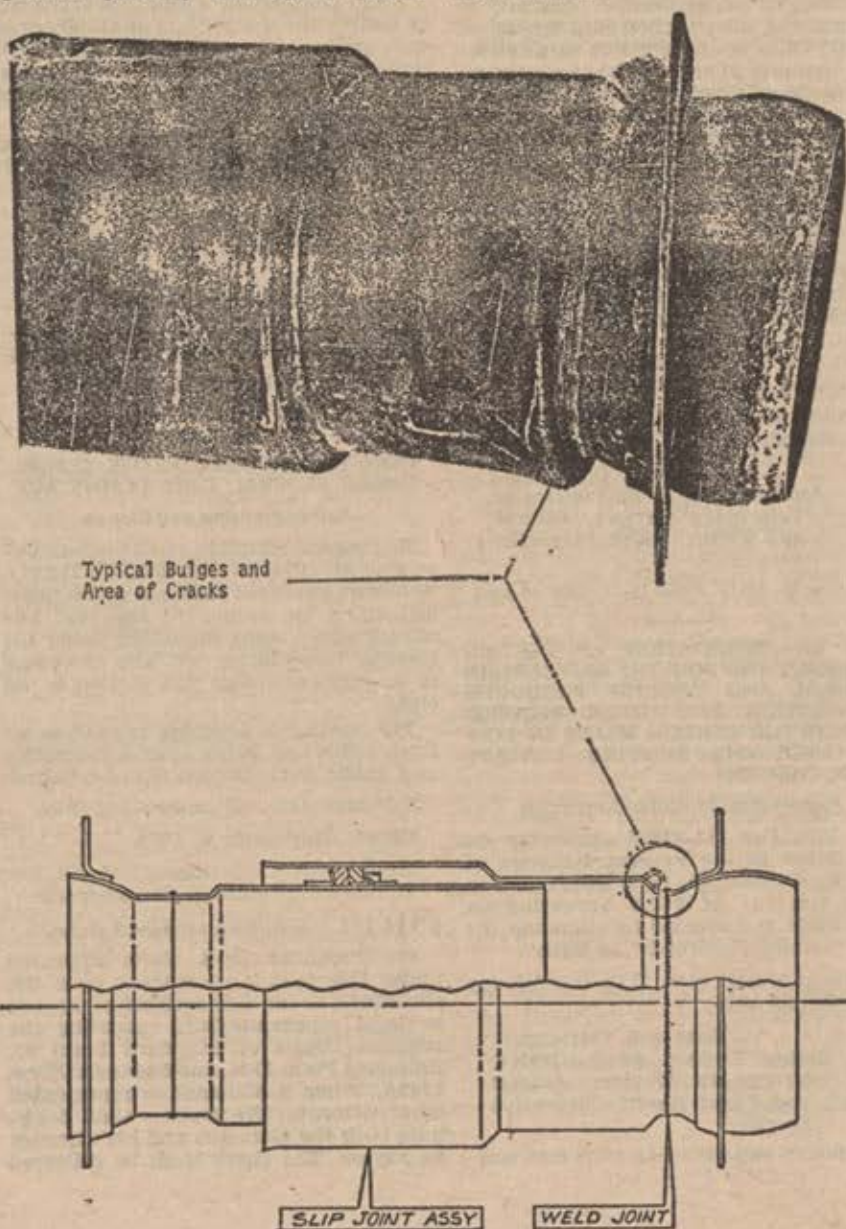


FIGURE 2

f. Inspection of multi-segment "V" band clamp(s) (Between engine and turbocharger).

1. Using crocus cloth, clean the outer band of the multi-segment "V" band clamp(s). Pay particular attention to the spot weld area on the clamp(s).

ii. With clamp(s) properly torqued:

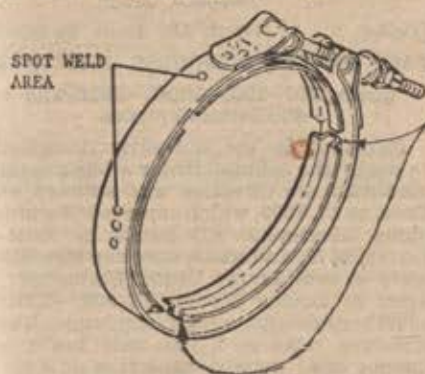


Figure 3. Multi-Segment "V" Band Clamp

NOTE: When replacement is required, install the new multi-segment "V" band clamp over the exhaust flanges and torque to the correct value (see Torque Value Chart, Table 1 to this AD). As the clamp is tightened, lightly tap it circumferentially in a radial direction with a rawhide or soft plastic mallet.

(3) Visually inspect flatness of the outer band, especially within two inches of the

(1) Visually inspect the outer band in the area of the spot weld for cracks (see Figure 3). If cracks are found, replace the clamp(s) with new multi-segment "V" band clamp(s).

(2) Visually inspect the corner radii of clamp inner segments for cracks (See Figure 3). This inspection requires careful use of artificial light and inspection mirrors.

TYPICAL INNER SEGMENT RADII

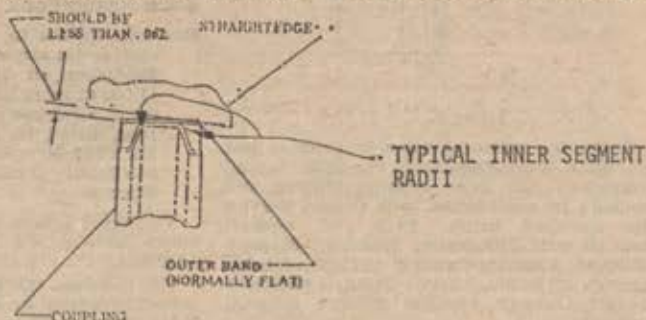


Figure 4. Multi-Segment "V" Band Clamp Outer Band Flatness Check

g. One-piece "V" band clamp inspection (Overboard exhaust to turbocharger).

Visually inspect with a light and mirror, the clamp surfaces adjacent to the intersection of the "V" apex and bolt clips, and the entire length of the "V" apex of the clamp for signs of cracks or fractures. If cracks or fractures are visible, replace the clamp. (See Figure 5).

NOTE: The above inspections, except for Paragraph e. and f., were previously required by AD 75-04-01 effective February 11, 1975. Inspections per Paragraph e. were previously required by AD 75-17-38 effective August 22, 1975. Inspections per Paragraph f. were previously required by AD 75-04-01 as amended by Amendment 39-2338 effective August 15, 1975.

II. Parts replacement.

A. Replacement of multi-segment "V" band clamps between aft engine cylinders and turbocharger inlet.

On all airplanes listed above within 50 hours time in service after February 11, 1975, for those clamps having more than 350 hours time in service as of that date or prior to 400 hours time in service for those clamps hav-

ing less than 350 hours time in service as of that date, and at or prior to each additional 400 hours time in service thereafter, replace existing multi-segment "V" band exhaust system clamps located between aft engine cylinders and the turbocharger inlet (except for waste-gate to exhaust overboard pipe clamp on 421 airplanes) with new parts having Cessna part numbers in accordance with Attachment 4 to Cessna Service Letter ME-75-17 dated July 14, 1975, or later revisions. Use aircraft total time for clamp time in service unless aircraft maintenance records establish location and time in service on previously replaced clamps. See Figure 3 for multi-segment type clamp configuration.

NOTE: The above clamp replacement was previously required by AD 75-04-01 effective February 11, 1975.

B. Replacement of multisegment turbocharger to overboard tail pipe clamps.

Within 200 hours time in service after August 15, 1975, replace presently installed multisegment type turbocharger to overboard tailpipe clamps on Model T310, 320, 401, 402, 340, 414 and 421 airplanes with the clamps specified below:

On T310 (all aircraft through S/N 310Q-0600), 320D (all aircraft), 320E (all aircraft), 320F (all aircraft), 401 (all aircraft), and 402 (all aircraft through S/N 402B0300 series airplanes, replace the existing multisegment "V" band turbocharger to overboard tailpipe clamp with a new Part Number V57A4234 or 41195AA423 clamp. These new clamps are not "life limited".

On 340 (all aircraft through S/N 3400150, 414 (all aircraft through S/N 4140350), and 421 (all aircraft through 421B0398) series airplanes, replace the existing multi-segment "V" band turbocharger to overboard tailpipe clamp with a Part Number V57A5019 or 41195AA502 clamp. These new clamps are not "life limited".

NOTE: The above clamp replacement was previously required by AD 75-04-01 as amended by Amendment 39-2338 effective August 15, 1975.

III. Special inspections.

A. Unless previously accomplished, within 25 hours time in service after August 15, 1975, the inspection described below is to be conducted on the following aircraft on which the one-piece "V" band tail pipe clamps have been installed. (Clamps bearing a Cessna inspection stamp on the back side (a large C with a number) and installed on airplanes exempted from this inspection on Attachment No. 2 of Cessna Service Letter ME-75-17 have been inspected by the manufacturer and comply with this requirement). T310 (All aircraft S/N 310P0001 through 310R0275), 320D, 320E, 320F (All aircraft), 340 (All aircraft through S/N 3400550), 401 (All aircraft), 402 (All aircraft S/N 4020001 through 402E0912), 414 (All aircraft through S/N 4140048), 421 (All aircraft S/N 4210001 through 421B0827).

1. Remove upper cowling from LH and RH engine.

a. (Aircraft Turbo 310, 320, 401, 402, and 421 series equipped with metal heat shield). Detach heat shield from turbocharger turbine housing by cutting safety wire and removing hinge pin located at top of shield assembly securing shield halves together.

b. The heat shield does not need to be removed on 320, 340 or 414 and any aircraft equipped with insulation blanket shield.

2. Clean and visually inspect with a light and mirror, the clamp surfaces adjacent to the intersection of the "V" apex and bolt clips (see Figure 5) for signs of cracks or fractures. If cracks or fractures are visible, replace clamp. (This step allows inspection of the clamp under tension).

3. Remove nut, washer, and bolt from clamp, unseat coupling, and slide clamp down exhaust stack to gain adequate visibility. CAUTION: DO NOT REMOVE EXPANSION LIMITER.

4. Visually inspect for cracks and fractures the entire length of the "V" apex of the clamp (see Figure 5), and pay particular attention to the surfaces adjacent to the intersection of the "V" apex and bolt clips.

NOTE: The use of artificial light and at least a 10-power magnifying glass is necessary to detect minute cracks or signs of incipient failure. Do not use dye penetrant inspection procedures since noncritical metal forming folds yield misleading failure indications.

5. If clamp is found to be defective, replace clamp.

6. If clamp has no defects, steel stamp or using a vibrating pencil, mark an "X" on the back side of metal torque tag.

7. Reinstall clamp on turbocharger turbine housing and overboard exhaust stack and install bolt, washer and nut. Torque nut to 40 inch-pounds.

CAUTION: DO NOT EXCEED NUT TORQUE BY MORE THAN 5 INCH-POUNDS.

8. Resecure heat shield on turbocharger turbine housing when detached, by aligning

shield hinge halves and reinstalling pin previously removed. Secure lower halves of shield using two pieces of .032 monel safety wire twisted together, through opposing eyelets of shield halves, draw shield snug on turbine housing, and safety by twisting end of wire together. Insure heat shield is snug on housing.

9. Reinstall upper cowling on LH and RH engine.

Note: This inspection was previously required by AD 75-04-01 as amended by Amendment 39-2338 effective August 15, 1975. Previous inspection per this AD or accomplished by the manufacturer satisfies the above requirement (IIIA).

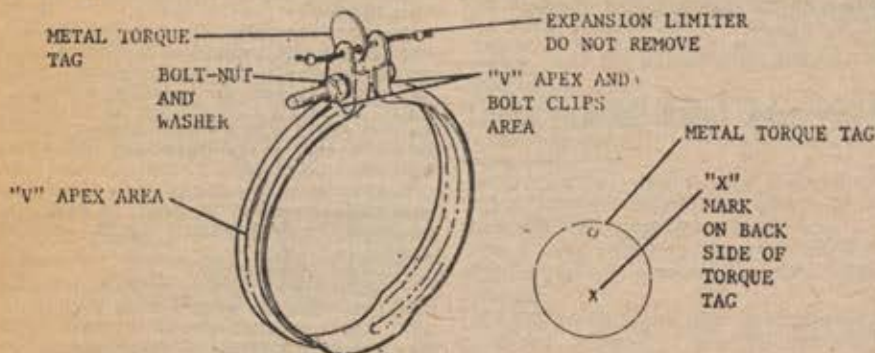


Figure 5. One-Piece "V" Band Type Clamp

IV. Modifications.

A. On the following aircraft within 50 hours time in service after the effective date of this AD inspect/modify the overboard exhaust stack flange (turbocharger and exhaust stack interface) in accordance with the instructions below. T310P0001 through T310R0230, T310R0232 through T310R0254, T310R0256, T310R0257, T310R0259 through T310R0263, T310R0265, T310R0266, T310R0268 through T310R0272, T310R0274, T310R0275, 3400001 through 3400550, 4010001 through 401B0221, 4020001 through 402B0630, 402B0632 through 402B0909, 402B0911, 4020912, 4140001 through 4140643, 4140645 through 4140648, 4210001 through 421B0889, 421B0891 through 421B0918, 421B0921, 421B0922, 421B0924, 421B0926 and 421B0927.

1. Remove any existing overboard support clamps, and remove overboard exhaust stack.

Note: Take precautions to prevent collection of any dirt or foreign particles in opening of turbocharger turbine housing during modification.

2. Visually inspect the mating surfaces of flanges of overboard exhaust stack and turbochargers for uniform contact over their entire perimeter.

3. If such contact is not evident, remove excess material (shaded area) of overboard exhaust stack as required, and as shown typical in Figure 6, by grinding, to allow mating surfaces of flanges of overboard exhaust stack and turbine housing to have uniform contact over their entire perimeter. Exercise care to prevent damage to flange surface of overboard exhaust stack when grinding off excess material.

4. Reinstall overboard stack and secure clamps in accordance with turbine outlet exhaust stack one-piece "V" band clamp inspection.

Note: This one-time inspection/modification may be performed in conjunction with the one-piece "V" band clamp 25-hour in-

spection and redundant tail pipe support installation required by IV. B, below.

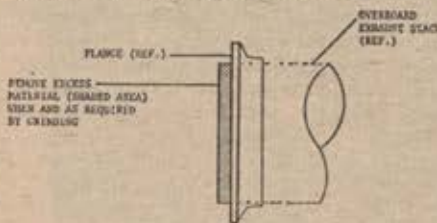


Figure 6.

B. On the following aircraft, prior to but not later than December 31, 1975, install redundant tail pipe support clamps and brackets in accordance with Cessna Service kits specified below. T310 (All aircraft through S/N 310Q0600), 320D0001 through 320F0045, 3400001 through 3400150, 4010001 through 401B0300, 4020001 through 402B0300, 4140001 through 4140350, 4210001 through 421B0300.

1. Kit number and applicability.

a. SK402-31—Turbo 310P0001 through Turbo 310Q0600, 320D0001 through 320F0045, 4010001 through 401B0300, 4020001 through 402B0300.

b. SK414-9—3400001 through 3400150, 4140001 through 4140350.

c. SK421-67—4210001 through 421B0300.

V. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This AD supersedes AD 75-04-01, Amendments 39-2083, 39-2130, and 39-2338, and AD 75-17-38, Amendment 39-2341.

Cessna Service Letter ME 75-17, dated July 14, 1975, or later approved revision pertains to this subject.

This amendment becomes effective November 17, 1975.

Issued in Kansas City, Mo., on November 3, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.75-30251 Filed 11-11-75;8:45 am]

[Docket No. 75-NW-32-AD, Amdt. 39-2424]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 707-300, -300B, -300C, and -400 Series Airplanes

Pursuant to the authority delegated to me by the Administrator a telegraphic airworthiness directive was adopted on October 17, 1975, which superseded a previous telegraphic AD issued on October 15, 1975, and made effective immediately as to all known United States operators of Boeing Model 707-300, -300B, -300C, and -400 series airplanes. The directive requires a one-time low frequency eddy current inspection or a visual inspection of the W.S. 360 splice plate within 50 landings.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately. These conditions still exist, and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of the Federal Aviation Regulations.

BOEING: Applies to all Boeing 707-300, and -400 series airplanes with 13,000 or more landings; all 707-300B airplanes with 11,000 or more landings; and all 707-300C series airplanes with 8,000 or more landings, listed in Boeing Service Bulletin No. 3157 Revision 3, certificated in all categories. Compliance required as indicated.

To detect cracks in the upper wing skin splice plate at W.S. 360, within the next 50 landings:

(1) Conduct the low frequency eddy current inspection in accordance with Boeing Field Service Message M-7010-1256, dated October 9, 1975, unless already accomplished, or

(2) Remove the aerodynamic sealant between the upper wing skins at W.S. 360 from the front spar to the rear spar and visually inspect for a crack in the splice plate, unless accomplished since October 3, 1975. If cracks are found, repair in accordance with Boeing Service Bulletin No. 2510, Revision 3, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

This is a one-time inspection. AD 75-03-01 (Amendment 39-2074) will be amended to provide for inspections similar to those provided herein. Telegraphic AD on this subject on October 15, 1975, is hereby superseded.

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 on November 12, 1975, for all persons except those to whom it was made effective immediately by telegram dated October 17, 1975.

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

Issued in Seattle, Wash., November 4, 1975.

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.75-30427 Filed 11-11-75;8:45 am]

[Docket No. 75-RM-2-AD, Amdt. 39-2423]

PART 39—AIRWORTHINESS DIRECTIVES Learjet Model 24A Airplane

There are Gates Learjet Model 24A airplanes in cargo service which, when modified in accordance with Supplemental Type Certificate No. ST7RM held by Alpine Aircraft Charters, Inc., do not have adequate emergency exit provisions for the flight crew. STC ST7RM permits cargo operation without benefit of an alternate emergency exit in addition to the main cabin door. With modifications per STCs SA9RM (cargo net) and SA10RM (cargo liner) held by Alpine Aircraft Charters, Inc., the existing emergency exit on the right side of the fuselage is blocked leaving only the main cabin door for emergency exit use. Since this condition exists on all airplanes modified in accordance with the STC No. ST7RM, an airworthiness directive is being issued to require installation of cockpit emergency egress provisions on such airplanes.

The 150 hour compliance time for the modifications has been established by the Federal Aviation Administration on the basis of safety considerations. This compliance time provides the lead time necessary for operators to schedule and plan compliance with the AD without undue delay. To prescribe the modifications required by this AD under the usual notice and public procedures would necessarily result in a reduction of the compliance time for the modification required by this AD and possibly leave the operator insufficient time to schedule air-

planes for compliance with the AD. Therefore, accomplishment of the modification required by this AD within the time the FAA has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective on or before December 12, 1975. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted to the Federal Aviation Administration, Office of the Regional Counsel, P.O. Box 7213, Park Hill Station, Denver, Colorado 80207. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in the light of comments received. All comments will be available both before and after the effective date in the Airworthiness Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible, since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

The substance of this AD has been informally coordinated with Alpine Aircraft Charters, Inc. Their pertinent objections concerned the compliance time being insufficient to allow orderly modifications of their aircraft currently under contract cargo operation without unreasonable financial burden. The time frame as set forth in this AD reflects consideration of these objections.

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:

LEARJET MODEL 24A. Applies only to airplanes modified per STC ST7RM when used in cargo operation.

Compliance required within the next 150 hours time in service after the effective date of this AD, unless already accomplished.

To provide an adequate emergency exit for flight crew members, install Alpine Aircraft Charters, Inc., STC SA14RM or equivalent approved by Chief, Engineering and Manufacturing Branch, Rocky Mountain Region, or provide access to the existing emergency exit on the right side of the fuselage in a manner approved by Chief, Engineering and Manufacturing Branch, Rocky Mountain Region.

This amendment becomes effective on December 18, 1975.

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

Issued in Aurora, Colo., on November 3, 1975.

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

[FR Doc.75-30429 Filed 11-11-75;8:45 am]

[Docket No. 75-SO-147, Amdt. 39-2422]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Models PA-28, PA-32, PA-34

There has been one accident involving a Piper PA-34 airplane in which the four aft seats came loose during the accident and were projected forward. Since this condition may exist in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the seat retention mechanisms on the quick-disconnect type seats on Piper PA-28, PA-32 and PA-34 airplanes.

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:

PIPER. Applies to: PA-28-180 serial numbers 28-7105001 through 28-7505046 inclusive, PA-28R-180 serial numbers 28R-7130001 through 28R-7130013 inclusive, PA-28R-200 serial numbers 28R-7135001 through 28R-7535041 inclusive, PA-28-235 serial numbers 28-7110001 through 28-7510016 inclusive, PA-32-260 serial numbers 32-1 through 32-7500002 inclusive, PA-32-300 serial numbers 32-40001 through 32-7540028 inclusive, PA-34-200 serial numbers 34-7250001 through 34-7450220 inclusive, and PA-34-200T serial numbers 34-7570001 through 34-7570054 inclusive, certificated in all categories.

Compliance required within the next 100 hours time in service or at the next annual inspection, whichever comes first.

To prevent the seats from coming loose during an accident, accomplish the following:

1. Within the next 100 hours time in service after the effective date of this airworthiness directive or at the next annual inspection (whichever comes first) and thereafter at each annual inspection, inspect the rear legs on the quick-disconnect seats in accordance with Piper Service Letter No. 763.
2. If the retention is satisfactory, make appropriate log book entry.
3. If the retention is unsatisfactory, adjust or replace in accordance with Piper Service Letter No. 763, and make appropriate log book entry.

This amendment becomes effective November 21, 1975.

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

Issued in East Point, Ga., on November 3, 1975.

P. M. SWATEK,
Director,
Southern Region.

[FR Doc.75-30428 Filed 11-11-75;8:45 am]

[Airspace Docket No. 75-NE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS**Designation of Transition Area**

On page 26686 of the *FEDERAL REGISTER* dated June 25, 1975 (40 FR 26686), the Federal Aviation Administration published a notice of proposed rulemaking which would designate a 700-foot transition area at Wiscasset, Maine.

Interested parties were given twenty (20) days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., December 12, 1975.

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

Issued in Burlington, Mass., on July 18, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add the following transition area:

WISCASSET, MAINE

That airspace extending upward from 700-feet above the surface within a 5-mile radius of the Center, 43°57'40" N. 69°42'50" W. of the Wiscasset, Maine, Airport; within 6-miles on the north side and 4-miles on the south side of the 252° and 072° bearings from the Wiscasset, Maine, NDB, 43°58'57" N. 69°38'27" W. extending to 5.5 miles southwest, and 11.5 miles northeast of the NDB; excluding that portion which coincides with the Brunswick, Maine, 700-foot transition area.

[FR Doc. 75-30453 Filed 11-11-75; 8:45 am]

Title 17—Commodity and Securities Exchanges**CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

[Release 34-11769]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS**Registration of Transfer Agents****Correction**

In FR Doc. 75-29495, appearing at page 51181 in the issue for Tuesday, November 4, 1975, make the following changes:

1. On page 51181, in the preamble, the information that appears just after the second paragraph, which is in small type and labeled "(i) through (iv) * * *" should appear just below footnote 2 at the bottom of the page.

2. On page 51184, second column, the paragraph beginning with "Delegation of authority," should be transposed so

that it appears just below "Part 200—Organization; Conduct and Ethics; and Information and Requests on page 51183.

3. On page 51184, second column, the paragraph beginning with "Effective immediately," should be transposed so that it appears just after the last line of five stars in § 200.30-11 on page 51183.

Title 21—Food and Drugs**CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE****SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS**

[Docket No. 75N-0025]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION**Crufomate Liquid**

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (13-514V) filed by The Dow Chemical Co., Midland, MI 48640, which propose revised labeling regarding the safe and effective use of crufomate drench as a wormer for sheep and goats and regarding a new use in cattle. The supplemental applications are approved.

Safe tolerances, covering uses of this drug, for residues of crufomate and its metabolite in edible tissues of cattle, sheep, and goats have been established previously in 40 CFR 180.295. This tolerance also covers residues expected from use of crufomate established by this section.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 520 (formerly Part 135c prior to recodification published in the *FEDERAL REGISTER* of March 27, 1975 (40 FR 13802)) is amended by adding the following new section:

§ 520.512 Crufomate liquid.

(a) *Chemical name.* 4-tert-Butyl-2-chlorophenyl methyl methylphosphoramidate.

(b) *Specifications.* The drug contains 21 percent crufomate (223 mg/ml).

(c) *Related tolerances.* See § 180.295 of Title 40 of the Code of Federal Regulations.

(d) *Sponsor.* See No. 025700 in § 510.600(c) of this chapter.

(e) *Conditions of use.* It is used as a drench as follows: (1) *Cattle.* (i) For the control of large stomach worms (*Haemonchus* spp.), medium stomach worms (*Ostertagia* spp.) and Cooper's worms (*Cooperia* spp.). As an aid in the control of stomach and intestinal hairworms (*Trichostrongylus* spp.), thread-necked strongyles (*Nematodirus* spp.) and nodular worms (*Oesophagostomum* spp.).

(ii) It is administered at the rate of ¼ fluid ounce per 100 pounds of body weight, or as follows:

Animal weight (pounds):	Amount of crufomate drench (fluid ounces)
100 to 150.....	1 ¼
151 to 250.....	1 ½
251 to 350.....	1 ¾
351 to 450.....	2
451 to 550.....	2 ¼
551 to 650.....	2 ½
651 to 750.....	2 ¾
751 to 850.....	3
851 to 950.....	3 ¼
951 to 1050.....	3 ½
1051 to 1150.....	3 ¾
1151 or more.....	4

NOTE: Do not treat cattle under 1 month of age.

(2) *Sheep and goats.* (i) For the control of large stomach worms, wire worms, barber pole worms (*Haemonchus* spp.); medium stomach worms, brown stomach worms (*Ostertagia* spp.); stomach hair worms, bankrupt (black scours) worms, intestinal hairworms (*Trichostrongylus* spp.); Cooper's worms (*Cooperia* spp.), intestinal threadworms (*Strongyloides* spp.), whipworms (*Trichuris* spp.), and head grubs (nose bots), (*Oestrus ovis*).

(ii) It is administered at the rate of 2 milliliters per 10 pounds of body weight, or as follows:

Animal weight (pounds):	Amount of crufomate drench (fluid ounces)
30 to 39.....	1 ¼
40 to 69.....	1 ½
70 to 99.....	1 ¾
100 and over.....	2

NOTE: Do not treat lambs under 30 pounds of body weight.

(f) The label includes the following information: (1) Crufomate is a cholinesterase inhibitor. Do not treat animals with this drug simultaneously or within a few days before or after treatment with, or exposure to, cholinesterase-inhibiting drugs, pesticides or chemicals. Atropine is an antidote.

(2) To prevent residues in milk, do not treat dairy goats or cattle of breeding age or older.

(3) Do not treat animals within 7 days of slaughter.

(4) Do not treat sick, weak, or overheated animals, or animals under stress; do not treat within 10 days after shipping, weaning or exposure to diseases.

(5) Avoid starving animal prior to and following treatment.

(6) For most effective results, the following should be treated every 21-28 days: Severely parasitized animals; animals grazing in contaminated, heavily stocked, or irrigated pastures; and/or animals located in areas where stomach hairworms, intestinal hairworms, or whipworms are a severe problem.

(7) Consult a veterinarian before treating animals that are severely weak-

ened or underweight from lice or internal parasites. If animals react abnormally, encourage exercise. If abnormal condition persists, consult a veterinarian.

(8) Do not treat sheep and goats in confinement. Cattle fed in confinement should be treated at least 24 hours before confinement.

Effective date. This order shall be effective on November 12, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: November 5, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-30432 Filed 11-11-75;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Clopidol-Bacitracin Methylene Disalicylate

The Commissioner of Food and Drugs has evaluated a new animal drug application (99-150V) filed by The Dow Chemical Co., P.O. Box 1706, Midland, MI 48640, proposing safe and effective use of clopidol-bacitracin methylene disalicylate in the feed of broiler chickens as an aid in the control of coccidiosis and for increased rate of weight gain. The application is approved, effective November 12, 1975.

The Commissioner is amending § 558.175 (21 CFR 558.175) to reflect this approval.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.175 by adding new paragraph (e) (1) (v), to read as follows:

§ 558.175 Clopidol.

(e) * * *

(1) * * *

(v) Amount per ton. Clopidol, 113.5 grams (0.0125 percent) plus bacitracin methylene disalicylate, 4 to 50 grams per ton.

(a) Indications for use. For increased rate of weight gain; to aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. mivati*, and *E. brunetti*.

(b) Limitations. Feed continuously as the sole ration from the time chicks are placed in floor pens until slaughter. Do not feed to chickens over 16 weeks of age. Bacitracin methylene disalicylate as pro-

vided by No. 000794 in § 510.600(c) of this chapter.

Effective date. This amendment shall be effective November 12, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: November 5, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-30435 Filed 11-11-75;8:45 am]

[Docket No. 75N-0182]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Clopidol and Chlortetracycline

The Commissioner of Food and Drugs has evaluated a new animal drug application (46-209V) filed by The Dow Chemical Company, P.O. Box 1706, Midland, MI 48640, proposing safe and effective use of clopidol and chlortetracycline in feed for treatment of broiler chickens and replacement chickens. The application is approved, effective November 12, 1975.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1))), in accordance with 21 CFR 510.6, and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.175 by revising paragraph (e) (2) to read as follows:

§ 558.175 Clopidol.

(e) * * *

(2) Broiler chickens and replacement chickens—(1) Amount per ton. Clopidol, 113.5 or 227 grams (0.125 or 0.025 percent).

(a) Indications for use. Aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati*.

(b) Limitations. Feed up to 16 weeks of age if intended for use as caged layers; feed continuously as the sole ration; withdraw 5 days before slaughter if given at the level of 0.025 percent in feed or reduce level to 0.0125 percent 5 days before slaughter.

(ii) Amount per ton. 113.5 grams (0.0125 percent) clopidol with 200 grams chlortetracycline.

(a) Indications for use. Aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. mivati*, and *E. brunetti*, and infectious synovitis caused by *Mycoplasma synoviae*.

(b) Limitations. Feed continuously as sole ration from the time chicks are placed in floor pens, up to 21 days of age.

Effective date. This regulation shall be effective on November 12, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: November 5, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-30434 Filed 11-11-75;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Virginiamycin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (91-513V), filed by Smith Kline Animal Health Products, Division of Smith Kline Corp., 1500 Spring Garden St., Philadelphia, PA 19101, proposing safe and effective use of a virginiamycin premix containing 11 percent (50 grams per pound) virginiamycin for the manufacture of swine feed. The supplemental application is approved, effective November 12, 1975.

The Commissioner is amending § 558.635 to reflect this approval.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 558.635 is amended by revising paragraph (b), to read as follows:

§ 558.635 Virginiamycin.

(b) Premix levels of 2.2 percent virginiamycin activity (10 grams per pound), 11 percent virginiamycin activity (50 grams per pound), and 50 percent virginiamycin activity (227 grams per pound) granted to No. 000007 in § 510.600 (c) of this chapter.

Effective date. This regulation shall be effective November 12, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: November 5, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-30433 Filed 11-11-75;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY

PART 2530—RULES AND REGULATIONS FOR MINIMUM STANDARDS FOR EMPLOYEE PENSION BENEFIT PLANS

Extension of Time for Filing Comments

The time for filing comments relating to the proposed, temporarily effective regulations prescribing minimum participation, vesting and benefit accrual standards for covered employee pension benefit plans, published at pages 41654 thru 41667 of the FEDERAL REGISTER on September 8, 1975, is extended until January 9, 1976.

The extension is granted to provide interested persons adequate time to consider these regulations in conjunction with related Internal Revenue Service regulations, including those concerning minimum participation and vesting standards. The Department of Labor has determined that the complexity of the proposed regulations in this area and the interrelationship between the Department and the Internal Revenue Service regulations makes it appropriate to grant an extension so that the comment period for the Department's regulations coincides with the comment period for the proposed regulations relating to minimum vesting standards published by the Internal Revenue Service.

Interested persons are invited to submit written data, views, or arguments concerning the proposed Department of Labor regulations cited above on or before January 9, 1976. Such data, views and arguments should be submitted to the Office of Employee Benefits Security (DEVD-PV Comments), Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216. Comments should be clearly referenced to the numbers of the sections to which the comments are directed.

Signed at Washington, D.C. this 4th day of November, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and
Welfare Benefit Programs.

[FR Doc.75-30525 Filed 11-11-75; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 455-4; PP5F1599/R65]

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

2-[[4-Chloro-6-(Ethylamino)-S-Triazin-2-yl]Amino]-2-Methylpropionitrile

On March 28, 1975, notice was given (40 FR 14117) that Shell Chemical Co., Suite 200, 1025 Connecticut Ave. NW., Washington DC 20036, had filed a pesticide petition (PP5F1599) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.307 be amended by establishing a

tolerance for negligible residues of the herbicide 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl] amino]-2-methylpropionitrile in or on the raw agricultural commodity cottonseed at 0.05 part per million.

The data submitted in the petition and other relevant material have been evaluated, and the herbicide is considered to be useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies. The tolerance established by amending § 180.307 of the regulations will protect the public health, and it has been concluded, therefore, that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before December 12, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective November 12, 1975, Part 180, Subpart C, § 180.307, is amended as set forth below.

Field office	From—	To—
	3 1005 New U.S. Customhouse, Philadelphia, Pa. 19106.	11425 James A. Byrne Federal Courthouse, 601 Market St., Philadelphia, Pa. 19106.

(b) Section 1.83(a)(1)(i) will be amended by eliminating the "A" after the identification of FCC Form 753.

2. Since the amendments are editorial in nature the prior notice and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of this amendment is contained in section 4(i) and 5(d) of the Communications Act of 1934, as amended, and section 0.231(d) of the rules.

3. Accordingly, it is ordered, effective November 17, 1975 §§ 0.121(a) and 1.83 (a) of the rules and regulations are amended as set forth below.

Field office	Address of the engineer in charge	Territory within district	
		States	Counties
3	11425 James A. Byrne Federal Courthouse, 601 Market St., Philadelphia, Pa. 19106.	Delaware.....	
		New Jersey.....	

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

Dated: November 6, 1975.

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

Part 180, Subpart C, § 180.307, is amended by revising the paragraph "0.05 part per million * * *" as follows:

§ 180.307 2-[[4-Chloro-6-(ethylamino)-s-triazin-2-yl] amino]-2-methylpropionitrile; tolerances for residues.

0.05 part per million (negligible residues) in or on fresh corn including sweet corn (kernels plus cob with husk removed), corn grain, cottonseed, and sorghum fodder, forage, and grain.

[FR Doc.75-30389 Filed 11-11-75; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Miscellaneous Amendments

In the matter of editorial amendments of §§ 0.121(a) and 1.83(a) of the Commission's rules and regulations.

1. The following editorial changes will be made to the Rules and Regulations:

(a) Section 0.121(a) will be amended to reflect the new address of the Federal Communications Commission field office located in Philadelphia, Pennsylvania:

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (57 U.S.C. 154, 155, 203))

Adopted: October 31, 1975.

Released: October 31, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] RICHARD D. LICHTWARDT,
Executive Director.

In Chapter I of Title 47 of the Code of Federal Regulations, Part 0 is amended as follows:

1. In § 0.121, paragraph (a) is amended to read as follows:

§ 0.121 Location of Field Installations.

(a) Field offices and sub-offices are located at the following address:

2. In § 1.83, paragraph (a) is amended to read as follows:

§ 1.83 Application for radio operator license.

(a) * * *

(1) Restricted radiotelephone operator permit. (i) Applications for a Restricted Radiotelephone Operator Permit filed by U.S. Citizens or Nationals shall be on FCC Form 753 entitled "Application for Restricted Radiotelephone Operator Permit by Declaration." (ii) Applications for Restricted Radiotelephone Operator Permits filed by aliens shall be on FCC Form 755 entitled "Application for Restricted Radiotelephone Operator Permit (By an Alien)".

[FR Doc.75-30456 Filed 11-11-75;8:45 am]

[Docket No. 20489; FCC 75-1217]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

Deferral Accounting for Income Tax Differentials

In the matter of amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, and Part 33, Uniform System of Accounts for Class C Telephone Companies, of the Commission's rules to provide for deferral accounting for income tax differentials occasioned by the use of depreciation based on class lives and asset depreciation ranges for income tax purposes and to provide for below-the-line accounting in certain instances for investment credits made available by the Revenue Act of 1971; Docket No. 20489.

1. The Commission adopted a Notice of Proposed Rule Making in the above entitled matter on May 21, 1975, which was published in the FEDERAL REGISTER on June 10, 1975 (40 FR 24743) in accordance with section 4(a) of the Administrative Procedure Act. The Notice presented for comments on or before July 8, 1975 and for reply comments on or before July 21, 1975 a proposal to amend the Commission's accounting rules to permit normalization accounting for income tax differentials occasioned by the use of depreciation based on Class Lives and Asset Depreciation Ranges for income tax purposes. Further the Notice set forth a proposal to amend the accounting rules to permit below-the-line accounting in certain instances for investment credits.

2. Timely comments were filed by the American Telephone and Telegraph Company and the associated Bell System operating companies (AT&T), GTE Service Corporation on behalf of its affiliated telephone companies, Arthur Andersen & Company (Arthur Andersen) and the American Institute of Certified Public Accountants. Also, comments were received from Coopers & Lybrand dated July 31, 1975. No reply comments were received. All of the comments favor-

ably supported the changes proposed in the Notice.

3. Arthur Andersen recommends, in addition, that the Commission adopt comprehensive interperiod income tax allocation at this time. We are not adopting this recommendation since, in effect, it goes beyond the matters covered in the Notice of Proposed Rule Making. We are adopting, however, as proposed in the Notice, appropriate changes in the language of certain accounts to accommodate any additional tax timing differences the Commission may authorize normalization accounting for in the future. In this regard, AT&T urges the Commission to reflect its intent at this time to follow a policy of normalization for rate making purposes where such normalization accounting may be approved in the future. Until such time as normalization accounting may be authorized for additional items we do not believe it appropriate to go beyond the policy statement set forth in paragraph 6 of the Notice and reiterated in paragraph 4 of this Order pertaining to the specific items covered in this rule making proceeding for which normalization accounting is herein being adopted in our accounting rules for telephone companies.

4. Arthur Andersen also suggests clarification of certain aspects of the proposed rule making particularly with regard to the Commission's intent concerning the use of normalization for rate-making purposes. We believe the Commission's intent, as indicated in paragraph 6 of the Notice, is quite clear. Therein it was stated that consistent with our decision in Docket No. 18828, we propose to follow, for rate-making purposes, a policy of normalization in determining a telephone company's cost of service. This policy would meet the requirements of § 1.167(a)-11(b)(6) and § 1.167(a)-12(a)(4)(iii) of the Treasury Department's regulations concerning the use of class lives and asset depreciation ranges for income tax purposes. Further, also consistent with our decision in Docket No. 18828, and as indicated in paragraph 6 of the Notice, we would not permit a company to earn a return on the amount of the cost free capital represented by the increased reserve for deferred taxes subject to the requirement that we consider any evidentiary showing to the contrary in a particular rate case.

5. AT&T also recommends that the Commission revise the language in § 31.3-32 of Part 31 to make it consistent with the proposed definition of "accelerated depreciation." We believe that the reference to straight-line depreciation in § 31.3-32(b) is appropriate since this language conforms to the language used to describe the computation of depreciation rates in § 31.02-80 of Part 31.

6. AT&T further recommends that the Commission adopt the requirement that the entries to and the balance in proposed account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," be maintained by vintage year separately for each tax account, rather than by class or subclass of eli-

gible depreciable telephone plant for which an accelerated method of depreciation has been used for income tax purposes, in order to reduce the volume of work and attendant worksheets required. AT&T urges the Commission to consider carefully the costs involved but furnishes no cost data for the Bell System. The question of keeping items in account 176.1 by vintage year separately for each tax account was raised and discussed in Docket 18828. We stated therein that it is desirable to establish and maintain the deferred tax reserve on a basis consistent with the plant classifications used for book depreciation accounting purposes rather than on the basis of those used for Federal Income Tax purposes. This procedure will enable a regulatory body to determine whether the deferred tax amounts are appropriately spread over the life of the related plant. We still hold to this view. To the extent, however, that tax deferrals arise from the use of Treasury Department Regulations 167(a)-11 and 167(a)-12 which cannot be specifically attributed to each class or subclass of eligible depreciable telephone plant, which AT&T indicates could happen, then, of course, such attribution would not be expected.

7. In a related comment AT&T recommends that the Commission revise the language in the Notice which describes the manner in which the underlying records are to be designed for maintaining the tax differentials to make it clear that only separate subaccounts for the direct and indirect effects should be maintained rather than separate subaccounts for the direct and indirect effects for each method of accelerated depreciation in use. We indicated in the Notice that the carrier's underlying records should be designed to readily determine the separate direct and indirect effects of using class lives, asset depreciation ranges, sum-of-the-year digits or double-declining balance depreciation methods, etc. We are of the view that the detailed records being maintained by the larger telephone companies to support their tax deductions will serve as the basis for this information. It was not our intention to require the establishment of subaccounts but merely to assure that such information could be readily determined from the carrier's records. We are further of the view that having this information readily available would provide the carriers and the Commission with a clearer picture of the effects of using an accelerated method of depreciation.

8. Further, AT&T suggests that the proposed requirement that any debit balance in any subaccount of account 176.2 should be treated for financial statement purposes as a special subaccount of account 139 should not be adopted. AT&T believes that this proposal is inconsistent with accounting prescribed by the Commission in the past. We have deleted this requirement from the Appendix; however, appropriate revisions will be proposed to the Annual Report Form M in order that subdivisions of account 176.2 can be reported separately.

9. Lastly, AT&T is concerned that adoption at this time by this Commission of Case 27 covering the accounting for tax effects arising from the use of accelerated depreciation for excise tax purposes in the State of Tennessee may be prejudicial to litigation on this matter currently in process in Tennessee. Beyond this generalized statement, AT&T furnished no details on the litigation referred to or any specifics as to how such litigation could be affected by this Commission's action in this proceeding. Further, AT&T furnished nothing in opposition to the accounting position set forth in Case 27. Accordingly, AT&T's request for deletion of Case 27 is denied.

10. As proposed in the Notice of Proposed Rule Making, Annual Report Form M and Monthly Report Form 901 will be amended in a separate rule making in order to reflect the changes made in this procedure. These changes cannot be made in time for inclusion in the 1975 annual report. Therefore, telephone companies are requested to interline new accounts 176.2 and 308.2, together with amounts included in Schedules 10 and 11, respectively, in their 1975 Annual Report Form M.

11. Since all the comments favorably supported the changes proposed in the Notice, the Commission has considered and commented herein on the suggestions received in this proceeding and has reviewed and hereby adopts the staff's study and recommendations in this matter, Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, and Part 33, Uniform System of Accounts for Class C Telephone Companies, are to be amended as set forth in the Appendix. Further, as discussed in paragraph 9 of this Notice, the rule amendments being made herein are to be effective January 1, 1976 with a provision for retroactive application to January 1, 1971, in order that the use of class lives and asset depreciation ranges may be made available to telephone companies as soon as possible and made effective at the beginning of a year, and since the rule amendments pertaining to investment tax credits are not "alterations . . . in the required manner or form of keeping accounts" for which advance notice of the effective date is required to be given by section 220(g) of the Communications Act.

12. Accordingly, It is ordered, That, under authority contained in sections 4(i) and 220 of the Communications Act of 1934, as amended, Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, and Part 33, Uniform System of Accounts for Class C Telephone Companies, of the Commission's Rules are amended as set forth below effective January 1, 1976, provided, however, that any company may make such amendments retroactive to January 1, 1971;

13. It is further ordered, That this proceeding is hereby terminated.

(Secs. 4, 220, 48 Stat., as amended, 1066, 1078; 47 U.S.C. 154, 220.)

Adopted: October 29, 1975.

Released: November 6, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] VINCENT J. MULLINS,
Secretary.

1. Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. Section 31.01-3 is amended by adding a new paragraph (a) and redesignating the present paragraphs (a) through (jj) as (b) through (kk). New paragraph (a) reads as follows:

§ 31.01-3 Definitions.

(a) "Accelerated depreciation" means a depreciation method or period of time, including the treatment given cost of removal and gross salvage, used in calculating depreciation deductions on income tax returns which is different from the depreciation method or period of time prescribed by this Commission for use in calculating depreciation expense recorded in a company's books of account.

2. Section 31.176 is amended by redesignating it § 31.176:1 and paragraphs (b) and (c) are revised to read as follows:

§ 31.176:1 Accumulated deferred income taxes—accelerated tax depreciation.

(b) This account shall be credited with the amounts charged to accounts 307, "Other operating taxes," 308.1, "Operating Federal income taxes deferred—accelerated tax depreciation," 326, "Federal income taxes—Nonoperating," and 327, "Other nonoperating taxes," in accordance with the provisions of § 31.3-32.

(c) This account shall be charged with the amounts credited to accounts 307, 309 "Income credits and charges resulting from prior deferrals of Federal income taxes," 326 and 327 in accordance with the provisions of § 31.3-32.

3. New § 31.176:2 is added to read as follows:

§ 31.176:2 Accumulated deferred income taxes—other.

(a) This account shall include the balance of income tax expense that has been deferred to later periods as a result of the use of the normalized method of accounting for tax differentials arising from the use of the asset guideline class repair allowance feature of the Revenue Act of 1971. It shall also include, when authorized by the Commission, any balances that have been deferred to later periods as a result of the use of the normalized method of accounting for

¹ Commissioner Reid absent.

any other tax differentials not provided for elsewhere. A separate subaccount shall be maintained for each item included in this account.

(b) This account shall be credited with amounts charged to accounts 307, "Other operating taxes," 308.2, "Operating Federal income taxes deferred—other," 326, "Federal income taxes—Nonoperating," and 327, "Other nonoperating taxes," in accordance with the provisions of those accounts.

(c) This account shall be charged with the amounts credited to accounts 307, 309, "Income credits and charges resulting from prior deferrals of Federal income taxes," 326 and 327 in accordance with the provisions of those accounts.

(d) This account shall be maintained so as to show separately (1) deferred operating income taxes, further subdivided as between Federal income taxes and State and local income taxes, and (2) deferred non-operating income taxes.

(e) Adjustments shall be made between this account and account 307, account 309, account 326, or account 327, as appropriate, upon the sale of any property with respect to which amounts are included herein.

4. In § 31.3-32 paragraphs (b), (c), and (d) are revised and a new paragraph (f) is added to read as follows:

§ 31.3-32 Normalization accounting for tax differentials resulting from the use of accelerated depreciation for income tax purposes.

(b) With respect to each vintage class or subclass of eligible depreciable telephone plant (except as provided in paragraph (d) of this section) that is recognized for depreciation accounting purposes, or the amount in account 103, "Miscellaneous physical property," for which the use of accelerated depreciation for income tax purposes results in a greater amount of tax depreciation in the current year than under straight line depreciation, the tax differential occasioned by such use shall be accounted for in the manner indicated hereinafter. A tax differential with respect to State and local income taxes relating to eligible depreciable telephone plant shall be charged to account 307, "Other operating taxes"; a tax differential with respect to Federal income taxes relating to eligible depreciable telephone plant shall be charged to account 308.1, "Operating Federal income taxes deferred—accelerated tax depreciation"; a tax differential with respect to Federal income taxes on eligible nonoperating depreciable property shall be charged to account 326, "Federal income taxes—Nonoperating"; and a tax differential with respect to State and local income taxes relating to eligible nonoperating depreciable property shall be charged to account 327, "Other nonoperating taxes." The appropriate subaccount of account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," shall be

credited with the amounts charged to each of the foregoing accounts in accordance with the provisions of paragraph (d) of the section.

(c) With respect to each vintage class or subclass of eligible depreciable plant or the amount in account 103 for which the use of accelerated depreciation for income tax purposes results in a lesser amount of tax depreciation in the current year than under straight line depreciation, the tax differential resulting from such use that is determined on an equitable basis as being applicable to the current year, shall be charged to the appropriate subdivision of account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," and credited to account 307, "Other operating taxes," account 309, "Income credits and charges resulting from prior deferrals of Federal income taxes," account 326, "Federal income taxes—Nonoperating," or account 327, "Other nonoperating taxes," as appropriate: *Provided, however, That, in lieu of continuing to amortize the balance in account 176.1 in the manner indicated above until the retirement of all plant of a vintage class or subclass, any company may submit for the consideration and approval of the Commission a plan of straight-line amortization for relatively small balances remaining in account 176.1.*

(d) Account 176.1 shall be maintained so as to show separately (1) deferred operating income taxes, further subdivided as between Federal income taxes and State and local income taxes, and (2) deferred nonoperating income taxes. The records underlying entries to and the balances in account 176.1 shall be kept so as to show the deferred tax amounts by vintage year separately for each class or subclass of eligible depreciable telephone plant for which an accelerated method of depreciation has been used for income tax purposes, except that any company that had a balance of \$40 million or less in account 100:1, "Telephone plant in service," as at the end of the previous year may use as its vintage class all or any portion of the eligible depreciable telephone plant added in a single year.

(f) The tax differentials to be normalized as indicated herein shall encompass both the direct effect of using accelerated depreciation (depreciation differences) and the additional effect of State and local income tax changes on Federal income taxes (income tax effect) produced by (1) the use of accelerated depreciation for determining State and local income taxes, and (2) the changes in Federal income tax realized from the use of accelerated depreciation when Federal income tax is a deduction in State or local tax computations. The provisions of this paragraph shall also apply to the tax differentials produced by the use of an asset guideline class repair allowance when a company uses normalization accounting therefor. (Note also Appendix A, Case 27.)

5. Section 31.304 is amended by adding new paragraph (c) to read as follows:

§ 31.304 Investment credits-net.

(c) In lieu of crediting account 174 under paragraph (a) of this section or this account under paragraph (b) of this section, account 316, "Miscellaneous income," may be credited.

6. In § 31.306, Note A is amended to read as follows:

§ 31.306 Federal income taxes—Operating.

NOTE A: No entries shall be made in this account to reflect interperiod allocation of taxes except as provided in Case 26. (See, however, § 31.3-32 with respect to interperiod allocation of income taxes in connection with the use of an accelerated method of depreciation for Federal income tax purposes and § 31.308:2 with respect to interperiod allocation of income taxes in connection with the use of an asset guideline class repair allowance for Federal income tax purposes.)

7. In § 31.307, paragraphs (c) and (d) are revised to read as follows:

§ 31.307 Other operating taxes.

(c) This account shall be charged also and account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," shall be credited, in accordance with the provisions of § 31.3-32, with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of accelerated depreciation for State and local income tax purposes with respect to eligible depreciable telephone plant. In addition, this account shall be charged and account 176.2, "Accumulated deferred income taxes—other," shall be credited with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of an asset guideline class repair allowance for State and local income tax purposes with respect to eligible depreciable telephone plant. This account shall also be charged or credited, as appropriate, with contra entries to account 176.2, with the amounts of income tax differentials relating to telephone operations, and not provided for elsewhere, applicable to the current period resulting from the deferral of income taxes for State and local income tax purposes when authorization therefor has been obtained from the Commission.

(d) This account shall be credited and account 176.1 shall be charged, in accordance with the provisions of § 31.3-32, with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of accelerated depreciation for State and local income tax purposes with respect to eligible depreciable telephone plant. In addition, this account shall be credited and account 176.2 shall be charged with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of an

asset guideline class repair allowance for State and local income tax purposes with respect to eligible depreciable telephone plant. This account shall also be credited or charged, as appropriate, with contra entries to account 176.2 with the amounts of income tax differentials relating to telephone operations, and not provided for elsewhere, applicable to the current period resulting from the deferral in prior years of income taxes for State and local income tax purposes when authorization therefor has been obtained from the Commission.

8. Section 31.308 is amended by redesignating it § 31.308:1 to read as follows:

§ 31.308:1 Operating Federal income taxes deferred—accelerated tax depreciation.

This account shall be charged and account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," shall be credited, in accordance with the provisions of § 31.3-32, with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of accelerated depreciation for Federal income tax purposes with respect to eligible depreciable telephone plant.

9. New § 31.308:2 is added to read as follows:

§ 31.308:2 Operating Federal income taxes deferred—other.

(a) This account shall be charged and account 176.2, "Accumulated deferred income taxes—other," shall be credited, with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of the asset guideline class repair allowance feature of the Revenue Act of 1971 for Federal income tax purposes with respect to eligible depreciable telephone plant.

(b) This account shall also be charged or credited, as appropriate, with contra entries to account 176.2 with the amounts of income tax differentials not provided for elsewhere applicable to the current period resulting from the deferral of income taxes for Federal income tax purposes when authorization therefor has been obtained from the Commission. A separate subaccount shall be maintained for each item included in this account.

10. Section 31.309 is revised to read as follows:

§ 31.309 Income credits and charges resulting from prior deferrals of Federal income taxes.

(a) This account shall be credited and account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," shall be charged, in accordance with the provisions of § 31.3-32, with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of accelerated depreciation for Federal income tax purposes with respect to eligible depreciable telephone plant.

(b) This account shall be credited and account 176.2, "Accumulated deferred income taxes—other," shall be charged with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of the asset guideline class repair allowance feature of the Revenue Act of 1971 for Federal income tax purposes with respect to eligible depreciable telephone plant.

(c) This account shall also be credited or charged, as appropriate, with contra entries to account 176.2 with the amounts of income tax differentials not provided for elsewhere applicable to the current period resulting from the deferral in prior years of income taxes for Federal income tax purposes when authorization therefor has been obtained from the Commission. A separate subaccount shall be maintained for each item included in this account.

§ 31.326 Federal income taxes—Nonoperating.

(b) This account shall be charged also and account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," shall be credited, in accordance with the provisions of § 31.3-32, with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of accelerated depreciation for Federal income tax purposes with respect to eligible nonoperating depreciable property. In addition, this account shall be charged and account 176.2, "Accumulated deferred income taxes—other," shall be credited with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of an asset guideline class repair allowance for Federal income tax purposes with respect to eligible nonoperating depreciable property. This account shall also be charged or credited, as appropriate, with contra entries to account 176.2 with the amounts of income tax differentials applicable to items included in the accounts referenced in paragraph (a) of this section, and not provided for elsewhere, applicable to the current period resulting from the deferral of income taxes for Federal income tax purposes when authorization therefor has been obtained from the Commission.

(c) This account shall be credited and account 176.1 shall be charged, in accordance with the provisions of § 31.3-32, with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of accelerated depreciation for Federal income tax purposes with respect to eligible nonoperating depreciable property. In addition, this account shall be credited and account 176.2 shall be charged with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of an asset guideline class repair allowance for

Federal income tax purposes with respect to eligible nonoperating depreciable property. This account shall also be credited or charged, as appropriate, with contra entries to account 176.2 with the amounts of income tax differentials applicable to items included in the accounts referenced in paragraph (a) of this section, and not provided for elsewhere, applicable to the current period resulting from the deferral in prior years of income taxes for Federal income tax purposes when authorization therefor has been obtained from the Commission.

12. In § 31.327, paragraphs (c) and (d) are revised to read as follows:

§ 31.327 Other nonoperating taxes.

(c) This account shall be charged also and account 176.1, "Accumulated deferred income taxes—accelerated tax depreciation," shall be credited, in accordance with the provisions of § 31.3-32, with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of accelerated depreciation for State and local income tax purposes with respect to eligible nonoperating depreciable property. In addition, this account shall be charged and account 176.2, "Accumulated deferred income taxes—other," shall be credited with the amounts of income tax differentials applicable to the current period resulting from the deferral of income taxes occasioned by the use of an asset guideline class repair allowance for State and local income tax purposes with respect to eligible nonoperating depreciable property. This account shall also be charged or credited, as appropriate, with contra entries to account 176.2, with the amounts of income tax differentials applicable to items included in the accounts referenced in paragraph (a) of this section, and not provided for elsewhere, applicable to the current period resulting from the deferral of income taxes for State and local income tax purposes when authorization therefor has been obtained from the Commission.

(d) This account shall be credited and account 176.1 shall be charged, in accordance with the provisions of § 31.3-32, with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of accelerated depreciation for State and local income tax purposes with respect to eligible nonoperating depreciable property. In addition, this account shall be credited and account 176.2 shall be charged with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of an asset guideline class repair allowance for State and local income tax purposes with respect to eligible nonoperating depreciable property. This account shall also be credited or charged, as appropriate, with contra entries to account 176.2 with the amounts of income tax differentials applicable to items included in the accounts referenced in

paragraph (a) of this section and not provided for elsewhere, applicable to the current period resulting from the deferral in prior years of income taxes for State and local income tax purposes when authorization therefor has been obtained from the Commission.

13. Appendix A to Part 31 is amended by adding a new Case 27 as follows:

APPENDIX A

INTERPRETATIONS OF THE ACCOUNTING REQUIREMENTS CONTAINED IN THIS SYSTEM OF ACCOUNTS.

Case 27

STATEMENT OF FACTS

In the State of Tennessee an excise tax based on taxable income earned in the State of Tennessee is levied on telephone companies, among others. In addition, a separate Tennessee statute imposes a gross receipts privilege tax which is based on gross receipts from Tennessee intrastate business. Thereunder, the intrastate portion of excise taxes actually paid applicable to the preceding year is permitted to be used as a credit against the gross receipts privilege tax currently due. As a result of a company's use of accelerated depreciation in computing its excise tax, a lesser amount is paid currently resulting in a lower credit available to reduce the current gross receipts privilege tax. Accordingly, a higher gross receipts privilege tax is currently paid. In the future, as the amount of excise tax currently deferred reverses, a larger excise tax payment will be due and paid, and hence a larger credit against and a lower payment of the gross receipts privilege tax will occur.

Question: What is the proper accounting to be followed for the tax effects arising from the use of accelerated depreciation for excise tax purposes in the State of Tennessee and straight-line depreciation for book purposes and for the effect such use has on the Tennessee gross receipts privilege tax?

Answer: The provisions of Section 31.3-32 shall apply. Thereunder, if a company normalizes the tax effects arising from the use of accelerated depreciation, paragraph (f) provides, in effect, that the additional or secondary effects thereof shall also be normalized. Accordingly, if a company normalizes the tax effects arising from the use of accelerated depreciation for excise tax purposes, the company shall also normalize the effect such use has on the gross receipts privilege tax.

II. Part 33, Uniform System of Accounts for Class C Telephone Companies is amended as follows:

1. Section 33.5 is amended by adding a definition for "accelerated depreciation" immediately before "Accounts," reading as follows:

§ 33.5 Restrictive use of certain terms.

"Accelerated depreciation" means a depreciation method or period of time, including the treatment given cost of removal and gross salvage, used in calculating depreciation deductions on income tax returns which is different from the depreciation method or period of time prescribed by this Commission for use in calculating depreciation expense recorded in a company's books of account.

2. In § 33.2590, paragraph (a) is revised to read as follows:

§ 33.2590 Other deferred credits.

(a) This account shall include the amounts of all deferred credits, not provided for elsewhere, that cannot be entirely cleared or disposed of until additional information has been received or amounts that are being held for credit to other accounts in the future, including investment credits and deferred income taxes occasioned by the use of accelerated depreciation and an asset guideline class repair allowance for income tax purposes.

3. In § 33.5500, paragraphs (b) and (c) are revised and a new paragraph (d) is added to read as follows:

§ 33.5500 Income taxes.

(b) This account shall be charged and account 2590, "Other deferred credits," shall be credited with the amounts of income tax differentials applicable to the current period that are occasioned by the use of accelerated depreciation and an asset guideline class repair allowance for Federal, State, and local income tax purposes with respect to eligible depreciable telephone plant.

(c) This account shall be credited and account 2590 shall be charged with the amounts of income tax differentials applicable to the current period resulting from the deferral in prior years of income taxes occasioned by the use of accelerated depreciation and an asset guideline class repair allowance for Federal, State, and local income tax purposes with respect to eligible depreciable telephone plant.

(d) The tax differentials referred to herein shall encompass both the direct effect of using accelerated depreciation (depreciation differences) and an asset guideline class repair allowance and the additional effect of State and local income tax changes on Federal income taxes (income tax effect) produced by (1) the use of accelerated depreciation and an asset guideline class repair allowance for determining State and local income taxes, and (2) the changes in Federal income taxes realized from the use of accelerated depreciation and an asset guideline class repair allowance when Federal income tax is a deduction in State or local tax computations.

4. Section 33.5490 is amended by adding new paragraph (c) to read as follows:

§ 33.5490 Investment credits—net.

(c) In lieu of crediting account 2590 under paragraph (a) of this section or this account under paragraph (b) hereof, account 6900, "Other income, miscellaneous," may be credited.

5. In Appendix A to Part 33, the answer in Case 13-R-1 is amended and a new Case 27 is added to read as follows:

APPENDIX A

INTERPRETATION OF THE ACCOUNTING REQUIREMENTS CONTAINED IN THIS SYSTEM OF ACCOUNTS

Case 13-R-1 (Cancels Case 13)

Answer: No. Account 5500, "Income taxes," should include provision for actual taxes only, except for taxes deferred with respect to the use of accelerated depreciation and an asset guideline class repair allowance for income tax purposes with respect to eligible telephone plant. Account 5500 should not be increased by the amount which would have been paid had the refunding transaction not occurred. In other words, there was an actual saving in taxes and this saving should be reflected in the income statement because it is a fact.

Case 26

(Applicable only to class A and class B companies)

Case 27

STATEMENT OF FACTS

In the State of Tennessee, an excise tax based on taxable income earned in the State of Tennessee is levied on telephone companies, among others. In addition, a separate Tennessee statute imposes a gross receipts privilege tax which is based on gross receipts from Tennessee intrastate business. Thereunder, the intrastate portion of excise taxes actually paid applicable to the preceding year is permitted to be used as a credit against the gross receipts privilege tax currently due. As a result of a company's use of accelerated depreciation in computing its excise tax, a lesser amount is paid currently resulting in a lower credit available to reduce the current gross receipts privilege tax. Accordingly, a higher gross receipts privilege tax is currently paid. In the future, as the amount of excise tax currently deferred reverses, a larger excise tax payment will be due and paid, and hence a larger credit against and a lower payment of the gross receipts privilege tax will occur.

Question: What is the proper accounting to be followed for the tax effects arising from the use of accelerated depreciation for excise tax purposes in the State of Tennessee and straight line depreciation for book purposes and for the effect such use has on the Tennessee gross receipts privilege tax?

Answer: The provisions of Section 33.5500 shall apply. Thereunder, if a company normalizes the tax effects arising from the use of accelerated depreciation, paragraph (d) provides, in effect, that the additional or secondary effects thereof shall also be normalized. Accordingly, if a company normalizes the tax effects arising from the use of accelerated depreciation for excise tax purposes, the company shall also normalize the effect such use has on the gross receipts privilege tax.

[FR Doc.75-30457 Filed 11-11-75; 8:45 am]

[Docket No. 20395; RM-2384]

PART 73—RADIO BROADCAST SERVICES
FM Broadcast Stations, Table of Assignments, Minn.

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations (Brainerd, Minnesota), Docket No. 20395; RM-2384.

1. The Commission has under consideration the notice of proposed rulemaking, adopted March 17, 1975 (40 Fed. Reg. 13319), inviting comments on a proposal to assign Channel 294 to Brainerd, Minnesota, as its second FM channel assignment. Comments have been received from the petitioner, Greater Minnesota Broadcasting Corporation, licensee of AM Station KVBR, Brainerd, Minnesota, and from Brainerd Broadcasting Company (BBC), licensee of Station KLIZ (AM) and KLIZ-FM (Channel 239), Brainerd, Minnesota.

2. Brainerd, Minnesota (pop. 11,667),¹ is located in central Minnesota in Crow Wing County (pop. 34,826), 108 miles north-northwest of Minneapolis, 55 miles north of St. Cloud and 125 miles west of Duluth. Brainerd is presently served by two AM stations, KVBR (Class IV, unlimited-time) licensed to petitioner, and KLIZ (Class III, unlimited-time); and by one FM station, KLIZ-FM (Channel 239).² The assignment of Channel 294 to Brainerd will not affect any existing FM assignments. The transmitting antenna for a station must be located two miles northwest of the community to avoid short spacing.

3. Petitioner states that Brainerd is a center for industrial and commercial concerns for a large rural area in central Minnesota. Its AM station presently broadcasts local sports events, weather reports and warnings, etc., to residents. It is alleged that due to low soil conductivity in the area, petitioner's AM station is unable to give aural coverage to the entire city during the early morning hours and at night. In addition, petitioner asserts that an FM station operating with proposed facilities of 45 kW power at an antenna height of 320 feet above average terrain would offer a second FM service to nearly all of Crow Wing County except the northernmost area and to an area south, southeast of Brainerd.

4. In its comments, BBC states that it has no objection to the assignment of a second Class C channel to Brainerd. However, it refers to a pending proceeding in Docket No. 20316 which proposes, among other things, the substitution of Channel 298 for Channel 239 and modification of BBC's license to specify the new channel. BBC requests that if a substitution is made at Brainerd as a result of the above pending proceeding then its present license should be modified to specify Channel 294 instead of Channel 298. It states that, in its opinion, Channel 294 is a preferable channel and that we should consider the past history of the

¹ All population data are taken from the 1970 U.S. Census.

² In Forest Lake, Brainerd and Morris, Minnesota, Docket No. 20316, 40 Fed. Reg. 2712, 40 Fed. Reg. 34391 (1975), the Commission has under consideration a proposal to substitute Channel 298 for Channel 239 at Brainerd.

[FCC 75-1226]

PART 73—RADIO BROADCAST SERVICES

Temporary Suspensions of Certain Regulations

operation of BBC's existing station in this regard.

5. In its reply comments, petitioner argues that the effort by BBC to obtain a modification by intervening in this proceeding is an attempt to consolidate two unrelated rule makings. It notes that an issue in Docket No. 20316 regarding the proper amount or reimbursement to be paid for a shift in channels may cause significant delay in the disposition of that proceeding. This delay, it states, would in turn suspend the grant of a station license to petitioner should the two proceedings be consolidated. Petitioner asserts that there is no conflict between the two proceedings and that BBC has not shown that Channel 294 is a preferable assignment to Channel 298.

6. We believe that the public interest would be best served by adopting the proposal to assign Channel 294 to Brainerd. We agree with the petitioner that BBC has offered no adequate reasons for delaying action on this proposed assignment. We do not view the proposals in Docket No. 20316 and this docket as mutually exclusive. The public interest in obtaining a second FM service for a significant population and area without further delay outweighs BBC's own private preference in a choice of channels, and we are unaware of any technical advantage in the use of Channel 294 over Channel 298.²

7. As stated in the Notice, significant preclusion occurs on Channels 294 and 296A. The affected area on Channel 294 includes a large region west and north of Brainerd with no cities of sufficient size for a Class C assignment. In the Channel 296A preclusion area, Channel 257A would be available for assignment to most of that region. We also note that if Channel 298 is substituted at Brainerd in Docket No. 20316, the same Channel 296A preclusion area will be affected.

8. The Canadian Government has given its concurrence to the assignment of Channel 294 herein.

9. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules.

10. Accordingly, it is ordered, That effective December 18, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended, for the city listed below as follows:

City:	Channel No.
Brainerd, Minnesota.....	239, 294

11. It is further ordered, That this proceeding is terminated.

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

Adopted: October 31, 1975.

Released: November 5, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,

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

[FR Doc. 75-30458 Filed 11-11-75; 8:45 am]

² See Ladysmith, Wisc., 34 F.C.C. 2d 942, 944 (1972).

In the matter of temporary suspension of certain portions of §§ 73.313, 73.333, 73.684 and 73.699 of the Commission's rules and regulations, FCC 75-1226.

1. On August 1, 1975, pursuant to a Report and Order in Dockets 16004/18052, adopted May 29, 1975, amendments to Part 73 of the Commission's rules and regulations became effective which:

(a) Provided revised charts for the prediction of field strengths of FM and TV broadcast stations.

(b) Prescribed the employment of a procedure for refining the results obtained by application of the field strength charts to reflect the effects of abnormally rough terrain.

(c) Amended the procedure set forth in the rules for conducting field strength measurements of TV stations, and, for the first time, adopted a parallel procedure for measuring field strengths of FM stations.

2. The aforementioned Report and Order required TV station licensees to submit showings of service contours revised with the use of the new charts, and as modified by the application of roughness corrections, with renewal applications filed after the effective date of the rule amendments.

3. Existing FM stations were not required to submit revised contours, except when applications contemplating modification of authorized operating conditions were submitted. However, applications for new stations were fully subject to the new rules.

4. Because those TV stations whose renewal applications were due for submission on August 1 and October 1 were afforded insufficient time to include revised contour information with timely filed applications, the Commission, by a Public Notice adopted August 28, 1975 (FCC 75-980) extended the time for filing such information by these applicants until December 1, 1975. In the same Notice, because substantial questions had arisen as to the application of terrain roughness corrections to field strength predictions in developing contour information in FM applications, the Commission suspended the requirement that such corrections be employed until further notice.

5. While the Commission believes that, in the great majority of cases, the application of terrain roughness corrections to field strengths predicted with the use of the revised field strength charts produces results which are closer to reality than if such corrections are not made, there appear to be other instances involving atypical terrain configurations in which the use of the roughness correction procedures produces clearly erroneous results.

6. Recognition that such results not infrequently occur, in part prompted the Commission's decision to suspend the employment of roughness corrections in FM cases. However, the problem also is encountered when contours for TV sta-

tions are predicted in areas where the terrain is atypical.

7. Alternative methods of contour prediction are possible when the prescribed method produces specious results. However, appropriate alternatives are not set forth in the rules, and, if they are to be employed, some consistent procedure must be established for their use.

8. In view of the immediacy of the problem, as it affects the filing of renewal applications, the Association of Federal Communications Consulting Engineers (AFCCCE), a body which represents many of the engineers involved in the preparation of the engineering showings for TV and FM stations, filed a petition on October 21, 1975, requesting that the application of terrain roughness corrections to field strength predictions for TV stations be suspended for six months, to afford a period of time in which to study the problem and develop procedures for resolving it.

9. We are in agreement with AFCCCE that the problem presented is of sufficient magnitude that the relief requested should be granted. We also believe it appropriate at this time to formalize the provision of similar relief for FM broadcast stations, previously afforded by the August 28 Public Notice.

10. Accordingly, it is ordered, That showings of service contours for FM and TV broadcast stations, which are tendered for filing prior to May 1, 1976, either in applications for new or modified facilities, or as required with respect to TV renewal applications, shall be prepared without reference to the following rules, which shall be without force and effect until said date:

Section 73.313, paragraphs (f), (g), (h), (i), and (j).

Section 73.333, Figures 4 and 5.

Section 73.684, paragraphs (h), (i), (j), (k), and (l).

Section 73.699, Figures 10d and 10e.

11. The question remains as to what showings the Commission will accept at this time in those cases placed before us where the location of a predicted signal strength contour is contested. Until the Commission is able to resolve its current terrain roughness difficulties, the Commission will recognize and give prima facie weight, in the application of its rules in contested cases, to predicted contours calculated from the new curves without regard to terrain roughness. In those cases where the accuracy of such contours appears in doubt, parties will be free to file supplemental showings in accordance with § 73.684(f) of the Commission's rules. The use of predicted contours calculated with the new propagation curves is limited, naturally, only to those regulatory areas not subject to earlier Commission proclamations as to use of predicted contours.³

³ See e.g., Notice of Proposed Rule Making in Docket 20496, FCC 75-635, 53 F.C.C. 2d 1009 (1975), where the Commission adopted special procedures for the use of signal strength contours in cases concerning, inter alia, cable television broadcast station carriage.

12. The above action is taken pursuant to authority contained in sections 4(i), 403 and 408 of the Communications Act of 1934, as amended.

(Secs. 4, 403, 408, 48 Stat., as amended, 1066, 1094, 1096; 47 U.S.C. 154, 403, 408.)

Adopted: October 30, 1975.

Released: November 5, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,*

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-30459 Filed 11-11-75; 8:45 am]

[Docket No. 19554; FCC 75-1218]

PART 73—RADIO BROADCAST SERVICES

PART 76—CABLE TELEVISION SERVICE

Cablecasting Charges

In the matter of amendment of Part 76 Subpart G, of the Commission's rules and regulations pertaining to the cablecasting of programs for which a per-program or per-channel charge is made,¹ Docket No. 19554, FCC 75-1218.

1. On March 20, 1975, the Commission adopted its First Report and Order in Docket 19554, FCC 75-369, 52 FCC 2d 1 (1975), recon. denied, FCC 75-925, 54 FCC 2d 794 (1975) (Hereafter First Report and Order). That action revised Sections 73.643 and 76.225 of the Commission's Rules which govern the use of feature films, sports events, and series type programs by subscription over-the-air television (STV) and cable television operations for which a per-program or per-channel charge is made.² A Second Further Notice of Proposed Rule Making in Docket 19554, FCC 75-370, 52 FCC 2d 83 (1975) (Hereafter Second Further Notice) was issued concurrently with the First Report and Order. In the Second Further Notice we requested comments on whether rules restricting the subscription use of series programs should be retained, and if so, whether the rules adopted in the First Report and Order should be further revised to more appropriately reflect the Commission's regulatory goals.

2. The "anti-siphoning" restrictions adopted in the First Report and Order reflect the Commission's long-standing policy of seeking to assure that subscription television will not seriously impair the capacity of the present system to continue to provide advertiser-financed programming of the present or foreseeable quantity and quality, free of direct charge to the public.³ In our March ac-

tion, we concluded that the previously existing rules governing feature films and sports programming were in need of revision and we made some significant changes in the rules. We also questioned whether it was necessary to continue to restrict the subscription use of series programs. Because the record was not sufficient for us to conclude that all series program restrictions should be abandoned, we retained the series rules in a modified form and issued the Second Further Notice in order to collect information that would provide a basis for a decision as to whether the public interest requires the maintenance of series program restrictions, and if so, whether the present rules should be modified from their present form.

3. The previous subscription rules included an outright ban on the subscription use of series type programs. In the First Report and Order, this broad prohibition was relaxed to allow the subscription use of entirely new series programs no episode of which has been exhibited on conventional television. We emphasized, however, that these new rules were merely an interim measure, pending a final resolution of the issue subsequent to our study of the comments invited in the Second Further Notice.

4. In addition to posing the threshold question of whether any series restrictions were necessary, the Second Further Notice set out for comment a specific alternative to the present rules. The alternative proposal, modeled after the rules relating to feature films which were adopted in the First Report and Order, reads as follows concerning subscription cablecasting:

(e) Series type programs shall not be cablecast by a cable television system except as provided in this paragraph.

(1) The series has never been purchased for broadcast over conventional television;

(2) A conventional television broadcast station licensed in the market holds a present contractual right to exhibit the series. For purposes of this subparagraph, a television station affiliated with a television network will be deemed to hold a present contractual right to exhibit a series if the network with which it is affiliated holds such a right;

(3) The series has not been exhibited in the market over conventional television for three (3) years prior to its proposed cablecast;

(4) The series consists of fifty (50) or fewer episodes.

NOTE: For purposes of this paragraph, the exhibition of any episode of a series shall constitute the exhibition of the series.

A similar rule would apply to STV operations. We also invited comment on whether, if the present series restrictions are retained or some modified rules are adopted, the definition of series programs should be revised.

5. Regrettably, the comments inspired by our Second Further Notice are sparse in new information despite the burgeoning growth now taking place in the subscription cablevision industry. The

fourteen parties who responded to our request for information merely restate the same arguments which were presented in the earlier stages of this proceeding. Having had several years to observe the trends in the subscription television industry, we must now determine whether the arguments which gave rise to our original series program rule warrant retention of some form of series program restriction, or whether experience has shifted the weight of evidence against maintenance of series program restrictions.

6. All of the parties generally agree that new and innovative series programs of the type not now exhibited over conventional television should be permitted over subscription television. However, conventional television interests contend that the arguments advanced in favor of the 1968 series program prohibition continue to justify restrictions designed to prevent the siphoning of series programs from conventional to subscription television. These arguments are summarized by National Broadcasting Company, Inc. (NBC) as follows. First, series type programs remain a staple of conventional television, just as they were in 1968. Second, series type programs continue to attract wide audiences, just as they did in 1968. Third, receipt of a relatively small sum from a relatively small group of subscribers could make it worthwhile for subscription entrepreneurs to siphon attractive series programs from the general public. According to NBC only 1,250,000 subscribers paying eighteen cents each could generate \$200,000, which was the estimated cost of an hour of prime time entertainment programming in 1974. To prevent realization of this siphoning potential, while allowing for the subscription exhibition of original and innovative series programs, American Broadcasting Companies, Inc. (ABC) and a group of television station licensees (Television Licensees) suggest the following regulatory approach:

(1) Pay cablecasting of off network series programming should be banned; there is no public interest in permitting pay cable to carry such programming for pay (thereby risking its availability to free television) and there is no diversity in such offerings.

(2) Pay cable exhibition of any non-network series program which has appeared on free television during any one of the five years preceding pay cablecast should also be banned; this is necessary to prevent the siphoning of series presentations (for example, Wild Kingdom) which are produced for syndication and are now widely available through free television.

(3) There should be no ban on the presentation by pay cable of any original productions which are innovative and diverse.

Additionally, ABC and Television Licensees propose that the definition of a series program be modified to include any program presentation characterized by episodes with interconnected plot or

*Commissioner Reid absent.

¹ This proceeding also deals with amending the over-the-air subscription television rules as well as the pay cablecasting rules.

² Subsequent use of the term "subscription television" is meant to include both STV and subscription cable television unless the contrary is specifically indicated.

³ A thorough discussion of the history and rationale of the anti-siphoning rules is included in the First Report and Order in Docket 19554, FCC 75-369, 52 FCC 2d 1 (1975).

substantially the same cast of principal characters or where the episodes have been marketed utilizing the same title and the episodes are related by general theme or content. In order to prevent the siphoning of "spin-offs" or other derivatives of series created for conventional television, CBS Inc. (CBS) suggests that the Commission's series restriction should include series with casts or characters substantially similar to, or derived from, those of a series, any episode of which has been broadcast by conventional television.

7. Cable television interests, program producers and certain non-industry groups contend that subscription television poses no substantial threat to the present level of conventional television programming, and urge the Commission to delete all restrictions on the subscription exhibition of series programs. It is argued that the vast pool of unused talent and production capacity that exists in the United States indicates that series programs can be created for subscription television without affecting the availability of such programming to conventional television. The siphoning of popular network series will not occur, it is claimed, because the potential reward from subscription television, either now or in the foreseeable future, could not begin to match the losses that would be sustained by cancelling the network run. Further, program producers state that almost all network series contracts give a purchase option not only from development stage to initial network production, but from one television season to another. It is claimed that these options extend for a period of five television seasons or more and prevent the transfer of series programs to other media. With regard to series programs available for syndication, program producers argue that they would be unwilling to sacrifice revenues returned by syndication sales for speculative subscription revenues. Subscription television entrepreneurs would not pay substantial sums for these programs it is claimed, because most series in syndication have already been exposed one or more times on network television.

8. Although the arguments and assertions of those opposed to and those in favor of series subscription program restrictions have remained essentially the same since our initial consideration of the program siphoning issue, our observation of the developing subscription television industry and our present analysis of the likely interrelationships between the subscription and conventional television markets has convinced us that the program siphoning that we have sought to prevent is unlikely to occur in the absence of regulations restricting the subscription exhibition of series programs. For the reasons set forth below, it would appear that the market forces now in effect will operate to assure that the present level of series programs now available over conventional television will be maintained. This being the case, regulations which artificially restrict the distribution of series programs can no longer be justified.

9. When the original series rule was adopted in 1968, the Commission placed no restrictions on the subscription exhibition of "specials," variety shows and talk shows. With regard to "specials," we stated "that some competition between STV and free TV in the programming area may be beneficial to free TV and to STV as well, and we leave this type of program to competing factors in the marketplace and the performer's desire for exposure."³ In the absence of restrictions on these types of programs, we have not found instances of program siphoning despite the fact that such programs continue to attract large conventional television audiences. In fact, because these programs are not now exhibited in significant quantity by subscription operations, it would appear that there is little demand for such programs by subscribers.

10. It cannot be disputed that feature films and to a lesser degree sports events now constitute almost the entire quantity of subscription programming. The supply of this programming is relatively fixed vis-a-vis both the conventional and the subscription television markets. The primary markets for feature films and sports events are theaters and sports stadia, respectively. Television markets, although important revenue sources, constitute secondary markets for these programs and their supply is relatively inelastic with regard to television market demand. We have determined that the inherent capacity of the subscription television market to generate large revenues places it in a position to outbid conventional television for the fixed supply of feature films and sports events in existence. Hence, we have adopted rules to assure that this competitive imbalance does not result in the siphoning of feature films and sports events from conventional television to subscription television.

11. While television constitutes a secondary market for feature films and sports events, television is the primary market for series programs. Series programs are produced for and sold exclusively to the television market. Substantial evidence exists to support the claim of program producers that their industry contains a great amount of unused capacity.⁴ Therefore, it would appear that increased demand in the television market for series programs will be met by increased supply.

12. We possess no evidence which indicates that the advertising revenues generated by conventional television will be diminished as a result of subscription operations. If the funds available to conventional television for the purchase of series programs remains the same, and

the supply of series programs is elastic, the series programs available to conventional television are not likely to be affected in either quantity or quality by increased demand resulting from growth in the subscription television market. The only effect which might be expected from this increased demand is a corresponding increase in the number of series programs available for all forms of television.⁵

13. It is argued that once a series program has become popular on conventional television, its producer will withdraw future episodes from conventional television and they will be sold to subscription television where a higher price can be obtained. It does not appear, however, that this would be likely. We have been advised that almost all network series contracts include a purchase option from one season to another for a period of five years or more television seasons. Such contracts bind the producer to the network and the producer has no freedom to transfer his programs. In view of the number of new series program offerings each year which must compete for a limited number of network positions available, it is likely that the networks will continue to have sufficient leverage to demand and receive similar contract provisions. In any case, there is no evidence that subscription operators would seek to compete for such programming, that subscriber demand for such programming would provide sufficient financial resources necessary to engage in any such competition, or that subscribers would accept the switch of such programming from a free to a pay basis. Therefore, series program siphoning from network television to subscription television does not appear to be a substantial possibility.

14. It can be argued that the foregoing analysis applies to the network television market, but not to the syndication market. The syndication market is primarily a secondary market for series programs, most syndicated series programs being originally produced for network exhibition. Because the supply of off-network series programs to the syndication market is inelastic, at least in the short run, it may be argued that subscription television entrepreneurs will outbid syndication purchasers for series programs which have completed their network run, thereby reducing the supply of programs available for syndicated exhibition. However, this argument ignores the fact that, if there is an increase of demand for series programs as a result of developing subscription operations, this is likely to result in a net increase of series programs available to all forms of television. Although subscription television may purchase some off-network series programs which otherwise would have been

³ Fourth Report and Order in Docket 11279, FCC 68-1174, 15 FCC 2d 465, 572 (1968).

⁴ The existence of such excess production capacity was noted in a number of comments filed in this and earlier phases of this proceeding and does not appear to have been seriously disputed. See for example the written comments and oral testimony presented on behalf of the Motion Picture Association of America, Inc.

⁵ We have previously recognized the desirability of such an effect. In our prime time access proceeding we have sought to encourage the production of a body of new syndicated programming which would be available to all television broadcast stations. See, First Report and Order in Docket 19622, FCC 75-67, 50 FCC 2d 829, 836 (1975).

purchased by the syndication market, the new demand created by subscription television may also cause new series programs to be produced, and these new programs would be available to the syndication market after their subscription run. Thus, any reduction of off-network series available to the syndication market may be offset by new series which will at some time be available to the syndication market. Additionally, because there is no evidence of strong subscriber demand for syndicated series programs, it is not at all certain that the subscription industry will purchase a significant number of these programs.

15. The foregoing discussion demonstrates that subscription television operations do not pose, at least at this point in time, the siphoning threat to series programs that we once thought they might. We have seen no indication that the demand of the subscription market for series programs is greater, and even if greater demand comes about, it would appear that unregulated market forces will maintain the supply of series programs now available to conventional television. Therefore, we have determined that our series program restrictions are no longer necessary. This conclusion should not be interpreted as a lessening of our concern with regard to program siphoning, however. Although we have deleted regulations which do not appear to be necessary, our policy remains the same. We will monitor future events closely, and stand ready to reimpose series program restrictions should subscription operations threaten to reduce the quantity and quality of series programs now available to the public over conventional television. We are leaving this proceeding open to facilitate our taking prompt further action should that become necessary.

16. Authority for adoption of the rules herein is contained in sections 2, 4(i) and (j), 303, 307, 307, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective December 15, 1975, Parts 73 and 76 of the Commission's rules and regulations are amended as set forth below.

It is further ordered, That the proceeding in Docket 19554 is retained open.

(Secs. 4, 303, 307, 48 Stat., as amended, 1966, 1962, 1963; (47 U.S.C. 154, 303, 307))

Adopted: October 31, 1975.

Released: November 7, 1975.

FEDERAL COMMUNICATIONS
COMMISSION,*

(SEAL) VINCENT J. MULLINS,
Secretary.

* Commissioner Hooks and Quello concurring in the result.

Parts 73 and 76 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 73.643 paragraph (g) is deleted and paragraphs (c), (d), (e) and (f) are revised to read as follows:

§ 73.643 General operating requirements.

(c) No commercial advertising announcements shall be carried during subscription television operations except for promotion of subscription television broadcast programs before and after such programs.

(d) Not more than 90 percent of the total subscription programming hours shall consist of feature films and sports events combined. The percentage calculations may be made on a yearly basis, but, absent a showing of good cause, the percentage of such programming hours may not exceed 95 percent of the total subscription programming hours in any calendar month.

(e) Any television broadcast station licensee or permittee authorized to broadcast subscription programs shall broadcast in addition to its subscription broadcasts, at least the minimum hours of nonsubscription programming required by § 73.651.

(f) Except as they may be otherwise waived by the Commission in authorizations issued hereunder, the rules and policies applicable to regular television broadcast stations are applicable to subscription television operations.

NOTE: As referred to in this section, "the market" of a subscription broadcast station includes all commercial broadcast stations which place a Grade A contour over the entire community to which the subscription station is licensed.

2. In § 76.225 paragraph (e) is deleted and paragraphs (c) and (d) are revised to read as follows:

§ 76.225 Subscription cablecasting.

(c) Not more than ninety (90) percent of the total cablecast programming hours shall consist of feature films and sports events combined. The percentage calculations may be made on a yearly basis, but absent a showing of good cause, the percentage of such programming hours may not exceed ninety-five (95) percent of the total cablecast programming hours in any calendar month.

(d) No commercial advertising announcements shall be carried on subscription channels during such operations except before and after such programs for promotion of other programs for which a per-program or per-channel charge is made.

NOTE: As referred to in this section, "the market" of a cable television system includes all commercial broadcast stations which must be carried by the cable television system upon request pursuant to Subpart D of Part 76.

[FR Doc.75-30460 Filed 11-11-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on November 12, 1975.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wisconsin, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 15 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota, 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1976 through February 29, 1976, inclusive.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through February 29, 1976.

THOMAS S. SANFORD,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wisconsin.

NOVEMBER 4, 1975.

[FR Doc.75-30478 Filed 11-11-75;8:45 am]

proposed rules

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

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 216]

IDENTIFICATION OF INSTITUTIONS OF HIGHER LEARNING THAT BAR RECRUITING PERSONNEL FROM THEIR PREMISES

Proposed Rulemaking

Pursuant to the authority vested in the Secretary of Defense by section 606 of the Department of Defense Appropriations Authorization Act, 1973, Pub. L. 92-436, 86 Stat. 734 (September 26, 1973), notice is hereby given that the Secretary of Defense proposes to add Part 216 to this subchapter.

Part 216 prescribes interim regulations to implement section 606 of Pub. L. 92-436, which provides that no funds appropriated for the Department of Defense may be used at an institution of higher learning if the Secretary of Defense or his designee determines that recruiting personnel of any of the Armed Forces are barred by policy from the institution's premises. This part constitutes a more precise statement of previously uncodified procedures for determining what institutions fall within that category in order to implement section 606 of Pub. L. 92-436.

Persons wishing to comment on the interim regulations may address their comments in writing to the Deputy Assistant Secretary of Defense (Military Personnel Policy), Pentagon, Washington, D.C. 20301. All such submissions received on or before December 12, 1975, will be considered prior to the promulgation of final regulations on this subject.

The proposed Part 216 is to read as set forth below:

- Sec.
- 216.1 Purpose.
- 216.2 Applicability.
- 216.3 Policy.
- 216.4 Responsibilities.
- 216.5 Guidelines and procedures for identifying institutions of higher learning that bar military recruiters from their premises.
- 216.6 Reports.
- 216.7 Effective date and implementation.

AUTHORITY: Sec. 606, Pub. L. 92-436, 86 Stat. 734 (Sept. 26, 1973)

§ 216.1 Purpose.

This part incorporates procedures for the identification of institutions of higher learning which bar recruiting personnel from their premises.

§ 216.2 Applicability.

The provisions of this part apply to the Military Departments.

§ 216.3 Policy.

(a) Subsection (a), section 606 of Pub. L. 92-436 provides that no funds appropriated for the Department of Defense may be used at any institution of higher learning if the Secretary of Defense or his designee determines that recruiting personnel of any of the Armed Forces are barred by policy from the institution's premises. Exceptions may be made for: (1) Cases where the Secretary of the Service concerned certifies to the Congress in writing that a specific course of instruction is not available at any other institution of higher learning and furnishes to the Congress the reasons why such course of instruction is of vital importance to the security of the United States (subsection (a), section 606, Pub. L. 92-436); and (2) research and development funds if the Secretary of Defense, or his designee, determines that the expenditure is a continuation or a renewal of a previous program with such institution which is likely to make a significant contribution to the Defense effort (subsection (b), section 606, Pub. L. 92-436.)

(b) Subsection (c), section 606, Pub. L. 92-436, requires the Secretaries of the Military Departments to furnish to the Secretary of Defense, or his designee, the names of any institutions which they have found to be affected by the prohibitions stated in Pub. L. 92-436.

§ 216.4 Responsibilities.

(a) The Assistant Secretary of Defense (Manpower and Reserve Affairs) is hereby designated as the official responsible for determining that recruiting personnel are being barred from the premises of institutions of higher learning as prescribed in Pub. L. 92-436. This determination will be based upon the official evaluation of the reports prepared by the Secretaries of the Military Departments.

(b) The Director of Defense Research and Engineering is hereby designated as the official responsible for determining whether the expenditure of research and development funds for research and development in an institution which has been found to bar recruiters is likely to make a significant contribution to the Defense effort as provided in Pub. L. 92-436, section 606(b).

(c) The Secretaries of the Military Departments will be responsible for the preparation of the reports required by section 606(c) of Pub. L. 92-436 and § 216.5, in accordance with the guidelines set forth in this section of this part; and for making the exceptions to policy where the specific course of instruction is not available elsewhere, as prescribed in § 216.3(a).

§ 216.5 Guidelines and procedures for identifying institutions of higher learning that bar military recruiters from their premises.

(a) *Criteria.* An institution will be reported as "barring recruiting personnel" when it has been determined that military recruiters are not permitted to conduct recruiting activities any place on campus at the time of the report, as a matter of the stated or effective policy of the institution. In making this determination:

(1) The stated policy barring on-campus recruiting should be in writing by an appropriate official. If written confirmation is not obtainable, verbal policy statements will suffice when attributed to an appropriate official.

(2) It will be considered that the institution is in effect barring military recruitment if:

(i) Repeated requests to schedule and accomplish recruiting visits have been unsuccessful, or

(ii) The institution has indefinitely suspended recruiting visits.

(3) A rule of reason will be followed in applying paragraph (a) (2) (i) of this section. The following are examples of institutions which will not be considered as barring on-campus recruiting:

(i) An institution, unable to schedule recruiting visits in the past academic period because of student disturbances, or whose student body is on vacation at the time of the report, which states its intention to permit recruiting in the coming academic period.

(ii) An institution which follows a policy of permitting visits to its campus by any potential employer, public or private, only in response to an expression of student or faculty interest and which carries out such policy in good faith without discrimination against military recruitment.

(iii) An institution which has a policy of not permitting job recruiting by an employer on its campus, but which does permit recruiting by all employers (including military recruiters) at some other location.

(b) *Coverage.* The report is to be limited to institutions of higher learning normally visited by recruiters. It should be based on:

(1) Experience with these institutions in the past academic semester or period and on any subsequent information received from the institution as to its policies and intentions in the event these are in doubt.

(2) Experience with institutions visited by recruiters since the close of the past academic period in connection with normal recruiting activities.

It is not intended that a survey be made of all institutions of higher learning for purposes of this report, but rather that the report be limited to experience obtained as a result of normal recruiting visits and on any further information furnished by the institution in connection therewith.

(c) *Procedures.* (1) Recruiters will continue to observe the long standing policy of accommodating to the institution's preferences as to times and places for scheduling on-campus recruiting.

(2) Where an appropriate official of the institution has previously informed recruiting officials, verbally or in writing, that the policy of the institution is not to permit military recruiting on campus, or in the event of repeated inability to schedule recruiting visits, or when there is reason to believe that the institution has indefinitely suspended recruiting visits, written clarification as to the present policy will be sought by a letter of inquiry addressed to the head of the institution from the headquarters level of the Recruiting Service. The prototype letter of inquiry, enclosure—1, should be followed to the maximum extent possible.

(3) Based on responses to the letters of inquiry and on such other evidence as is appropriate and consistent with the criteria in paragraph (c) (1) of this section, the Secretary of each Military Department will furnish the Assistant Secretary of Defense (Manpower and Reserve Affairs) the names of any institutions of higher learning which bar military recruiting personnel from their premises or property at the time of the report. Full documentation should be furnished for each institution named, including the institution's formal response to the letter of inquiry.

§ 216.6 Reports.

The Secretaries of the Military Departments will submit a separate report for each of the Military Services to the Assistant Secretary of Defense (Manpower and Reserve Affairs) each January 31st and June 30th listing the names of any institution of higher learning which the Secretaries have determined on such dates are affected by the prohibitions of section 606 of Pub. L. 92-436. The basis for each listing must be included in the report. The reporting requirement has been assigned Report Control Symbol DD-M(SA) 1386.

§ 216.7 Effective date and implementation.

This part is effective immediately. Two copies of implementing regulations shall be forwarded to the Assistant Secretary of Defense (Manpower and Reserve Affairs) within 60 days.

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

NOVEMBER 7, 1975.

PROTOTYPE LETTER OF INQUIRY

Dr. JOHN DOE
President

----- University
Washington, D.C.

Dear Mr. Doe: Section 606 Public Law 92-436, the Department of Defense Authorization Act, 1973, prohibits use of DoD appropriations at any institution of higher learning which by policy bars military recruiting personnel from the premises of the institution. It further provides that the Secretaries of the Military Departments shall furnish the Secretary of Defense sixty days after date of enactment and each January 31 and June 30 thereafter the names of any institutions of higher learning which the Secretaries determine on such dates are affected by the prohibitions contained in this section on barring recruiting personnel from the premises or property of any such institution.

Funds for tuition assistance, research, development, test and evaluation for the Armed Forces are included in this Act. The applicable section of Public Law 92-436 is attached for your information.

In order to enable the (Service) Recruiting Command to provide authoritative information for use in complying with the requirements of this law, I would appreciate clarification of the current policy of your institution in regard to on-campus military recruiting. (Recite information previously received concerning the institution's policy or intentions in regard to on-campus recruiting, recite record of unsuccessful efforts to schedule recruiting visits, recite other facts or points of departure, as appropriate.)

Specifically, I would appreciate answers to the following questions:

Is it the present policy of ----- University to bar military recruiting personnel from its premises or property?

Does ----- University intend to permit military recruiting on campus in the near future and is it now able to schedule a date for a recruiting visit?

What is the policy of ----- University with respect to the visits of civilian employers (public or private) to the campus for the purpose of recruiting college students?

In order to comply with the reporting requirements of the laws, it will be necessary to receive the answers to these questions, together with any clarifying information which will be helpful, no later than ----- days from the date of this letter.

I earnestly solicit your cooperation in this matter and trust it will be possible for the (Service) to schedule a recruiting visit in the near future at a mutually agreed upon time and place.

Sincerely,

PUBLIC LAW 92-436

September 26, 1972

Sec. 606. (a) No part of the funds appropriated pursuant to this or any other Act for the Department of Defense or any of the Armed Forces may be used at any institution of higher learning if the Secretary of Defense or his designee determines that recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution; except in a case where the Secretary of the service concerned certifies to the Congress in writing that a specific course of instruction is not available at any other institution of higher learning and furnishes to the Congress the reasons why such course of instruction is of vital importance to the security of the United States.

(b) The prohibition made by subsection (a) of this section as it applies to research and development funds shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous program with such institution which is likely to make a significant contribution to the defense effort.

(c) The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31 and June 30 thereafter the names of any institution of higher learning which the Secretaries determine on such dates are affected by the prohibitions contained in this section.

[FR Doc. 75-30439 Filed 11-11-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 42]

FOOD CONTAINERS

Proposed Standards for Condition

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the U.S. Standards For Condition Of Food Containers (7 CFR Part 42) under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.).

Statement of Considerations. In 1966 the United States Standards For Condition of Food Containers were promulgated. They were amended in 1971 to clarify certain provisions and to broaden the scope of their application. The Department is now proposing amendments to provide procedures for skip lot sampling and inspection. Skip lot sampling and inspection are special procedures for inspecting stationary lots in which only one-half or one-fourth of the lots offered for inspection are formally inspected. Such procedures would apply only when approved by the Administrator and when previous lots from the user of the procedures have been consistently acceptable. Skip lot sampling and inspection rewards good processors by reducing inspection costs and by reducing destructive sampling. It also requires less sampling and achieves essentially the same results as sampling and inspecting every lot.

Another amendment being proposed would provide an additional defect in the table of defects for "Label, Numbering or Code" (§ 42.113). The defect would be: "Torn or scratched, obliterating any markings on the label (military purchases)." It would be in the "Major" category. Addition of this defect was requested by the Department of Defense.

For clarification, additional numbers would be added to Table III-B "Limit Numbers For Reduced Inspection" in § 42.111.

Use of the skip lot sampling and inspection procedures is optional. However, the Department encourages the use of such procedures to determine their effectiveness pending formal adoption. Therefore, at least six months are being permitted for application of the procedures and for comment on them.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than June 1, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. In § 42.102, the following new definitions would be added in alphabetical order to read:

§ 42.102 Definitions, general.

"Probability of Acceptance." The chance that a lot with a given level of quality will be accepted. Probability of acceptance is synonymous with "Percent of Lots Expected to be Accepted." The probability of acceptance is normally designated as "Pa" but is designated as "Pas" when referring to skip lot sampling and inspection.

"Stationary Lot Sampling." The process of randomly selecting sample units from a lot whose production has been completed. This type of lot is usually stored in a warehouse or in some other storage area and is offered "in toto" for inspection.

"User." The person or agency at whose request inspection is conducted.

2. In Subpart B the title would be amended to read:

Subpart B—Procedures for Stationary Lot Sampling and Inspection

3. In § 42.103, the first sentence in paragraph (a) would be amended and a new paragraph (c) would then be added to read as follows:

§ 42.103 Purpose and scope.

(a) This subpart outlines the procedures to be used to establish the condition of containers in stationary lots of packaged foods. . . .

(c) Under certain conditions, special procedures (Skip Lot Sampling and Inspection) may be used to determine the condition of containers in stationary lots of packaged foods. Subpart C sets forth the requirements and procedures for Skip Lot Sampling and Inspection.

§ 42.111 [Amended]

4. In § 42.111, the following underlined numbers would be added to Table III-B "Limit Numbers for Reduced Inspection" in the existing blank spaces:

TABLE III-B.—Limit numbers for reduced inspection

[Acceptable quality level]			
2.5	4.0	6.5	10.0
4	8	14	24
7	14	25	40
14	24	42	68
24	40	69	110
49	68	115	181
67	111	186	293
110	181	308	478
181	297	491	765
299	471	777	1207

5. In § 42.112 the title would be amended to read:

§ 42.112 Defects of Containers: Tables IV, V, VI, AND VII.

6. In § 42.113, Table VIII would be revised to read:

§ 42.113 Defects of label, marking or code: Table VIII.

TABLE VIII.— <i>Label, marking, or code</i>		
Defects	Categories	
	Major	Minor
Not specified method	101	
Missing (when required)	102	
Loose or improperly applied		201
Torn or mutilated		202
Torn or scratched, obliterating any markings on the label (military purchases)	103	
Text illegible or incomplete		203
Incorrect		204
In wrong location		205

7. Subpart C would be revised to read:

Subpart C—Skip Lot Sampling and Inspection Procedures

Sec.

- 42.120 Description and qualification.
42.121 Sampling and inspection procedures.
42.122 Applicability of other procedures.
42.123 Flow diagram for skip lot sampling and inspection.

AUTHORITY: Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.)

Subpart C—Skip Lot Sampling and Inspection Procedures

§ 42.120 Description and qualification.

Skip-lot sampling and inspection are special procedures for inspecting stationary lots in which only one-half or one-fourth of the lots offered for inspection are formally inspected. Skip lot sampling and inspection procedures may be instituted only when all of the following conditions are met:

- (a) When authorized by the Administrator and acceptable to the user and producer, if different from the user.
(b) When inspection is origin inspection (see § 42.102).
(c) When all lots can be expected to be of essentially the same quality.

(d) When lots from the producer are currently on, or eligible to be on, either normal or reduced inspection.

§ 42.121 Sampling and inspection procedures.

(a) Following skip lot procedure authorization, inspect every lot consecutively offered for inspection using normal inspection procedures as set forth in Subpart B of this part. When 10 consecutive lots are acceptable, inspect only one-half of the lots offered for inspection using normal inspection procedures. While on the one-half inspection rate, when 10 consecutively inspected lots are acceptable, inspect only one-fourth of the lots offered for inspection using normal inspection procedures. While on the one-half or one-fourth inspection rate, if any formally inspected lot is unacceptable, revert immediately to the inspection of every lot using normal inspection procedures and recommence the above procedure. See § 42.123 for a flow diagram of the skip lot sampling plan.

(b) Two exceptions to the procedures in paragraph (a) of this section are as follows:

(1) The skip lot sampling and inspection rate of one-half can be instituted immediately if the lots from the producer are currently on, or eligible to be on, reduced inspection and all other conditions in § 42.120 are met. After skip lot sampling and inspection begins, however, only normal inspection is permitted.

(2) While inspecting every lot consecutively as offered for inspection, i.e., while not on the one-half or one-fourth sampling and inspection rate, if requirements for switching from normal to tightened inspection are met as specified in § 42.108 then skip lot procedures terminate, tightened inspection is initiated, and stationary lot sampling and inspection procedures in Subpart B are instituted. Skip lot procedures may be instituted again only when all conditions of § 42.120 are met.

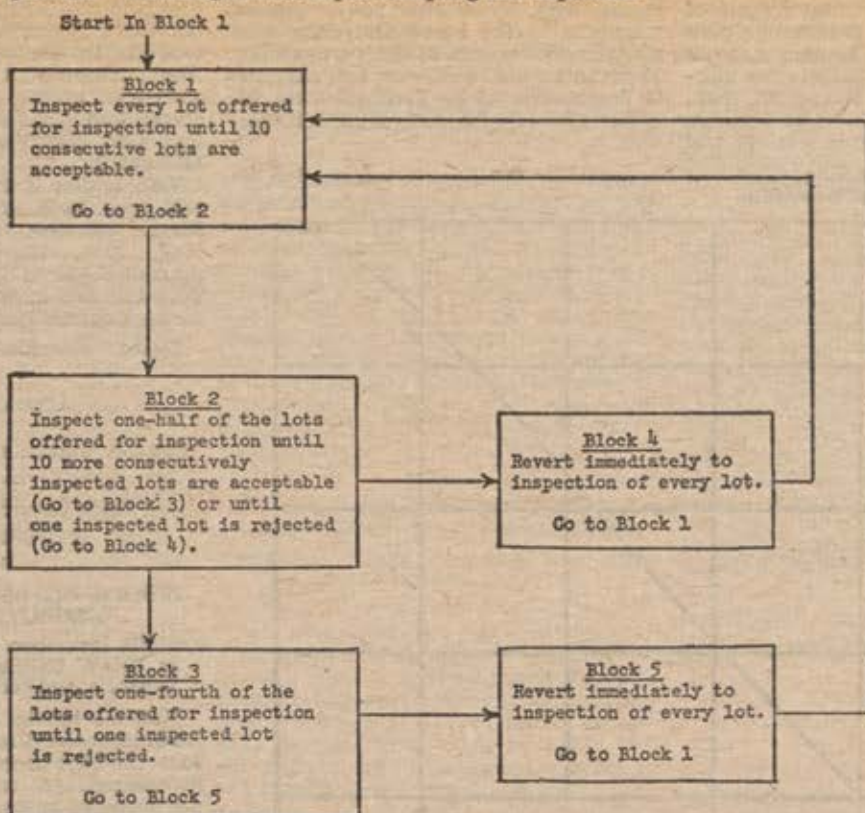
(c) All lot selections for the one-half and one-fourth inspection rates must be strictly random (for example, not every other lot or every fourth lot). Use of random number tables, coin flipping, or numbered cards is encouraged.

(d) Preliminary scanning procedures (see § 42.105) shall be used on all lots scheduled for formal inspection and also shall be used on lots not scheduled for inspection ("skipped" lots) whenever the inspector feels such action is prudent to further insure the acceptability of such lots.

§ 42.122 Applicability of other procedures.

Whenever appropriate, the procedures for classifying and recording defects in § 42.106 and for appeal inspections in § 42.108 also apply to skip lot sampling and inspection.

§ 42.123 Flow diagram for skip lot sampling and inspection.



NOTES: v. Only normal inspection is permitted.

2. All lot selections for the one-half and one-fourth sampling rates must be strictly random (for example, not every other lot or every fourth lot).

3. Two exceptions to the procedures shown above are as follows:

(a) The skip lot sampling and inspection rate of one-half can be instituted immediately if the lots from the producer are currently on, or eligible to be on, reduced inspection and all other conditions in § 42.120 are met. When skip lot inspection begins, however, only normal inspection is permitted.

(b) While inspection every lot consecutively as offered for inspection, i.e., while not on the one-half or one-fourth rate, if requirements for switching from normal to tightened inspection are met as specified in § 42.108 then skip lot procedures terminate, tightened inspection is initiated, and stationary lot sampling and inspection procedures in Subpart B are instituted. Skip lot procedures may be instituted again only when all conditions of § 42.120 are met.

8. All of the material presently appearing in Subpart C "Miscellaneous" would be incorporated in a new Subpart D "Miscellaneous," except that § 42.115 would be redesignated as § 42.140, the title would be amended to read "Operating Characteristic Curves (OC) For Stationary Lot Sampling and Inspection," and new §§ 42.141 and 42.142 would be added to read:

Subpart D—Miscellaneous

Sec.

42.140 Operating Characteristic curves (OC) for stationary lot sampling and inspection.

42.141 Obtaining Operating Characteristic (OC) curve information for skip lot sampling and inspection.

42.142 Curve for obtaining operating Characteristic (OC) curve information for skip lot sampling and inspection.

AUTHORITY: Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.).

Subpart D—Miscellaneous

§ 42.140 Operating Characteristic curves (OC) for stationary lot sampling and inspection.

§ 42.141 Obtaining Operating Characteristic (OC) curve information for skip lot sampling and inspection.

The Operating Characteristic (OC) curve information (probability of acceptance) for skip lot sampling and inspection procedures described in § 42.121 is easily obtained from the single curve in § 42.142 as follows:

(a) Select any sampling plan for normal condition of container inspection from Table I or Table I-A of § 42.109.

(b) For a given Quality of Submitted Lots, 100p, find the Percent of Lots Expected to be Accepted, Pa from the respective OC curve in § 42.140.

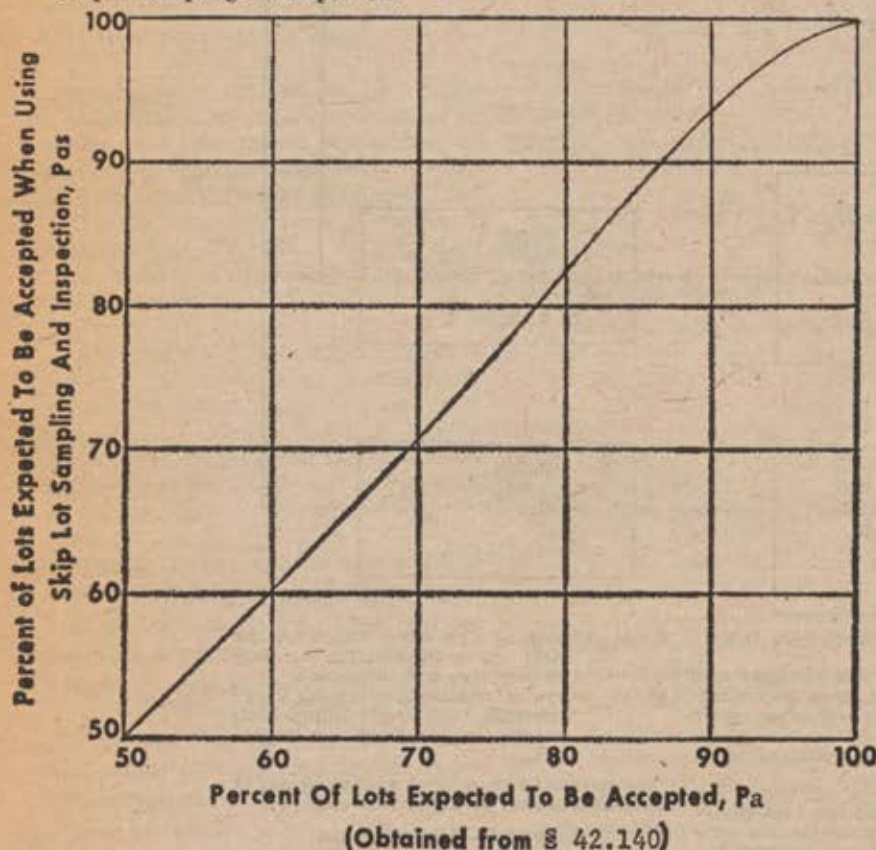
(c) Refer to § 42.142 with this Percent of Lots Expected to be Accepted, Pa, and read the new Percent of Lots Expected to be Accepted, Pas, which results when using these skip lot procedures.

For example, let's assume the lot size is 6,001 to 12,000 containers, and we use the single sampling plan of size 168 for

normal inspection (Table I of § 42.109) along with an AQL for total defects of 6.5. The OC curve for this sampling plan is curve N and R3. Also, assume that the quality of the lot is 6.5 defects per hundred units. From curve N and R3, then, the P_a is determined to be 95 percent. Then refer to the graph in § 42.142 and

locate P_a of 95 percent along the horizontal axis. From this point, proceed vertically to the curve and then horizontally to the left to the vertical axis. From this point on the vertical axis, P_{as} is determined to be approximately 98 percent for skip lot sampling and inspection.

§ 42.142 Curve for obtaining Operating Characteristic (OC) curve information for skip lot sampling and inspection.



NOTES: 1. This curve applies only to the specific skip lot sampling and inspection plan described in § 42.121 and § 42.123.
2. P_a and P_{as} are essentially equal for values under 50 percent.

Issued at Washington, D.C., on November 6, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc. 75-30376 Filed 11-11-75; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

[Docket No. 75N-0180]

ANIMAL FOOD OR FEED

Prohibited Substances; Extension of Time
for Comments

The Commissioner of Food and Drugs proposed, in the FEDERAL REGISTER of September 9, 1975 (40 FR 41797), to establish a regulation on substances that are prohibited from use in food or feed for animals other than man. Certain industrial grade vegetable oil byproducts

are affected by the proposal. Comments were to be filed on or before November 10, 1975.

The Commissioner has received a request for extension of the comment period from the Institute of Shortening and Edible Oils, Inc., to permit completion of gathering and organizing materials for presentation.

The Commissioner has considered the request for extension of the period for comments and concludes that an additional period of time should be provided. Therefore, the period for filing comments on the subject is hereby extended to December 10, 1975.

This slight increase of P_{as} over P_a results because all the lots offered for inspection are no longer being inspected. Some lots are being "skipped", and thereby accepted, which would have been rejected if inspected. The largest increase in P_a which will occur using skip lot sampling is approximately 4 percent. It is for this reason that skip lot sampling procedures are applied only in instances where past production quality has been consistently high—as evidenced by the requirement to have 10 consecutively acceptable lots prior to a reduction in sampling rate—and where all requirements in § 42.120 also have been met.

Written comments, preferably in quintuplicate and identified with the Hearing Clerk document number found in brackets in the heading of this document, regarding the proposal shall be submitted to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046-1047, 1055, 72 Stat. 1784-1788, as amended (21 U.S.C. 321(s), 342, 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 6, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 75-30431 Filed 11-11-75; 8:45 am]

Social Security Administration

[20 CFR Part 404]

[Reg. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Father's Insurance Benefits and Changes
in Wife's, Child's, Widow's, Widower's,
Mother's, and Parent's Benefits

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments are necessitated by the decision of the United States Supreme Court in the case of "Weinberger v. Wiesenfeld,"—U.S.—, 95 S.Ct. 1225 (1975). Specifically, the Court decided on March 19, 1975, that the gender-based distinction mandated by section 202(g) of the Social Security Act (42 U.S.C. 402(g)) granting survivor's benefits to widows of deceased workers when they had minor children of such workers in their care, but not providing such benefits to the widowers of deceased workers with minor children of such workers in their care, violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution. This decision has, in effect, created a new category of benefits, which is designated for ease of reference, as "father's insurance benefits" and which are payable on the same basis and under the same conditions as those currently payable to mothers having minor children of the deceased worker in their care. Benefits may be paid to such new category of beneficiaries beginning March 1975, the month of the Supreme Court decision. The proposed amendments also implement the provisions of section 108 of Pub. L. 92-603 which permit an entitled child disabled before age 22 to qualify as a child in the care of a mother or father claimant. Marriage to such a disabled child will not be a terminating event for certain beneficiaries. The following specific revisions are included:

(1) Proposed sections (§§ 404.335a and 404.336a) have been added concerning father's insurance benefits, conditions

and duration of entitlement. These sections parallel the structure and wording, with appropriate changes, of § 404.335 and § 404.336 respectively, specifying the conditions and duration of entitlement to mother's insurance benefits.

(2) The rate of benefits for mothers and fathers will be identical (§ 404.337).

(3) Sections 404.342-404.349 of the regulations have been revised to make the child-in-care (formerly "in-her-care") rules applicable to mother's and father's insurance benefits.

(4) The child-in-care requirement for wife's and mother's benefits has been revised to restrict the qualification—that such child, if over age 18, has been disabled prior to January 1973. A comparable prior to attainment of age 18—pebble parenthetical revision has been made with respect to terminating events.

(5) As in (4), the statutory change eliminating the "disabled before attainment of age 18" provision has required revisions in the effect of remarriage provisions, for divorced wives (§ 404.314), widows (§ 404.329), widowers (§ 404.332), mothers (§ 404.336), and parents (§ 404.339).

In order to implement the Supreme Court's decision granting benefits to fathers, the rules set forth in the proposed regulations will be applied on an interim basis by the Social Security Administration for the period March 1975 until final regulations are adopted.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, PO Box 1585, Baltimore, Maryland 21203, on or before December 12, 1975.

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

The proposed amendments are to be issued under the authority contained in sections 202, 205, 216, 1102 of the Social Security Act as amended; 49 Stat. 623, as amended, 53 Stat. 1368 as amended, 68 Stat. 1080, as amended, 49 Stat. 647, as amended, 42 U.S.C. 402, 405, 416, and 1302.

(Catalog of Federal Domestic Assistance Program No. 13.802, Social Security-Disability Insurance; No. 13.803, Social Security-Retirement Insurance; No. 13.805, Social Security-Survivors Insurance)

Dated: September 25, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 30, 1975.

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

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.313 is amended by revising paragraph (c) to read as follows:

§ 404.313 Wife's insurance benefits; conditions of entitlement.

(c) *Child over 18 not disabled.* For the purposes of paragraph (a)(2) of this section and § 404.314(a)(5), a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before he attained age 18) is deemed not entitled to child's insurance benefits for such month, unless he was under such a disability in the third month before such month.

2. Section 404.314 is amended by revising paragraph (b) to read as follows:

§ 404.314 Wife's insurance benefits; duration of entitlement.

(b) *Remarriage of a divorced wife.* If a divorced wife entitled to a wife's insurance benefit marries an individual entitled to widower's, father's (for months after February 1975) or parent's insurance benefits, such divorced wife's entitlement to wife's insurance benefits is not terminated by reason of such marriage. If a divorced wife who is entitled to wife's insurance benefits marries an individual who has attained the age of 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973 began before such child attained the age of 18) or had been under such a disability in the third month before the month in which such marriage occurred, such divorced wife's entitlement to wife's insurance benefits is not terminated by reason of such marriage; except that her entitlement to such benefits will end with the last month for which such individual is entitled to child's insurance benefits, provided his entitlement ends for a reason other than death.

3. Section 404.321 is amended by revising paragraph (d) to read as follows:

§ 404.321 Child's insurance benefits; duration of entitlement.

(d) The marriage of a child, age 18 or over and entitled to child's insurance benefits based on a disability, will not terminate such entitlement (however, see paragraph (c) of this section for termination because of a subsequent event) if the marriage is to:

(1) A person age 18 or older entitled to child's insurance benefits based on a disability; or

(2) A person entitled to old-age, widow's, widower's, mother's, father's (for

months after February 1975), parent's or disability insurance benefits, or, effective after August 1965, wife's insurance benefits.

4. Section 404.329 is amended by revising paragraph (b)(1) to read as follows:

§ 404.329 Widow's insurance benefits; duration of entitlement.

(b) *Effect of remarriage on entitlement after August 1965.* (1) A widow or surviving divorced wife's entitlement to widow's insurance benefits is not terminated by reason of her remarriage to a man who is entitled to widower's, father's (for months after February 1975), or parent's insurance benefits or to a man who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before he attained age 18) or had been under such a disability in the third month before the month in which such marriage occurred.

5. Section 404.332 is amended by revising paragraph (b)(1) to read as follows:

§ 404.332 Widower's insurance benefits; duration of entitlement.

(b) *Effect of remarriage on entitlement to benefits.* (1) A widower's entitlement to widower's insurance benefits is not terminated by reason of his subsequent marriage to a woman entitled to wife's (after August 1965), widow's, mother's, or parent's insurance benefits, or who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before such child attained the age of 18) or had been under such a disability in the third month before the month in which such marriage occurred.

6. Section 404.335 is amended by revising paragraph (b) to read as follows:

§ 404.335 Mother's insurance benefits; conditions of entitlement.

(b) *Child over 18 not disabled.* For the purposes of paragraph (a)(2) of this section a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before he attained age 18) shall be deemed not entitled to child's insurance benefits, unless he was under such a disability in the third month before such month.

7. A new § 404.335a is added to read as follows:

§ 404.335a Father's insurance benefits; conditions of entitlement.

(a) *General.* The widower (as defined in § 404.1107) of an individual who died fully or currently insured is entitled to father's insurance benefits for the first month after February 1975 in which he:

- (1) Has filed application for father's insurance benefits; and
- (2) At the time of filing such application had in his care (see §§ 404.342-404.349) a child of such individual entitled to child's insurance benefits (see paragraph (b) of this section); and
- (3) Is not married; and
- (4) Is not entitled to a widower's insurance benefit; and
- (5) Is not entitled to old-age insurance benefits, or is entitled to an old-age insurance benefit which is less than three-fourths of the primary insurance amount of such individual.

(b) *Child over 18 not disabled.* For the purposes of paragraph (a) (2) of this section a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act) shall be deemed not entitled to child's insurance benefits, unless he was under such a disability in the third month before such month.

8. Section 404.336 is amended by revising paragraph (b) (1) and paragraph (c) to read as follows:

§ 404.336 Mother's insurance benefits; duration of entitlement.

(b) *Effect of remarriage after August 1965.* For purposes of paragraph (a) (2) of this section:

(1) A widow's or surviving divorced mother's entitlement to mother's insurance benefits is not terminated by reason of her remarriage to a man entitled to old-age, widower's, father's (for months after February 1975), parent's, or disability insurance benefits, or to a man who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before such child attained the age of 18) or had been under such a disability in the third month in which such marriage occurred.

(c) *Child over 18 not disabled.* For purposes of paragraph (a) (5) of this section, a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before he attained age 18) shall be deemed not entitled to child's insurance benefits, unless he was under such a disability in the third month before such month.

9. A new § 404.336a is added to read as follows:

§ 404.336a Father's insurance benefits; duration of entitlement.

(a) *General.* The widower of a deceased individual is entitled to a father's insurance benefit for each month beginning with the first month after February 1975 in which all the conditions of entitlements described in § 404.335a(a) are satisfied. The last month for which he is entitled to such benefits is the month before the first month in which any one of the following events occurs:

- (1) He dies; or
- (2) He remarries (except as provided in paragraph (b) of this section); or
- (3) He becomes entitled to an old-age insurance benefit which is equal to or exceeds the amount of the father's insurance benefit as determined in accordance with § 404.337; or
- (4) He becomes entitled to a widower's insurance benefit; or
- (5) No child of the deceased individual is entitled to a child's insurance benefit (see paragraph (c) of this section); or
- (6) If he is married to a person age 18 or older who is under a disability (as defined in section 223(d) of the Act) and who is entitled to child's insurance benefits (see paragraphs (b) and (c) of this section), his wife's entitlement to such benefits terminates for a reason other than her death; or
- (7) If he is married to a person entitled to disability insurance benefits (see paragraph (b) of this section), his wife's entitlement to such benefits terminates for a reason other than her death or her entitlement to old-age insurance benefits; or
- (8) In the case of a man entitled to father's insurance benefits based on a purported marriage (see § 404.1101(c) (2)) to the deceased individual, another man is certified for entitlement to widower's or father's insurance benefits based on such deceased individual's earnings record and such other man is the widower (or is deemed to be the widower) of the deceased individual under the provisions of section 216(h) (1) (A) of the Act.

(b) *Effect of remarriage.* For purposes of paragraph (a) (2) of this section:

(1) A widower's entitlement to father's insurance benefits is not terminated by reason of his remarriage to a woman entitled to old age, wife's, widow's, mother's, parent's, or disability insurance benefits, or to a woman who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act) which began before such child attained the age of 22 or had been under such a disability in the third month before the month in which such marriage occurred.

(2) If a widower marries a woman not entitled to any of the benefits enumerated in paragraph (b) (1) of this section, and consequently his entitlement to father's insurance benefits is terminated, he may become reentitled to such benefits upon termination of the later marriage for any reason, provided all other conditions of entitlement are satisfied.

(c) *Child over 18 not disabled.* For purposes of paragraph (a) (5) of this section, a child age 18 or over who is entitled to child's insurance benefits for any month but is not under a disability (as defined in section 223(d) of the Act) shall be deemed not entitled to child's insurance benefits, unless he was under such a disability in the third month before such month.

10. Section 404.337 is revised to read as follows:

§ 404.337 Mother's or father's insurance benefits; rate of benefit.

The amount of the mother's or father's insurance benefit for any month is equal to 75 percent of the primary insurance amount for such month of the deceased individual upon whose earnings the mother's or father's insurance benefit is based. (See § 404.352 for minimum sole survivor's insurance benefit rate.)

11. Section 404.339 is amended by revising paragraph (b) to read as follows:

§ 404.339 Parent's insurance benefits; duration of entitlement.

(b) *Effect of remarriage on entitlement to benefits.* A parent's entitlement to parent's insurance benefits is not terminated by marriage to an individual entitled to wife's, widow's, widower's, mother's, father's (for months after February 1975), or parent's insurance benefits, or to an individual who has attained age 18 and is entitled to child's insurance benefits, and was under a disability (as defined in section 223(d) of the Act, and which, for months before January 1973, began before such child attained age 18) or had been under such a disability in the third month before the month in which such marriage occurred.

12. Section 404.342 is revised to read as follows:

§ 404.342 Child in care of claimant.

(a) *Child in care after February 1975.* For purposes of §§ 404.313, 404.335, 404.335a, and Subpart E of this part, a child is in the care of a mother (whether a wife, widow, or surviving divorced mother) or father (widower only) claimant if such claimant exercises parental control and responsibility for the welfare and care of a child under age 18, or of a child age 18 or older who is mentally incompetent. If the child is age 18 or older and mentally competent, "child in care" means that the mother or father is performing personal services (as defined in § 404.344) for the child.

(b) *Child in care before March 1976.* The provisions of paragraph (a) of this section are applicable in determining if a child is in the care of a mother (whether a wife, widow, or surviving divorced mother).

13. Section 404.343 is revised to read as follows:

§ 404.343 Child in care; exercising parental control and responsibility.

(a) *Child in care after February 1975.* For purposes of § 404.342:

(1) Parental control and responsibility may be exercised solely by the claimant (mother or father) or jointly with the claimant's spouse. However, the exercise of parental control and responsibility exclusively by one parent and then by the other over successive periods of time does not constitute the joint exercise of parental control and responsibility.

(2) Parental control and responsibility may be exercised directly or, where the claimant (mother or father) and child are apart, it may be exercised indirectly. The fact that the parent claimant has not lost the legal right to the child's care and custody, and retains the right to exercise parental control and responsibility, does not constitute the exercise of such parental control and responsibility even if such claimant furnishes the child's food, clothing, and shelter or makes provisions therefor.

(b) *Child in care before March 1975.* The provisions of paragraph (a) of this section are applicable in determining if a child is in the care of a mother (whether a wife, widow, or surviving divorced mother).

14. Section 404.344 is revised to read as follows:

§ 404.344 Child in care; performing personal services.

(a) *Child in care after February 1975.* For purposes of § 404.342, personal services mean services performed for a child other than any routine household services which ordinarily are performed for any adult member of a household. For example, nursing care, or feeding or dressing a child who is unable because of his disability to perform these functions satisfactorily for himself, would constitute personal services, as would the direction or supervision of the activities of a child who is unable to manage his own funds, or who is able to do so only with considerable help and guidance. Also, if the parent claimant's presence and attention is required because of the nature of the child's impairment, such claimant would be considered to be performing personal services for the child. Such services may be performed by the claimant (mother or father) alone, or jointly with the claimant's spouse or another person.

(b) *Child in care before March 1975.* The provisions of paragraph (a) of this section are applicable in determining if a child is in the care of a mother (whether a wife, widow, or surviving divorced mother).

15. Section 404.345 is revised to read as follows:

§ 404.345 Child in care; mother or father claimant and child living together.

Where the mother claimant (or mother or father claimant for months after February 1975) and child regularly live

together, the child is considered to be in the claimant's care if such claimant either is exercising parental control and responsibility by supervising the child's activities and participating in the important decisions about the child's physical and mental needs, or performing personal services, as the case may be. However, if the mother or father claimant and child are living together only temporarily, the child is not considered to be in the claimant's care during the period they are together, even if the claimant exercises parental control and responsibility, or performs personal services, as the case may be, during such period unless:

(a) The child is in such claimant's care while they are apart; or

(b) Such claimant and child live together for a period of at least 30 consecutive days, and the child is not on furlough while in the armed forces.

16. Section 404.346 is revised to read as follows:

§ 404.346 Child in care; mother or father claimant and child not living together; general.

Where the claimant and child are not living together, a child is not considered to be in such claimant's care except under the conditions described in §§ 404.347 and 404.348.

17. Section 404.347 is revised to read as follows:

§ 404.347 Child in care; claimant (mother or father) and child not living together; separation not in excess of 6 months.

Except as provided in § 404.349, where the separation is expected to end within 6 months from the date it began, a child is considered to be in the care of a claimant only if the child customarily lives with such claimant and is in the claimant's care when they so live together (see § 404.345). If the separation continues beyond the 6-month period, the provisions of § 404.348 are applicable in determining whether the child is in the care of a mother or father claimant.

18. Section 404.348 is revised to read as follows:

§ 404.348 Child in care; claimant (mother or father) and child not living together; separation expected to be indefinite or to exceed 6 months.

Where the claimant and child are not living together and the separation will be for an indefinite period, or is not expected to end within 6 months, such claimant is exercising parental control and responsibility for the welfare of the child only under the conditions described in paragraphs (a), (b), (c), and (d) of this section. If the child resumes living with the claimant before the end of 6 months, the provisions of § 404.347 are applicable in determining whether the child is in the care of such claimant. Special situations include:

(a) *Child away at school.* Where the claimant and a mentally competent child

are separated because the child is away at school, such claimant is exercising parental care and responsibility during such separation if:

(1) The child is under 18 years of age and spends an annual vacation of at least 30 consecutive days with the claimant, unless it is not feasible for the child to return to the claimant, or to remain with the claimant for that length of time, during vacations; and

(2) The claimant supervises the child's activities and participates in the important decisions about the child's physical and mental needs; and

(3) Where the child's mother and father are separated, the school authorities look to the claimant when they have a question concerning the child's welfare and care, and the child normally returns to such claimant during vacations.

(b) *Claimant and child not living together because of the claimant's employment.* Where the claimant and a mentally competent child under 18 years of age are separated because of such claimant's employment, the claimant is exercising parental control and responsibility if such claimant supervises the child's activities, participates in the important decisions about the child's physical and mental needs, and makes regular and substantial contributions towards the child's support.

(c) *Claimant and child not living together because of physical illness or disability.* Where the claimant and a mentally competent child under 18 years of age are separated because of the physical disability of either claimant or child, such claimant is exercising parental control and responsibility if the claimant supervises the child's activities and participates in the important decisions about the child's physical and mental needs.

(d) *Claimant and child not living together; child mentally incompetent.* Where a claimant and child are not living together (regardless of reason) and the child is mentally incompetent, such claimant is exercising parental control and responsibility if the claimant supervises the activities of the child, participates in the important decisions about the child's physical and mental needs, and measurably controls the child's upbringing, and development.

19. Section 404.349 is revised to read as follows:

§ 404.349 Child in care; when a child is not in the care of a mother or father claimant.

Notwithstanding the provisions in §§ 404.342-404.348, a child is not in the care of a claimant, for purposes of this subpart or Subpart E of this part, if:

(a) The child is in the armed forces; or

(b) The claimant and the child are not living together and either:

(1) The child is living with the father or mother other than the mother or father claimant; or

(2) The mother or father claimant is mentally incompetent; or

(3) The child was removed from the mother or father claimant's custody and control by a court order; or

(4) The mother or father claimant has relinquished such claimant's right to custody and control of the child to some other person or agency; or

(5) The separation is for a period of more than 6 months, and the child is age 18 or older and is mentally competent.

[FR Doc.75-30266 Filed 11-11-75;8:45 am]

[20 CFR Part 416]

[Reg. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Reimbursement to States for Interim Assistance Payments; Cost-of-Living Adjustments in Benefits

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to Part 416 reflect and implement the provisions of Pub. L. 93-368, enacted August 7, 1974, relating to cost-of-living adjustments in supplemental security income benefits and reimbursement to States for interim assistance payments made to or on behalf of an individual during the period such individual's claim for supplemental security income is pending. Section 5 of Pub. L. 93-368 amends Section 1631 of the Social Security Act to permit the Social Security Administration to enter into an agreement with a State whereby such State would be reimbursed for interim assistance payments furnished an applicant for supplemental security income benefits. The proposed amendments dealing with this interim assistance provision are contained in a new Subpart S. Reimbursement would be made from the initial payment which would otherwise be payable to the individual who is found eligible, but only upon his written authorization to withhold benefits due him for the purpose of reimbursing the State for the interim assistance furnished him.

Any authorization will be in effect until the Social Security Administration has made a final determination on the applicant's claim. If the individual's supplemental security income application is denied, the denial is the final determination unless the individual files a timely appeal. If the individual applies again at a later time, a new authorization must be obtained.

Section 8 of Pub. L. 93-368 provides for cost-of-living adjustments in the supplemental security income payment standards in conjunction with and by the same percentage as benefits under title II of the Act in accordance with section 215(i) of the Act.

Since approximately one-half of the States have interim assistance agreements with the Secretary which are already effective and since the cost-of-living adjustments have already gone into effect, the proposed amendments to the regulations will be applied by the Social

Security Administration on an interim basis until a final regulation is adopted.

Prior to the final adoption of the proposed revisions and amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before December 12, 1975.

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

The proposed amendments are to be issued under the authority contained in sections 1102, 1611(b), 1617, 1631(d), and 1631(g) of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, as amended, 88 Stat. 422, 86 Stat. 1475, 88 Stat. 420; 42 U.S.C. 1302, 1382(b), 1382f, 1383(d), and 1383(g).

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: August 14, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 30, 1975.

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

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. A new § 416.405 is added to read as follows:

§ 416.405 Cost-of-living adjustments in benefits.

Whenever benefit amounts under title II of the Act (Part 404 of this Chapter) are increased by any percentage effective with any month as a result of a determination made under section 215(i) of the Act, each of the dollar amounts in effect for such month under §§ 416.410, 416.412, 416.413, 416.432(c) and 416.531, as specified in such sections or as previously increased under this section, shall be increased by the same percentage (and rounded on an annual basis, when not a multiple of \$1.20 to the next higher multiple of \$1.20), effective with respect to benefits for months after such month.

2. Section 416.410 is revised to read as follows:

§ 416.410 Amount of benefits; eligible individual.

The benefit under this part for an eligible individual who does not have an eligible spouse, who is not in an institution (see § 416.231), who is not living in the household of another under the conditions set forth in § 416.1125, and who is not a qualified individual (as defined in § 416.242), shall be payable at

the rate of \$1,680 per year (\$420 per quarter, \$140 per month) for the period ending June 30, 1974, at the rate of \$1,752 per year (\$438 per quarter, \$146 per month) for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of \$1,892.40 per year (\$473.10 per quarter, \$157.70 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases) reduced by the amount of such individual's income not excluded pursuant to Subpart K of this part.

3. Section 416.412 is revised to read as follows:

§ 416.412 Amount of benefits; eligible couple.

The benefit under this part for an eligible couple neither of whom is in an institution (see § 416.231) nor is living in the household of another under the conditions set forth in § 416.1125, nor is a qualified individual (as defined in § 416.242), shall be payable at the rate of \$2,520 per year (\$630 per quarter, \$210 per month) for the period ending June 30, 1974, at the rate of \$2,628 per year (\$657 per quarter, \$219 per month) for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of \$2,839.20 per year (\$709.80 per quarter, \$236.60 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases) reduced by the amount of income not excluded pursuant to Subpart K of this part, of such individual and spouse. (See § 416.502.)

4. Section 416.413 is revised to read as follows:

§ 416.413 Amount of benefits; qualified individual.

A qualified individual (as defined in § 416.242) will receive in addition to the amount specified in § 416.410 or § 416.412, as applicable, \$70 per month for the period ending June 30, 1974, \$73 per month for the period beginning July 1, 1974, and ending June 30, 1975, and \$78.90 per month for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases) for each essential person (as defined in § 416.243) living in his household. (See §§ 416.531 and 416.532.)

5. In § 416.432 paragraph (c) is revised to read as follows:

§ 416.432 Change in eligibility status within a quarter involving a couple; eligibility exists in all months of the quarter.

(c) When one member of a couple is in an institution and subject to payment reduction for Medicaid (§ 416.231), and the other member of the couple is living in the household of another and receiving support and maintenance from that person, the rate of payment for such couple shall be \$1,420 per year (\$355 per quarter, \$118.34 per month) for the period ending June 30, 1974, at the rate of \$1,468 per year (\$367 per quarter, \$122.34

per month) for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of \$1561.60 per year (\$390.40 per quarter, \$130.14 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases). These amounts are based on the sum of \$25 and the reduction of the rate of payment for an individual by one-third (1/3). This rate of payment shall then be reduced by the amount of income not excluded pursuant to Subpart K of this part, of such individual and spouse and paid in accordance with § 416.502. As in paragraph (b) of this section, no more than \$25 shall be paid to the institutionalized member of the couple.

6. A new § 416.525 is added to read as follows:

§ 416.525 Reimbursement to States for interim assistance payments.

Notwithstanding § 416.542, the Social Security Administration may, in accordance with the provisions of Subpart S of this part, withhold supplemental security income benefits due with respect to an individual and may pay to a State (or political subdivision thereof, if agreed to by the Social Security Administration and the State) from the benefits withheld, an amount sufficient to reimburse the State (or political subdivision) for interim assistance furnished on behalf of the individual.

7. Section 416.531 is revised to read as follows:

§ 416.531 Standard of payment based on existence of an essential person.

In determining the amount of the supplemental security income standard of payment to any qualified individual (see § 416.242), for months after December 1973, such standard shall be increased to take into account the needs of an essential person (see § 416.243). The amount of such increase shall be at the rate of \$840 per year, in the case of any period prior to July 1974, at the rate of \$876 per year for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of \$946.80 per year (\$236.70 per quarter, \$78.90 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases). The total amount due the qualified individual will be computed in accordance with section 1611 of the Act. The resulting monthly payment will be made to the qualified individual. If State records appropriately identify two or more essential persons for a qualified individual, an increment of \$70 per month for the period ending June 30, 1974, (\$73 for the period beginning July 1, 1974, and ending June 30, 1975, and \$78.90 for the remainder of 1975 and any calendar year thereafter) shall be added to the qualified individual's standard of payment for each such essential person (however, see § 416.405 with respect to cost-of-living increases).

8. Section 416.533 is revised to read as follows:

§ 416.533 Transfer or assignment of benefits.

Except as provided in § 416.525 and Subpart S of this part, the Social Security Administration shall not certify payment of supplemental security income benefits to a transferee or assignee of a person eligible for such benefits under the Act. The Social Security Administration shall not certify payment of supplemental security income benefits to any person claiming such payment by virtue of an execution, levy, attachment, garnishment, or other legal process or by virtue of any bankruptcy or insolvency proceeding against or affecting the person eligible for benefits under the Act.

9. A new Subpart S is added to read as follows:

Subpart S—Interim Assistance Provisions; Agreements; Payments

- Sec.
416.1901 Purpose and scope.
416.1906 General provisions and definitions.
416.1911 Interim assistance agreements.
416.1916 Effective period for reimbursement to States for interim assistance.
416.1921 Hearings and review.
416.1926 Term of the agreement.

AUTHORITY: Secs. 1102, 1611(b), 1617, 1631 (d), 1631(g) of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, as amended, 88 Stat. 422, 89 Stat. 1475, 88 Stat. 420; 42 U.S.C. 1302, 1382(b), 1382f, 1383(d), 1383(g).

Subpart S—Interim Assistance Provisions; Agreements; Payments

§ 416.1901 Purpose and scope.

This subpart implements section 1631 (g) of the Act (added by section 5 of Pub. L. 93-368) which permits the Social Security Administration to enter into an agreement with a State whereby such State (or a political subdivision of the State) would be reimbursed for interim assistance payments furnished an applicant for supplemental security income benefits upon the written authorization of such applicant to withhold benefits due for the purpose of reimbursing the State (or political subdivision) for the interim assistance furnished.

§ 416.1906 General provisions and definitions.

(a) *General provisions.* Notwithstanding § 416.542, the Social Security Administration may, upon receipt of written authorization by an individual or a proper party executing an application on his behalf (see § 416.310), withhold supplemental security income benefits due with respect to that individual and may pay to a State (or political subdivision thereof if agreed to by the Social Security Administration and the State) from the benefits withheld, an amount sufficient to reimburse the State (or political subdivision) for interim assistance furnished on behalf of the individual.

(b) *Definitions.* For purposes of this subpart:

(1) "Authorization" means an authorization which is written and is in a form which is acceptable to the Social Security Administration and legally acceptable in the State from which the individual received interim assistance;

(2) "Benefits" with respect to any individual means supplemental security income benefits under title XVI of the Act, and any State supplementary payments under section 1616 of the Act or section 212 of Pub. L. 93-66 which the Social Security Administration makes on behalf of a State (or political subdivision thereof), that the Social Security Administration has determined to be due with respect to the individual at the time the Social Security Administration makes the first payment of benefits. A cash advance made pursuant to § 416.520 shall not be considered as the first payment of benefits for purposes of the preceding sentence;

(3) "Interim assistance" with respect to any individual means assistance, including vendor payments, financed from State or local funds and furnished for meeting basic needs during the period beginning with the month in which the individual filed an application for benefits and for which such individual was eligible. Assistance payments financed in whole or in part from Federal funds (e.g., aid to families with dependent children) do not come within the meaning of interim assistance.

(c) *Effective life of authorization.* An authorization is in effect until the Social Security Administration has made a final determination on the applicant's claim. If the individual's supplemental security income application is denied, the denial is the final determination unless the individual files a timely appeal. If the individual applies again at a later time, a new authorization must be obtained.

§ 416.1911 Interim assistance agreements.

In order for a State to receive reimbursement under the provisions of this subpart, the State shall have in effect an interim assistance agreement with the Social Security Administration which shall provide that:

(a) The Social Security Administration will make payments to the State (or political subdivision) pursuant to the provisions of this subpart and § 416.525; and

(b) If the Social Security Administration makes payment to the State (or political subdivision) in reimbursement for interim assistance for an individual in an amount greater than the amount of interim assistance reimbursable under this subpart.

(1) The State (or political subdivision) shall pay to the individual the excess amount as soon as feasible but not later than 10 working days (or a shorter period specified in the agreement) from the date the State (or political subdivision) receives the payment; or

(2) If the State is unable to pay the excess to the individual, the State shall

refund the excess to the Social Security Administration; and

(c) The State will comply with such other rules as the Social Security Administration finds necessary to achieve efficient and effective administration of this subpart, and to carry out the provisions of this part, including the furnishing of a notice to the individual of action taken pursuant to paragraph (b) (1) of this section, and the protection of hearing rights (see § 416.1921) for any individual aggrieved by action taken by the State (or political subdivision) pursuant to this subpart.

§ 416.1916 Effective period for reimbursement to States for interim assistance.

The provisions for reimbursement to States for interim assistance as set out in § 416.1911 shall be effective with respect to authorizations received by the Social Security Administration on or before June 30, 1976.

§ 416.1921 Hearings and review.

The provisions of Subpart N of this part shall not be applicable to any disagreement concerning payment by the Social Security Administration to a State (or political subdivision) pursuant to the provisions of this subpart nor the amount retained by the State (or political subdivision). The State shall provide an opportunity for a hearing to any individual aggrieved by action taken by the State (or political subdivision) pursuant to this subpart. However, provisions of Subpart N shall be applicable to any disagreement concerning the total amount of the payment made by the Social Security Administration.

§ 416.1926 Term of the agreement.

The Social Security Administration and the State shall mutually agree upon the term of agreement. In no event, however, shall it extend beyond June 30, 1976.

[FR Doc.75-30265 Filed 11-11-75;8:45 am]

**DEPARTMENT OF
TRANSPORTATION**

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-WE-52-AD]

**LOCKHEED-CALIFORNIA COMPANY
MODEL L-1011-385 SERIES AIRPLANES
Proposed Airworthiness Directives**

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Lockheed Model L-1011-385 series airplanes. The FAA has received reports of failures of the L-1011 emergency evacuation system hard container release cable assemblies. The emergency evacuation system hard container release cable assembly failures resulted in arresting the passenger door motion, thereby preventing deployment of the passenger evacuation system. Since this condition is likely

to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection, replacement and rework, if necessary, of the emergency evacuation system hard container release cable assemblies and container latching parts on Lockheed L-1011-385 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, FAA Western Region: Attention: Airworthiness Rules Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before December 16, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 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)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

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

Compliance required within 300 hours flight time after effective date of this AD, unless already accomplished:

To prevent possible emergency evacuation system hard container release cable assembly failures, accomplish the following:

(a) Inspect each slide, slide/raft evacuation system to determine if a modified cable assembly has been installed in accordance with Lockheed Alert Service Bulletin No. 093-25-A239, dated October 23, 1975, and Air Cruisers Company Service Bulletin 25-29, dated October 23, 1975, or later FAA-approved revisions or an FAA-approved equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region. Modified cable assemblies are identified by either blue or green paint on the parachute pin in the swaged area.

(b) Replace all unmodified cable assemblies located during the inspections required by paragraph (a) with a modified cable assembly in accordance with Air Cruisers Company Service Bulletin 25-29, dated October 23, 1975, and Lockheed Alert Service Bulletin No. 093-25-A239, dated October 23, 1975, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Inspect each slide, slide/raft evacuation system hard container latching parts which interrelate with the hard container release cable parachute pins for burrs and/or sharp edges and replace or rework as necessary in accordance with Lockheed Alert Serv-

ice Bulletin No. 093-25-A239, dated October 23, 1975, and Air Cruisers Company Service Bulletin No. 25-29, dated October 23, 1975, or later FAA-approved revisions or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Reidentify slide, slide/raft evacuation assemblies having modified cable assemblies which have been installed as required by paragraph (b), in accordance with Lockheed Alert Service Bulletin No. 093-25-A239, dated October 23, 1975, or later FAA approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region. This paragraph supersedes the re-identification requirement of paragraph (e), AD 75-03-07.

Issued in Los Angeles, Calif., on November 4, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.75-30430 Filed 11-11-75;8:45 am]

**ENVIRONMENTAL PROTECTION
AGENCY**

[40 CFR Part 180]

[FRL455-5; PP4F1464/P6]

**PESTICIDE CHEMICAL N-(MERCAPTO-
METHYL) PHTHALIMIDE S-(O,O-DI-
METHYL PHOSPHORODITHIOATE)**

Proposed Tolerance

On March 6, 1974, notice was given (39 FR 8656) that Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804, had submitted a pesticide petition (PP 4F1464) to the Environmental Protection Agency (EPA). This petition proposed to amend 40 CFR 180.261 by establishing tolerances for combined residues of the insecticide N-(mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) and its oxygen analog N-(mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorothioate) in or on the following raw agricultural commodities: almond hulls, blueberries, corn fodder and forage (including sweet corn, field corn, and popcorn), cranberries, and peavine forage and hay at 10 parts per million (ppm); the raw agricultural commodity group citrus fruits (40 CFR 180.34) at 5 ppm; fresh corn, including sweet corn (kernels plus cob with husk removed), corn grain (including popcorn), and peas (including succulent peas with pods and dry peas) at 0.5 ppm; and nuts at 0.1 ppm (negligible residue). Stauffer Chemical Co. subsequently amended the petition to include a request for a tolerance for residues in the meat, fat, and meat byproducts of horses at 0.2 ppm.

Based upon an evaluation of the data submitted in the petition and other relevant material, on March 11, 1975, tolerances were established for combined residues of the insecticide and its oxygen analog in the raw agricultural commodities and commodity groups listed above, with the exception of citrus fruits, for which it was found that additional residue data were needed (40 FR 11352). This action represented a departure from normal practice in that the Agency did act at one time on all of the commodities or commodity groups for which toler-

ances were requested in the petition, but rather, acted on the request for tolerances on some commodities and deferred action on the request for tolerances on other commodities and commodity groups until a later time.

There were special circumstances with regard to this petition which justified a different procedure. As discussed above, the commodities for which tolerances were requested in the petition included peas and peavine forage and hay. Data which had been gathered by the U.S. Department of Agriculture laboratory in Yakima, Washington, in 1974 suggested that N-(mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) and its oxygen analog were promising for control of the pea leaf weevil as an alternative to DDT, the only chemical that had been widely used by pea growers (39 FR 10323). Because the necessary data were available to support the requested tolerances on all commodities covered in the request except citrus fruits, and the Stauffer Chemical Co. did not wish to amend the petition by withdrawing the request for a tolerance on citrus fruits and, subsequently, refiled at a later date, the Agency determined that it was in the public interest to establish the requested tolerances on peas and other commodities, rather than to delay action on the entire petition pending the submission of additional data to support the tolerance for citrus.

Accordingly, on March 11, 1975, the EPA granted the petition in part by establishing tolerances for those commodities (including peas) for which adequate supporting data were available, while at the same time deferring action on that part of the petition which requested a tolerance on citrus fruits. Since promulgation of the regulation on March 11, 1975, Stauffer Chemical Co. has revised the directions for use for citrus, and it is now concluded that residues of the insecticide and its oxygen analog of citrus fruits treated according to these revised use directions will not exceed the 5 ppm tolerance requested for citrus fruits in that part of the petition which remained to be acted upon. The pesticide is considered to be useful for the purpose for which the tolerance is sought, there is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies. The tolerance established by amending § 180.261 will protect the public health.

Under the procedures established in section 408 of the Federal Food, Drug, and Cosmetic Act and the implementing regulations, the Agency would normally at this juncture promulgate a regulation establishing the tolerance in question, effective on the date of publication in the FEDERAL REGISTER. It is possible, however, that the March 11, 1975 FR Document may not have adequately communicated to some readers that the Agency was deferring action on that part of the petition requesting a tolerance on citrus. Accordingly, action on the remaining portion of the petition at this time might unfairly surprise some persons and thereby defeat the policies underlying the requirements in the statute that the

Agency inform the public (by way of a FEDERAL REGISTER notice) of petitions for tolerances that have been filed. For this reason, the Agency has decided to treat the remaining portion of this petition as if it were a petition under section 408(e) of the statute by proposing that a tolerance be established as described below rather than by promulgating a regulation establishing such a tolerance at this time. This procedure will provide adequate notice to any persons who might have been misled by the March 11, 1975, FR Document.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before December 12, 1975, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposal 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, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in reviewing them. The comments must be received on or before December 12, 1975, and should bear a notation indicating the subject (PP 4F1464/P6). All written comments filed pursuant to this notice will be available for public inspections in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

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

Dated: November 5, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

It is proposed that Part 180, Subpart C, § 180.261 be amended by revising the paragraph "5 parts per million * * *" to include the raw agricultural commodity group citrus fruits to read as follows:

§ 180.261 N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) and its oxygen analog; tolerances for residues.

5 parts per million in or on apricots, citrus fruits, nectarines, and plums (fresh prunes).

[FR Doc. 75-30390 Filed 11-11-75; 8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 87]

[Docket No. 20664; FCC 75-1212]

AIR TRAFFIC CONTROL FREQUENCIES Availability to Aeronautical Utility Mobile Stations

In the matter of amendment of Parts 2 and 87 of the Commission's rules to make

available to aeronautical utility mobile stations, under certain conditions, all the ATC frequencies listed in § 87.401, Docket No. 20664, FCC 75-1212.

1. Notice of Proposed Rule Making in the above-entitled matter is hereby given.

2. In this Notice the Commission is proposing to amend Parts 2 and 87, of our rules to make available for assignment to aeronautical utility mobile stations, under certain conditions, any of the frequencies listed in § 87.401 of our rules and generally referred to as air traffic control (ATC) frequencies. Under the present rules the frequencies available to this class of station are the fourteen frequencies shown in § 87.431 which are also listed in §§ 87.183 and 87.401 as available for use as ATC frequencies on a secondary basis.

3. The ATC frequencies are allocated for civil aviation use. These frequencies are assigned to both Government and non-Government radio stations and are used in the ATC system which is administered by the Federal Aviation Administration (FAA). Aeronautical utility mobile stations are licensed for use aboard non-Government maintenance, police, fire, emergency and other vehicles which operate on runways at airports having airdrome control towers or FAA flight service stations and are limited to communications involving the management of ground traffic by the airdrome control station located at the control tower or the FAA flight service station. This proposal makes available all of the ATC frequencies for communication between airdrome control stations or FAA flight service stations and aeronautical utility mobile stations. It is in response to action taken by the FAA which authorized its FAA flight service stations to communicate with aeronautical utility mobile stations on ATC frequencies as well as the fourteen frequencies shown in § 87.431.

4. Under this proposal the aeronautical utility stations at an airport would be authorized that ATC frequency which is used by the airdrome control station or FAA flight service station at the airport to communicate with ground vehicles. These assignments would be coordinated with the FAA. The use of the fourteen frequencies now available to aeronautical utility mobile stations would still be primarily for ground traffic control including aircraft on the ground. Footnote "A" in the tables of frequencies in §§ 87.183(i) and 87.401(a) would be amended to clarify this use.

5. Presently no reference is made to FAA flight service stations in Subpart J, Aeronautical Utility Mobile Stations, of Part 87 of the rules. These stations provide advisory information to aircraft and, also, ground advisory service to vehicles on airports which do not have airdrome control towers and on airports which have part-time towers during the off duty hours of the tower. This proposal would insert in appropriate rule sections of Subpart J reference to FAA flight service stations.

6. The proposal also would delete the definition, "Aeronautical utility land station," from § 87.5 of the rules. This definition is unnecessary since aeronautical utility land stations are either airdrome control stations or FAA flight service stations and are referred to as such in the rules.

7. The proposed amendments to the rules as set forth below are issued pursuant to the authority contained in sections 4(d), 303(c) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before December 15, 1975, and reply comments on or before December 26, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: October 29, 1975.

Released: November 5, 1975.

FEDERAL COMMUNICATIONS
COMMISSION¹

[SEAL] VINCENT J. MULLINS,
Secretary.

¹ Commission Reid absent.

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 2.1 [Amended].

1. Section 2.1 is amended by deleting the definition "Aeronautical utility land station."

§ 2.106 [Amended].

2. In § 2.106 the frequency table is amended by deleting from column 11 the term, "Aeronautical utility land," which is next to the frequency band 121.600-121.925 MHz listed in column 10.

3. In § 87.5 the definition "Aeronautical utility land station" is deleted and the definition, "Aeronautical utility mobile station," is revised to read as follows:

§ 87.5 Definition of terms.

Aeronautical utility mobile station. A mobile station used for communications at airdromes with and under control of airdrome control stations or FAA flight service stations.

4. In § 87.183 paragraph (i) is amended by revising footnote "A" at the end of the table to read as follows:

§ 87.183 Frequencies available.

(i)

A—Primarily used for control of ground traffic.

5. In § 87.401 paragraph (a) is amended by revising footnote "A" at the end of the table to read as follows:

§ 87.401 Frequencies available.

(a)

A—Primarily used for control of ground traffic.

6. Section 87.431 is revised to read as follows:

§ 87.431 Frequencies available.

The frequencies listed in § 87.401(a) are available for assignment to aeronautical utility mobile stations. The aeronautical utility mobile stations at each airport will be authorized only that frequency which is used by the airdrome control station or the FAA flight service station at the airport to communicate with ground vehicles.

7. A new § 87.432 is added to read as follows:

§ 87.432 Eligibility.

Authorization to operate an aeronautical utility mobile station will be issued only for operation at landing areas having an airdrome control tower or an FAA flight service station.

8. Section 87.433 is revised to read as follows:

§ 87.433 Scope of service.

Communications by an aeronautical utility mobile station shall be limited to the management of ground traffic at an airdrome.

9. Section 87.437 is revised to read as follows:

§ 87.437 Supervision by airdrome control operator or FAA flight service station operator.

Transmissions by the aeronautical utility mobile station shall be under control of the airdrome control station or the FAA flight service station and shall be discontinued immediately when so requested by either the airdrome control station or FAA flight service station. The aeronautical utility mobile station shall guard its assigned frequency during periods of operation.

[FR Doc.75-30461 Filed 11-11-75; 8:45 am]

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commencing at 10:00 a.m., on November 14, 1975, in the Bankruptcy Courtroom #431, Federal Building, 701 Clematis Street, West Palm Beach, Florida.

Dated: November 5, 1975.

HENRY S. DOGIN,
Acting Administrator
Drug Enforcement Administration.

[FR Doc.75-30523 Filed 11-11-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 15338; Survey Group 159]

FLORIDA

Filing of Plat of Survey

NOVEMBER 4, 1975.

The plat of survey of the following described lands, which was accepted on June 26, 1975, will be officially filed in the Eastern States Office, Silver Spring, Maryland as of 10 a.m. on December 15, 1975:

TALLAHASSEE MERIDIAN, FLORIDA

T. 46 S., R. 24 E.,
Tract 37 (0.57 of an acre);
Tract 38 (1.75 acres);
Tract 39 (0.69 of an acre);
Tract 40 (0.96 of an acre);
Tract 41 (0.09 of an acre).

The area aggregates 4.06 acres.

The plat represents the survey of islands omitted from the original survey of T. 46 S., R. 24 E., as shown on the plat approved September 30, 1873.

Tracts 37, 38, 39, 40 and 41 are islands of sandy, shell formation, ranging in height from fifteen inches to fifteen feet. Each island is stable in position with no erosive action and has an outer fringe of tidal mangrove. The upland portions support moderate growths of such vegetation as gumbo limbo, sea grape, palm and buttonwood; undergrowth consists of cacti, vines and small shrubs. The inner tidal areas are covered with red and black mangrove. Each island is surrounded by a fringe of red mangrove, with no apparent connecting bars, shell or sand ridges to any other islands.

The formation of the islands is similar in all respects to that of the adjacent surveyed lands. All characteristics of the mainland indicate that the islands were in existence in 1845 when Florida was admitted to the Union and at all subsequent dates.

The islands are well over 50 percent upland in character within the interpretation of the Swamp Land Act of September 28, 1850.

Except for valid existing rights, these lands will not be subject to application, petition, location, selection or to any other type of appropriation under any public land law, including the mining and mineral leasing laws, until a further order is issued.

All inquiries relating to these lands should be sent to Director, Eastern States, Bureau of Land Management,

7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director,
Eastern States.

[FR Doc.75-30476 Filed 11-11-75;8:45 am]

[NM 26723]

NEW MEXICO

Application

NOVEMBER 4, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for a 4 inch natural gas pipeline and .01 acre meter site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 28 E.,
Sec. 26, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 35, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

This pipeline will convey natural gas across .954 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.75-30477 Filed 11-11-75;8:45 am]

[NM 26900, 26901, 26902, 26904, 26911]

NEW MEXICO

Applications

NOVEMBER 3, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4 $\frac{1}{2}$ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 12 W.,
Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 29 N., R. 9 W.,
Sec. 28, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 30 N., R. 8 W.,
Sec. 29, Lots 11 and 12.
T. 30 N., R. 9 W.,
Sec. 33, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 32 N., R. 10 W.,
Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

These pipelines will convey natural gas across .197 mile of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be pro-

ceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-30399 Filed 11-11-75;8:45 am]

[OR 14444]

OREGON

Designation of Jordan Crater Research Natural Area

NOVEMBER 3, 1975.

Pursuant to the authority in 43 CFR Subpart 2070, and the authorization from the Director dated June 2, 1975, I hereby designate the public lands in the following described area as the Jordan Crater Research Natural Area:

WILLAMETTE MERIDIAN

T. 27 S., R. 43 E.,
Secs. 33, 34, 35, and 36.
T. 28 S., R. 43 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1, 2, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;
Secs. 5, 8, 9, 10, and 11;
Sec. 12, W $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 13, 14, 15, and 17;
Sec. 20, N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 21 to 29, inclusive;
Secs. 32 to 35, inclusive.
T. 28 S., R. 44 E.,
Sec. 18, lots 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19;
Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 28, W $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 29 to 32, inclusive.
T. 29 S., R. 43 E.,
Secs. 1 to 5, inclusive.
T. 29 S., R. 44 E.,
Sec. 4, W $\frac{1}{2}$;
Sec. 5, lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7;
Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 9, W $\frac{1}{2}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 16, W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$.
The area described aggregates about 30,114.70 acres.

The Jordan Crater Research Natural Area lands are a "Class IV—Outstanding Natural Area" under the Bureau of Outdoor Recreation system of classification.

MURL W. STORMS,
State Director.

[FR Doc.75-30400 Filed 11-11-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Louisiana Grain Inspection Point

Notice is hereby given that the designation of the Delta Weighing and In-

spection Bureau, Inc., to operate as an official inspection agency at Myrtle Grove, Louisiana, has been canceled at the agency's request effective 12 p.m. November 17, 1975, pursuant to § 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act.

In order to provide an orderly continuation of needed official grain inspection services at Myrtle Grove, Louisiana, the assignment of the New Orleans Board of Trade is hereby amended to add Myrtle Grove, Louisiana, as a designated inspection point on an interim basis to be effective on November 17, 1975, and continuing until a replacement agency is formally designated, in accordance with § 26.101(c)(2) of the regulations (7 CFR 26.101(c)(2)) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.).

Interested persons are hereby afforded the opportunity to submit written views and comments with respect to the interim designation of the New Orleans Board of Trade to operate as an official inspection agency at Myrtle Grove, Louisiana, in accordance with § 26.101(c)(2) of the regulations.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk not later than December 12, 1975. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done in Washington, D.C., on: November 10, 1975.

DONALD E. WILKINSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-30656 Filed 11-11-75; 8:45 am]

Forest Service

ALASKA LUMBER AND PULP COMPANY TIMBER SALE 1976-1981 OPERATING PERIOD

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 Alaska Lumber and Pulp Company Timber Sale 1976-1981 Operating Period, USDA-FS-FES(Adm) 76-03.

The environmental statement deals with the timber harvest plan for the 1976-1981 operating period of the Alaska Lumber and Pulp Company long-term timber sale. Approximately 668 million board feet of mature Sitka spruce, western hemlock, and yellow cedar is proposed for harvest from Chichagof Island, Baranof Island, Kulu Island on the Tongass National Forest in southeast Alaska.

This draft environmental statement was filed with SCQ on November 6, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW., Washington, D.C. 20250

USDA, Forest Service, Alaska Region, Federal Bldg., Juneau, Alaska 99802

Forest Supervisor, Chatham Area, Tongass National Forest, Lloyd Center Bldg., Sitka, Alaska 99835

Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Bldg., Room 213, Ketchikan, Alaska 99901

Forest Supervisor, Stikine Area, Tongass National Forest, Federal Bldg., Petersburg, Alaska 99833

Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Suite 205, Anchorage, Alaska 99503

A limited number of single copies are available upon request to Forest Supervisor, Chatham Area, Tongass National Forest, P.O. Box 757, Sitka, Alaska 99835.

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 specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Chatham Area, Tongass National Forest, P.O. Box 757, Sitka, Alaska 99835. Comments must be received within 60 days from the date of transmittal of this environmental statement to the Council on Environmental Quality in order to be considered in the preparation of the final environmental statement.

R. MAX PETERSON,
Deputy Chief, Forest Service.

NOVEMBER 6, 1975.

[FR Doc.75-30449 Filed 11-11-75; 8:45 am]

APACHE-SITGREAVES NATIONAL FORESTS GRAZING ADVISORY BOARDS

Meeting

The Apache-Sitgreaves Grazing Advisory Boards will meet at 1:30 p.m. on November 24, 1975, at the Ramada Inn, Springerville, Arizona.

The purpose of the meeting is to elect officers for the newly formed Apache and Sitgreaves National Forests Grazing Advisory Boards. The charter and by-laws will be reviewed at this time. Others business concerning permittee and Forest Service relationships will be discussed.

The meeting will be open to the public. Persons who wish to attend may contact:

Forest Supervisor, Apache-Sitgreaves National Forests, P.O. Box 640, Springerville, Arizona, Phone No. 333-4301.

1. Those wishing to make a verbal statement are to submit written documentation and state the amount of time required to present the topic.

2. The Forest Supervisor will review all requests and inform each participant of the time allotted for their presentation.

Time permitting, other questions or statements will be received following the meeting. If not, written statements will be received.

Dated: November 4, 1975.

MILES P. HANRAHAN,
Acting Forest Supervisor.

[FR Doc.75-30398 Filed 11-11-75; 8:45 am]

BIG SWEDE-PIPE PLANNING UNITS MULTIPLE USE PLAN

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 Big Swede-Pipe Planning Units, Forest Service Report Number R1-76-8 USDA-FS-DES (Adm).

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Big Swede-Pipe Planning Units, Libby and Fisher River Ranger Districts, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 142,135 acres of National Forest lands which have been stratified into twelve management situations or units with similar resource implications.

This draft environmental statement was filed with CEQ November 4, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., SW., Washington, D.C. 20250

USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801

Supervisor's Office, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923

USDA, Forest Service, Libby Ranger District, Libby Ranger Station, Libby, MT 59923

USDA, Forest Service, Fisher River Ranger District, Canoe Gulch Ranger Station, Libby, MT 59923

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

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 specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923. Comments must be received by January 6, 1976, in order to be

considered in the preparation of the final environmental statement.

Dated: November 4, 1975.

FLOYD J. MARITA,
Forest Supervisor, Kootenai
National Forest, Northern Region.

[FR Doc. 75-30397 Filed 11-11-75; 8:45 am]

ROGUE RIVER NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

DECEMBER 12, 1975.

The Rogue River National Forest Grazing Advisory Board will meet December 12, 1975, 10 a.m., U.S. Post Office and Federal Building, Eighth and Holly, Room 204, Medford, Oregon.

The purpose of this meeting is to discuss the following:

1. The Forest's non-point pollution program.
2. Timber Management Plan review as it relates to grazing.
3. Report on Governors Executive Resource Tour on Big Butte Coordinated Resource Management Plan area.
4. Wildlife Representative Report on Big Game Harvest and Predator Control.
5. Discussion of Application of Quality Range Management and Resource Criteria.
6. Discussion of renewal of 10-year Term Permits.
7. Miscellaneous group problems.

The meeting is open to the public. Comments are invited following committee discussion of regular topics.

WILLIAM N. STANALAND,
Acting Forest Supervisor.

NOVEMBER 4, 1975.

[FR Doc. 75-30486 Filed 11-11-75; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business
Administration

GLAMORISE FOUNDATIONS, INC.

Petition for a Determination

A petition by Glamorise Foundations, Inc., of New York City, was accepted for filing on November 6, 1975, under section 251 of the Trade Act of 1974 and in conformity with Adjustment Assistance Certification Regulations for Firms, 15 CFR Part 350, 40 FR 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in items 376.24 and 376.28 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with women's body-supporting garments produced by the firm.

Any party having a substantial interest in the subject matter of the proceedings

(as described in § 350.40(b) of the regulations) may request a public hearing on the matter. A request for a hearing conforming to § 350.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, on or before November 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance)

JACK W. OSBURN, JR.,
Acting Director, Office
of Trade Adjustment Assistance.

[FR Doc. 75-30467 Filed 11-11-75; 8:45 am]

Maritime Administration

U.S. MERCHANT MARINE ACADEMY ADVISORY BOARD

Public Meeting

Notice is hereby given of a meeting of the U.S. Merchant Marine Academy Advisory Board (the Board) on December 10, 1975, at 2:30 p.m. in the Board Room at the U.S. Merchant Marine Academy, Kings Point, New York.

The Advisory Board to the United States Merchant Marine Academy was established by the Secretary of Commerce under the authority of 46 U.S.C. 1126d to examine the course of instruction and the overall management of the U.S. Merchant Marine Academy (the Academy) and advise the Assistant Secretary of Commerce for Maritime Affairs with respect thereto.

The Board consists of not more than seven members appointed by the Secretary of Commerce, selected from segments of the Maritime industry, labor, educational institutions, and other fields relating to the objectives of the Academy.

The agenda for the meeting is:

1. Call meeting to order.
2. Approval of the minutes of the September 19, 1975 meeting.
3. Reports of Advisory Board members on project assignments.
4. Discussion of legislative matters related to the U.S. Merchant Marine Academy.
5. Setting of next Board meeting.

This meeting is open to public observation, and a period will be set aside for oral comments or questions. Public statements may be submitted at any time before or after the scheduled meeting. Approximately 15 seats will be available for the public on a first-come, first-served basis.

Copies of the minutes will be available upon request.

Inquiries may be addressed to the Committee Control Officer, Kathleen A. Shetler, Office of Assistant Secretary for Maritime Affairs, Room 3731, Main Commerce Building, telephone A/C 202-967-2851.

Dated: November 10, 1975.

So ordered by Assistant Secretary of Commerce for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 75-30605 Filed 11-11-75; 8:42 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notification is hereby made of the final agenda for the meeting of the National Council on Educational Research to be held on November 21, 1975, in Room 823, at 1200—19th Street, NW., Washington, D.C. The meeting will convene at 9:30 a.m. and adjourn at 3:30 p.m. The tentative agenda appeared on page 52076 of the FEDERAL REGISTER on November 7, 1975. The National Council on Educational Research is established under section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

This meeting will be open to the public except for the closed session. The following is the revised agenda:

9:30	-----	Convene open session.
9:30-9:35	--	Approval of minutes of September 18 meeting.
9:35-10	----	Director's report.
10-11	-----	Review of actions following council resolutions, end open session.
11-12:30	---	Closed session (FY 1977 Budget).
12:30-1:30	-	Luncheon.
1:30-2	-----	Resume open session, presentation by National Education Task Force de la Raza.
2-3	-----	NIE Staff presentation on education, research issues.
3-3:30	----	Brief discussion of dissemination strategies.
3:30	-----	Adjourn.

Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below.

Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary.

The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact the Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research,
National Institute of Education, Washington, D.C. 20208, 202-354-7900.

Dated November 7, 1975.

HAROLD L. HODGKINSON,

Director,

National Institute of Education.

[FR Doc. 75-30585 Filed 11-11-75; 8:45 am]

Office of Education

FOREIGN LANGUAGE AND AREA STUDIES RESEARCH PROGRAM

Closing Date for Receipt of Proposals

Notice is hereby given that pursuant to the authority contained in section 602 of Title VI of the National Defense Education Act of 1958, as amended (20 U.S.C. 512), proposals will be accepted for contracts under the Foreign Language and Area Studies Research Program. Under this program the Commissioner is authorized to contract for studies and surveys to determine the need for increased or improved instruction in modern foreign languages and related fields, to conduct research on training methods for use in such languages and fields, and to develop specialized materials for use in training students and language teachers.

Proposals for such contracts will be treated as unsolicited proposals in accordance with Subpart 3-4.52 of the HEW Procurement Regulations (41 CFR 3-4.52). In order to be assured of consideration for funding with fiscal year 1976 funds, however, proposals must be received by the Office of Education Application Control Center on or before February 2, 1976.

A. *Proposals sent by mail.* A proposal sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.436. A proposal sent by mail will be considered to be received on time by the Application Control Center if:

(1) The proposal was sent by registered or certified mail not later than January 28, 1976, as evidenced by the U.S. Postal Service postmark on the

wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The proposal is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand delivered proposals.* A proposal to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets S.W., Washington, D.C. Hand delivered proposals will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays or Federal holidays. Proposals will not be accepted after 4 p.m. on the closing date.

C. *Program information.* Information may be obtained from the Foreign Language and Area Research Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 3928, 7th and D Streets, S.W., Washington, D.C. 20202.

D. *Applicable regulations.* The priorities and funding criteria applicable to this program were published in the FEDERAL REGISTER, 40 FR, October 29, 1975.

(20 U.S.C. 512)

(Catalog of Federal Domestic Assistance Number 13.436. Higher Education—Foreign Language and Area Research Program)

Dated: November 6, 1975.

T. H. BELL,

U.S. Commissioner of Education.

[FR Doc. 75-30483 Filed 11-11-75; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-452]

COUNTRY SQUIRE LAKES SUBDIVISION

Hearing

In the matter of Country Squire Lakes Subdivision, OILSR Nos. 0-2884-15-26, 0-02884-15-26(A-C); Docket No. 75-201-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that:

1. Hidden Valley Lake, Inc., James J. Rupel, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued September 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 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 Country Squire Lakes, located in Jack-

son County, Indiana, 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 14, 1975, 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, S.W., Washington, D.C., on December 4, 1975, at 10 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 November 20, 1975.

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 3, 1975.

By the Secretary.

JAMES W. MAST,

Administrative Law Judge.

[FR Doc. 75-30451 Filed 11-11-75; 8:45 am]

Office of the Secretary

[Docket N-75-453]

NEW COMMUNITY DEVELOPMENT CORP.

Appointment of Members of Board of Directors

Pursuant to section 729(b)(3) of the Housing and Urban Development Act of 1970. (Pub. L. 91-609), James N. Smith, Charles M. Haar and David O. Meeker, Jr. have been appointed members of the Board of Directors of the New Community Development Corporation.

Raymond L. Watson is also currently serving as a member of the Board of Directors of the New Community Development Corporation, and section 729(b)(1) of the aforementioned Act provides that the Secretary of Housing and Urban Development shall be the Chairman of the Board.

Dated: November 5, 1975.

CARLA A. HILLS,

Secretary of Housing and Urban Development.

[FR Doc. 75-30489 Filed 11-11-75; 8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-23; Notice 2]

SBARRO REPLIC BMW 328

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by the manufacturer of the Sbarro Replica BMW 328, Ateliers d'Etudes de Construction Automobiles S.a.r.l. of Yverdon, Switzerland, for temporary exemption from several Federal motor vehicle safety standards on the basis that compliance would cause it substantial economic hardship. Notice of the petition was published on August 25, 1975 (40 FR 37076) and an opportunity afforded for comment.

Petitioner manufactured 24 Sbarro Replica BMW 328 passenger cars in 1974 and has manufactured only 42 automobiles in all since commencing manufacturing in 1965. The vehicle for which it sought exemption is an open-bodied two-seater replica of the German BMW 328 sports car manufactured in the 1930's. The company requested a 1-year exemption from portions of Motor Vehicle Safety Standard No. 101, *Control Location, Identification and Illumination*, (requirements for illumination of head lamps, hazard warning, and windshield wiper controls) and Standard No. 114 (audible warning requirements). It wished a 2-year exemption from portions of Standard No. 108 (photometric requirements for front side marker lamps, backup lamps) and Standard No. 208 (audible and visible warnings). It asked for a 3-year exemption from eight additional standards: No. 201, *Occupant Protection in Interior Impact*, No. 202, *Head Restraints*, No. 203, *Impact Protection for the Driver from Steering Control System*, No. 204, *Steering Control Rearward Displacement*, No. 206, *Door Locks and Door Retention Components*, No. 212, *Windshield Mounting*, No. 214, *Side Door Strength*, and No. 215, *Exterior Protection*.

In support of its petition, it stated that it will comply with Standards Nos. 101, 108, 114 and 208 at the end of the exemption period. It needs the time to develop complying parts and to exhaust its inventory. To require immediate compliance would cause a loss of \$55,000. With respect to the standards for which a 3-year exemption is requested, it states that "we must face the conclusion that our replica cannot be engineered or tested to comply with these standards due to its appearance and our finances and construction capacities. A 1930's automobile does not lend itself to these crash tests." The company has, however, incorporated the following safety items in an attempt at least partially to meet the standards indicated: full interior padding (No. 201); double joint steering shaft tube and Volkswagen collapsible steering column assembly (No. 203, No. 204); lock striker plates

mounted within door jamb, encased in steel (No. 206); and construction of front and rear sections of vehicle from laminated polyester (No. 215). The car utilizes an upper-torso restraint, not required by Standard No. 208 for open-bodied cars. The company had a net income of \$5,884 in 1974. Denial would cost it an opportunity to enter the American market.

It argued that an exemption is in the public interest as the vehicle will be powered by propane, qualifying it for exemption also as a low-emission motor vehicle.

No comments were received on the petition.

In granting hardship exemptions pursuant to 15 U.S.C. 1410, the Administrator must determine that compliance would cause the petitioner substantial economic hardship and that the petitioner has in good faith attempted to comply with each standard from which it requests to be exempted. He must also find that the exemption is consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act. There appears to be little question that immediate compliance with all standards is not feasible for this company, whose latest annual net income was less than \$6,000, and that to require compliance as a pre-condition to entry in the American market would cause substantial economic hardship. Sbarro appears to be making a good faith effort to achieve compliance within 1 and 2 years with four standards. Its attempt to comply with the eight remaining standards, in its view, would destroy the sales appeal of the vehicle. With the exception of Standard No. 215, *Exterior Protection*, the Administrator finds it difficult to understand how such items as interior padding, improved door locks, an side door beams significantly affect the character of the replica. It is clear, however, that Sbarro lacks the financial resources to presently effect compliance, and a 3-year exemption is being granted with the expectation that Sbarro will work to achieve conformance by the end of that period. An exemption is in the public interest and consistent with the objectives of the Act since it will allow importation of a low-emission motor vehicle and afford the American consumer a choice of product not otherwise available. Because of the small number of vehicles likely to be produced under the exemption, the effect upon traffic safety should be minimal.

In consideration of the foregoing, Ateliers d'Etudes de Construction Automobiles S.a.r.l. is hereby granted NHTSA Exemption No. 75-23 from the following Federal motor vehicle safety standards (sections of Title 49, Code of Federal Regulations), expiring on the dates indicated:

October 1, 1976

Standard No. 101 (§ 571.101), *Control Location, Identification, and Illumination* (illumination of controls for headlamps, hazard warning, and windshield wiper system).

Standard No. 114 (§ 571.114), *Theft Protection* (audible warning).

October 1, 1977

Standard No. 108 (§ 571.108), *Lamps, Reflective Devices and Associated Equipment* (photometric requirements for front side marker lamps and backup lamps).

Standard No. 208 (§ 571.208), *Occupant Crash Protection* (audible and visible warnings).

October 1, 1978

Standard No. 201 (§ 571.201), *Occupant Protection in Interior Impact*.

Standard No. 202 (§ 571.202), *Head Restraints*.

Standard No. 202 (§ 571.203), *Impact Protection for the Driver from Steering Control System*.

Standard No. 204 (§ 571.204), *Steering Control Rearward Displacement*.

Standard No. 206 (§ 571.206), *Door Locks and Door Retention Components*.

Standard No. 212 (§ 571.212), *Windshield Retention*.

Standard No. 214 (§ 571.214), *Side Door Strength*.

Standard No. 215 (§ 571.215), *Exterior Protection*.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51.)

Issued on November 6, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc. 75-30527 Filed 11-11-75; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23287]

AIR FREIGHT FORWARDERS' CHARTERS INVESTIGATION

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on December 3, 1975, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., November 7, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc. 75-30499 Filed 11-11-75; 8:45 am]

[Docket No. 22859]

DOMESTIC AIR FREIGHT RATE INVESTIGATION

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on December 17, 1975, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., November 7, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc. 75-30498 Filed 11-11-75; 8:45 am]

[Docket No. 23138]

LOOMIS CORP. ET AL.

Proposed Approval Regarding Control and Interlocking Relationships

Application of Loomis Corporation, Loomis Courier Service, Inc., F. E. Baker, G. A. DeBon, O. H. Johnson, C. W. Loomis, W. F. Loomis, J. O. Wilson, and Q. M. Rochefort for exemption, approval and/or disclaimer under sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act) Docket 28138.

Notice is hereby given, pursuant to the statutory requirements of section 408 (b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until November 17, 1975 within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 7, 1975.

[SEAL] WILLIAM B. CALDWELL, JR.,
Director, Bureau of Operating Rights.

Issued under delegated authority. Application of Loomis Corporation, Loomis Courier Service, Inc., F. E. Baker, G. A. DeBon, O. H. Johnson, C. W. Loomis, W. F. Loomis, J. O. Wilson, and Q. M. Rochefort for exemption, approval, and/or disclaimer under sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act).

ORDER GRANTING APPROVAL

Loomis Corporation and Loomis Courier Service, Inc. (Loomis Courier), request exemption or approval without hearing under section 408 of the Federal Aviation Act of 1958, as amended (the Act), with respect to the control relationship described herein involving the proposed acquisition of Stanley Smith Security, Inc. (Smith), by Loomis Corporation. In addition, the aforementioned corporate applicants and F. E. Baker, G. A. DeBon, O. H. Johnson, C. W. Loomis, W. F. Loomis, J. O. Wilson, and Q. M. Rochefort, individually, seek approval or disclaimer of jurisdiction with respect to the interlocking relationships described herein.

Loomis Corporation controls all the shares of Loomis Armored Car Services, Inc. (Loomis Armored Car), which in turn controls all the shares of Loomis courier,¹ an indirect air carrier by virtue of its operating authorizations as a domestic and international air freight forwarder. Smith is primarily engaged in the private security field, and, among

other things, performs passenger-screening services mandated by U.S. Department of Transportation directive at various airports. Such activity has been interpreted by the Board to constitute a "phase of aeronautics." The applicants assert, however, that less than 10 percent of Smith's gross revenues of about \$8 million per year have been generated by these activities.

The seven individual applicants, enumerated *supra*, presently constitute a majority of the board of directors of Loomis Corporation. Three of such seven individual applicants, F. E. Baker, C. W. Loomis, and W. F. Loomis, are also directors of two Loomis subsidiaries, Loomis Armored Car and Loomis Courier, and constitute the entire board of each of those two companies. In addition, C. W. Loomis and W. F. Loomis serve as officers of the three Loomis companies, as does G. A. DeBon, another of the seven individual applicants. W. F. Loomis and C. W. Loomis each own more than 5 percent of the outstanding stock of Loomis Corporation. Should the Board consent to the instant relationships, the seven individual applicants would concurrently serve on the board of Smith. The application states that no officer or director of Loomis Corporation or Smith will hold any office or position with any air carrier or any corporation or individual engaged in a phase of aeronautics except Courier and Smith.

No comments respecting this application have been received.

Upon consideration of the facts as presented by the applicants, it is concluded that Loomis Corporation is a person controlling an air carrier, that Loomis Courier is an air carrier, and that Smith is a person engaged in a phase of aeronautics, and that, when consummated, the above-described control relationship will constitute the acquisition of control of a person in a phase of aeronautics by a person controlling an air carrier. Accordingly, the instant acquisition of control is subject to 408(a)(6) of the Act, and can only be authorized by the Board by way of approval, pursuant to section 408(b) of the Act.² However, it is found that the consummation of this control relationship will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, result in creating a monopoly, or tend to restrain competition.³ Further-

¹ Cf. Braniff Airways, Inc., and Braniff International Corporation, order 75-1-23, Jan. 7, 1975.

² Cf. Anthony Costmano *et al.*, order 75-2-89, Feb. 21, 1975; and Berwind Corporation *et al.*, order 69-11-12, Nov. 4, 1969.

³ Our assessment of the likely competitive impact of the proposed acquisition of control is based on our review of the application and related financial statements submitted by the applicants. We note that the acquiring firm, Loomis Corporation, controls a firm whose principal line of commerce is air freight forwarding. We note further that the relevant line of commerce of the acquired firm, Smith, is airport security screening. It is not our belief that any cross-elasticity of

more, no person disclosing a substantial interest in this proceeding is presently requesting a hearing, and it is therefore determined that the public interest does not require a hearing. Thus, it is found that the above-described control relationship will not be inconsistent with the public interest or fail to fulfill the conditions of section 408 of the Act. In the past, the Board has approved similar control relationships pursuant to the third proviso of section 408(b) of the Act.⁴

Notice of intent to dispose of the application without hearing has been published in the *FEDERAL REGISTER*, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following such date of publication, both in accordance with the requirements of section 408(b) of the Act.

The above-described acquisition of control also gives rise to certain interlocking relationships within the meaning of section 409 of the Act. To the extent these interlocking relationships are subject to the jurisdiction of the Board under the terms of that section and Part 251 of the Board's Economic Regulations, however, it is found that they are covered by the approval and exemption conferred by Part 287 of the Board's Economic Regulations. Accordingly, to the extent the instant application requests approval or disclaimer of jurisdiction with respect to interlocking relationships, it shall be dismissed.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.3 and 385.13, it is found that the above-described control relationship should be approved without a hearing pursuant to the third proviso of section 408(b) of the Act. All other requests in docket 28138 should be dismissed.

Accordingly, it is ordered, That:

1. The instant control relationship involving the acquisition of Smith by Loomis Corporation be and it hereby is approved pursuant to the third proviso of section 408(b) of the Act.

demand or reasonable interchangeability of use exists between these two particular lines of commerce. Accordingly, we find no significant horizontal competitive overlap should result from this acquisition. Also, we have found no evidence indicating a subjective intent on the part of Loomis Corporation to make a *de novo* entry into the airport security screening business, or that Loomis Corporation should otherwise be viewed as a likely potential entrant into that market on a *de novo* basis. It would not appear then that the instant acquisition of control will eliminate a significant potential entrant (and new competitor) into the airport security screening business. Further, we do not consider the airport security screening business to be an unduly concentrated industry, nor have we been able to discern a significant trend towards concentration in this industry. Accordingly, we have determined that the proposed acquisition of control will not violate traditional merger guidelines.

⁴ Cf. Pan American World Airways, order 75-5-117, May 29, 1975.

¹ This relationship was the subject of application of Loomis Corporation *et al.*, order 69-5-50, May 13, 1969.

2. Except to the extent noted above, all other requests in docket 28138 be and they hereby are dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days from the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

[FR Doc. 75-30502 Filed 11-11-75; 8:45 am]

[Docket No. 28417]

PAN AMERICAN WORLD AIRWAYS, INC.

Proposed Approval

Application of Pan American World Airways, Inc., for approval under section 408 of the Federal Aviation Act of 1958, as amended, or an exemption pursuant to section 416 thereof, Docket 28417.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until November 17, 1975 within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 6, 1975.

[SEAL] WILLIAM B. CALDWELL, Jr.,
Director, Bureau of
Operating Rights.

Issued under delegated authority. Application of Pan American World Airways, Inc., for approval under section 408 of the Federal Aviation Act of 1958, as amended, or an exemption pursuant to section 416 thereof.

ORDER OF APPROVAL

Pan American World Airways, Inc. (Pan American), seeks approval without a hearing pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), or in the alternative, seeks an exemption pursuant to section 416(b) thereof, of the sales transaction described herein.

Pan American and Alaska Airlines, Inc. (Alaska), have entered into agreements pursuant to which Pan American will sell to Alaska five B-727 aircraft at a price of \$2.825 million per airplane and spare engines at a total price of \$674,000, and Alaska will transfer to Pan American four B-720 aircraft for a total of \$1.6 million.

Pan American is a certificated air carrier holding domestic trunkline and international authorizations.

Alaska is a certificated air carrier holding domestic and international authorizations.

Pan American has filed for Board action the agreement involving Alaska's sale of four B-720's, contending that the sale by Pan American is not subject to

section 408 of the Act because the aircraft involved do not constitute a sufficient portion of Pan American's fleets.¹

The four B-720's to be sold by Alaska pursuant to the agreement which has been submitted for Board action will constitute 25 percent of the number of aircraft in Alaska's fleet, 27 percent of the seating capacity of its fleet, and 4 percent of the fleet's book value.

In support of the application, the applicant contends that the five B-727's to be acquired by Alaska are better suited to its operations than the B-720's it will be selling; that the sales of aircraft are arm's-length transactions; that the net effect of the transactions will be to increase Alaska's seating capacity; that Part 299 of the Board's Regulations would have permitted exemption had not the aircraft exceeded permissible percentages of Alaska's capacity; that the Board has authorized similar transactions in the past;² that the Board has granted rapid approval of transactions involving aircraft when it found unusual circumstances affecting the party acquiring aircraft;³ that Pan American is affected by unusual circumstances in international air transportation; and that the transfer of the four aircraft from Alaska to Pan American would not affect the control of an air carrier directly engaged in operation of aircraft, does not result in creating a monopoly, and does not restrain competition.

No objections to this application or requests for a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the five B-727's to be sold by Pan American as part of this transaction do not constitute a substantial part of the property of an air carrier and that, as a result, the transaction is not subject to section 408 of the Act. It is

¹ As of June 30, 1975, the five B-727's constituted 4.5 percent of the number of aircraft in Pan American's fleet, 1.5 percent of the book value of aircraft in its fleet, and 2.3 percent of the aircraft load capacity of its fleet. Based on these figures and an analysis of the agreement involving the sale of the B-727's which was filed with the Board for information purposes, the aircraft do not appear to constitute a substantial part of the properties of Pan American. (Cf. PAA-Panagra aircraft lease, order E-23631, May 3, 1966.) The Board has in the past disclaimed jurisdiction in aircraft sales transactions involving similar circumstances. (See orders 70-11-13 and 70-11-14, Nov. 4, 1970.)

² See Continental Sale of Equipment, order E-23063, Dec. 30, 1965. In this order, the Board approved the sale by Continental Airlines of 42 percent of the number of its aircraft and 27 percent of its seating capacity for the purpose of acquiring more suitable aircraft and raising capacity.

³ See AAXICO-Saturn Lease Exemption, order E-22087, Apr. 27, 1965.

further concluded that the four B-720's to be sold by Alaska do constitute a substantial part of the property of an air carrier and that the transaction involving them is subject to section 408 of the Act. However, it is further concluded that the transaction will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, or tend to unreasonably restrain trade, substantially lessen competition, or create a monopoly. This sale agreement was entered into after arm's-length bargaining and there appear to be no interlocking or control relationships between Pan American, Alaska Airlines, or any of their affiliates. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It does not appear that the transaction will impair Alaska's ability to perform its certificate obligations inasmuch as the purchase by Alaska of five B-727's to which the sale of its four aircraft is tied will have the net effect of increasing Alaska's capacity.

The transaction for which approval is sought is similar to others which have been authorized by the Board and does not raise any new substantive issues.⁴ Accordingly, on the basis of these facts, we find that the above-described sales agreement is not adverse to the public interest or otherwise in violation of the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing transaction should be approved, under section 408(b) of the Act, without a hearing pursuant to the third proviso thereof, and that, to the extent not granted herein, the application should be dismissed.

Accordingly, it is ordered, That: 1. The subject sales agreement involving the sale of four B-720's by Alaska Airlines, Inc., to Pan American World Airways, Inc., be and it hereby is approved; and 2. Except to the extent specifically granted herein, the application in docket 28417 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon the expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

[FR Doc. 75-30501 Filed 11-11-75; 8:45 am]

[Docket No. 28440; Order 75-11-23]

VARIOUS CARRIERS

Order Dismissing Complaint Regarding Domestic Passenger-Fare Increase

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of November 1975.

⁴ See n. 2, *supra*.

By tariff revisions¹ marked to become effective November 15, 1975, all ten domestic trunkline and eight regional carriers² operating within the 48 contiguous states and the District of Columbia, propose a three percent general increase in the level of their passenger fares. In their justifications, the carriers argue essentially that such an increase is warranted under the analysis contained in Order 75-9-115, September 30, 1975, even without consideration of any additional factors which have taken place since that time.

A complaint has been filed by the Honorable John E. Moss, et al., Members of Congress (MOC), requesting the Board to investigate the issue of price elasticity, contending that "the public cannot sustain another temporary period of depressed revenues."³ The complainant also contends that the Board has approved several fare increases over the past few years through automatic application of its DPFI regulatory standards. In summary, the complainant believes that the proper course of action for the Board would be to suspend the proposed increase and to institute an investigation to determine the effect of the proposed fares upon the movement of traffic.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposals, and consequently the request for suspension will be denied and the complaint dismissed.

The carriers have correctly concluded that application of the Board's ratemaking approach, explained fully in Orders 75-6-72 and 75-8-99, with the inclusion of a three percent fare increase, results in a ratemaking return on investment of 11.98 percent (See Attachment A below). Accordingly the proposed three percent fare increase is justified. No argument has been advanced that an increase in revenue is not needed to offset experienced increases in airline costs.

The Board has extensively and repeatedly discussed the question of price elasticity raised by the complaint in disposing of similar complaints previously filed by MOC.⁴ The thrust of the complaint, once again, is that the Board should suspend the proposed fare increase because it may have a sufficiently adverse impact on traffic to temporarily reduce revenues. However, the Board answered this argument in detail in Order 74-3-43, March 8, 1974, wherein it stated:

Moreover, even assuming the correctness of MOC's assertion that the demand for air transportation has become relatively more

price-elastic, it would not follow that the proposed fare increases are unwarranted. As the Board determined in the DPFI, the level of passenger fares must be based on the long-term unit costs of providing air transportation. The fact that a fare increase might temporarily depress revenues would not warrant disapproval if the increase were necessary to cover the unit costs of operation. Failure to permit such increases would in the long run result either in an insufficient level of earnings for the carriers or an inadequate level of service to the public. (p. 4)

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly

APPENDIX A.—Domestic trunk industry rate of return on investment 48-State scheduled passenger service for the 12 mo ended June 30, 1975

[Dollar amounts in thousands]

	Actual (1)	DPFI adjustments ¹ (2)	Other adjustments ² (3)	Col. 3 including a 3-pct fare increase (4)
RPM's (millions).....	104,641	99,041	98,010	96,003
ASM's (millions).....	199,053	179,942	178,200	174,551
Percent load factor.....	52.6	55.0	55.0	55.0
Yield (cents).....	7.7500	8.0939	8.2162	8.4626
Passenger revenue.....	\$8,109,740	\$8,016,250	\$8,052,651	\$8,124,376
Operating revenue.....	8,313,066	8,219,570	8,255,977	8,327,702
Operating expense.....	8,014,578	7,163,790	7,629,129	7,472,579
Operating profit.....	298,487	1,055,780	626,847	855,123
Interest.....	221,025	184,490	181,992	178,158
Income before tax.....	77,462	869,297	444,855	676,965
Income tax at 48 pct.....	37,182	417,262	213,530	324,943
Net income.....	40,280	452,034	231,325	352,022
Return element.....	261,305	636,524	413,317	530,180
Investment.....	5,469,787	4,574,809	4,518,553	4,425,471
Percent rate of return on investment.....	4.79	13.91	9.15	11.98

¹ Removal of all discount fares, standard seating, and 55 pct standard load factor.

² Includes col. 2 adjustments plus cost factor, annualization of fare increases, plus adjustments for utilization and belly cargo.

NOTE.—The details of the Board's analysis are available for public inspection in the public reference room.

[FR Doc.75-30503 Filed 11-11-75;8:45 am]

[Docket No. 28213]

**YUSEN AIR & SEA SERVICE COMPANY,
LTD., (JAPAN) AND YUSEN AIR & SEA
SERVICE (U.S.A.), INC.**

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 11, 1975, at 10:00 a.m. (local time) in Room 1003B, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before November 28, 1975.

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

Dated at Washington, D.C., November 5, 1975.

[SEAL] **ROBERT L. PARK,**
Chief Administrative Law Judge.

[FR Doc.75-30500 Filed 11-11-75;8:45 am]

sections 204(a), 403, 404 and 1002 thereof:

It is ordered, That: (1) The complaint in Docket 28440 is dismissed, and

2. Copies of this order be served on all certificated scheduled carriers operating between points within the 48 contiguous states and the District of Columbia, and the Honorable John E. Moss, et al., Members of Congress.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

EDWIN Z. HOLLAND,
Secretary.

**COMMODITY FUTURES TRADING
COMMISSION**

**ADVISORY COMMITTEE ON REGULATION
OF COMMODITY FUTURES TRADING
PROFESSIONALS**

Change in Meeting Place

Notice is hereby given of a change in the location of the meeting for the Commodity Futures Trading Commission Advisory Committee on Regulation of Commodity Futures Trading Professionals.

The Committee will meet on November 18, 1975 at 10 a.m. at the Madison Hotel, 15th and M Streets, NW., Washington, D.C. in Executive Chambers 2 and 3, rather than at 1120 Connecticut Avenue NW., Washington, D.C., in Room 925, as previously stated in the FEDERAL REGISTER of October 30, 1975 (40 FR 50558).

Dated: November 7, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity
Futures Trading Commission.

[FR Doc.75-30469 Filed 11-11-75;8:45 am]

¹ Revisions to Airline Tariff Publishers Company, Agent C.A.B. No. 249.

² Air New England, Inc. has not so far filed for the increase.

³ The National Passenger Traffic Association, Inc. filed a statement of its position in opposition to the proposed increase.

⁴ Order 73-11-93, November 20, 1973; Order 74-3-43, March 8, 1974; Order 74-3-96, March 22, 1974; and Order 74-11-62, November 14, 1974.

ADVISORY COMMITTEE ON REGULATION OF CONTRACT MARKETS AND SELF-REGULATORY ASSOCIATIONS

Change in Meeting Place

Notice is hereby given of a change in the location of the meeting for the Commodity Futures Trading Commission Advisory Committee on Regulation of Contract Markets and Self-Regulatory Associations.

The Committee will meet on November 24, 1975 at 10:00 a.m. at the Statler Hilton Hotel, 16th and K Streets, NW., Washington, D.C., in the Gallery Room, rather than at 1120 Connecticut Avenue, NW., Washington, D.C., in Room 925, as previously stated in the FEDERAL REGISTER of October 30, 1975 (40 FR 50558-9).

Dated: November 7, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity
Futures Trading Commission.

[FR Doc.75-30468 Filed 11-11-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GENERAL TECHNICAL ADVISORY COMMITTEE

Meeting

NOVEMBER 7, 1975.

The General Technical Advisory Committee will hold a meeting on December 8, 1975, at the Argonne National Laboratory, Argonne, Illinois, Building 362, Auditorium. The meeting will be open to the public and will begin at 9 a.m.

The following agenda items will be discussed:

- 9-9:30 ----- Opening remarks by Dr. Philip C. White, Assistant Administrator for Fossil Energy.
- 9:30-10:30 - Demonstration Plant Program chaired by George R. Rial, Director, Division of Fossil Demonstration Plants; GTAC members to discuss and comment upon.
- 10:30-11:30 - Synthetic Fuels Commercialization Program chaired by Mr. Harry R. Johnson, Director, Office of Program Planning and Analysis; GTAC members to discuss and comment upon.
- 11:30-12:30 - Fossil Energy MHD Program chaired by Dr. William D. Jackson, Director, Division of MHD; GTAC members to discuss and comment upon.
- 12:30-1:30 - Recess for Lunch.
- 1:45-2:45 -- ERDA role of National Laboratories and Energy Research Centers by Dr. Michael I. Yarymovych, Assistant Administrator for Laboratory and Field Coordination.
- 2:45-3:15 -- Discussion on roles of Laboratories and Energy Research Centers.

- 3:15-4:15 -- ERDA and Fossil Energy University Program by Mr. Colonel C. Armstrong, Assistant Director for Operations, Division of University Manpower and Development Programs and Dr. Paul C. Scott, Acting Assistant Director, University Relations, Division of Fossil Energy Research.
- 4:15-5 ----- General Discussion.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than December 28, 1975, to Mr. George Fumich, Jr., Secretary, General Technical Advisory Committee, U.S. Energy Research and Development Administration, Fossil Energy, Washington, D.C. 20545. Comments shall be based on the above agenda items.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on December 5, 1975, to the Office of the Secretary of the Committee on (202) 376-4644 between 8:30 a.m. and 5 p.m., eastern time.

(c) Questions at the meeting may be propounded only by members of the General Technical Advisory Committee.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) Copies of the minutes will be made available by copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee
Management Officer.

[FR Doc.75-30347 Filed 11-11-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 455-2; PP22]

ATLANTIC AND PACIFIC RESEARCH, INC. Filing of Pesticide Petition

Atlantic and Pacific Research, Inc., PO Box 14366, N. Palm Beach FL 33408, has submitted a petition (PP 6F1691) to the Environmental Protection Agency which proposed the establishment of a regulation (40 CFR Part 180) exempting the plant growth regulator aqueous extract of seaweed meal from the requirement of a tolerance for residues. The proposed analytical method for deter-

mining residues is a radish leaf bioassay procedure.

Notice of this submission is given pursuant to the provisions of 408(d)(1) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice 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 others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "PP 6F1691". 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: November 4, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-30392 Filed 11-11-75;8:45 am]

[FRL 455-1; OPP-180046]

DEPARTMENT OF AGRICULTURE

Crisis Exemption To Control West Indian Sugarcane Root Borer on Citrus in Florida

Pursuant to the provisions of Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the U.S. Department of Agriculture (USDA) has availed itself of a crisis exemption for use of the pesticide heptachlor to control the West Indian sugarcane root borer on citrus crops outside an established quarantine area near Apopka, Florida. This exemption is subject to the provisions of §§ 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the USDA has submitted in writing the following certified information.

According to the USDA, the West Indian sugarcane root borer (*Diaprepes abbreviatus*) poses a serious threat to U.S. citrus production. This exotic beetle became established in the United States in 1968 in Apopka, Orange County, Florida. The adult beetles feed on foliage of a variety of plants; the host range is wide, including many commercial crops, especially sugarcane and citrus. At present, there are no pesticides registered to control this pest on citrus.

Treatment and eradication efforts began on July 7, and were completed on

July 15, 1975. Initially, the USDA indicated that approximately 250 acres outside an established quarantine area would be treated; however, only 144 acres of infested grove outside that area were treated with approximately 720 pounds of heptachlor. A soil application of 10 percent granular heptachlor was applied at 5 pounds actual per acre, using ground equipment. The heptachlor was disked into the top 3 inches of the soil. This 144 acre infested grove is located near Forest City, Seminole County, Florida. The program was directed by the Plant Protection and Quarantine Programs' personnel in Florida. A monitoring program is in operation to detect trends in the change of heptachlor residues in environmental components through time.

The official file concerning this exemption is available for inspection in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room E-347, Washington, D.C. 20460.

Dated: November 5, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc. 75-30391 Filed 11-11-75; 8:45 am]

[FRL 455-3; OPP-33000/335]

RECEIPT OF APPLICATIONS 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 (38 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. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, DC 20460.

On or before January 12, 1976, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation 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, 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 Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Pro-

grams, 401 M Street, SW., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60-day period has expired. If no claims are received within the 60-day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60-day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 12, 1976.

Dated: November 5, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED

EPA Reg. No. 3125-277. Chemagro Agricultural Div., Mobay Chem. Corp., Box 4913, Kansas City MO 64120. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4 - Amino-6-(1,1-dimethylethyl) - 3 - (methylthio)-1,2,4-triazin-5 (4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 3125-210. Chemagro Agricultural Div. DYLOX 4 INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1 hydroxyethyl) phosphonate 39%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM16

EPA Reg. No. 3125-184. Chemagro Agricultural Div. DYLOX 80% SOLUBLE POWDER CROP INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1 hydroxyethyl) phosphonate 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM16

EPA Reg. No. 3125-143. Chemagro Agricultural Div. DYLOX LIQUID SOLUTION INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1 hydroxyethyl) phosphonate 40.5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM16

EPA Reg. No. 3125-49. Chemagro Agricultural Div. DYLOX 50% SOLUBLE POWDER CROP INSECTICIDE. Active Ingredients: Dimethyl (2,2,2-trichloro-1 hydroxyethyl) phosphonate 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM16

EPA Reg. No. 464-372. The Dow Chem. Co., 2030 Dow Center, PO Box 1706, Midland MI 48640. DOW HOSPITAL TOILET CLEANER. Active Ingredients: o-phenyl phenol 0.38%; Tetrasodium ethylenediamine tetraacetate 1.85%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA Reg. No. 1471-96. Elanco Products Co., Div. of Eli Lilly & Co., PO Box 1750, Indianapolis IN 46206. SURFLAN. Active Ingredients: oryzalon (3,5-dinitro-N₄N₄-dipropylsulfanilamide) 75%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM25

EPA Reg. No. 1471-85. Elanco Products Co. TREFLAN EMULSIFIABLE CONCENTRATE. Active Ingredients: trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 44.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised precautionary labeling. PM23

EPA Reg. 1471-35. Elanco Products Co. TREFLAN. Active Ingredients: trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 44.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised precautionary labeling. PM23

EPA File Symbol 402-RR1. Hill Mfg. Co., Inc., 1500 Jonesboro Rd. SE, Atlanta GA 30315. SCORCH. Active Ingredients: 2,4-bis (isopropylamino) 6-methoxy-s-triazine 3.12%; Pentachlorophenol 1.12%; Other Chlorinated Phenols 0.13%; Xylene 82.59%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 11540-8. Micro-Gen Equipment Corp., 8127 Vidor Dr., San Antonio TX 78216. ULD V-500 5% VAPONA INSECTICIDE. Active Ingredients: Dichlorvos, 2,2-dichlorovinyl dimethyl phosphate 4.56%; Related Compounds 0.35%; Petroleum distillates 15.10%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM13

EPA File Symbol 3635-ERN. Oxford Chem., PO Box 80202, Atlanta GA 30341. OXFORD 1220. Active Ingredients: Isopropanol 10.50%; Tetrasodium ethylenediamine tetraacetate 4.24%; Sodium xylene sulfonate 2.10%; Sodium ortho-benzyl-parachlorophenolate 4.67%; Sodium para-tertiarybutylphenolate 2.15%; Sodium ortho-phenylphenolate 2.21%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 3635-ERR. Oxford Chem., PO Box 80202, Atlanta GA 30341. OXFORD 1217. Active Ingredients: Isopropanol 11.30%; Sodium Xylene Sulfonate 4.40%; Sodium ortho - benzyl-parachlorophenolate 4.54%; Sodium para-tertiary butylphenolate 8.98%; Tetrasodium ethylenediamine tetraacetate 3.80%; Sodium ortho-phenylphenolate 4.20%; Sodium mono and dimethyl naphthalene sulfonate 1.94%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 36139-R. Petrochemicals Co., Inc., 2001 N. Grove St., Fort Worth TX 76106. FORMULA 114-74-3. Active Ingredients: o-Benzyl-p-chlorophenolate 7.2%; o-Phenylphenolate 4.3%; p-tert-Amylphenolate 2.8%; 4 and 6-Chloro-2-phenylphenolate 0.5%; Isopropanol 15.0%; Tetra Sodium ethylenediamine tetraacetate 4.6%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 476-ERTI. Stauffer Chem. Co., 1200 S. 47th St., Richmond CA 94804. INDIAN TECHNICAL. Active Ingredients: N-(mercaptomethyl) phthalimide, S-(O,O-dimethyl Phosphorodithioate) 90.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 476-ERTT. Stauffer Chem. Co., 1200 S. 47th St., Richmond CA 94804. PROLATE TECHNICAL ORGANOPHOSPHORUS INSECTICIDE. Active Ingredients: N-(mercaptomethyl) phthalimide, S-(O,O-dimethyl phosphorodithioate) 94.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 1043-TE. Vestal Lab. Div., Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. VESTAL 8-L. Active Ingredients: Sodium o-phenylphenolate 6.8%; Sodium o-benzyl-p-chlorophenolate 4.6%; Tetrasodium ethylenediamine tetraacetate 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 1043-TN. Vestal Lab. Div., Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. VES-PHENE-L. Active Ingredients: Sodium o-phenylphenate 13.6%; Sodium o-benzyl-p-chlorophenolate 9.3%; Tetrasodium ethylenediamine tetraacetate 1.0%; Fragrances 0.5%. Method of Support: Application proceeds under 2(a) of interim policy, PM32

[FR Doc.75-30353 Filed 11-11-75; 8:45 am]

[OFF-180955A; FRL 455-7]

DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Control the Oriental Fruit Fly in California

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the U.S. Department of Agriculture (hereafter referred to as the "Applicant") to use a toxicant, viscid bait consisting of 88 percent methyl eugenol, 5 percent Naled and 7 percent Thixcin E; a toxicant bait consisting of 4 parts Staley's No. 7 protein bait and 1 part Malathion; and a Diazinon (50 percent wettable powder) spray for the control of recently established infestations of the Oriental fruit fly located in San Diego County and the municipality of National City, California. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the Oriental fruit fly (*Dacus dorsalis* Hendel) is one of the most destructive pests of fruits and vegetables. It attacks over 150 crop species, including apricots, avocados, citrus, figs, mangoes, papayas, peaches, pears, peppers, and tomatoes, as well as ornamental plants. This insect thus poses a serious economic threat to the fruit and vegetable industries in the United States. The Oriental fruit fly has been detected in California numerous times in the past 13 years, but eradication has nearly always been possible by male annihilation techniques. Previous to the present situation, the most recent eradication effort occurred on September 24, 1974, when the Applicant availed itself of a crisis exemption to control this pest in San Diego County and the municipalities of San Diego, La Jolla, and Los Angeles. In January of 1975, the EPA authorized a specific exemption to the Applicant for calendar year 1975 to control the Oriental fruit fly in the specified areas of California. On June 6, 1975, the Applicant withdrew its request for a spe-

cific exemption because the pest was declared to be eradicated from California.

However, on September 5, 1975, the Applicant again exercised its prerogative in availing itself of another crisis exemption regarding this pest, and so notified the Administrator. In addition, in accordance with § 166.8(c) of the controlling regulations, the Applicant requested a specific exemption for use of Diazinon, Naled, and Malathion, since it was obvious that treatment pursuant to the crisis exemption would continue for more than a total of fifteen (15) days. The treatment area is approximately 90 square miles in San Diego County and National City, California. At present, there are no pesticides registered specifically to control the Oriental fruit fly because the pest is not endemic to the Continental United States.

In terms of the pesticides to be used, pesticide products containing Malathion as the active ingredient are currently registered to control fruit flies in Hawaii. Residue tolerances for Diazinon have been established (except on grains), and application of Diazinon WP foliage sprays is a recognized use pattern. Naled is registered for use on citrus crops as a foliage application. Methyl eugenol is an attractant and Thixcin E is a thickening agent, both of which pose no known threat to man or the environment. The Applicant will use a lure bait, consisting of 7 percent Thixcin E, 88 percent methyl eugenol, and 5 percent Naled, applied at the rate of 3 to 5 milliliters per station in and around the treatment area. The Applicant will also use a Diazinon soil drench (50 percent wettable powder at the rate of 0.25 pounds actual Diazinon per 100 gallons of water) under all host plants where Oriental fruit fly larvae are detected in fruits. Spot applications of a Malathion bait spray will also be made when such larvae are discovered. The amounts of pesticides to be used in the control program will be 10, 200, and 1,000 pounds of actual Diazinon, Naled, and Malathion, respectively. Thus, the amounts of pesticides to be used are small. Economic benefits in eradication of this pest are high since economic losses can also be high if the pest becomes established. The controls proposed will be adequate to prevent misuse of the pesticides and prevent any serious short-term or long-term adverse environmental effects.

After reviewing the application and other available information, EPA has determined that: (a) a pest outbreak of the Oriental fruit fly has occurred; (b) there is no pesticide presently registered and available for use to control the Oriental fruit fly in California; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the Oriental fruit fly is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticides noted above for con-

trol of the Oriental fruit fly in California. The specific exemption is also subject to the following additional provisions:

1. The pesticide treatments shall be limited to the California infestations delineated above;
2. The amounts of pesticides to be used in the eradication program will be 10, 200, and 1,000 pounds of actual Diazinon, Naled, and Malathion, respectively;
3. Precautions will be taken to preclude Diazinon spray drift from contaminating small grains; and
4. The specific exemption expires October 21, 1976.

The Applicant has agreed to provide the additional data required for registration of Diazinon, Malathion bait, and a bait consisting of 88 percent methyl eugenol, 5 percent Naled and 7 percent Thixcin E for control of the Oriental fruit fly. The Applicant has further agreed to carry out one of the following three courses of action with regard to these three pesticides:

1. Submit an application for registration;
2. Ensure that an application for registration is submitted by another party; or
3. Withdraw the use of these pesticides no later than October 21, 1976, provided, however, that there are no external conditions which disrupt the planned research or methods development program, making it impossible to obtain the data necessary for registration.

Dated November 6, 1975.

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

[FR Doc.75-30526 Filed 11-11-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO ASTRONOMY SERVICE WORKING GROUP FOR 1979 ITU WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

NOVEMBER 7, 1975.

An organizational meeting of the Radio Astronomy Service Working Group for the 1979 General World Administrative Radio Conference is scheduled to be held on Wednesday, November 26, 1975, at 9:30 a.m. in Room 752 of the Commission's offices located at 1919 M Street NW., Washington, D.C. Additionally, there will be a preliminary discussion on the interface of problems between the FCC and the issues raised in the Committee on Radio Frequencies working papers.

Membership is restricted to members of the Sub-Committee on Radio Astronomy, Committee on Radio Frequencies, National Academy of Science and to interested Federal Government representatives; however, attendance at this meeting will be open to the general pub-

lic and any written comments will be accepted.

FEDERAL COMMUNICATIONS
COMMISSION

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-30627 Filed 11-11-75; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

ALLOCATION OF FEEDSTOCK TO SYNTHETIC NATURAL GAS FACILITY

Petition for Assignment of Base Period Volume and Supplier

On July 31, 1974, the Federal Energy Administration issued a Statement of Policy and Special Rule governing the allocation of petroleum feedstocks to synthetic natural gas (SNG) plants (39 FR 27910, August 2, 1974). The special rule sets forth the criteria which are to be considered by the FEA in granting or denying the petition of an SNG manufacturer for assignment or adjustments of its base period volume under § 211.29 of FEA's Mandatory Petroleum Allocation Regulations (10 CFR 211.29). In the introduction to its statement of policy, the FEA indicated that such petitions would generally be considered on a case-by-case basis. The case-by-case approach was adopted to develop fully the information necessary to ascertain the effects on competing energy users of an allocation decision respecting a given SNG facility.

The Statement of Policy further provided that "in specific cases, opportunity will be afforded interested parties to challenge or support the implementation of this policy through factual or legal presentation." FEA has determined that personal service of notice on all persons who might be aggrieved by the issuance of a decision and order on an SNG petition is impracticable since such persons are not, at this point, readily identifiable. Therefore, in accordance with the July 31, 1974 statement and pursuant to the provisions of 10 CFR 205.23 and 205.33 the FEA hereby provides notice of a petition requesting a base period volume of 2,550,100 barrels per year of butane for the Commonwealth Natural Gas Corporation's SNG plant located at Chesapeake, Virginia. The output of SNG is 30 million cubic feet per day. Tropigas International Corporation, Coral Gables, Florida and Hideca Petroleum Corporation, Houston, Texas would be the designated suppliers of the feedstock.

A file containing all information and data filed in conjunction with this petition, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 U.S.C. 552, will be made available for public inspection and copying at the Freedom of Information Office Public Reading Room, Room 3120, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Written comments regarding this petition will be accepted and considered if filed on or before November 24, 1975. Any person submitting written comments with respect to the petition of Commonwealth Natural Gas Corporation should comply with the requirements of 10 CFR 205.23 or 205.33 of the FEA procedural regulations, as appropriate. Comments should be submitted to the Office of Specialty Fuels and Products, Federal Energy Administration, Room 6318, 2000 M Street NW., Washington, D.C. 20461. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation "Allocation of Petroleum Products to Commonwealth Natural Gas Corporation's SNG Plant." Five copies should be submitted.

Dated: November 7, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-30524; Filed 11-7-75; 4:25 pm]

CONFERENCE TO DISCUSS POWER PLANT PRODUCTIVITY

Meeting

Notice is hereby given that a "Conference to Discuss Power Plant Productivity," will be held from 8:30 a.m. to 6 p.m., December 2, 1975, in Room 250 of the Federal Energy Administration at 2626 West Mockingbird Lane, Dallas, Texas.

The purpose of the conference is to provide for an exchange of information and ideas among owner/operators of nuclear and large fossil-fired electric power generating units aimed at improving the productivity of these units.

Invitees to the conference will be from electric utilities located in FEA Region VI, i.e., New Mexico, Oklahoma, Arkansas, Louisiana and Texas that own/operate or have under construction or in planning nuclear and 390 megawatts and larger oil or coal-fired generating units.

The agenda for the meeting is as follows:

- 8:30-8:45 -- FEA Introductory Remarks.
- 8:45-9:15 -- FEA Status Report on Actions to Implement Recommendations Contained in Report on Improving the Productivity of Electric Power Plants.
- 9:15-12 -- Utility Statements.
- 12-1:30 -- Lunch Break.
- 1:30-4:30 -- Utility Statements.
- 4:30-5:30 -- Statements by Others.
- 5:30-6 -- Summary by FEA & Questions/Answers.
- 6 -- Adjourn.

The meeting is open to the public. The meeting chairman 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 conference chairman will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements should

inform Bob Nelson (202) 961-6193, at least five days before the meeting and reasonable provisions will be made for their appearance on the agenda. Further information concerning this meeting may be obtained from Mr. Nelson.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C., and Dallas, Texas.

FEA intends to hold similar meetings in the near future in Boston, Massachusetts and Atlanta, Georgia. These will be announced in the FEDERAL REGISTER.

Issued at Washington, D.C. on November 9, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-30580 Filed 11-10-75; 11:50 am]

FEDERAL MARITIME COMMISSION BARBER LINES, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 24, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

In the matter of Barber Lines, A/S; Black Star Line; Compagnie Maritime Belge, S.A.; Compagnie Maritime Des Chargeurs Reunis, S.A.; Compagnie Maritime Zairoise, S.A.R.L.; Dafra Lines; Delta Steamship Line, Inc.; Elder Dempster Lines, Ltd.; Farrell Lines Inc.; Nopal West Africa Line.

Notice of agreement filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Agreement No. 10159-1, among Barber Lines, A/S; Black Star Lines; Compagnie Maritime Belge, S.A.; Compagnie Maritime Des Chargeurs Reunis, S.A.; Compagnie Maritime Zairoise, S.A.R.L.; Dafra Lines; Delta Steamship Line, Inc.; Elder Dempster Lines, Ltd.; Farrell Lines Inc. and the Nopal West Africa Line, all of whom are members of the American West African Freight Conference, will amend Agreement No. 10159, a rationalization agreement, to include as a party thereto Westwind Africa Line Ltd.

Dated: November 7, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-30492 Filed 11-11-75; 8:45 am]

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 2, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esquire, Billing, Sher & Jones, P. C., Suite 300, 1126 16th Street, NW., Washington, D.C. 20036.

Agreement No. 9615-18, among the member lines of the above-named conference, modifies the basic agreement to provide for a scale of increased maximum fines for succeeding violations of the agreement.

Dated: November 7, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-30491 Filed 11-11-75; 8:45 am]

LYKES BROS. STEAMSHIP CO. INC. AND CAROLINA SHIPPING CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 2, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Esquire, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10190, between Lykes Bros. Steamship Co., Inc. and Carolina Shipping Company of Charleston, South Carolina, is an agency agreement whereby Lykes appoints Carolina to act as its sub-agent at the ports of Charleston, Port Royal and Georgetown, South Carolina to handle its interests in connection with calls on vessels owned and chartered by Compagnie Nationale Algerienne de Navigation (CNAN).

Dated: November 7, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-30493 Filed 11-11-75; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-188]

ALABAMA POWER CO.

Filing of Initial Rate Schedule

NOVEMBER 4, 1975.

Take notice that Alabama Power Company on October 20, 1975, tendered for filing an Agreement with Tallapoosa River Electric Cooperative, Inc., intended as an initial rate schedule. The filing is for the proposed Newsite delivery point of the Tallapoosa River Electric Cooperative, Inc., and increase of capacity at the Browns-Uchee (Uchee) delivery point. The delivery points will be served under the Company's Revision No. 1—Rate Schedule REA-1 incorporated in FPC Electric Tariff, Original Volume No. 1, of Alabama Power Company as allowed to become effective, subject to refund, by Commission Order dated September 12, 1974, in FPC Docket No. E-8851.

Copies of the filing were served upon Tallapoosa River Electric Cooperative, Inc., and its attorneys of record, in FPC Docket No. E-8851.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 25, 1975. Protests will be considered by the Commission in determining the appropriate actions 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. 75-30406 Filed 11-11-75; 8:45 am]

[Docket No. ER76-195]

ARKANSAS-MISSOURI POWER CO.

Cancellation

NOVEMBER 4, 1975.

Take notice that on October 28, 1975, Middle South Services, Inc., as agent for Arkansas-Missouri Power Company, tendered for filing a notice of cancellation of Supplement No. 2 to Rate Schedule FPC No. 36, filed with the Commission by Middle South Services, Inc., as agent for Arkansas-Missouri Power Company. This rate schedule between the power company and the Union Electric Company became effective on September 1, 1974.

The company requests an effective date of December 1, 1975 for this cancellation. Notice of the proposed cancellation has been served on the Union Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 25, 1975. Protests will be considered by the Commission in determining the appropriate actions 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.

tion 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 November 17, 1975. 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.75-30407 Filed 11-11-75;8:45 am]

[Docket Nos. RP72-122 (PGA 76-1), RP75-86]

COLORADO INTERSTATE GAS CO.

Extension of Procedural Dates

NOVEMBER 4, 1975.

On October 23, 1975, Colorado Interstate Gas Company (CIG) filed a motion to extend the procedural dates fixed by order issued September 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of CIG and Small Producer Testimony, January 6, 1976.

Service of Intervenor and Staff Testimony, February 3, 1976.

Service of CIG and Small Producer Rebuttal, February 17, 1976.

Hearing, March 16, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30408 Filed 11-11-75;8:45 am]

[Docket No. RP75-86]

COLORADO INTERSTATE GAS CO. AND COLORADO INTERSTATE CORP.

Extension of Procedural Dates and Prehearing Conference

NOVEMBER 4, 1975.

On October 23, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), filed a motion to extend the procedural dates set by order issued April 30, 1975, as most recently extended by notice issued July 29, 1975, and to establish a prehearing conference in the above-designated proceeding.

Notice is hereby given that a prehearing conference will be held at 10:00 a.m. on December 2, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. (20426). The procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, January 9, 1976.

Service of Company Rebuttal, January 23, 1976.

Hearing, March 2, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30409 Filed 11-11-75;8:45 am]

[Project Nos. 892, 1100]

FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Order Vacating Land Withdrawals

NOVEMBER 4, 1975.

The Forest Service, United States Department of Agriculture, has requested that the land withdrawals for transmission line Project Nos. 892 and 1100 be vacated in their entirety, thereby requiring Commission consideration under section 24 of the Federal Power Act.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

1. Portions (totaling about 6 acres) of the following described subdivisions were withdrawn pursuant to the filing on May 5, 1928, of an application for license for Project No. 892 for which the Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated May 10, 1928:

T. 47 N., R. 7 E.,
Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 47 N., R. 8 E.,
Sec. 18, S $\frac{1}{2}$ NW $\frac{1}{4}$.

2. Portions (totaling about 6 acres) of the following described subdivisions were withdrawn pursuant to the filing on June 6, 1930, of an application for license for Project No. 1100 for which the Commission gave notice of land withdrawal to the General Land Office by letter dated June 16, 1930:

T. 47 N., R. 7 E.,
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

All of the subject lands lie within the Rio Grande National Forest.

Project No. 892 consistent of a 16 kv distribution line, 1.11 miles long, which supplied power to the Antoro Mine near the town of Bonanza in northern Saguache County, Colorado. Project No. 1100 consisted of a 16 kv distribution line, 0.68 of a mile long, which supplied power to a saw mill near Bonanza.

The lines that constituted Project Nos. 892 and 1100 were not primary lines or parts of a "project" as defined in section 3(11) of the Federal Power Act, and the licenses for both projects have been surrendered. The Forest Service has reported that the distribution lines on the withdrawn lands are now covered by special use permit.

The Commission finds. The withdrawals for Project Nos. 892 and 1100 serve no useful purpose and should be vacated.

The Commission orders. The withdrawals pursuant to the applications for Project Nos. 892 and 1100 are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30411 Filed 11-11-75;8:45 am]

[Docket No. RP75-97]

HAMPSHIRE GAS CO.

Further Extension of Procedural Dates

NOVEMBER 3, 1975.

On October 29, 1975, The Maryland Public Service Commission filed a motion to extend the procedural dates fixed by order issued May 30, 1975, as most re-

cently modified by notice issued August 18, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor and additional Staff Testimony, December 12, 1975.

Service of Company Rebuttal, December 24, 1975.

Hearing, January 13, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30402 Filed 11-11-75;8:45 am]

[Docket No. ER76-70]

INTERSTATE POWER CO.

Order on Rehearing

NOVEMBER 5, 1975.

By order issued September 10, 1975, we rejected a proposed increase in rates filed herein by Interstate Power Company (Interstate) on August 13, 1975, since that filing was based on what we considered to be stale data. On September 8, 1975, the Cooperative Power Association (CPA) filed a petition to intervene which we did not consider in our September 10 order. On October 6, 1975, Interstate filed an Application for Rehearing of our order of September 10, 1975.

CPA states in its petition to intervene that the rate increase sought by Interstate contravenes the existing contract rights and responsibilities between CPA and Interstate. Our review of Interstate's Rate Schedule FPC No. 88, the agreement governing transmission service between Interstate and CPA as accepted for filing effective May 1, 1968, indicates that the agreement provides for a fixed rate for such transmission service, and does not permit unilateral rate increase filings to increase such rates. Accordingly, Interstate's proposed increase in rates is barred by the rule of Mobile-Sierra.¹

The pertinent parts of the contract between CPA and Interstate contain the following provisions. Section 1.10(c) provides a specific charge for each Kwh delivered. The term of the agreement, pursuant to § 3.15 thereof, is of indefinite duration, subject to termination by either party upon four years written notice. The agreement also provides, in § 3.17, that "This Agreement, as well as any amendment thereof, is subject to the approval of any regulatory body or bodies having jurisdiction thereof." Amendments are specifically governed by § 3.18 "This Agreement contemplates amendment from time to time of the various original exhibits attached hereto."

The meaning of these provisions when read together is clear. Amendments, if any, are subject to the approval of the regulatory body having jurisdiction. However, any amendment contemplated is restricted to the original exhibits at-

¹ United Gas Pipe Line Co. v. Mobil Gas Service Corp., 350 U.S. 332 (1956); F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

tached to the agreement, and not to the term (including rates) of the agreement itself. It is thus clear that Interstate is prohibited from unilaterally increasing its rates to CPA. As the United States Court of Appeals for the District of Columbia Circuit so clearly stated in *Richmond Power and Light, et al. v. F.P.C.*, 481 F.2d 490 (1974). "[t]he rule of Mobile-Sierra and Memphis is refreshingly simple. The contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid." 481 F.2d at 493 (footnotes omitted). Therefore, Interstate's filing for a rate increase pursuant to section 205 must be rejected on Mobile-Sierra grounds. Accordingly, we need not take any action on Interstate's application for rehearing since the arguments therein go only to our rejection of the filing on the basis of the staleness of the data supporting that increase. We shall, however, grant CPA's petition to intervene.

The Commission finds. Good cause exists to permit CPA to intervene in the instant proceeding.

The Commission orders. (A) The above named petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission. *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene; *And provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the *FEDERAL REGISTER*.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30419 Filed 11-11-75;8:45 am]

[Docket No. ER76-191]

INTERSTATE POWER CO.

Revised Exhibits to Rate Schedule

NOVEMBER 4, 1975.

Take notice that on October 24, 1975, Interstate Power Company (IPCo) tendered for filing: Seventh Revised Exhibit C; Seventh Revised Exhibit E; and, Seventh Revised Exhibit F to its Rate Schedule FPC No. 88.

IPCo states that revisions which have been made in these exhibits are: (1) Elimination of existing CPA 24KV Amboy Substation; (2) add new CPA 69KV Sterling Center Substation; (3) add new CPA 69KV Willow Creek Substation; (4) revise CPA Winnebago point of delivery; (5) add CPA 69KV Midway Substation. IPCo further states these changes either have been recently completed or are expected to be completed this year.

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 November 24, 1975. 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.75-30410 Filed 11-11-75;8:45 am]

[Docket No. RP75-96]

MICHIGAN-WISCONSIN PIPELINE CO.

Further Extension of Time

NOVEMBER 4, 1975.

On October 15, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 19, 1975, as most recently modified by notice issued October 2, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 20, 1976.
Service of Intervenor Testimony, February 17, 1976.

Service of Company Rebuttal, March 2, 1976.
Hearing, March 16, 1976, (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30412 Filed 11-11-75;8:45 am]

[Docket No. F-9046]

MONTAUP ELECTRIC CO.

Postponement of Hearing Date

NOVEMBER 3, 1975.

On October 15, 1975, Montaup Electric Company filed a motion to extend the hearing date fixed by order issued December 18, 1974, as most recently modified by notice issued September 29, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above proceeding is postponed from November 11, 1975 to November 24, 1975.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30403 Filed 11-11-75;8:45 am]

[Docket No. RP73-48, (PGA No. 76-1b)]

NORTHERN NATURAL GAS CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

NOVEMBER 4, 1975.

Take notice that Northern Natural Gas Company on October 28, 1975, tendered

for filing First Substitute Tenth Revised Sheet No. 3a of its F.P.C. Gas Tariff, Original Volume No. 4. Northern states that the proposed changes, for which it requests an effective date of October 2, 1975, would decrease the rate per Mcf to jurisdictional customers by 1.52¢ per Mcf. Northern states that this change results from revised rates filed by Colorado Interstate on October 14 to become effective October 1, 1975. Northern states that the revised rates of Colorado Interstate reflect the net effect of a general increase at Docket No. RP75-86 and a Purchased Gas Adjustment. Northern states that Colorado Interstate is the pipeline supplier to Northern for sales made under Volume 4.

Northern states that copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 November 17, 1975. 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.75-30413 Filed 11-11-75;8:45 am]

[Project No. 108]

NORTHERN STATES POWER CO.

Issuance of Annual License

NOVEMBER 4, 1975.

On February 24, 1970 Northern States Power Company, Licensee for Chippewa Reservoir Project No. 108, located in Sawyer County, Wisconsin, filed an application for a new license under the Federal Power Act (Act) and Commission regulations thereunder.

The Chippewa Reservoir (Flowage) Project consists of: (1) A dam about 1,290 feet long and about 50 feet high, comprising a concrete gravity control section 78 feet long with three tainter gates 20 feet wide and 26 feet high and three steel vertical sliding sluice gates 7 feet wide and 10 feet high, and two earth-fill concrete core wall sections extending 234 feet on the west side and 978 feet on the east side; (2) Chippewa Reservoir which impounds 223,000 acre-feet of useable storage capacity with a water surface area of about 15,800 acres at normal full pool elevation 1313.0 (m.s.l.); and (3) all other facilities and interests appurtenant to operation of the project.

The Chippewa Reservoir is a storage reservoir, impounded primarily for regulation of the flow of the Chippewa River for downstream hydroelectric power production. There are no generating facilities at the project. During the winter months, the reservoir is drawn down to accommodate snow melt and spring rains, thereby contributing to flood control. The regulated flow of the Chippewa River provides for low-flow augmentation downstream. During the summer months, as nearly as is practicable, reservoir fluctuations are held to three feet in the interest of recreational activities.

The license for Project No. 108 was issued effective August 8, 1921 for a period ending August 7, 1971. Since the date of expiration of the original license, the project has been operated under annual licenses.

Evidentiary hearings on the issues related to the relicensing application and the recommendations for Federal takeover were completed and the record closed. However, on February 14, 1975, the Commission issued an order reopening the record in this proceeding in order that a Land Use and Resource Management Plan, relating to Federal takeover of the project, could be introduced into evidence and opportunity afforded for cross-examination thereupon. According to the joint petition of the Secretaries of Agriculture and the Interior, this plan was "to be prepared through a cooperative effort by the United States Forest Service and the Lac Courte Oreilles Band." The Commission ordered this plan to be filed within eight months of the February 14, 1975 date of issuance of the order. A hearing will be held before an Administrative Law Judge on issues presented by the filing of the management plan.

On March 21, 1975, the Commission's authority to issue annual licenses for Project No. 108, notwithstanding the refusal of the Lac Courte Oreilles Band to consent to such further use of tribal lands by the licensee, was affirmed by the United States Court of Appeals for the District of Columbia Circuit (510 F.2d 198 (D.C. Cir. 1975)). In order that all rights be preserved and that the status quo be maintained pending determination of the questions presented, notice is given in accordance with § 16.5 of the regulations under the Federal Power Act of the issuance of annual license for Project No. 108 for the period of August 8, 1975, through August 7, 1976, or until Federal takeover, or the issuance of a new license, whichever comes first, for the continued operation and maintenance of the project, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30414 Filed 11-11-75;8:45 am]

[Project No. 137]

PACIFIC GAS & ELECTRIC CO.

Issuance of Annual License

NOVEMBER 5, 1975.

On December 26, 1972, Pacific Gas & Electric Company, Licensee for the

Mokelumne River Project No. 137, located in Alpine, Amador, and Calaveras Counties, California, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 137 was issued effective November 24, 1925, for a period ending November 23, 1975. In order to authorize continued operation and maintenance of the project pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Pacific Gas & Electric Company for the continued operation and maintenance of Project No. 137.

Take notice that an annual license is issued to Pacific Gas & Electric Company (Licensee) for the period November 24, 1975, to November 23, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 137, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30420 Filed 11-11-75;8:45 am]

[Dockets Nos. RP73-114, RP74-24 (PGA75-3)]

TENNESSEE GAS PIPELINE CO.

Order Granting Motion To Terminate Investigation

NOVEMBER 3, 1975.

On October 1, 1975, Tennessee Gas Pipeline Company (Tennessee) filed herein a motion to terminate the investigation initiated by the Commission in its order issued in these dockets on June 30, 1975. The said investigation related to two small producer purchases by Tennessee at rates in excess of the level established by Opinion 699-H.

In its motion, Tennessee refers to the fact that subsequent to the order of June 30, 1975, the Commission issued Opinion No. 742, establishing the just and reasonable rate level for small producer purchases at a level not exceeding 130 percent of the rate for comparable purchases from large producers. Tennessee states that the two small producer purchases at issue, Dow Chemical and Estate of Coates, are at rate levels below those established in Opinion No. 742, and are therefore just and reasonable.

A review of the two purchases demonstrates that they are, in fact, at rates below those established in Opinion No. 742. Since the subject rates are just and reasonable under the standards of Opinion No. 742, the investigation thereof is no longer necessary, and should be terminated. Accordingly, Tennessee's motion will be granted.

The Commission orders. (A) The investigation initiated by the Commission's order issued in these dockets on June 30, 1975, is hereby terminated.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30404 Filed 11-11-75;8:45 am]

[Docket No. RP76-30]

TEXAS GAS PIPE LINE CORP.

Proposed Changes in Gas Tariff

NOVEMBER 4, 1975.

Take notice that Texas Gas Pipe Line Corporation (TGPLC), on October 24, 1975, tendered for filing proposed changes in its FPC Gas Tariff First Revised Volume No. 1. The proposed changes would provide for the inclusion of a purchase gas adjustment (PGA) clause in the current tariff of TGPLC. TGPLC states that the principal reason for the proposed PGA clause is to enable it to better reflect the cost of purchased gas in the rates it charges its resale customers under existing rate schedules CD-1 and G-1. TGPLC also states that the instant filing does not propose any change in its currently effective rates. TGPLC has requested Commission approval to make the tariff changes effective on October 24, 1975.

TGPLC states that copies of its filing were served upon the company's jurisdictional customers.

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 November 17, 1975. 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.75-30415 Filed 11-11-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Filing Pursuant to Commission Order

NOVEMBER 5, 1975.

Take notice that on October 28, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revisions to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, as required by Commission order issued October 16, 1975, in the referenced docket. Transco states that this filing has the effect of: (1) Reflecting an increase in its rates for storage service under Rate Schedule S-2 to track increased storage costs from Texas Eastern; (2) eliminating certain costs for carrying charges under an advance payment agreement with Louisiana Land and Exploration Company (LL&E); and (3) eliminating all advance payments not reflected in the original filing (March 14, 1975) in this docket. Transco states further that this filing should not be deemed to prejudice its rights of rehearing and appeal with re-

spect to the elimination of costs for carrying charges under the LL&E agreement and those advance payments not reflected in the original filing.

Transco requests that the instant filing be made effective as of October 1, 1975, subject to refund, in accordance with the aforementioned October 16, 1975, order herein.

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 November 19, 1975. 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.75-30421 Filed 11-11-75; 8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPELINE CORP.

Further Extension of Procedural Dates

NOVEMBER 4, 1975.

On October 28, 1975, Consolidated Gas Supply Corporation filed a motion to extend the procedural dates fixed by order issued April 30, 1975, as most recently modified by notice issued October 22, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, November 21, 1975.

Service of Company Rebuttal, December 5, 1975.

Hearing, December 30, 1975 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30416 Filed 11-11-75; 8:45 am]

[Docket No. RP74-52 (PGA 76-1)]

TRANSWESTERN PIPELINE CO.

Extension of Procedural Dates

NOVEMBER 3, 1975.

On October 28, 1975, Transwestern Pipeline Company, David Fasken and Richard S. Brooks filed motions to extend the procedural dates fixed by order issued September 30, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Transwestern and Small Producer Testimony, December 4, 1975.

Service of Intervenor and Staff Testimony, January 5, 1976.

Service of Company Rebuttal, January 19, 1976.

Hearing, February 13, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30405 Filed 11-11-75; 8:45 am]

[Docket No. RP75-109]

UNITED GAS PIPE LINE CO.

Extension of Procedural Dates

NOVEMBER 4, 1975.

On October 7, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 7, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, January 6, 1976.

Service of Intervenor Testimony, January 20, 1976.

Service of Company Rebuttal, February 3, 1976.

Hearing, February 17, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-30418 Filed 11-11-75; 8:45 am]

[Docket No. CP76-133]

UNITED GAS PIPE LINE CO. AND FLORIDA GAS TRANSMISSION CO.

Application

NOVEMBER 4, 1975.

Take notice that on October 16, 1975, United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 77002, and Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32789, jointly Applicants, filed in Docket No. CP76-133 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they agreed pursuant to the terms of a letter agreement dated July 29, 1975, for Florida Gas to deliver or cause to be delivered to United up to 1,000 Mcf of natural gas per day at a point in the Ichibon (Hockley) Field, on United's pipeline in the Jose Maris Uranaga Grant, Bee County, Texas. United would redeliver equal volumes to Florida Gas at mutually agreeable existing points of interconnection. Applicants state that no facilities are proposed in the instant application, and that the proposed exchange would be straight gas-for-gas, with no price involved.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 25, 1975, 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.75-30417 Filed 11-11-75; 8:45 am]

FEDERAL RESERVE SYSTEM

BROWARD BANCSHARES, INC.

Acquisition of Bank

Broward Bancshares, Inc., Fort Lauderdale, Florida, has applied for the Board's approval under section 3(a) (5) of the Bank Holding Company Act (12 U.S.C. 1842(a) (5)) to merge with Charter Bankshares Corporation, Jacksonville, Florida, under the charter and name of Broward Bancshares, Inc. 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 either the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 4, 1975.

Board of Governors of the Federal Reserve System, November 4, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-30471 Filed 11-11-75; 8:45 am]

**FIRST BANC GROUP OF OHIO, INC.,
COLUMBUS, OHIO**

**Order Approving Acquisition of Citizens
Bank & Trust Company Wadsworth, Ohio**

First Banc Group of Ohio, Inc., Columbus, Ohio (Applicant), a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval of the Board of Governors of the Federal Reserve System, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire up to 100 percent, less directors' qualifying shares, of The Citizens Bank & Trust Company, Wadsworth, Ohio (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 (12 U.S.C. 1842(b)). The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act.

Applicant, the sixth largest banking organization in Ohio, controls sixteen banks with consolidated deposits of \$1.26 billion, representing 4.26 percent of the total deposits in commercial banks in the State.¹ Consummation of the proposal would increase Applicant's share of total state deposits to 4.32 percent, and it would not change its relative position in the State.

Bank (deposits of \$19 million), headquartered in the Medina County portion of the Akron banking market² is the tenth largest of fifteen banking organizations with 1.1 percent of market deposits. Applicant, with one subsidiary bank located in the Portage County portion of the market, ranks eighth in the Akron market with 2.6 percent of market deposits. Applicant's closest banking office to Bank, however, is a branch of its subsidiary located in a separate but adjacent banking market, approximately 20 miles southwest of Wadsworth. There is no significant existing competition between Applicant's subsidiary banks and Bank, and there is little likelihood for any competition to develop under the county-wide branching restrictions of Ohio law. Upon consummation of the proposed acquisition, Applicant would become the seventh largest banking organization in the Akron market with 3.7 percent of market deposits. It is unlikely, therefore, that Applicant could acquire a dominant position in the Akron market in which the five largest organizations control 81.7 percent of total market deposits. Furthermore, de novo entry by Applicant into Medina County does not appear to be an attractive alternative in light of the relatively low population and deposits per banking office in the county compared to State

averages. Accordingly, consummation of the proposed transaction would appear to have no adverse effects on existing or future competition.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and nonbanking companies, are generally satisfactory and consistent with approval of the application. There is no evidence to indicate that the banking needs of the Akron banking market are not being adequately met. However, Applicant plans to assist Bank in establishing several branch offices. In addition, Bank would increase its lending activities and improve trust services. Therefore, factors relating to convenience and needs of the communities to be served are consistent with approval of the application. It has been determined that consummation of the proposal would be in the public interest.

On the basis of record, the application is approved for the reasons summarized above. The transaction, however, shall not be consummated (a) before the thirtieth calendar day following the date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board or by this bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Cleveland, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective October 28, 1975.

[SEAL]

WILLIS J. WINN,
President.

[FR Doc. 75-30472 Filed 11-11-75; 8:45 am]

PEOPLES BANKSHARES, INC.

Formation of Bank Holding Company

Peoples Bankshares, Inc., Mora, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Peoples National Bank of Mora, Mora, Minnesota. 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)).

Peoples Bankshares, Inc., Mora, Minnesota has also 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, for permission to acquire voting shares of Peoples Credit Company of Mora, Mora, Minnesota. Notice of the application was published on October 16, 1975 in Kanabec County Times, a newspaper circulated in the Village of Mora, County of Kanabec, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities extending credit for persons, firms or corporations engaged in the production and/or marketing of staple agricultural products, including livestock and poultry. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies,

subject to Board approval of individual proposals in 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 Minneapolis.

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 November 28, 1975.

Board of Governors of the Federal Reserve System, November 4, 1975.

[SEAL]

ROBERT SMITH, III,

Assistant Secretary of the Board.

[FR Doc. 75-30473 Filed 11-11-75; 8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of September 16, 1975

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on September 16, 1975.¹

The information reviewed at this meeting suggests that output of goods and services—which had turned up in the second quarter—is increasing appreciably further in the current quarter. In August industrial production and nonfarm payroll employment expanded at a faster pace than in July, and the average workweek in manufacturing continued to lengthen. The unemployment rate remained at 8.4 per cent, as the civilian labor force increased about as much as total employment. Retail sales apparently declined slightly, following 4 months of large gains. The index of wholesale prices of industrial commodities rose somewhat more in August than in July, chiefly because of increases in prices of energy products; prices of farm and food products declined slightly. The advance in average wage rates over recent months has been somewhat less rapid than in 1974 and early 1975.

In recent weeks the exchange value of the dollar against leading foreign currencies has risen somewhat further. In July the U.S. foreign trade surplus declined from the very

¹ The Record of Policy Actions of the Committee for the meeting of September 16, 1975, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

² Banking data are as of December 31, 1974.

³ The Akron banking market is approximated by the southern two-thirds of Summit and Portage Counties, and portions of Medina, Wayne, and Stark Counties. Data for individual market shares are as of June 30, 1974.

high second-quarter level, as imports rose sharply. Bank-reported capital movements showed a net inflow, in contrast to the net outflows of earlier months, while U.S. liabilities to foreign official agencies, which earlier had been rising, declined.

Expansion in M₁ picked up somewhat in August from the low July rate. Growth in M₂ and M₃ slowed further, however, as inflows of consumer-type time and savings deposits to banks and to nonbank thrift institutions continued to moderate, reflecting in part the increased attractiveness of alternative investments. Interest rates on short-term securities and on longer-term Treasury and corporate securities have shown little net change in recent weeks, except that longer-term yields adjusted upward following the Treasury's September 10 announcement of its sizable borrowing requirements over the rest of this year. Yields on State and local government securities rose to new highs in early September, as a result of widespread concern about possible repercussions of New York City's financial crisis; on September 9 a State program to assist the City was enacted.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to stimulating economic recovery, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, November 3, 1975.

[SEAL] ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-30474 Filed 11-11-75;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 3-75]

CUSTOMS PORT OF ENTRY, BUFFALO, NEW YORK

Application for a Foreign-Trade Zone Public Hearing Scheduled

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Erie, State of New York, requesting a grant of authority for the establishment of a foreign-trade zone in Buffalo, a Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81) and the regulations of the Board (15 CFR Part 400). It was formally filed on November 4, 1975. Under Chapter 201 of the Laws of the State of New York (Act of April 16, 1974), the County of Erie has authority to apply for the right to establish, operate and maintain foreign-trade zones within the County.

The proposal calls for a general purpose foreign-trade zone within the Buffalo Port Terminal complex of the Niagara Frontier Transportation Authority (NFTA), a public benefit corporation under New York law. Requested as zone area within the 200-acre terminal situated on Lake Erie are some 175,000 square feet of space within Warehouses

"A" and "B" and some 15 acres of adjacent open space. There is ample expansion space if needed.

Operation of the zone will be assigned to NFTA which in turn will subcontract the actual operation to a subsidiary of Marine Intercontinental Terminals of Buffalo, Inc., the firm which operates NFTA's port facilities.

The application includes information and economic data concerning the basis for a zone facility to serve the special Customs needs of the area's business community. The proposed zone is intended to augment the County's overall efforts to restore Buffalo as a transportation and transshipment center and assist its industrial development program. Among the expected initial zone users are: A meat processing company; a firm which processes electric components; a hospital and laboratory supply company; a jewelry box manufacturer; an industrial bearing distributor; a sugar manufacturer; a sporting goods manufacturer; and, a firm which assembles medical equipment.

In accordance with the Board's regulations an examiners committee has been appointed to investigate the application and report thereon to the Board. The Committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; Donald F. Kelly, Assistant Regional Commissioner (Operations), U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel Bernard C. Hughes, District Engineer, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

In connection with its investigation of the proposal the examiners committee will hold a public hearing on December 4, 1975 at the Federal Building, Room 914, 111 West Huron Street, Buffalo, New York, beginning at 9:00 a.m., local time. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners committee.

Interested persons are invited to present their views at the hearing. They should notify the Board's Executive Secretary in writing by November 26 at the address below of their desire to be heard. In lieu of an oral presentation, written statements may be submitted to the examiners committee through the Executive Secretary at any time from the date of this notice through December 19, 1975. Any material submitted during the post-hearing period cannot be made part of the record unless it is new evidence. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Director, Inspection and Control Division, U.S. Customs Service, Buffalo District, Room 603, Federal Building, 111 West Huron Street, Buffalo, New York 14202.

Office of the Director, U.S. Department of Commerce District Office, Room 1312, Federal Building, 111 West Huron Street, Buffalo, New York 14202.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886B, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: November 7, 1975.

JOHN J. DA PONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.75-30490 Filed 11-11-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL ADVISORY PANELS ON ARCHITECTURAL AND ENGINEERING SERVICES

Annual Report on Closed Meetings

Notice is hereby given that the annual report on the closed meetings held in 1974 by each of the 10 General Services Administration Regional Advisory Panels on Architectural and Engineering Services is now available to the public.

The contents of the report are as follows:

1. The regions concerned.
2. The purpose of each meeting.
3. The date of each meeting.
4. The cost of each meeting.
5. The results of each meeting.

Any person wishing information concerning this report should contact the following person:

Mr. Lewis V. Hall, Committee Management Officer, Public Buildings Service, Room G-316, 18th & F Streets, NW., Washington, D.C. 20405, Telephone: (202) 343-5114.

Dated: October 31, 1975.

LOY M. SHIPP, Jr.,
Acting Commissioner,
Public Buildings Service.

[FR Doc.75-30475 Filed 11-11-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL (PLANNING/OPERA)

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Music Advisory Panel (Planning/Opera) to the National Council on the Arts will be on December 2-3, 1975 in the first floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C. The meeting will be held from 9:30 a.m.-6:00 p.m. on both days.

A portion of this meeting will be open to the public on December 2 from 9:30 a.m. until noon and on December 3 from 9:30 a.m.-1:00 p.m. on a space available basis. Accommodations are limited. During the open sessions, policy matters and Program Guidelines will be discussed.

The remaining sessions of this meeting on December 2 from noon to 6:00

p.m. and on December 3 from 1:00 p.m.-6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4), (5), and (6)) will not be open to the public. Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20505, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.

[FR Doc.75-30487 Filed 11-11-75; 8:45 am]

PUBLIC MEDIA ADVISORY PANEL

Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Public Media Advisory Panel to the National Council on the Arts will be held on December 1-4, 1975 at the Columbia Plaza Office building, 2401 E Street, NW., Washington, D.C. The December 1-3 meeting will be held in the 14th floor conference room from 9:00 a.m.-5:30 p.m. and the December 4 meeting will be held in the 13th floor conference room from 9:00 a.m.-5:30 p.m.

A portion of this meeting will be open to the public on December 4, 1975 from 1:00 p.m.-5:30 p.m. on a space available basis. Accommodations are limited. Discussion will include Guidelines: Film-makers-in-Residence, Post Graduate Fellowship, Media Studies, and Regional Development.

The remaining sessions of this meeting on December 1-3 from 9:00 a.m.-5:30 p.m. and December 4 from 9:00 a.m.-12:00 noon are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr.

Robert M. Sims, advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.

[FR Doc.75-30486 Filed 11-11-75; 8:45 am]

NATIONAL SCIENCE FOUNDATION

ANTICIPATED ADVANCES IN SCIENCE AND TECHNOLOGY ADVISORY GROUP

Committee Management; Determination and Establishment

The National Science Foundation is establishing an Advisory Group on Anticipated Advances in Science and Technology. It is determined that this action is consistent with the public interest and is necessary in performance of duties imposed upon the National Science Foundation Act of 1950, as amended, Reorganization Plan No. 1 of 1973, and other applicable laws. The establishment procedures have been executed in accordance with the Federal Advisory Committee Act (P.L. 92-463) and the Office of Management and Budget (OMB) Circular No. A-63, Revised.

1. *Name of Advisory Group.* Advisory Group on Anticipated Advances in Science and Technology.

2. *Purpose.* To advise the President through the Vice President and the President's Science Adviser (Director, NSF) on developments that may take place in science and engineering and examine the national policy implications of these developments.

3. *Effective date of establishment and duration.* The Advisory Group's establishment is effective after the charter is filed with the Director, NSF and with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The Group will continue for two years from the effective date.

4. *Membership.* Membership of the Group will be fairly balanced in terms of the points of view represented and the Group's function. Membership of the Advisory Group on Anticipated Advances in Science and Technology will be composed of approximately 15 eminent persons from universities, industry, the Government and other organizations which can provide expertise and advice contributing to the wise use of science and technology in achieving national goals.

5. *Advisory Group Operations.* The Group will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

The Committee Management Secretariat, OMB, has waived the 15-day requirement for publication of the notice

of establishment in the FEDERAL REGISTER. A meeting of the Advisory Group is planned for early December, and a notice of meeting will be published in the FEDERAL REGISTER.

H. GUYFORD STEVER,
Director.

NOVEMBER 7, 1975.

[FR Doc.75-30484 Filed 11-11-75; 8:45 am]

CONTRIBUTIONS OF TECHNOLOGY TO ECONOMIC STRENGTH ADVISORY GROUP

Committee Management; Determination and Establishment

The National Science Foundation (NSF) is establishing an Advisory Group on Contributions of Technology to Economic Strength. It is determined that this action is consistent with the public interest and is necessary in performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, Reorganization Plan No. 1 of 1973, and other applicable laws. The establishment procedures have been executed in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) and the Office of Management and Budget (OMB) Circular No. A-63, Revised.

1. *Name of Advisory Group.* Advisory Group on Contributions of Technology to Economic Strength.

2. *Purpose.* To advise the President through the Vice President and the President's Science Adviser (Director, NSF) on issues that may lead to policy supporting an approved utilization of technology and fostering economic strength.

3. *Effective date of establishment and duration.* The Advisory Group's establishment is effective after the charter is filed with the Director, NSF and with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The Group will continue for two years from the effective date.

4. *Membership.* Membership of the Group will be fairly balanced in terms of the points of view represented and the Group's function. Membership of the Advisory Group on Contributions of Technology to Economic Strength will be composed of approximately 15 eminent persons from universities, industry, the Government, and other organizations which can provide expertise and advice contributing to the wise use of science and technology in achieving national goals.

5. *Advisory Group Operation.* The Group will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

The Committee Management Secretariat, OMB, has waived the 15-day requirement for publication of the Notice of Establishment in the FEDERAL REGISTER. A meeting of the Advisory Group is

planned for early December and a notice of meeting will be published in the FEDERAL REGISTER.

H. GUYFORD STEVER,
Director.

NOVEMBER 7, 1975.

[FR Doc. 75-30485 Filed 11-11-75; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-510, 50-511]

GULF STATES UTILITIES CO. (BLUE HILLS STATION, UNITS 1 AND 2)

Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, rules of practice, notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Gulf States Utilities Company (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Blue Hills Station, Units 1 and 2 (the facilities), each of which will be designed for operation at 2814 thermal megawatts with a net electrical output of approximately 930 megawatts. The proposed facilities are to be located in the northeast corner of Newton County, Texas.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Thomas W. Reilly, Esq., Chairman, Mr. Lester Kornblith, Jr., and Dr. Linda W. Little.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission staff of a favorable safety evaluation of the application and environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Reactor Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant. In the event that a separate hearing is held with respect to a limited work authorization, Item 6 below describes the matters for consideration.

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public.

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features of components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

ISSUES PURSUANT TO 10 CFR 2.761(a) (LIMITED WORK AUTHORIZATION)

6. Pursuant to 10 CFR 2.761(a), a separate hearing and partial decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR 50.10(e), authorize the applicant to conduct certain onsite work entirely at its own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine, without conducting a *de novo* evaluation of the application: (1) Whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51: (1) Determine whether the requirements of section 102(2) (A), (C) and (D) of NEPA and Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to

the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Item 1-5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by January 12, 1976. The presiding Atomic Safety and Licensing Board may make further provision with respect to limited appearances subsequently during the course of this proceeding.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding, must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as Report has not been accepted for docketing due to lack of complete environmental information required by the Commission staff. Under 10 CFR 2.101, the applicant is expected to tender a revised Environmental Report in January 1976. The staff must find that the revised Environmental Report is complete before it is accepted for the detailed licensing review. The availability of an acceptable Environmental Report will be noticed in the FEDERAL REGISTER. Accordingly, any person who wishes to participate as a party pursuant to 10 CFR 2.714 need not set forth in any petition to intervene, required to be filed by December 12, 1975, any contentions related to matters covered in Issue 5. A deadline for the filing of any such contentions will be established by the Board and noticed in the FEDERAL REGISTER, subsequent to the filing by the applicant of an acceptable Environmental Report. In all other aspects said petition must meet the requirements of 10 CFR 2.714, namely, setting forth the interest of the petitioner in the proceeding, facts and reasons why intervention should be permitted, and a general statement as to the subject matter in the proceeding as to which intervention is sought.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by December 2, 1975.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Stanley Plettman, Esq., Orgain, Bell & Tucker, Beaumont Saving Building, Beaumont, Texas 77701, and Troy B. Conner, Jr., Esq., Conner & Knotts, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006, attorneys for the applicant.

For further details, see the application for construction permits dated August 23, 1974, including site suitability information, and the applicant's Environmental Report. The Environmental Report is to be submitted approximately January 30, 1976, which, along with any amendments or supplements thereto, are or will be available as noted above for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be available at the Newton County Library, Newton, Texas, for inspection by members of the public between the hours of 9:00 a.m. and 5:00 p.m. Monday through Saturday. As they become available, a copy of the safety evaluation report by the Commission's Office of Nuclear Reactor Regulation, the draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the proposed construction permits and the ACRS report may be obtained, when available, by request to the Director, Division of Reactor Licensing, United States Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Division of Reactor Licensing's safety evaluation and final environmental statement may be obtained, when available, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Washington, D.C., this 29th day of October 1975.

For the United States Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-30094 Filed 11-11-75; 8:45 am]

ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES

Meeting

In accordance with the Atomic Energy Act of 1954, as amended, primarily section 161a, and with Pub. L. 92-463 (Federal Advisory Committee Act) and with Executive Order 11686, the Advisory Committee on the Medical Uses of Isotopes will hold a meeting at 9:00 a.m. on December 12, 1975, in Room P-118, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland.

The following agenda is scheduled:

- I. Opening Comments.
- II. Regulation of Nuclear Medicine.
 - A. Status of NRC-FDA Interrelationships.
 - B. Amendment to 10 CFR Part 35-Implementation.
 - C. Amendment to 10 CFR 32-Implementation.
 - D. Licensing of Nuclear Pharmacies.
- III. Status of Proposed Amendments to 10 CFR Part 35.
 - A. Reports of Misadministration of Radiopharmaceuticals.
 - B. Technician Training.
- IV. Physician Training.
 - A. Current Criteria for Physician Training.
 - B. Alternatives to NRC Regulating Physician Training.
- V. New Medical Licensing Guide.
- VI. Future Role of the Advisory Committee.

Practical consideration may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than December 10, 1975, to Mr. R. E. Cunningham, Acting Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of not more than 60 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time

allotted, can be obtained by a prepaid telephone call on December 10, 1975, to Mr. R. E. Cunningham (301) 492-7553 between 9 a.m. and 5 p.m. Eastern time.

(e) Questions may be asked only by members of the Committee and NRC consultants.

(f) Seating for the public will be available on a first-come-first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after January 12, 1975, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., upon payment of all charges required by law.

Dated: November 6, 1975,

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc.75-30494 Filed 11-11-75;8:45 am]

[Docket No. 50-298]

COOPER NUCLEAR STATION

Negative Declaration Regarding Proposed Changes Technical Specifications of License DPR-46

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR-46. These changes would authorize the Nebraska Public Power District (the licensee) to operate the Cooper Nuclear Station (located in Nemaha County Nebraska) with changes to limiting conditions for operation resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This action is associated with a planned shutdown to effect needed alterations associated with the reactor coolant system.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR-46, Cooper Nuclear Station, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for the particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Cooper Nuclear Station issued in February 1973. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska.

Dated at Rockville, Md., this 29th day of October 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects
Branch 4, Division of Reactor
Licensing.

[FR Doc.75-30497 Filed 11-11-75;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License and Order Modifying License

Notice is hereby that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications for the facility to authorize operation: (1) Using operating limits based on the General Electric Thermal Analysis Basis (GETAB), and (2) with modified operating limits based upon an evaluation of emergency core cooling system performance calculated in accordance with an acceptable evaluation model that conforms with the requirements of § 50.46 of 10 CFR Part 50 of the Commission's regulations.

The Commission also has issued an Order for License Modification which authorizes operation of the facility with the bypass holes of the lower core support plate plugged, subject to the conditions set forth in the Technical Specifications, as revised by the issuance of Amendment No. 16. The Order is effective as of the date of its issuance.

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 Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with items (1) and (2) above was published in the FEDERAL REGISTER on September 18, 1975, (40 FR 43099). The Order for Modification of License (dated October 8, 1975) which authorized plugging of the bypass holes was published in the FEDERAL REGISTER on October 16, 1975 (40 FR 48554). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action on items (1) and (2) above.

For further details with respect to this action, see (1) the applications for amendment dated July 10, 1975, July 14, 1975 and September 11, 1975 and supplements thereto dated September 12, 1975

and October 7, 17 and 24, 1975, (2) Amendment No. 16 to License No. DPR-46, with Change No. 19, (3) the concurrently issued Order for Modification of License, (4) the Commission's concurrently issued related Safety Evaluation, (5) the Commission's Negative Declaration dated October 29, 1975 (which is also being published in the FEDERAL REGISTER) and associated Environmental Impact Appraisal, and (6) the Order for Modification of License dated October 8, 1975 and the documents referenced therein. 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 Auburn Public Library, 118-15th Street, Auburn, Nebraska 68305. A single copy of item (2) through (5) and the October 8, 1975 Order may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch #2, Division of Re-
actor Licensing.

[FR Doc.75-30496 Filed 11-11-75;8:45 am]

[Docket No. 50-346A etc.]

TOLEDO EDISON CO. ET AL

Order Amending Schedule for Prehearing Conference

In the matter of The Toledo Edison Company and The Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station, Units 1, 2, and 3), Docket Nos. 50-346A, 50-500A, 50-501A; The Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2), Docket Nos. 50-440A, 50-441A.

The Eighth Prehearing Conference scheduled for November 17, 1975 is hereby rescheduled for November 24, 1975 commencing at 9:30 a.m. at the Nuclear Regulatory Commission Hearing Room, East/West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated at Bethesda, Md., this 6th day of November 1975.

It is so ordered.

For the Atomic Safety and Licensing Board.

DOUGLAS RIGLER,
Chairman.

[FR Doc.75-30495 Filed 11-11-75;8:45 am]

**PRESIDENT'S ADVISORY
COMMITTEE ON REFUGEES
RESETTLEMENT ACTIVITIES
Public Meeting**

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the President's Advisory Committee on Refugees will be held on December 17, 1975, beginning at 10:00 a.m., in Room 4203, New Executive Office Building, 17th and Pennsylvania Avenue, NW., Washington, D.C. 20503.

The President's Advisory Committee on Refugees is established under Executive Order 11860 and is governed by the provisions of 5 U.S.C. Appendix I. The Committee shall advise the President and the heads of appropriate Federal agencies concerning the expeditious and coordinated resettlement of refugees, including: Health and environmental matters related to resettlement; interrelationship of the governmental and volunteer roles in resettlement; educational and cultural adjustments required by these efforts; the general well-being of resettled refugees and their families and such other related concerns as the President may, from time to time, specify.

The meeting of the Committee shall be open to the public.

The proposed agenda includes reports from Committee members and staff, discussion of the final Report to the President, a progress report on resettlement activities and problems provided by the Interagency Task Force, and other appropriate items as may later be included.

Records shall be kept of all Committee proceedings (and shall be available for public inspection at the library of the Department of Health, Education and Welfare located in Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201).

Signed at Washington, D.C., on November 7, 1975.

ROGER D. SEMERAD,
Executive Director, President's
Advisory Committee on Refugees.

[FR Doc. 75-30422 Filed 11-11-75; 8:45 am]

**SECURITIES AND EXCHANGE
COMMISSION**

[Release No. 34-11803; File No. SR-Amex-75-8]

**AMERICAN STOCK EXCHANGE, INC.
Proposed Rule Change; Self-Regulatory
Organizations**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on October 31, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

**STATEMENT OF THE TERMS OF SUBSTANCE
OF THE PROPOSED RULE CHANGE**

The American Stock Exchange, Inc. ("Amex") proposes to amend Rule 610 to expand the scope of the simplified arbitration procedure presently offered as a service to members and non-members and to revise its schedule of arbitration fees for users of the Amex's arbitration facility.

AMEX STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purposes of the proposed rule change and the revised schedule of arbitration fees are to (i) expedite the resolution of controversies through the expansion of the simplified arbitration procedure for both members and non-members and (ii) distribute on a more equitable basis among users of the Amex's arbitration facility the costs incurred by the Amex in providing this service.

The proposed amendments to Rule 610 and the proposed revised arbitration fee schedule are based upon sections 8(b)(1) and (4), as amended, of the Act, which become effective on December 1, 1975. The proposed amendments, and fee schedule, if approved prior to that date, will be consistent with such sections when so amended.

The proposed amendments to Rule 610 relate to the capacity of the Amex to carry out the purposes of the Act and to comply and enforce compliance with the Act by its members and persons associated with its members.

Subparagraph (d) of Rule 610 would be amended to raise the jurisdictional amount for member controversies required to be determined by a single arbitrator from \$2,000 to \$5,000. Such a change would expedite the resolution of minor claims by avoiding the necessity to assemble multiple-arbitrator panels, which are difficult to schedule at a date convenient to all. In 1974, only 4 of the 53 controversies settled through the Amex's arbitration facilities involved claims between members amounting to \$5,000 or less. The impact of this change therefore is expected to be minimal.

Under the proposed amendment to subparagraph (e) of Rule 610, non-members would be able to elect to have controversies with members involving claims not exceeding \$2,500 determined by a single arbitrator by agreeing with the respondent in writing to the simplified arbitration procedure. The arbitrator would be selected from one of the three arbitrator groups as mutually agreed upon by the parties. In 1974, 4 controversies between non-members and members settled through arbitration involved claims under \$2,500. It is felt that the availability of the optional simplified procedure in cases of this nature will enable non-members to obtain swift, equitable, and economical relief.

The proposed revision to the schedule of arbitration fees is designed to establish an equitable allocation of reasonable

fees among users of the Amex's arbitration facility.

The present arbitration fee schedule was established in the 1930's. Since that time, the costs incurred by the Amex in providing this service to non-members and members have increased substantially. For example, in 1974 the Amex paid arbitrators approximately \$9,100 for their services in conducting arbitration hearings based on a fee schedule of \$50 per session for panel members and \$100 per session for the chairman. By contrast, the Amex received about \$5,000 in fees from the parties to the 53 proceedings based on users' fees of \$25 to \$120 per session. The unreimbursed cost to the Amex for each session last year therefore ran between \$80 and \$175 depending upon the type of hearing and the amount in controversy without including additional disbursements for transportation, meals, lodging, postage, reproduction, staff salaries and other administrative services. The Amex expends about \$40,000 to \$50,000 per year to provide the arbitration facility at a nominal cost to its users.

The revised arbitration fee schedule will have the following effect:

First, there would be imposed a \$25 non-refundable handling fee for each claim submitted for arbitration. This charge would partially cover the Amex's expenses in reviewing the claim, reproducing the documents and notifying the respondent. If the claim is subsequently settled without arbitration, no additional fee would be assessed and no payment would be made to panel members.

Second, for members utilizing the simplified procedure (a single arbitrator) the fee would be raised from \$60 to \$100 per session. The fee would then equal the amount paid by the Amex to the arbitrator for her or his services.

Third, the fee for multiple-arbitrator panels hearing member controversies would rise from the present range of \$90 to \$120 per session to between \$300 and \$500 depending upon the amount of the claim as reflected in the fee schedule.

Lastly, with respect to non-member claims, the present fee schedule would remain unchanged if the controversy were presented to a single arbitrator under the proposed optional simplified procedure for non-members (claims of \$2,500 or less). For those claims referred to multiple-arbitrator panels, the fees would increase from the present range of \$25 to \$120 to between \$50 and \$350 depending upon the amount in controversy.

While the proposed revised fee schedule will not completely offset the Amex's direct costs, it would significantly reduce the net cost to the Amex without making its arbitration facilities unduly expensive.

Before the proposed rule changes and arbitration fee schedule changes were approved by the Board of Governors, the Amex administration solicited the views of members and arbitration panel members. These parties indicated that an expansion of the simplified arbitration procedure would be an excellent solution

to the problem of increasing arbitration costs and that the users of the Amex's arbitration facility should be expected to share a greater portion of the Amex's out-of-pocket costs through a reasonable increase in fees. In addition, the Amex announced the Board's decision to increase the arbitration fee schedule in an information circular sent to the membership on July 16, 1975. As of the date of this submission, no comments have been received in response to that announcement.

The Amex has determined that the proposed amendments to Rule 610 and the proposed revised arbitration fee schedule will not impose a burden on competition.

On or before December 17, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 12, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc.75-30443 Filed 11-11-75;8:45 am]

[SR-BSE-75-2]

BOSTON STOCK EXCHANGE

Order Approving Proposed Rule Change

The Boston Stock Exchange ("BSE"), 53 State Street, Boston Massachusetts 02109, submitted on September 17, 1975 a proposed rule change under Rule 19b-4 to conform the anti-manipulative rules of the BSE with those of other participants in the consolidated transaction reporting system.

Publication of the submission was made in the FEDERAL REGISTER on Octo-

ber 3, 1975 (40 FR 45880)¹ and interested persons were invited to submit written data, views and arguments concerning the submission by November 3, 1975. No comments have been received concerning the BSE's rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to national securities exchanges, and in particular the requirements of section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30440 Filed 11-11-75;8:45 am]

[SR-CSE-75-2]

CINCINNATI STOCK EXCHANGE

Order Approving Proposed Rule Change

The Cincinnati Stock Exchange ("CSE"), 205 Dixie Terminal Building, Cincinnati, Ohio 45202, submitted on September 22, 1975, a proposed rule change under Rule 19b-4 to conform the anti-manipulative rules of the CSE with those of other participants in the consolidated transaction reporting system.¹

Publication of the submission was made in the FEDERAL REGISTER on October 3, 1975 (40 FR 45881)² and interested persons were invited to submit written data, views and arguments concerning the submission by November 3, 1975. No comments have been received concerning the CSE's rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to national securities exchanges, and in particular the requirements of section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-30441 Filed 11-11-75;8:45 am]

¹ See also Securities Exchange Act Release No. 11683 (September 25, 1975).

² An amendment to the CSE's filing, stating that the proposed rule changes were approved by the CSE's Board of Trustees on September 30, 1975, was submitted on October 3, 1975.

³ See also Securities Exchange Act Release No. 11682 (September 25, 1975).

[Release No. 34-11800; File No.
SR-MSTC-75-2]

MIDWEST SECURITIES TRUST CO.

Proposed Rule Change; Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 30, 1975, 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

A Custodian agreement is signed between the Midwest Securities Trust Company (MSTC) and the Transfer Agent Custodian. To transfer stock into a TAC position, MSTC prepares an Offsite Inventory Box Update form. This computer input is keypunched, verified and computer edited for accuracy. The Offsite Inventory Box Update generates a computer stock pull instruction. The MSTC book inventory is reduced, and the TAC offsite inventory position is increased by the same amount. The new balances and locations are printed each day on our security inventory control sheets, and the stock is counted to insure that the stock was pulled.

The stock certificates are checked for good deliverable form and made non-negotiable by stamping them "for transfer only per the instructions of the Midwest Securities Trust Company" before sending them to the TAC. The stock is sent to the agent with a three ply log sheet. All certificates are microfilmed. The log sheet is used as a receipt and as a confirmation of the opening balance of shares at the TAC and a confirmation of the new balance. The log sheet contains the stock description, cusip number, transfer number and date, the transaction amount requested or delivered, and an authorizing signature on file with the TAC. One copy of the log stays in an open file at the Midwest Securities Trust Company. The stock and two plies of the TAC log are received by the transfer agent. The log is signed by the TAC, returned to MSTC, and matched with MSTC's open copy. Any discrepancies are reported to the Controls Department for immediate reconciliation with the TAC.

Stock for transfer is sent insured in non-negotiable form by local messenger, Brink's Air Courier, or mail. Under no circumstances will the dollar amounts of shipments of securities to transfer agent custodians exceed MSTC's insurance coverage. The transfer agent cancels the certificates from MSTC and changes our balance by cancelling a balance order certificate in the name of Kray & Co., MSTC's nominee. This certificate is held for us by the agent as custodian.

In addition to the balance confirmation with each transaction, our audit department confirms the TAC balance

with the agent once a month. The stock balance held by the TAC can be withdrawn to fill customer transfers or withdrawn in MSTC's nominee name of Kray & Co. for MSTC change-making needs after written instruction by an authorized signer for MSTC.

The withdrawing of TAC stock has the same safeguards as the deposit. The Midwest Securities Trust Company initiates the request by creating an Offsite Inventory Box Update, a TAC log sheet, and a transfer instruction. The log is signed by an authorized MSTC signer and sent in two play with the transfer instruction to the agent. The box update form and a copy of the log are held in an open file by MSTC. When the agent completes the transfer, he returns the stock with the copy of the log and instructions. This log is signed by the transfer agent and confirms the opening balance, the transaction, and the new balance. MSTC matches this with our log copy and box update. Any discrepancies are turned over to our controls group for immediate reconciliation with the Transfer Agent Custodian. All paperwork and certificates are microfilmed.

The box update is batch controlled and entered into MSTC's computer which deducts from the offsite location and adds to MSTC's inventory. The stock is put into MSTC's box, and the updated computer inventory and the physical certificates are counted against each other that same afternoon as a double check that the system is in balance. Any customer stock returned is taken off our open transfer file with an entry to the computer sent out. A weekly listing to the broker, the daily activity notation, and a monthly audit assure the corrections of these entries.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The Transfer Agent Custodian Program aids the transfer process by serving to further immobilize certificate movement between the depository and the Transfer Agent. The Transfer Agent Custodian Program permits the depository to retain only a working supply of certificates while depositing the remainder with the Transfer Agent bank to be held in a depository balance certificate in the name of the depository nominee. The Transfer Agent bank is a custodian of the depository balance certificate. When issuances are required, the depository sends only a properly signed authorization and stock power to the Transfer Agent who immediately issues the stock required by reducing the certificate in his possession. The transaction is handled quickly by both the depository and the Transfer Agent because no stock is withdrawn from the depository's vault and accordingly none must be processed by the Transfer Agent. This timeliness is of great benefit to the depository, especially as record dates approach. Since the registration of the certificate with the Transfer Agent is the same as the stock held in the de-

pository, dividends and proxies are not affected by the process.

As mentioned above, stock transfers are handled quickly by both the depository and the Transfer Agent because no stock is withdrawn from the depository's vault and accordingly none must be processed by the Transfer Agent. Depository certificate inventories are reduced to a working supply only, while moving excess certificates back to the Transfer Agent. The depository receives guaranteed speedy issuance of valid certificates when requested. Shares in depository balance certificates are valid because stop checks and screening is completed before shares from cancelled stock are credited to the certificate. Therefore, new issues debited from balance certificates can be issued without delay or unexpected stops. The depository also has the benefit of reduced vault space requirements and reduced clerical processing involvement. With only periodic deliveries of securities for custody from the depository, additional stability in stock transfer workload volume is achieved. The surge of debit postings just prior to record dates is reduced and in some cases eliminated. Reduced certificate handling by the Transfer Agent lowers his costs without substituting other costs since the system parallels existing stock transfer work flow and balance certificate procedures using only one simple form in the process. The customer benefits financially from the reduced transactions volume.

No comments have been received from members concerning the proposed rule change.

The TAC Program will enhance competition. Reduced certificate handling by the Transfer Agent lowers his costs without substituting other costs since the system parallels existing stock transfer work flow and balance certificate procedures, using only one simple form in the process. Also, the depository reduces the amount of clerical processing costs.

On or before December 17, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

- (a) By order approved such proposed rule change, or
- (b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All

submissions should refer to the file number referenced in the caption above and should be submitted on or before December 3, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc. 75-30444 Filed 11-11-75; 8:45 am]

[Release No. 34-11798; File No. SR-PSE-75-5]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change; Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 3, 1975 the above-mentioned self-regulatory organization filed under the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pursuant to the proposed change in section 2(h-a) of Rule XX of the rules of the Pacific Stock Exchange dealing with the timely delivery of listed and O.T.C. securities:

1. Any participant of the Pacific Clearing Corporation ("PCC") which has not received securities by settlement date may, on the first full business day following settlement date, demand immediate delivery of those securities by filing with PCC a notice of intention to buy-in. When PCC receives a notice to buy-in from a participant, it shall transmit the notice to all participants who, on the day of the notice, are short or failing to deliver the security called for in the notice. Such participants must thereupon close their positions by delivery of the security or bear their proportionate share of any resulting loss.

2. If delivery is not received within the time specified in the notice of intention to buy-in, which shall be no later than two full business days after delivery of the notice, the participant may then execute a buy-in in the best available market of those securities remaining undelivered on the date designated for execution. Prior to executing the buy-in the participant must accept and pay for any portion of the securities called for in the notice that is delivered to it.

3. There are designated procedures for guaranteeing deliveries of securities delayed in transfer or deliveries due from another clearing corporation. There are also procedures whereby the participant requesting the securities may obtain an extension of the execution of the buy-in under specified conditions.

4. PCC may of its own accord institute buy-in or sell-out procedures against participants due to reorganizations (tenders and exchanges), or due to the suspension, financial impairment, resigna-

tion or reorganization of a participant, and for other similar reasons.

5. When a notice of buy-in is presented and sufficient securities are not delivered by the execution date and subsequently the buy-in is not executed, PCC shall levy a charge against the participant who failed to execute the buy-in unless an extension is obtained. If a buy-in that has been extended has not been executed after an extension of seven (7) calendar days no further extension will be granted, the buy-in will expire, and the participant must present a new buy-in notice if it wishes to effect a buy-in of the securities covered in the original buy-in notice.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change establishes procedures whereby PCC participants which have not received listed or O.T.C. securities from PCC by the scheduled delivery date may demand delivery of those securities from PCC and then, if delivery does not occur within a specified time period, may execute a so-called "buy-in" in the best available market of those securities that remain undelivered on the date designated for execution. These procedures are intended to protect participants from losses arising out of transactions between them, PCC and other participants and to permit participants owed securities to take prompt and appropriate steps to eliminate or minimize any losses that might otherwise occur as a result of late delivery.

The proposed rule change, by establishing a method whereby participants which do not receive securities owed them by settlement date may demand delivery and then execute a buy-in for those securities not delivered, provides fair procedures whereby participants owed securities may take steps to minimize any losses arising out of late delivery; serves to remove impediments to, and to facilitate, the prompt and accurate clearance and settlement of securities transactions; fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions; and contributes to the protection of investors and the public interest.

The proposed change, by establishing procedures whereby PCC may institute buy-in or sell-out procedures against participants due to reorganizations, or due to the suspension, financial impairment, resignation or reorganization of a participant, provides protection to PCC and to other participants from losses that might otherwise occur, and thereby contributes to the protection of investors and the public interest. The proposed change also provides appropriate disciplinary action for violation of its provisions by imposing charges against participants who, having filed a notice of buy-in, subsequently fail to execute it.

The foregoing constitute the principal bases under the Act for the rule change.

The other bases set forth in the "Information to be Included" section of the Instructions to the Rule are not applicable.

Comments on the proposed rule change have not been solicited from Exchange members or from PCC participants.

The proposed rule change would not impose any burden on competition.

On or before December 3, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 3, 1975.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc. 75-30445 Filed 11-11-75; 8:45 am]

[Release No. 34-11799; File No. SR-PSE-75-6]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change: Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 3, 1975 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

Pursuant to the proposed rule change in section 5 of Rule XX of the rules of the Pacific Stock Exchange dealing with certain operations of the Pacific Securities Depository Trust Company ("PSD") and the Pacific Clearing Corporation ("PCC"):

1. The operation of PSD shall be governed by rules adopted by it. The rules of PCC shall govern the responsibilities of PCC participants in connection with certain services which PCC will furnish to PSD as part of the interface between PCC and PSD. Instructions relating to PSD and issued to PCC or PSD by PCC participants for whom an account is maintained with PSD shall constitute a certification by said participant that it has and will maintain sufficient balances of securities in its PSD account to support all entries requested by any such instructions.

2. If a participant instructs PSD to withdraw or transfer shares from its PSD account, and such instructions are executed although the participant does not have sufficient share of the security involved to cover such withdrawal or transfer, PCC shall, upon PSD's request, attempt to collect said shares by debiting the participant's net settlement statement with PCC in the appropriate amount. The participant shall then be required to make payment to PCC for any amounts so debited and PCC shall be liable to PSD for all shares thereby collected. The participant in question shall, in any event, remain liable to PSD for the total number of shares in question until such time as settlement is made with PCC.

3. PSD will provide services to PCC to facilitate the stock loan activity of PCC and of PSD participants. When PCC requests that stock be loaned to it, PSD will attempt to identify a PSD participant from whose account such a loan can be made. When PSD has received authorization for the loan from a participant, PSD will effect the loan to PCC, either by physical delivery or by book-keeping entry to PCC's account with PSD. PCC may at any time return any loaned securities to the participant who loaned them by notifying PSD. Likewise, any PSD participant which has loaned securities to PCC through PSD may request the return of such securities at any time. In either case PSD will effect the transfer of the securities to the participant in question, subject to the payment by the participant of any amounts owing PCC with respect to the return of the securities. When loans are terminated by PCC or by participants, notice of such termination shall be given and settlement of securities and cash obligations shall be made no later than the second business day following the day of the notice. If settlement is not made by such date, the party failing to effect settlement may be "bought-in" or "sold-out," as the case may be, by the other party, with any loss resulting from such "buy-in" or "sell-out" being charged to the party that fails to effect timely settlement.

4. PCC will furnish certain services to PSD in connection with distributions of cash and securities. When PSD charges back such a distribution against one of its participants, PSD may notify PCC that the distribution is being charged back against a particular participant.

PCC will then effect such a charge by debiting the participant's net settlement statement in the appropriate amount and the participant will be required to make payment to PCC of any amounts so debited. PCC will make payment to PSD of any amounts received in accordance with the normal settlement procedures between the two parties.

5. If a PSD participant, owing securities and/or cash to both PSD and PCC, makes only a partial settlement of the total amount owed and defaults on the remaining obligation, PCC will make a prorata distribution of the securities and/or cash received in partial settlement from the participant between itself and PSD.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is intended to affirm that the operation of PSD shall be governed by rules adopted by it. The proposed change also establishes that PCC's rules shall govern the responsibilities of PCC participants arising out of those services which PCC will furnish PSD as part of the interface between the two entities.

The proposed rule change is also intended to set forth some of the basic rights, duties and responsibilities of PCC and PSD in connection with certain services which each will furnish the other. These services include: procedures whereby PCC shall attempt to collect shares overdrawn by participants from their PSD accounts; procedures whereby PSD will facilitate the stock loan activity of PCC and PSD participants; and procedures whereby PCC will furnish certain services to PSD in connection with distributions of cash and securities.

There are several independent bases under the Act for the proposed rule change. These bases are set forth below. The other bases set forth in the "Information to be Included" section of the Instructions to the Rule are inapplicable.

The proposed rule change, by establishing a method whereby PCC will attempt to collect shares overdrawn by participants from their PSD accounts and by establishing for the prorata distribution of securities and/or cash between PSD and PCC when participants default upon obligations owing to both, provides protection against possible losses by PSD and PCC which might disrupt the operation of those entities and cause losses to other participants. In so doing, the rule change contributes to the safeguarding of securities and funds which are in the custody and control of the clearing agencies or for which they are responsible, and also contributes to the protection of investors and the public interest. The rule change, by facilitating stock loan activity by PCC and by participants, aids in the prompt and accurate clearance and settlement of securities transactions, and fosters cooperation and coordination among persons engaged in the clearance and settlement of securities transactions.

Comments on the proposed rule change have not been solicited from Exchange members or from PCC or PSD participants.

The proposed rule change would not impose any burden on competition.

On or before December 3, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 3, 1975.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc. 75-30446 Filed 11-11-75; 8:45 am]

[SR-PBWE-75-1]

PBW STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change Relative to Fidelity Bonding Requirements for Members

On September 22, 1975, the PBW Stock Exchange, Inc. ("PBW"), 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, submitted proposed changes to Rule 705 of the Rules of its Board of Governors, under Rule 19b-4 pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78 (s), as amended, Pub. L. No. 74-29 (June 4, 1975) (the "Act"). The rule changes were designed to impose higher fidelity bonding requirements in certain respects on member firms and organizations. In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (40 FR 45881, October 3, 1975), and the public was invited to submit comments until November 3, 1975. Notice of the filing and an invitation for comments also appeared in the SEC Docket on October 7, 1975 (Securities Exchange Act Release No. 11681).

As described in the item published in the FEDERAL REGISTER, the purpose of the proposed rule change is to impose higher fidelity bonding requirements on members in order to provide increased safeguards with respect to the financial responsibility and related practices of its members consistent with the standards set forth in new Rule 15b10-11 under the Act (the "SECO Bonding Rule" or "Rule 15b10-11") which establishes fidelity bonding requirements for registered brokers and dealers which are not members of a registered national securities association (SECO brokers and dealers). Members in good standing of the PBW, among other exchanges, by the terms of paragraph (b) of the SECO Bonding Rule, are exempt from the latter rule inasmuch as they are already subject to fidelity bonding requirements of the PBW which are comparable to those promulgated by the Commission.

The Commission believes that the subject revisions to the PBW Bonding Rule are necessary and appropriate in the public interest and for the protection of investors. Accordingly, it finds that the proposed rule change is consistent with the provisions of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b) (2) of the Act, that the rule changes referenced above be, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-30442 Filed 11-11-75; 8:45 am]

[Release No. 34-11806; File No. SR-NYSE-75-6]

NEW YORK 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 October 24, 1975, 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

A. SCC Rule 4, Section 1, Paragraph 2.

The Corporation may permit part of a Member's contribution to the Clearing Fund to be evidenced by an open account indebtedness secured by unmatured debt obligations in bearer or registered form, [bonds] which are direct obligations of, or obligations guaranteed as to principal and interest by, the United States or, if deemed acceptable by the Corporation in its sole discretion, which are issued by agencies of the United States, or unmatured bearer bonds which are general obligations of, or obligations guaranteed as to principal and interest by, a State or political subdivision there-

of which are in the first or second ratings of any nationally known statistical service or unmatured registered debt securities (other than securities which are convertible into other securities) issued by a corporation which are in the first rating of any nationally known statistical service ("qualifying bonds"), having and maintaining a market value not less than the amount of such open account indebtedness. Such qualifying bonds shall be pledged to the Corporation on such terms and conditions as it shall require; *Provided, however*, That registered securities shall not be pledged to the Corporation otherwise than by book-entry through the facilities of a securities depository with which the Corporation maintains an appropriate account for such purpose. The Board of Directors may 10 business days after giving written notice thereof to all Members increase or decrease the amount of the Member's contributions required to be maintained in cash; provided that such requirement shall apply to all Members. The qualifying bonds pledged by a Member to secure its open account indebtedness shall be held by the Corporation or for its account by a bank or trust company (other than the Member) designated by the Member and acceptable to the Corporation.

B. SCC Rule 9, Section 1, Paragraph 9.

In case of any irregularity in an item, the receiving Member or Non-Member Bank may return such item to the delivering Member or Non-Member Bank by putting such item in an envelope and delivering the envelope in the same manner as provided by this Section 1 for the delivery by Members and Non-Member Banks, except that the tickets in the envelope and the credit list accompanying the envelope, which are used in connection therewith, shall bear the legend "Reclamation". If such delivery of returned items is to be made through the Corporation it shall be made at Central Delivery Department on the day received or on (a subsequent) the next business day in accordance with the schedule specified by the Corporation; provided, however, that reclamations subject to the Rules of the Board of Directors of the Exchange shall be made within the time periods specified in said Rules. If the delivering Member or Non-Member Bank shall not have agreed with the receiving Member or Non-Member Bank to make the delivery otherwise than under this Rule, the receiving Member or Non-Member Bank shall not be entitled to reclaim the item due to the delivering Member's or Non-Member Bank's delivery of the item under this Rule.

C. SCC Rule 19. Death, Expulsion or Suspension (other than for insolvency) of Sole Exchange Member.

Section 1. If the sole reason a Clearing Member qualifies as such under Rule 2 is because the Clearing Member is a member organization of the Exchange, then: (a) If the sole Exchange member of a member firm which is a Clearing Member or the sole Exchange member who is an officer of a member corpora-

tion which is a Clearing Member, dies, or is expelled or suspended by the Exchange, other than for insolvency, the Corporation shall, upon receipt of notice thereof, cease to act for such Clearing Member, firm or corporation with respect to transactions generally, as provided in Rule 18, subject, however, to the provisions of the (next) paragraph (b) of this [Rule] Section 1.

(b) In the case of the death of the sole Exchange member of a member firm which is a Clearing Member or the sole Exchange member who is an officer of a member corporation which is a Clearing Member, the Corporation shall not cease to act for such firm or corporation if and for so long as such member firm or member corporation is permitted by the Board of Directors of the Exchange, pursuant to the provisions of Section 13 of Article IX of the Constitution of the Exchange, to have the status of a member firm or member corporation; subject, however, to the right of the Corporation to cease to act at any time as provided in Rule 18. The corporation shall so cease to act upon any termination of such status in the same manner and to the same extent as though the death of such sole Exchange member had occurred at the time when such termination becomes effective.

Section 2. If the sole reason a Clearing Member qualifies as such under Rule 2 is because the Clearing Member is a member organization of the American Stock Exchange, Inc. then: (a) If the sole American Stock Exchange, Inc. member of a [an Associate] Clearing Member firm or corporation dies or is expelled or suspended by the American Stock Exchange, Inc. other than for insolvency, the Corporation shall, upon receipt of notice thereof, cease to act for such [Associate] Clearing Member firm or corporation with respect to transactions generally, as provided in Rule 18 subject, however, to the provisions of the (next) paragraph (b) of this [Rule] Section 2.

(b) In the case of the death of the sole American Stock Exchange, Inc. member or a [an Associate] Clearing Member firm or corporation, the Corporation shall not cease to act for such firm or corporation if and for so long as such firm or corporation is permitted by the Board of Directors of the American Stock Exchange, Inc., pursuant to the provisions of Section 6 of Article IV of the Constitution of the American Stock Exchange, Inc. to have the status of a temporary member firm or member corporation; subject to the right of the Corporation to cease to act for such [Associate] Clearing Member at any time as provided in Rule 18. The Corporation shall so cease to act upon any termination of such status in the same manner and to the same extent as though the death of such sole [Regular Member] member had occurred at the time when such termination becomes effective.

Section 3. If the event specified in Section 1(a) and Section 2(a) shall occur simultaneously as to a Clearing Member, the Corporation may act for such Clear-

ing Member under either Section 1(b) or Section 2(b).

D. SCC Procedure Manual (page 70).

Other Distribution: 8:00 a.m.—day of payment.
Miscellaneous Activity Report: 8:00 a.m.—day of activity.
Record Date Report: 8:00 a.m.—day after record date.
Deliver and Receive Instructions: 8:00 a.m.—day removed from CNS.
Submission of Exemption Summary: 6:00 p.m. T+4.
Priority Request: 5:00 p.m. daily.
Notice of Intention to Buy-In: 5:00 p.m. daily.
Order to Execute Buy-In: 10:00 a.m. N+2.

Classification of deliveries	Final delivery time	Final reclamation time
Nonmember bank to clearing member, associate member or affiliate member.	11:30 a.m.	2 p.m. ¹
Clearing member, associate member, or affiliate member, to clearing member, associate member, or affiliate member.	do.....	Do. ¹
Clearing member, associate member, or affiliate member, to nonmember bank.	do.....	Do. ¹
Nonmember bank to nonmember bank.	do.....	Do. ¹

¹ On day the item is received; the final reclamation time for a reclamation on the next business day after the item is received is 10 a.m.

(b) Not Applicable.

(c) Not Applicable.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. Purpose of Proposed Rule Change. The purposes of the proposed rule changes are as follows:

A. Rule 4, Section 1, Paragraph 2 is amended in order to expand the types of securities which Members may use in order to secure their open account indebtedness to the Clearing Fund. This amendment would authorize Members to secure their open account indebtedness with U.S. Government debt obligations and debt obligations of agencies of the U.S. Government or with unmatured registered debt securities (other than securities which are convertible into other securities) issued by a corporation, provided that registered debt securities (other than securities which are convertible into other securities) issued by a corporation, provided that registered securities shall not be pledged to the Corporation otherwise than by book-entry through the facilities of a securities depository with which the Corporation maintains an appropriate account for such purpose (Item 1(A) above).

B. Rule 9, Section 1, Paragraph 9 and Page 70 of the Procedure Manual are amended in order to reflect in the Rules and Procedures SCC's long-standing policy that reclamations must be made no later than 10 a.m. on the next business day after the delivery (Items 1 (B) and (D) above).

C. Rule 19 is amended to deal with the fact that Members of the American Stock Exchange, Inc. who are Members of SCC are Clearing Members rather than Associate Members, and to deal with the existence of dual memberships on the New York Stock Exchange, Inc. and the American Stock Exchange, Inc. (Item 1(C) above).

4. Basis under the Act for adopting the proposed rule change.

(a) Not applicable.

(b) The proposed rule changes relate to the Exchange's wholly-owned subsidiary, SCC. The amendment to Rule 4, Section 1, Paragraph 2 relates to assurances as to safeguarding of securities and funds which are in the custody or control of SCC and the protection of investors and the public interest in that it redefines the means by which the Clearing Fund, which provides safeguards for securities and protection to investors, may be funded. The amendment to Rule 9, Section 1, Paragraph 9 and Page 70 of the Procedure Manual relates to the prompt and accurate clearance and settlement of securities transactions in that it limits the time within which reclamations may be made. The amendment to Rule 19 relates to the fostering and cooperation and coordination with persons engaged with the clearance and settlement of securities transactions, in that it relates to the scheme of participation in SCC by members of the American Stock Exchange, Inc.

(c) Not applicable.

5. Comments Received From Members, Participants or Others on Proposed Rule Changes.

Comments were solicited by notice dated June 17, 1975. No comments have been received.

6. Burden on Competition.

None.

Within 15 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved. Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within three weeks after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[PR Doc.75-30463 Filed 11-11-75;8:45 am]

[Release No. 34-11805; File No.

SR-PBWSE-75-5]

PBW STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed By-Law Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 20, 1975, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed By-Law change as follows:

Statement by PBW Stock Exchange, Inc. of the term of substance of the proposed By-Law change. The PBW Stock Exchange, Inc. ("PBW") proposes to amend Exchange By-Law 19-3(b) as stated below. (Brackets indicate words to be deleted and underscoring is used to indicate words to be added.)

Sec. 19-3. The minimum floor brokerage rates to options members on option contracts dealt in on the exchange shall be as follows:

(b) A registered options specialist shall charge as Floor rates for the execution of members' orders in options given him on the Floor of the Exchange personally by an options member, by an options member representative or by an employee of the Exchange, in writing and signed [the following commission based on the number of contracts and the price of the shares involved in each contract order] sixty (60) per cent of the floor rates described in Sec. 19-3(a) above. These commissions shall apply only to transactions when the principal's name is given up at the time of such transactions.

Price per share	Rate per contract		
	1st and 2d contract	3d through 10th contract	11th contract and over
1/16 of \$1 and above, but under 1/8 of \$1	\$0.04	\$0.03	\$0.02
1/8 of \$1 and above, but under 1/4 of \$1	.25	.20	.15
1/4 of \$1 and above, but under 1/2 of \$1	.50	.40	.35
1/2 of \$1 and above, but under \$1	.80	.75	.65
\$1 and above, but under \$4	1.10	.90	.80
\$4 and above, but under \$8	1.05	1.55	1.40
\$8 and above, but under \$12	2.35	1.90	1.55
\$12 and above, but under \$16	2.55	2.10	1.90
\$16 and above, but under \$20	2.90	2.30	2.05
\$20 and above, but under \$30	3.05	2.50	2.20
\$30 and above, but under \$40	3.25	2.65	2.35
\$40 and above, but under \$50	3.50	2.80	2.50
\$50 and above	3.70	2.95	2.65

Notwithstanding the above [rates], when the amount involved in an order is less than \$100, the commission shall be as mutually agreed.

When the amount involved in an order exceeds \$300,000, the prescribed commission to be charged pursuant to this subsection 19-3(b) shall apply to the maximum number of contract transactions involving an aggregate amount not in excess of \$300,000.

The minimum commission rates prescribed in this By-Law Section 19-3 shall expire on April 30, 1976.

Statement by PBW of basis and purpose. This By-Law has been proposed to reduce the commission received by an options specialist on limited orders which are left with the specialist by a floor broker.

The Exchange has determined that the proposed amendment to By-Law 19-3(b) described above does not improve any burden on competition.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all of written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 8, 1975.

For the Commission, by the Division of Marketing Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[PR Doc.75-30464 Filed 11-11-75;8:45 am]

[Release No. 34-11804; File No. SR-PBWSE-75-6]

PBW 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. 78(s)(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 20, 1975, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement by PBW Stock Exchange, Inc. of the terms of substance of the proposed rule change. Pursuant to Rule 19b-4, the PBW Stock Exchange, Inc. ("PBW") proposes to increase the number of underlying securities from fifteen (15) to forty (40) for competitive reasons and to fulfill the business requirements of firms who have committed capital and expended money in the specialist and retail areas.

Statement by PBW of basis and purpose. On May 15, 1975, the SEC declared effective the PBW Plan regulating transactions in options on the PBW. Currently,

the PBW has permission to trade options in fifteen (15) underlying securities. The addition of options trading in twenty-five (25) underlying securities does not materially alter the original plan as approved by the SEC. The PBW proposal does not hinder in any way the PBW's capacity to carry out the purposes of the Act and to comply and to enforce compliance by members and persons associated with our members. The PBW certifies that action will be taken to accommodate this expansion.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 8, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1975.

[FR Doc.75-30465 Filed 11-11-75;8:45 am]

SMALL BUSINESS ADMINISTRATION DES MOINES DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Des Moines District Advisory Council will hold a public meeting at 10:00 a.m., Friday, November 23, 1975, at the Des Moines Golf and Country Club, I-80 Ashworth Road, West Des Moines, Iowa, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, call or write J. Harold Sear, 210 Walnut Street, Des Moines, Iowa 50309, (515) 284-4567.

Dated: November 4, 1975.

NANCY R. LOWE,
Acting Chief Counsel for Ad-
vocacy, Small Business Ad-
ministration.

[FR Doc.75-30424 Filed 11-11-75;8:45 am]

LAS VEGAS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Las Vegas District Advisory Council will hold a public meeting at 10:00 a.m.,

Friday, December 5, 1975, at 310 E. Stewart Street, Room 213, Las Vegas, Nevada, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, call or write Robert S. Garrett, 301 E. Stewart, Box 7527, Downtown Station, Las Vegas, Nevada 89101 (702) 385-6529.

Dated: November 5, 1975.

NANCY R. LOWE,
Acting Chief Counsel for Ad-
vocacy, Small Business Ad-
ministration.

[FR Doc.75-30425 Filed 11-11-75;8:45 am]

SPOKANE DISTRICT ADVISORY COUNCIL Public Meeting

The Small Business Administration Spokane District Advisory Council will hold a public meeting at 9:00 a.m., Monday, December 1, 1975, at the U.S. Courthouse Building, Room 695, West 920 Riverside Avenue, Spokane, Washington, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, call or write William S. Schumacher, 651 U.S. Courthouse, P.O. Box 2167, Spokane, Washington 99210, (509) 456-3781.

Dated: November 5, 1975.

NANCY R. LOWE,
Acting Chief Counsel for Ad-
vocacy, Small Business Ad-
ministration.

[FR Doc.75-30426 Filed 11-11-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 912]

ASSIGNMENT OF HEARINGS

NOVEMBER 7, 1975.

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 121739 Sub 1, Burk Motor Freight, Inc., continued to December 16, 1975 (2 days) at Oklahoma City, Oklahoma; at the Oklahoma Corporation Commission, Room 211, Jim Thorpe Office Building, 2101 North Lincoln Boulevard.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30505 Filed 11-11-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 7, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43070—Soybeans from Illinois Central Gulf Railroad Company Stations in Illinois to Chicago, Illinois for Export. Filed by Illinois Central Gulf Railroad Company, (No. 75-1), for interested rail carriers. Rates on soybeans, in carloads, as described in the application, for export, from Illinois Central Gulf Railroad Company stations in Illinois, to Chicago, Illinois, for export.

Grounds for relief—Market competition.

Tariff—Supplement 26 to Illinois Central Gulf Railroad Company tariff 602, I.C.C. No. 36. Rates are published to become effective on December 1, 1975.

FSA No. 43071—Joint Rail-Water Container Rates—United States Lines, Inc. Filed by United States Lines, Inc. (No. 11), for itself and interested rail carriers. Rates on general commodities, between rail terminals at U.S. Gulf seaports, and ports in the United Kingdom, Republic of Ireland, Baltic and Continental Europe.

Grounds for relief—Water competition.

Tariffs—United States Lines, Inc., tariffs F.T. Nos. 15 and 19, I.C.C. Nos. 15 and 19, F.M.C. Nos. 73 and 78, respectively. Rates are published to become effective on December 5, 1975.

FSA No. 43072—Beet or Cane Sugar from Points in California on The Atchafalaya, Topeka and Santa Fe Ry. Co., to Points in Ill., Iowa, Minn., Mo., Tex., and Wis. Filed by Trans-Continental Freight Bureau, Agent (No. 496), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in California on the AT&SF Ry. Co., to points in Illinois, Iowa, Minnesota, Missouri, Texas and Wisconsin; also returned shipments in the reverse direction.

Grounds for relief—Rate relationship; returned shipments.

Tariff—Supplement 11 to Trans-Continental Freight Bureau, Agent, tariff 2-M, I.C.C. No. 1914. Rates are published to become effective on December 6, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30506 Filed 11-11-75;8:45 am]

[Notice No. 41]

**MOTOR CARRIER ALTERNATE ROUTE
DEVIATION NOTICES**

NOVEMBER 7, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 647 (Deviation No. 4), EXHIBITORS SERVICE COMPANY, 85 Helen Street, McKees Rocks, Pa. 15136, filed October 29, 1975. Carrier's representative: Samuel P. Delisi, 604 Law & Finance Bldg., Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Harrisville, Pa., over Pennsylvania Highway 8 to Franklin, Pa., thence over U.S. Highway 322 to Meadville, Pa., 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 Harrisville, Pa., over Pennsylvania Highway 58 to Mercer, Pa., thence over U.S. Highway 19 to Meadville, Pa., and return over the same route.

No. MC 22229 (Deviation No. 21), TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave., S.E., Atlanta, Ga. 30316, filed October 29, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Nashville, Tenn., over U.S. Highway 41 to junction Interstate Highway 74, thence over Interstate Highway 74 to Rock Island, Ill., and (2) From Nashville, Tenn., over U.S. Highway 41 to junction Interstate Highway 74, thence over Interstate Highway 74 to junction U.S. Highway 51 near Bloomington, Ill., thence over U.S. Highway 51 to junction

Interstate Highway 80 near LaSalle, Ill., thence over Interstate Highway 80 to junction Illinois Highway 88, thence over Illinois Highway 88 to Rock Falls, Ill., and return over the same routes 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 Nashville, Tenn., over U.S. Highway 31E to junction Kentucky Highway 70, thence over Kentucky Highway 70 to Cave City, Ky., thence over U.S. Highway 31W to Sellersburg, Ind., thence over U.S. Highway 31 to Indianapolis, Ind., thence over U.S. Highway 52 to Montmorenci, Ind., thence over Indiana Highway 53 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hammond, Ind., thence over U.S. Highway 41 to Chicago, Ill., thence over Alternate U.S. Highway 30 to Dixon, Ill., thence over unnumbered highway via Prairieville, Ill., to junction Illinois Highway 2, thence over Illinois Highway 2 to Rock Island, Ill., and return over the same route.

No. MC 33641 (Deviation No. 104), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 29, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Salt Lake City, Utah, over Interstate Highway 80 (using portions of U.S. Highway 40 where Interstate Highway 80 is not completed) to Wells, Nev., thence over U.S. Highway 93 to junction U.S. Highway 30 near Filer, Idaho, 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 Salt Lake City, Utah, over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 93 near Filer, Idaho, and return over the same route.

No. MC 33641 (Deviation No. 105), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 29, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction unnumbered highway (formerly U.S. Highway 25) and U.S. Highway 33, over U.S. Highway 33 to Ft. Wayne, Ind., 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 junction U.S. Highway 33 and unnumbered highway (formerly U.S. Highway 25) over unnumbered highway to Lima, Ohio, thence over U.S. Highway 30S to junction U.S. Highway 30 near Delphos, Ohio, thence over U.S. Highway 30 to Ft. Wayne, Ind., and return over the same route. Restriction: Service at points on the routes described above is restricted

to traffic which originates at or is destined to points east of Ohio or west of Illinois.

No. MC 55778 (Deviation No. 4), MOTOR DISPATCH, INC., 1020 Eighteenth Street, Detroit, Mich. 48216, filed October 29, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Gary, Ind., over Interstate Highway 65 to Indianapolis, Ind., 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 Gary, Ind., over U.S. Highway 20 to South Bend, Ind., thence over U.S. Highway 31 to Indianapolis, Ind., and return over the same route.

No. MC 76266 (Deviation No. 23), ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 S. 11th St. Minneapolis, Minn. 55403, filed October 16, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Beloit, Wis., over U.S. Highway 51 to junction Illinois Highway 38 at Rochelle, Ill., thence over Illinois Highway 38 to junction Illinois Highway 2 near Dixon, Ill., thence over Illinois Highway 2 to junction Interstate Highway 80 near E. Moline, Ill., thence over Interstate Highway 80 to junction Iowa Highway 149 near Williamsburg, Iowa, 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 Beloit, Wis., over Wisconsin Highway 81 to junction Wisconsin Highway 11, thence over Wisconsin Highway 11 to junction U.S. Highway 151, thence over U.S. Highway 151 to Cedar Rapids, Iowa, thence over Iowa Highway 149 to junction Interstate Highway 80 and return over the same route.

No. MC 111651 (Deviation No. 4), MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Ave., St. Louis, Mo. 63147, filed October 31, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 64 (using portions of Indiana Highway 64 and necessary connecting highways, until Interstate Highway 64 is complete) 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 Louisville, Ky., over U.S. Highway 150 to junction U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, Mo., and return over the same route.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30508 Filed 11-11-75; 8:45 am]

[Notice No. 89]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 7, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating rights' applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General 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 a detailed description of 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 (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner 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) or section 240(c) (4) of the special rules, and shall include the certification required therein.

No. MC 56679 (Sub-No. 76) (Republication), filed May 29, 1973, and published in the FEDERAL REGISTER issue of August 16, 1973, and republished this issue. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative:

B. K. McClain (same address as applicant). An Order of the Commission, Division 1, Acting as an Appellate Division, dated October 22, 1975, and served October 30, 1975, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *rugs, carpets, carpeting and tufted textile products*, from points in Georgia, except those south and east of a line beginning at the South Carolina-Georgia State Line and extending west along U.S. Highway 278 to junction Georgia Highway 20 at Conyers, Ga., and thence south along U.S. Highway 23 to junction Interstate Highway 75 at or near Bolingbroke, Ga., thence along Interstate Highway 75 to the Georgia-Florida State Line, to Omaha, Nebr.; 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 the extended grant of authority above to include transportation from that portion of Georgia which applicant presently utilizes as an origin territory in its existing authority. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111625 (Sub-No. 19), (Republication), filed February 11, 1974, and published in the FEDERAL REGISTER issues of March 28, 1974 and October 22, 1975, and republished as corrected in part this issue. Applicant: BERMAN'S MOTOR EXPRESS, INC., Binghamton, N.Y. 13902. Applicant's representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. An Order of the Commission, Review Board Number 3, dated October 1, 1975, and served October 8, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (6) (a) of *furniture* from Berkshire, N.Y. to points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Green, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Counties, Pa. The purpose of this corrected republication is to indicate the correct grant of authority in (6) (a). The rest of the notice remains as previously published in the FEDERAL REGISTER issue of October 22, 1975.

Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117644 (Sub-No. 34) (Republication), filed September 13, 1973, and published in the FEDERAL REGISTER issue of November 23, 1973, and republished this issue. Applicant: D & T TRUCKING CO., INC., P.O. Box 2611, New Brighton, Minn. 55112. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. An Order of the Commission, Division 1, Acting as an Appellate Division, dated October 9, 1975, and served October 22, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *meats, meat products, meat by-products, and articles distributed by meat-packing houses*, 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, in tank vehicles), from the plant site of Madison Foods, Inc., located at Madison, Nebr., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with Armour & Company, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements in the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a grant of authority to the destination states of Ohio, Pennsylvania, and Rhode Island, which were inadvertently omitted from the November 23, 1973 FEDERAL REGISTER notice. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding.

setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 139777 (Sub-No. 2) (Republication), filed May 6, 1974, and published in the FEDERAL REGISTER issue of June 13, 1974, and republished this issue. Applicant: SIX STAR TRANSPORTATION, INC., 969A Conklin Street, Farmingdale, N.Y. 11735. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. An Order of the Commission, Review Board Number 2, dated October 8, 1975, and served October 15, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of fertilizer and fertilizer ingredients, (2) of pesticides in mixed loads with fertilized and fertilizer ingredients from the facilities of The Andersons, at or near Maumee, Ohio, to points in Connecticut, Delaware, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; and (3) of fertilizer, fertilizer materials, and fertilizer ingredients from the facilities of Plant Products, Inc., at or near Blue Point, N.Y., to points in Pennsylvania, Ohio, Indiana, Michigan, Illinois, Connecticut, Delaware, Kentucky, Maryland, New Jersey, New York, Virginia, and West Virginia, restricted in (1), (2), and (3) above against the transportation of commodities in bulk, in tank vehicles; 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 the substantially broadened destination territory granted with respect to part (3) above, and pleadings should be limited with respect thereto. Because it is possible that other parties who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 1783 (Sub-No. 17), filed August 1, 1975. Applicant: BLUE LINE EXPRESS, INC., 260 D. W. Highway, Nashua, N.H. 03060. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. 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 points in Connecticut.

NOTE.—The purpose of this application is to convert a Certificate of Registration applicant is seeking to acquire to a Certificate of Public Convenience and Necessity. Applicant states that it intends to tack the requested authority with its existing authority on (1) General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment).

(a) At points in Connecticut east of Connecticut Highway 32, to provide service between Boston, Mass. and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Connecticut; (b) at points within 25 miles of Boston tacked with (a) above to provide service between points in Massachusetts and Connecticut; (c) at Springfield or points within 15 miles of Springfield tacked with (b) above between points in Massachusetts and again at points within 25 miles of Boston area, service could be provided between points in Connecticut and Bennington, Vt., Albany, N.Y. and points within 10 miles of Albany; and (d) at points in Massachusetts within 50 miles of Brattleboro, Vt. tacked with (b) authority between points in Massachusetts and tacked with (a) at points within 25 miles of Boston area, service could be provided between points in Connecticut and points in New Hampshire and Vermont within 50 miles of Brattleboro, Vt.

(2) Textile mill products, textile mill supplies, and equipment used or useful in the manufacture of such products, (a) at Boston and 10 miles of Boston or specifically named points within 25 miles of Boston, in providing service between Connecticut points and authorized points or areas in Vermont and New Hampshire; and (b) at points in Connecticut on and east of Connecticut Highway 8, to provide service between Augusta and Auburn, Maine, Westerly, Woonsocket, Providence, and North Smithfield, R.I. Wauregan, Conn.; Nashua, N.H. and points in that part of Massachusetts on and east of U.S. Highway 5, on the one hand, and, on the other, points in Connecticut. Applicant has filed concurrently with this application a gateway elimination application in MC 1783 (Sub-No. 18) published below. This is a matter directly related to a Section 5(2) proceeding in MC-P-12566 published in the FEDERAL REGISTER issue of August 13, 1975. If a hearing is deemed necessary, applicant

requests it be held at either Boston, Mass. or Hartford, Conn.

No. MC 1783 (Sub-No. 18), filed August 1, 1975. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway, Nashua, N.H. 03060. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (a) between Boston, Mass. and points in Massachusetts within 25 miles of Boston, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate a gateway at points in Connecticut east of Connecticut Highway 32.

(b) Between points in Massachusetts and Connecticut. The purpose of this filing is to eliminate a gateway at points within 25 miles of Boston, Mass.

(c) Between points in Connecticut; Bennington, Vt.; and Albany, N.Y. and points within 10 miles thereof. The purpose of this filing is to eliminate gateways at Springfield, Mass., points within 25 miles of Boston, Mass. and points in Massachusetts.

(d) Between points in Connecticut, and points in New Hampshire and Vermont within 50 miles of Brattleboro, Vt. The purpose of this filing is to eliminate gateways at points in Massachusetts within 50 miles of Brattleboro, Vt., those in Massachusetts within 25 miles of Boston, Mass. and points in Massachusetts.

(2) Textile mill products, textile mill supplies, and equipment used or useful in the manufacture of such products, (a) between points in Connecticut and Pittsfield, N.H., Hartford and Wilder, Vt., and points in that part of New Hampshire on and west of a line beginning at the Massachusetts-New Hampshire State Boundary line and extending north along New Hampshire Highway 28 to Manchester, N.H., thence along U.S. Highway 3 via Franklin, N.H., to intersection New Hampshire Highway 11, thence along New Hampshire Highway 11 to intersection U.S. Highway 4, and thence along U.S. Highway 4 to the New Hampshire-Vermont State Boundary line, and that part of Vermont on and east of a line beginning at the Vermont-New Hampshire State Boundary line at a point near Bellows Falls, Vt., including Bellows Falls, Vt., and extending north along U.S. Highway 5 to intersection Vermont Highway 103, thence along Vermont Highway 103 to Ludlow, Vt., thence along Vermont Highway 100 to Plymouth Union, Vt., thence along Vermont Highway 100 to intersection U.S. Highway 4 and thence along U.S. Highway 4 to the Vermont-New Hampshire State Boundary line.

lary line, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate a gateway at points in Boston, Mass. and 10 miles thereof, or specifically named points within 25 miles of Boston, Mass.

(b) Between Augusta and Auburn, Maine, Westerly Woonsocket, Providence, and North Smithfield, R.I., Waukegan, Conn., Nashua, N.H., and points in that part of Massachusetts on and east of U.S. Highway 5, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate a gateway of points in Connecticut on and east of Connecticut Highway 8.

NOTE.—This is a gateway elimination request for authority sought in MC 1783 (Sub-No. 17) published above, and is a matter directly related to a Section 5(2) proceeding in MC-F-12568 published in the *FEDERAL REGISTER* issue of August 13, 1975. If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass. or Hartford, Conn.

No. MC 53321 (Sub-No. 11), filed October 20, 1975. Applicant: RAU CARTAGE, INC., 1107 East Noble Ave., Monroe, Mich. 48161. Applicant's representative: William B. Elmer, 21635 East Nine Mile, St. Clair Shores, Mich. 48080. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Monroe, Mich., to points in that part of Pennsylvania on and west of U.S. Highway 19 and (2) *raw materials* used for the manufacture of paper and paper products, from points in that part of Pennsylvania on and west of U.S. Highway 19, to Monroe, Mich., restricted to traffic moving to or from the plant sites of Consolidated Packaging Corporation at Monroe, Mich., Union Camp Corporation at Monroe, Mich., Time Container Corporation at Monroe, Mich., and Cleveland Partition Company at Donora, Pa. and (3) *paper and paper products*, between Donora, Pa., on the one hand, and, on the other, points in Michigan, Ohio, and Indiana, restricted to traffic to or from the plant sites of Union Camp Corporation and Cleveland Partition Corporation. This is a matter directly related to a Section 5(2) proceeding in MC-F-12661 published in the *FEDERAL REGISTER* issue of November 5, 1975. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Lansing, Mich. or Chicago, Ill.

No. MC 95876 (Sub-No. 179) (Partial Correction) filed August 25, 1975 published in the *FEDERAL REGISTER* issue of October 22, 1975, and republished, as corrected in part, this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. (14) *Lumber*, when moving as equipment, materials and supplies used in the quarrying, fabricating, and installation of granite, marble, slate, and stone, (a) from points in Bonner and Kootenai Counties, Idaho, and Pend Oreille, Spokane, and Stevens Counties,

Wash., to points in Nebraska on and east of U.S. Highway 281, points in Kansas on and east of U.S. Highway 281 points in Oklahoma on and east of U.S. Highway 281 from the Kansas-Oklahoma State Boundary line, southerly along U.S. Highway 281 to its intersection with U.S. Highway 64, thence westerly along U.S. Highway 64 to its intersection with Oklahoma Highway 34, thence south on Oklahoma Highway 34 to its intersection with U.S. Highway 283 near Willow, thence southerly along U.S. Highway 283 to the Oklahoma-Texas State Boundary line, points in Texas on, east, and south of U.S. Highway 283 from the Oklahoma-Texas State Boundary line, southerly to intersection with U.S. Highway 87, thence southerly along U.S. Highway 87 to intersection with U.S. Highway 377, thence southerly along U.S. Highway 377 to the International Boundary line between Texas and the Republic of Mexico, and points in States east of North Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (b) from points in Bonner and Kootenai Counties, Idaho, and Pend Oreille, Spokane, and Stevens Counties, Wash., to points in Nebraska, Kansas, Oklahoma, and Texas west of the above described area, points in North Dakota and all points in the states west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of points in Minnesota.

(22) *Lumber*, when moving as contractors' and construction equipment and materials and as wood fencing, wood posts, wood rails and accessories used in the installation of the above-mentioned commodities; (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Iowa on and east of Interstate Highway 35 from the Minnesota State Boundary line to Des Moines, Iowa, thence along U.S. Highway 65 to the Missouri State Boundary line, points in Missouri on and east of Missouri Highway 5, points in Arkansas on, south, and east of Arkansas Highway 5 from the Missouri State Boundary line to intersection with U.S. Highway 62, thence west along U.S. Highway 62 to intersection with U.S. Highway 65 near Bellefonte, thence along U.S. Highway 65 to Little Rock, thence U.S. Highway 167 to the Louisiana State Boundary Line, points in Louisiana on and east of U.S. Highway 167 from the Arkansas State Boundary line to intersection with Louisiana Highway 333, thence along Louisiana Highway 333 to the Gulf of Mexico, points in Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, District of Columbia, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Iowa, Missouri, Arkansas, and Louisiana that are west of the above described areas, and

points in North Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, and Montana. The purpose of this filing is to eliminate the gateways of points in South Dakota and Beltrami County, Minn.

(26) *Lumber, poles and pilings* when moving as contractors' and construction equipment and materials, (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Michigan, New York, points in Iowa on and east of U.S. Highway 218 from the Minnesota State Boundary line to Waterloo, thence along Iowa Highway 21 to intersection with Iowa Highway 92, thence along Iowa Highway 92 to its intersection with Iowa Highway 149, thence along Iowa Highway 149 southerly to its intersection with U.S. Highway 63, thence along U.S. Highway 63 to its intersection with Iowa Highway 2, thence along Iowa Highway 2 to its intersection with Iowa Highway 15, thence along Iowa Highway 15 to the Missouri State Boundary line, points in Minnesota on and east of Minnesota Highway 15 from the Iowa State Boundary line southerly to its intersection with U.S. Highway 54, thence along U.S. Highway 54 to its intersection with U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas State Boundary line, and points in Minnesota on and east of U.S. Highway 53 from International Falls southerly to its intersection with Minnesota Highway 73, thence along Minnesota Highway 73 to its intersection with U.S. Highway 61, thence along U.S. Highway 61 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23 to its intersection with Minnesota Highway 65, thence along Minnesota Highway 65 to intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with U.S. Highway 218, thence along U.S. Highway 218 to the Iowa State Boundary line; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Minnesota, Missouri, and Iowa west of the above described area and points in Kansas, Nebraska, and North Dakota. The purpose of this filing is to eliminate the gateways of points in South Dakota, Minnesota, and Superior, Wis.

(28) *Lumber*, when moving as contractors' and construction equipment and materials and as wallboard, pulpboard, and hardboard, (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia and points in Arkansas on and east of U.S. Highway 63 from the Missouri State Boundary line to its intersection with U.S. Highway 167 near Hardy, thence along U.S. Highway 167 to the Louisiana State Boundary line; and (b) from points in Flathead,

Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Arkansas west of the above described area and points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of points in South Dakota and Cloquet, Minn.

(30) *Lumber*, when moving as equipment, materials and supplies used in the quarrying, fabricating, manufacturing, and installation of granite, marble, slate, and stone (except commodities which because of size or weight require the special equipment and commodities in bulk),

(a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Michigan, Illinois, Louisiana, Arkansas, Missouri, Iowa, Nebraska points on and east of U.S. Highway 281, Kansas points on and east of U.S. Highway 281, points in Oklahoma on and east of U.S. Highway 281 from the Kansas State Boundary line to its intersection with U.S. Highway 183, thence along U.S. Highway 183 to its intersection with Interstate Highway 40, thence westerly along Interstate Highway 40 to intersection with Oklahoma Highway 44, thence southerly along Oklahoma Highway 44 to intersection with U.S. Highway 283, thence along U.S. Highway 283 to the Texas State Boundary line, points in Texas on and east of U.S. Highway 283 from the Oklahoma State Boundary line to its intersection with U.S. Highway 87, thence along Texas Highway 87 to intersection with U.S. Highway 377, thence along Highway 377 to the intersection with Texas Highway 27, and Interstate Highway 10, thence along Texas Highway 27 and Interstate Highway 10 to intersection with Texas Highway 16, thence along Texas Highway 16 to the International Boundary line between Texas and the Republic of Mexico and; (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Texas, Oklahoma, Kansas, Nebraska west of the above described areas and points in North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of points in Codington County, S. Dak.

NOTE.—The purpose of this partial republication is to correct the authority stated above previously published in error. Common control may be involved. This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC-F-2623 published in the FEDERAL REGISTER issue of September 10, 1975. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC-F-12648. Authority sought for control by FOUR WINDS ENTERPRISES, INC., 7035 Convoy Court, P.O. Box No. 80771, San Diego, CA 92138, of

MOVERS PORT SERVICE INCORPORATED, also of the San Diego, CA 92138 address, and for acquisition by RICHARD W. ARENDSEE, also of the San Diego, CA 92138 address, of control of MOVERS PORT SERVICE INCORPORATED, through the acquisition by FOUR WINDS ENTERPRISES, INC. Applicants' attorney: Robert J. Gallagher, 1776 Broadway, N.Y., NY 10019. Operating rights sought to be controlled: *Household goods* as a common carrier over irregular routes between points in Los Angeles, Orange, Riverside, Imperial, Kern, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties, Calif., Cochise, Maricopa, Pima, Pinal, and Yuma Counties, Ariz., and Hidalgo County, N. Mex. FOUR WINDS ENTERPRISES, INC., holds no authority from this Commission. However, it is affiliated with FOUR WINDS VAN LINES, INCORPORATED which holds authority under No. MC 15643 to operate as a common carrier in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12663. Authority sought for merger by EASTERN EXPRESS, INC., 1450 Wabash Ave., Terre Haute, IN 47808, of the operating rights and properties of R. C. MOTOR LINES, INC., also of Terre Haute, IN 47808, and for acquisition by AMERICAN EXPORT INDUSTRIES, INC., 26 Broadway, New York, NY 10004, and ISBRANDTSEN COMPANY, INC., P.O. Box 123, Bowling Green Station, New York, NY 10004, of control of such rights and properties through the transaction. Applicants' attorney: William Q. Keenan, 277 Park Ave., New York, NY 10017. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a common carrier, over regular and irregular routes, from, to, and between specified points in the States of Georgia, South Carolina, North Carolina, Florida, Maryland, Pennsylvania, Massachusetts, Connecticut, Virginia, Alabama, Delaware, and New Jersey, serving various intermediate and off-route points, as more specifically described in Docket No. MC 75651 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. EASTERN EXPRESS, INC., is authorized to operate as a common carrier in Pennsylvania, Missouri, New Jersey, Indiana, New York, Ohio, Il-

linois, West Virginia, Michigan, Kentucky, Massachusetts, Connecticut, Rhode Island, Iowa, Wisconsin, Kansas, Colorado, and Delaware. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to Report and Order dated December 26, 1974, and served January 22, 1975, in No. MC-F-10813, transferee acquired control of transferor.

No. MC-F-12664. Authority sought for control by UNITED TRANSPORTS, INC., P.O. Box 717 Downtown Station, Omaha, NE 68101, of SIMANEK, INC., 150 W. 7th St., Wahoo, NE 68066, and for acquisition by DONALD F. SWERCZEK, also of Omaha, NE 68101, and DONALD W. WYNNE, 2222 North 11th St., Omaha, NE 68110, of control of SIMANEK, INC., through the acquisition by UNITED TRANSPORTS, INC. Applicants' attorney: Patrick E. Quinn, P.O. Box 82028, Lincoln, NE 68501. Operating rights sought to be controlled: *Certain specified commodities*, as a common carrier over irregular routes, from, to, and between specified points in the States of Kansas, Nebraska, Iowa, Wisconsin, Minnesota, Missouri, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Oklahoma, with certain restrictions, as more specifically described in Docket No. MC 119400 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. UNITED TRANSPORTS, INC., holds no authority from this Commission. However, it is affiliated with WYNNE TRANSPORT SERVICE, INC., 2222 N. 11th St., Omaha, NE 68110, No. MC 114725, which is authorized to operate as a common carrier in Nebraska, Iowa, Kansas, Missouri, Illinois, Minnesota, Montana, North Dakota, South Dakota, Colorado, Wyoming, Wisconsin, Kentucky, Michigan, Oklahoma, California, and Arizona. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12665. Authority sought for control by GROSS & HECHT TRUCKING CORP., P.O. Box 514, Edison, NJ 08817, of KEYSTONE TRUCKING CORP., 811 S. Washington Ave., Scranton, PA 18505, and for acquisition by TRANSCO GROUP, INC., 130 Davidson Ave., Somerset, NJ, and in turn, by ARTHUR M. BOLDBERG, also of Edison, NJ 08817, of control of KEYSTONE TRUCKING CORP., through the acquisition by GROSS & HECHT TRUCKING CORP. Applicants' attorney: A. David Millner, 744 Broad St., Newark, NJ 07102. Operating rights sought to be controlled: Such merchandise as is dealt in by retail chain grocery and food business houses (except commodities in bulk, and, in connection therewith, equipment, material and supplies

(except commodities in bulk, used in the conduct of such business, as a contract carrier over irregular routes, between New York, N.Y., points in New Jersey, Broome, Chemung, Delaware, Nassau, Orange, Rockland, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, and Westchester Counties, N.Y., and Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Wayne, Wyoming, Tioga, and Union Counties, Pa. Certificate not yet issued. GROSS & HECHT TRUCKING CORP., is authorized to operate as a contract carrier in New York, New Jersey, Pennsylvania, Connecticut, and Maryland. Application has not been filed for temporary authority under section 210a(b).

NOTICE

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, 906 Olive Street, St. Louis, Missouri 63101, represented by Mr. J. S. Bowie, Assistant General Counsel, St. Louis-San Francisco Railway Company, Suite 1023 Frisco Building, 906 Olive Street, St. Louis, Missouri 63101, hereby gives notice that, on the 30th day of October, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over The Kansas City Southern Railway Company between Mile Post 119.3 near Mulberry, Crawford County, Kansas, and Mile Post 129.7 near Pittsburg, Crawford County, Kansas, a distance of approximately 10.4 miles, which application was assigned Finance Docket No. 28032.

In the opinion of the applicant, the authority sought will have no significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than December 12, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[PR Doc.75-30509 Filed 11-11-75;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

Filing

NOVEMBER 7, 1975.

The following applications 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, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, 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, 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.

Texas Docket No. 4403, filed October 21, 1975. Applicant: OBIE NATIONS, doing business as, TYLER BUS LINES, 2315 Lingner, Tyler, Texas 75701. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Texas 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of Mail, Newspapers, Parcels and Express Packages in intrastate, interstate and foreign commerce: From Tyler over Texas Highway 155 to Palestine, thence over U.S. Highway 79 to Hearne, and return over the same route, serving all intermediate points. The above authority is subject to the following restrictions: (1) Applicant is hereby prohibited from transporting any high explosives, acids, inflammable liquids, loaded guns, inflammable or combustible motion picture films, or other articles which will endanger the life or limb of the passengers being transported in the motor bus. (2) Applicant is hereby prohibited from transporting any mail, newspapers, parcels and express packages which interfere with the convenience and reasonable comfort or safety of the passengers being transported in the motor bus. (3) The authority to transport mail, newspapers, parcels and express packages in the same vehicle transporting passengers shall be coextensive with the certificates and operating rights authorizing the transportation of passengers, and the applicant is hereby prohibited from transferring by assignment, sale, lease, or otherwise, the authority to transport passengers unless the authority to transport mail, newspapers, parcels and express packages shall be transferred simultaneously, and/or vice versa. If operations under this motor bus certificate are abandoned or suspended, the authority to transport mail, newspapers, parcels and express packages will be abandoned or suspended accordingly.

(4) Applicant is hereby prohibited from engaging in pickup and delivery service and the services that it will render hereunder will be only from terminal to

terminal. (5) The Railroad Commission of Texas hereby retains jurisdiction over this grant of authority to the end that it may at any time, after notice and hearing, restrict applicant's transportation of mail, newspapers, parcels and express packages so as to prevent it from becoming a primary truck service instead of a truck service incident to the primary motor bus service, and, further, the Railroad Commission of Texas hereby retains jurisdiction to regulate the size and weight of packages so as to prevent the applicant from engaging in the transportation of property as a primary operation. (6) Applicant is hereby authorized to only transport mail newspapers, parcels and express shipments on motor buses transporting passengers, and applicant is hereby prohibited from using separate vehicles in the transportation of these commodities. (7) The Railroad Commission of Texas hereby restricts the transportation of these commodities—mail, newspapers, parcels and express packages—so that applicant is prohibited from utilizing the interior of the bus where seats are located for the comfort and convenience of the bus passengers for the transportation of parcels and express packages. The applicant will utilize below-floor luggage compartments or luggage compartments in the rear of the bus that is separated from the passenger carrying interior, or racks on the top of bus, for the transportation of parcels and express packages; and further, the Railroad Commission of Texas retains jurisdiction to enforce this restriction.

(8) The holder of this certificate is hereby restricted from transporting film (flammable or inflammable) where the consignor or consignee thereof is a motion picture film exchange or a motion picture film theatre and the proposed movement is between points in Texas served in film common carrier motor carrier service as of December 15, 1956, by a common carrier film carrier and/or carriers authorized by the Railroad Commission of Texas pursuant to certificates of public convenience and necessity issued to such film carriers; and such points are as reflected by the Commission's records and a tabulation filed in this proceeding on or about January 21, 1957, to all of which reference is made for purposes of this restriction.

NOTE.—Applicant proposes to tack and coordinate the proposed additional services with all service authorized in intrastate commerce under Common Carrier Certificate No. 4403 and with all services now authorized in interstate and foreign commerce under authority granted in Docket No. MC 139829.

HEARING: Date, time and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to Railroad Commission of Texas, Capitol Station—P.O. Drawer 12967, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[PR Doc.75-30507 Filed 11-11-75;8:45 am]

[Rule 19, Ex Parte No. 241, 8th Rev.
Exemption No. 10]

ATLANTA AND SAINT ANDREWS BAY RAILWAY CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less and equipped with doors less than 9 ft. wide and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta and Saint Andrews Bay Railway Company Reporting Marks: ASAB.

¹ The Baltimore and Ohio Railroad Company, Reporting Marks: BO.

¹ Bangor and Aroostook Railroad Company, Reporting Marks: BAR.

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.

¹ The Chesapeake and Ohio Railway Company, Reporting Marks: CO.

Chicago, West Pullman & Southern Railroad Company, Reporting Marks: CWP.

The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.

¹ Missouri-Kansas-Texas Railroad Company, Reporting Marks: MKT.

¹ Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, Reporting Marks: NH-NYC-PAE-PC-P&E-PRR.

¹ Soo Line Railroad Company, Reporting Marks: SOO.

¹ Union Pacific Railroad Company, Reporting Marks: UP.

¹ Western Maryland Railway Company, Reporting Marks: WM.

Effective 11:59 p.m., October 31, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., October 29, 1975.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

NOTE.—Exemption No. 89 also applicable to 40-ft. plain boxcars will be allowed to expire on October 31, 1975.

[FR Doc.75-30511 Filed 11-11-75;8:45 am]

¹ Addition.

[Rule 19, Ex Parte No. 241; 13th Rev.
Exemption No. 99]

BURLINGTON NORTHERN INC. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, that the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 397, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

Burlington Northern Inc., Reporting Marks: BN-CBQ-GN-NP-SPS.

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.

The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.

Florida East Coast Railway Company, Reporting Marks: FEC.

Grand Trunk Western Railroad Company, Reporting Marks: GTW.

The Kansas City Southern Railway Company, Reporting Marks: KCS.

Louisiana & Arkansas Railway Company, Reporting Marks: LA.

Maine Central Railroad Company, Reporting Marks: MEC.

Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY-MKT.

Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, Reporting Marks: PC-PRR-NYC.

Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.

Union Pacific Railroad Company, Reporting Marks: UP.

¹ Delete Illinois Terminal Railroad Company.

Effective: October 30, 1975.

Expires: November 30, 1975.

Issued at Washington, D.C., October 30, 1975.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-30510 Filed 11-11-75;8:45 am]

[AB 7 (Sub-No. 16)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Cannon Falls and Red Wing, in Goodhue County, Minnesota

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Goodhue County, Minn., on or before November 21, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 29th day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[AB 7 (Sub-No. 16)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN CANNON FALLS AND RED WING, IN GOODHUE COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated October 29, 1975, it has been determined that the proposed abandonment of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of operation of a line of railroad between Cannon Falls and Red Wing, Minn., a distance of 21.60 miles plus abandonment of 1.66 miles of side tracks in Cannon Falls, Minn., if approved by the Commission, does not constitute a major Federal action signifi-

cantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the applicant proposed to abandon service only over its jointly-owned line of rail, and the Chicago and North Western Transportation Company, co-owners of the instant line, will continue to supply local service between Cannon Falls and Red Wing. Abandonment of the side tracks will divert prior rail traffic to motor carriers. Adequate highways exist in the area and, due to the minimal traffic involved, the resulting air pollution, intrusive noise, fuel consumption, and safety hazard impacts would be minimal. There are no historic or archaeological sites involved in the proposed action.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

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 December 8, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30513 Filed 11-11-75; 8:45 am]

[AB 107]

KALAMAZOO, ALLEGAN AND GRAND RAPIDS RAILROAD CO.

Abandonment between Parchment and Plainwell, also between Byron Center and Wentworth, all in Kalamazoo, Allegan, and Kent Counties, Michigan

Upon consideration of the record in the above-entitled proceeding, and of a

staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Kalamazoo, Allegan, and Kent Counties, Mich., on or before November 25, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy, of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 31st day of October 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 107]

KALAMAZOO, ALLEGAN AND GRAND RAPIDS RAILROAD COMPANY ABANDONMENT BETWEEN PARCHMENT AND PLAINWELL, ALSO BETWEEN BYRON CENTER AND WENTWORTH, ALL IN KALAMAZOO, ALLEGAN, AND KENT COUNTIES, MICHIGAN

The Interstate Commerce Commission hereby gives notice that by order dated October 31, 1975, it has been determined that the proposed abandonment of the Kalamazoo, Allegan, and Grand Rapids Railroad Company of the following two portions of the Kalamazoo branch line:

(1) Between Parchment and Plainwell,

for a distance of 7.26 miles in Kalamazoo and Allegan Counties, Mich., and (2) between Byron Center and Wentworth, for a distance of 7.03 miles in Kent County, Mich., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because there has been no traffic over either portion of the line since 1973, and there would be no major ecological, historical, or public safety impacts resulting from the abandonment. There are no clearly defined land use or finalized comprehensive plans with which the abandonment would conflict. There is potential for public recreational use of both portions of the branch line, due to the proximity of the lines to the Kalamazoo and Grand Rapids metropolitan areas.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

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 December 10, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-30512 Filed 11-11-75; 8:45 am]

federal register

WEDNESDAY, NOVEMBER 12, 1975



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration



HUMAN BLOOD

**Registration of Blood Products, Product
Establishments, and Listing of Blood
and Blood Products**

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS; GENERAL

SUBCHAPTER F—BIOLOGICS

[Docket No. 75N-0299]

REGISTRATION OF HUMAN BLOOD AND BLOOD PRODUCT ESTABLISHMENTS AND LISTING OF BLOOD AND BLOOD PRODUCTS

The Commissioner of Food and Drugs is reestablishing administrative responsibility in the Bureau of Biologics for (1) registration of all blood and blood product establishments (blood banks and other firms collecting, manufacturing, preparing or processing human blood and blood products) and (2) listing of blood and blood products. In addition, the Commissioner is announcing that a new Form FD-2830 (Blood Establishment Registration and Product Listing) has been developed specifically for use by blood and blood product establishments for registration and listing. All future correspondence and submissions regarding registration of blood and blood product establishments and listing of blood and blood products should be directed to the Bureau of Biologics. This regulation is effective November 15, 1975.

Since blood and blood products are drugs, the Drug Listing Act of 1972 requires owners and operators of blood and blood product establishments to register and list their blood products. Consequently, in the FEDERAL REGISTER of January 31, 1973 (38 FR 2965), the Commissioner amended 21 CFR 207.65 (b) of the drug regulations (formerly 21 CFR 132.51(b)) and added a new section, 21 CFR 601.11 to the biologics regulations (formerly 21 CFR 273.237) to require that all blood and blood product establishments must register with the Food and Drug Administration, Bureau of Biologics, pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360). As a result, approximately 6,000 blood and blood product establishments registered for the first time with the Food and Drug Administration. Subsequently, the Commissioner temporarily transferred the administrative responsibility for registration of blood and blood product establishments to the Bureau of Drugs. This change was reflected in § 601.11 (b) and (c) of the recodified regulations published in the FEDERAL REGISTER of November 20, 1973 (38 FR 32048).

The Commissioner has determined that responsibility for registration of blood and blood product establishments should be reassigned to the Bureau of Biologics, and this duty is therefore being returned to that Bureau. Since the Bureau of Biologics has the primary regulatory responsibility for blood and blood products, the Commissioner is also transferring administrative responsibility for the listing of blood and blood products from the Bureau of Drugs to the Bureau of Bio-

logics. In addition, because the manufacture of human blood and blood products is significantly different from all other drugs, a new registration and listing Form FD-2830 has been designed specifically for use by blood and blood product establishments for registration and listing. The new Form FD-2830 will be used by blood and blood product establishments in lieu of Form FD-2656 (Registration of Drug Establishment) and Form FD-2657 (Drug Product Listing) which are required by Part 207 (21 CFR Part 207) for use by all other drug establishments, for registration and listing, respectively. A new Form FD-2831 (Blood Establishment Resource Summary) is also available for use in lieu of Form FD-2656A (Optional Distribution Data).

Since Form FD-2830 has been specifically designed for use by blood and blood product establishments for registration and listing, the Commissioner has determined that owners and operators of blood and blood product establishments, who also manufacture or process other drug products at the same establishment, shall register with both the Bureau of Biologics and the Bureau of Drugs. Blood and blood products shall be listed with the Bureau of Biologics, and other drug products shall be listed with the Bureau of Drugs. Although these owners and operators are required to register with both bureaus, a common registration number will be assigned to each establishment.

In vitro diagnostic blood products and reagents exempted under § 607.65 do not include products that are subject to licensing under section 351 of the Public Health Service Act (42 U.S.C. 262).

Accordingly, the Commissioner is (1) amending Part 207 of the drug regulations by adding a new § 207.7 to require that all blood and blood product establishments register and list their products with the Bureau of Biologics pursuant to Part 607 (21 CFR Part 607), which is being established, (2) revising § 601.11 and redesignating it as § 607.7, and (3) establishing a new Part 607 in the biologics regulations to prescribe procedures for blood and blood product establishment registration and product listing. The Commissioner concludes that the blood and blood product establishment registration and product listing requirements prescribed in new Part 607 are substantively the same as those requirements prescribed in Part 207 for other drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 510, 701, 52 Stat. 1040-1042 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948, 76 Stat. 794 as amended by 84 Stat. 1283 (21 U.S.C. 321, 360, 371)), the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)), and (5 U.S.C. 553, 702, 703, 704) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 207—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

1. In Part 207:

a. By revising the heading for Subpart A to read as follows:

Subpart A—General Provisions

b. By adding a new § 207.7 to read as follows:

§ 207.7 Establishment registration and product listing for human blood and blood products.

(a) Owners and operators of all human blood and blood product establishments are required to register and list their products on Form FD-2830 as prescribed in Part 607 of this chapter.

(b) Owners and operators of all human blood and blood product establishments, who also manufacture or process other drug products at the same establishment, shall register with both the Bureau of Biologics and the Bureau of Drugs. Human blood and blood products shall be listed with the Bureau of Biologics, Food and Drug Administration, pursuant to the provisions of Part 607 of this chapter, and other drug products shall be listed with the Bureau of Drugs, Food and Drug Administration, pursuant to the provisions of this part.

PART 601—LICENSING

§ 601.11 [Deleted]

2. In Part 601 by deleting § 601.11 *Registration of blood banks and other firms collecting, manufacturing, preparing, or processing human blood or blood products.*

3. By establishing a new Part 607 to read as follows:

PART 607—ESTABLISHMENT REGISTRATION AND PRODUCT LISTING FOR MANUFACTURERS OF HUMAN BLOOD AND BLOOD PRODUCTS

Subpart A—General Provisions

Sec. 607.3 Definitions.
607.7 Establishment registration and product listing of blood banks and other firms manufacturing human blood and blood products.

Subpart B—Procedures for Domestic Human Blood and Blood Product Establishments

607.20 Who must register and submit a blood product list.
607.21 Times for establishment registration and blood product listing.
607.22 How and where to register establishments and list blood products.
607.25 Information required for establishment registration and blood product listing.
607.26 Amendments to establishment registration.
607.30 Updating blood product listing information.
607.31 Additional blood product listing information.
607.35 Notification of registrant; blood product establishment registration number and NDC Labeler Code.

- Sec.
607.37 Inspection of establishment registrations and blood product listings.
607.39 Misbranding by reference to establishment registration or to registration number.

Subpart C—Procedures for Foreign Blood Product Establishments

- 607.40 Blood product listing requirements for foreign blood product establishments.

Subpart D—Exemptions

- 607.65 Exemptions for domestic blood product establishments.

AUTHORITY: Secs. 201, 510, 701, Pub. L. 717, 52 Stat. 1040-1042 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948, 76 Stat. 794 as amended by 84 Stat. 1282 (21 U.S.C. 321, 360, 371); sec. 351, Pub. L. 410, 58 Stat. 702, as amended (42 U.S.C. 262); and (5 U.S.C. 553, 702, 703, 704)

Subpart A—General Provisions

§ 607.3 Definitions.

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended, 21 U.S.C. 301-392).

(b) "Blood and blood product" means a drug which consists of human whole blood, plasma, or serum or any product derived from human whole blood, plasma or serum, hereinafter referred to as "blood product."

(c) "Establishment" means a place of business under one management at one general physical location. The term includes, among others, human blood and plasma donor centers, blood banks, transfusion services, other blood product manufacturers and independent laboratories that engage in quality control and testing for registered blood product establishments.

(d) "Manufacture" means the collection, preparation, processing or compatibility testing by chemical, physical, biological, or other procedures of any blood product which meets the definition of a drug as defined in section 201(g) of the act, and including manipulation, sampling, testing, or control procedures applied to the final product or to any part of the process. The term includes packaging, labeling, repackaging or otherwise changing the container, wrapper, or labeling of any blood product package in furtherance of the distribution of the blood product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(e) "Commercial distribution" means any distribution of a blood product except pursuant to the investigational use provisions of § 312.1 of this chapter, but does not include internal or interplant transfer of a bulk product substance between registered domestic establishments within the same parent, subsidiary, and/or affiliate company.

(f) "Any material change" includes but is not limited to any change in the name of the blood product, in the quantity or identity of the active ingredient(s) or in the quantity or identity of the inactive ingredient(s) where quantitative listing of all ingredients is re-

quired pursuant to § 607.31(a)(2) and any significant change in the labeling of a blood product. Changes that are not significant include changes in arrangement or printing or changes of an editorial nature.

(g) "Bulk product substance" means any substance that is represented for use in a blood product and when used in the manufacturing of a blood product becomes an active ingredient or a finished dosage form of such product.

(h) "Advertising" and "labeling" include the promotional material described in § 202.1(i)(1) and (2) of this chapter, respectively.

(i) The definitions and interpretations contained in sections 201 and 510 of the act shall be applicable to such terms when used in this Part 607.

§ 607.7 Establishment registration and product listing of blood banks and other firms manufacturing human blood and blood products.

(a) All owners or operators of establishments that engage in the manufacturing of blood products are required to register, pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act. Registration and listing of blood products shall comply with this part. Registration does not permit any blood bank or similar establishment to ship blood products in interstate commerce.

(b) Forms for registration of an establishment are obtainable on request from the Bureau of Biologics (HFB-14), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014, or at any of the Food and Drug Administration district offices.

(c) The completed form should be mailed to the Bureau of Biologics (HFB-14), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014.

Subpart B—Procedures for Domestic Blood Product Establishments

§ 607.20 Who must register and submit a blood product list.

(a) Owners or operators of all establishments, not exempt under section 510 (g) of the act or Subpart D of this Part 607, that engage in the manufacture of blood products are required to register and to submit a list of every blood product in commercial distribution (except that listing information may be submitted by the parent, subsidiary, and/or affiliate company for all establishments when operations are conducted at more than one establishment and there exists joint ownership and control among all the establishments), whether or not the output of such blood product establishment or any particular blood product so listed enters interstate commerce.

(b) Preparatory to engaging in the manufacture of blood products, owners or operators of establishments who are submitting an establishment license application to manufacture blood products are required to register before the establishment license application is approved.

(c) No registration fee is required. Establishment registration and blood product listing do not constitute an admission or agreement or determination

that a blood product is a "drug" within the meaning of section 201(g) of the act.

§ 607.21 Times for establishment registration and blood product listing.

The owner or operator of an establishment entering into an operation defined in § 607.3(d) shall register such establishment within 5 days after the beginning of such operation and submit a list of every blood product in commercial distribution at that time. If the owner or operator of the establishment has not previously entered into such operation (defined in § 607.3(d)) for which a license is required, registration shall follow within 5 days after the submission of an establishment and product license application in order to manufacture blood products. Owners or operators of all establishments so engaged shall register annually between November 15 and December 31 and shall update their blood product listing information every June and December.

§ 607.22 How and where to register establishments and list blood products.

(a) The first registration of an establishment shall be on Form FD-2830 (Blood Establishment Registration and Product Listing) obtainable on request from the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Biologics (HFB-14), 8800 Rockville Pike, Bethesda, MD 20014, or from Food and Drug Administration district offices. Subsequent annual registration shall also be accomplished on Form FD-2830 which will be furnished by the Food and Drug Administration before November 15 of each year to establishments whose product registration for that year was validated pursuant to § 607.35. The completed form shall be mailed to the above address before December 31 of that year.

(b) The first list of blood products and subsequent June and December updates shall be on Form FD-2830, obtainable upon request as described in paragraph (a) of this section. In lieu of Form FD-2830, tapes for computer input may be submitted if equivalent in all elements of information as specified in Form FD-2830. All formats proposed for such use will require initial review and approval by the Bureau of Biologics, Food and Drug Administration.

§ 607.25 Information required for establishment registration and blood product listing.

(a) Form FD-2830 (Blood Establishment Registration and Product Listing) requires furnishing or confirming registration information required by the act. This information includes the name and street address of the establishment, including post office ZIP code; all trade names used by the establishment; the kind of ownership or operation (that is, individually owned partnership, or corporation); and the name of the owner or operator of such establishment. The term "name of the owner or operator" shall include in the case of a partnership the name of each partner, and in the case of a corporation the name and title

of each corporate officer and director and the name of the State of incorporation. The information required shall be given separately for each establishment, as defined in § 607.3(c).

(b) Form FD-2830 also requires furnishing blood product listing information required by the act as follows:

(1) A list of blood products, including bulk product substances as well as finished dosage forms, by established name as defined in section 502(e) of the act and by proprietary name, which are being manufactured for commercial distribution and which have not been included in any list previously submitted on Form FD-2830 (Blood Establishment Registration and Product Listing) or Form FD-2250 (National Drug Code Directory Input).

(2) For each blood product so listed which is subject to section 351 of the Public Health Service Act, the license number of the manufacturer issued by the Bureau of Biologics, Food and Drug Administration.

(3) For each blood product listed, the registration number of every blood product establishment within the parent company at which it is manufactured.

§ 607.26 Amendments to establishment registration.

Changes in individual ownership, corporate or partnership structure location or blood-product-handling activity, shall be submitted on Form FD-2830 (Blood Establishment Registration and Product Listing) as amendment to registration within 5 days of such changes. Changes in the names of officers and directors of the corporations do not require such amendment but must be shown at time of annual registration.

§ 607.30 Updating blood product listing information.

(a) After submission of the initial blood product listing information, every person who is required to list blood products pursuant to § 607.20 shall submit on Form FD-2830 (Blood Establishment Registration and Product Listing) during each subsequent June and December, or at the discretion of the registrant at the time the change occurs, the following information:

(1) A list of each blood product introduced by the registrant for commercial distribution which has not been included in any list previously submitted. All of the information required by § 607.25(b) shall be provided for each such blood product.

(2) A list of each blood product formerly listed pursuant to § 607.25(b) for which commercial distribution has been discontinued, including for each blood product so listed the identity by established name and proprietary name, and date of discontinuance. It is requested but not required that the reason for discontinuance of distribution be included with this information.

(3) A list of each blood product for which a notice of discontinuance was submitted pursuant to paragraph (a) (2) of this section and for which commercial distribution has been resumed, includ-

ing for each blood product so listed the identity by established name as defined in section 502(e) of the act and by any proprietary name, the date of resumption, and any other information required by § 607.25(b) not previously submitted.

(4) Any material change in any information previously submitted.

(b) When no changes have occurred since the previously submitted list, no listing information is required.

§ 607.31 Additional blood product listing information.

(a) In addition to the information routinely required by §§ 607.25 and 607.30, the Commissioner may require submission of the following information by letter or by FEDERAL REGISTER notice:

(1) For a particular blood product so listed, upon request made by the Commissioner for good cause, a copy of all advertisements.

(2) For a particular blood product so listed, upon a finding by the Commissioner that it is necessary to carry out the purposes of the act, a quantitative listing of all ingredients.

(3) For each registrant, upon a finding by the Commissioner that it is necessary to carry out the purposes of the act, a list of each listed blood product containing a particular ingredient.

(b) It is requested but not required that information concerning the quantity of blood product distributed be submitted in conjunction with the annual registration in the format prescribed in a section of Form FD-2831 (Blood Establishment Resource Summary), for each blood product currently listed.

§ 607.35 Notification of registrant; blood product establishment registration number and NDC Labeler Code.

(a) The Commissioner will provide to the registrant a validated copy of Form FD-2830 (Blood Establishment Registration and Product Listing) as evidence of registration. This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each blood product establishment registered in accordance with these regulations.

(b) Owners and operators of blood product establishments, who also manufacture or process other drug products at the same establishment, shall register with both the Bureau of Biologics and the Bureau of Drugs. Blood products shall be listed with the Bureau of Biologics, Food and Drug Administration, pursuant to the provisions of this part, and other drug products shall be listed with the Bureau of Drugs, Food and Drug Administration, pursuant to the provisions of Part 207 of this chapter.

(c) If a registered blood product establishment has not previously participated in the National Drug Code system, or in the National Health Related Items Code system, the National Drug Code (NDC) numbering system shall be used in assigning the first five numeric characters, otherwise known as the Labeler Code, of the 10-character NDC Code. The Labeler Code identifies the manufacturer.

(d) Although establishment registration and blood product listing are required as described in § 607.20, validation of registration and the assignment of a NDC Labeler Code do not, in themselves, establish that the holder of the registration is legally qualified to deal in such products.

§ 607.37 Inspection of establishment registrations and blood product listings.

(a) A copy of the Form FD-2830 (Blood Establishment Registration and Product Listing) filed by the registrant will be available for inspection pursuant to section 510(f) of the act, at the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Biologics (HFB-14), 8800 Rockville Pike, Bethesda, MD 20014. In addition, there will be available for inspection at each of the Food and Drug Administration district offices the same information for firms within the geographical area of such district office. Upon request and receipt of a self-addressed stamped envelope, verification of registration number, or location of a registered establishment will be provided. The following information submitted pursuant to the blood product listing requirements is illustrative of the type of information that will be available for public disclosure when it is compiled:

(1) A list of all blood products.
(2) A list of all blood products manufactured by each establishment.
(3) A list of blood products discontinued.

(4) All data or information that has already become a matter of public knowledge.

(b) Requests for information regarding blood establishment registrations and blood product listings should be directed to the Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Biologics (HFB-14) 8800 Rockville Pike, Bethesda, MD 20014.

§ 607.39 Misbranding by reference to establishment registration or to registration number.

Registration of an establishment or assignment of a registration number or assignment of a NDC number does not in any way denote approval of the firm or its products. Any representation that creates an impression of official approval because of establishment registration or possession of registration number or NDC number is misleading and constitutes misbranding.

Subpart C—Procedures for Foreign Blood Product Establishments

§ 607.40 Blood product listing requirements for foreign blood product establishments.

(a) Every foreign establishment shall comply with the blood product listing requirements contained in Subpart B of this part, unless exempt under Subpart D of this part, whether or not it is also registered.

(b) No blood product may be imported from a foreign establishment into the United States except a blood product imported or offered for import pursuant to the investigational use provisions of § 312.1 of this chapter, unless it is first the subject of a blood product listing as required in Subpart B of this part. The blood product listing information shall be in the English language.

(c) Foreign establishments shall submit, as part of the blood product listing, the name and address of the establishment and the name of the individual responsible for submitting blood product listing information. Any changes in this information shall be reported to the Food and Drug Administration at the intervals specified for updating blood product listing information in § 607.30(a).

Subpart D—Exemptions

§ 607.65 Exemptions for blood product establishments.

The following classes of persons are exempt from registration and blood product listing in accordance with this Part 607 under the provisions of section 510(g) (1), (2), and (3) of the act, or because the Commissioner has found, under section 510(g) (4), that such reg-

istration is not necessary for the protection of the public health.

(a) Pharmacies that are operating under applicable local laws regulating dispensing of prescription drugs and that are not manufacturing blood products for sale other than in the regular course of the practice of the profession of pharmacy including the business of dispensing and selling blood products at retail. The supplying by such pharmacies of blood products to a practitioner licensed to administer such blood products for his use in the course of his professional practice or to other pharmacies to meet temporary inventory shortages are not acts which require such pharmacies to register.

(b) Practitioners who are licensed by law to prescribe or administer drugs and who manufacture blood products solely for use in the course of their professional practice.

(c) Persons who manufacture blood products which are not for sale, rather, are solely for use in research, teaching, or analysis, including laboratory samples.

(d) Carriers, by reason of their receipt, carriage, holding, or delivery of blood products in the usual course of business as carriers.

(e) Persons who engage solely in the manufacture of in vitro diagnostic blood products and reagents not subject to licensing under section 351 of the Public Health Service Act (42 U.S.C. 262).

Pursuant to the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)), the Commissioner concludes that notice, public procedure, and delayed effective date are unnecessary for the promulgation of this regulation inasmuch as the required use of Form FD-2830 and the transfer of administrative responsibility constitute an internal administrative designation of responsibility to consolidate procedures for registration and listing.

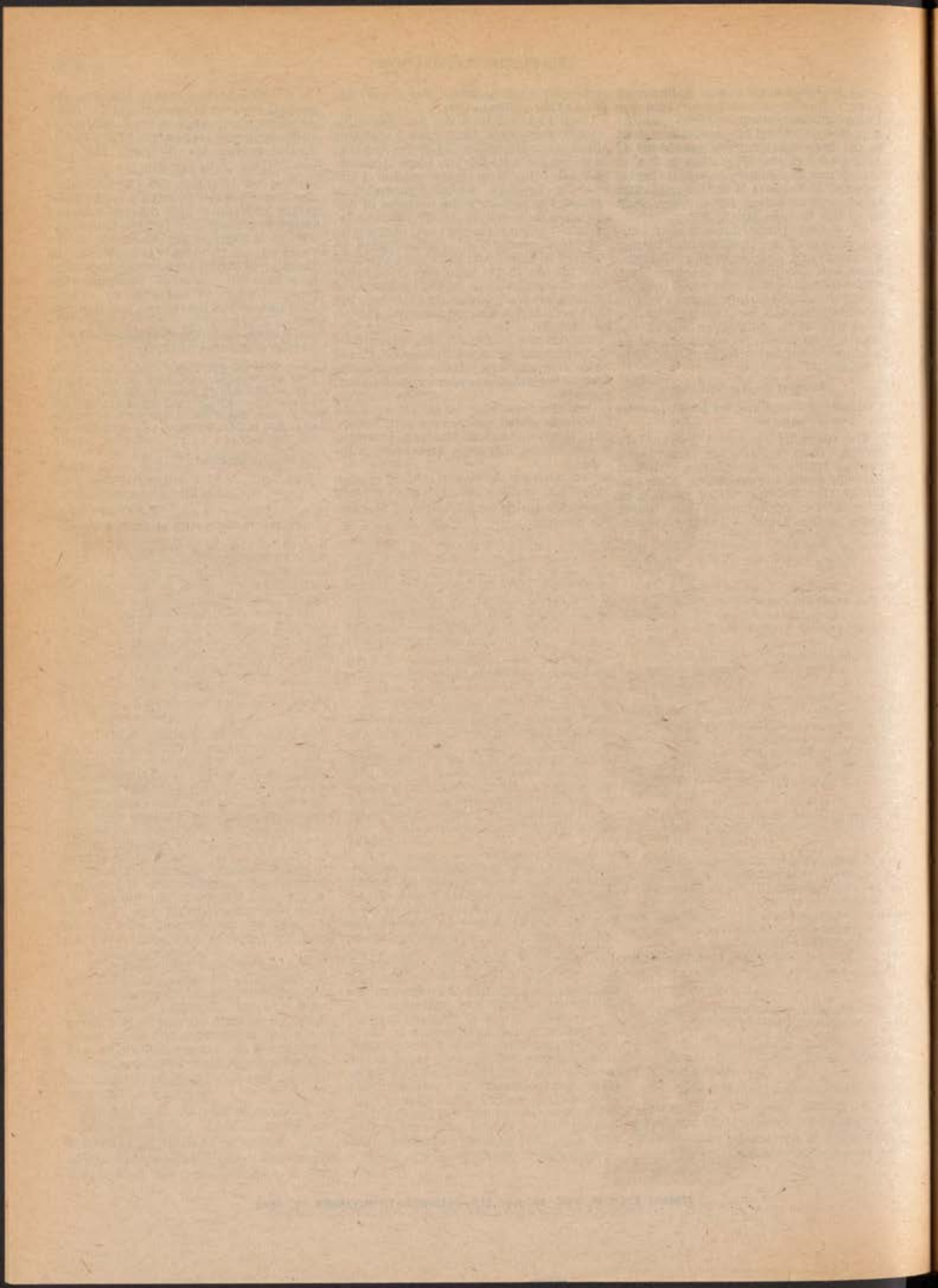
Effective date. This regulation is effective on November 15, 1975.

(Secs. 201, 510, 701, Pub. L. 717, 52 Stat. 1040-1042 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948, 76 Stat. 794, as amended by 84 Stat. 1282 (21 U.S.C. 321, 360, 371); (sec. 351, Pub. L. 410, 58 Stat. 702, as amended (42 U.S.C. 262); and (5 U.S.C. 553, 702, 703, 704).)

Dated: November 5, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance

[FR Doc. 75-30438 Filed 11-11-75; 8:45 am]



federal register

WEDNESDAY, NOVEMBER 12, 1975



PART III:

FEDERAL ELECTION COMMISSION



**Advisory Opinions and
Requests**

FEDERAL ELECTION COMMISSION

[Notice 1975-74]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975-21, 1975-52, 1975-62, 1975-64 and 1975-67. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975-21

CORPORATE CONTRIBUTIONS TO POLITICAL COMMITTEES SUPPORTING STATE AND FEDERAL CANDIDATES

This is an advisory opinion in response to a request from the Republican Central Committee of San Diego County (hereinafter Central Committee). This request was published in the FEDERAL REGISTER on July 29, 1975, at 40 FR 31877. Interested parties were given an opportunity to submit written comments relating to the request and six comment letters were received.

The request indicates that the Central Committee has established a separate account for corporate contributions, permitted under State law, and that funds from this account "are used only for State candidates, not Federal * * *". The funds in this account will hereafter be referred to as restricted; funds in other accounts will be referred to as unrestricted. The first question presented is whether restricted funds may be used for administrative expenses (office rent, utilities, secretarial salaries, office supplies, etc.) of the Central Committee which contributes to and makes expenditure on behalf of Federal, State and local candidates.

18 U.S.C. 610 provides that it is unlawful for any corporation or labor organization to make a contribution or expenditure in connection with any Federal Election. "Contribution or expenditure" is defined in section 610 to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value * * * to any candidate, campaign committee or political party or organization, in connection with any election to any of the offices referred in this section. * * *". Further, section 610 provides that it is unlawful for any political committee or

other person (as defined in 18 U.S.C. § 591(g)) to accept or receive any such prohibited contributions.

Since § 610 prohibits the making and receiving of corporate contributions in connection with any election to Federal office and since the Central Committee's operations are directly related, at least in part, to Federal candidates, the Commission concludes that an allocable portion of the administrative expenses must be paid from unrestricted funds.

Political parties perform numerous functions not directly related to any particular candidate or election. However, since some of these functions have an indirect effect on particular elections, and since monies contributed to fulfill these functions free other monies to be used for contributions or expenditures in connection with Federal elections, it is appropriate to ascribe a certain portion of the administrative functions of a party organization to Federal elections during time periods in which Federal elections are held.

This allocable "Federal portion" of the administrative expenses is determined by the ratio of (1) the total amount which the Central Committee directly contributes to and expends on behalf of Federal candidates, to (2) the total of all direct contributions to and expenditures on behalf of all candidates—Federal, State, and local. For example, if the total of direct contributions to and expenditures for all candidates in one reporting period is \$10,000 and the amount going directly to or for Federal candidate purposes is \$1,500 then 15 percent of the administrative expenses during such period must be paid from unrestricted funds. The allocation should be made only on each annual report filed with the Commission.

If the Central Committee elects to establish a separate Federal candidate's committee then that committee must comply with Federal law and could not receive or expend restricted funds. The Commission notes its authority to audit the Central Committee to determine that the allocable Federal share of administrative expenses is based upon the formula set forth above and to assure that there has been no commingling of restricted and unrestricted funds.

The second issue is whether the Central Committee may use corporate contributions to finance a Republican registration drive.

As discussed above a corporate contribution permitted under State law may be made to and received by the Central Committee if it is placed in the restricted funds account. A voter registration drive has a relation to Federal elections as well as State and local. Therefore, corporate contributions may be made and received for that purpose only to the extent that the drive relates to State and local candidates. That extent may be determined on the basis of the allocation formula described above and applied on an annual basis. For example, if the Central Committee makes \$100,000 in direct contributions to and expenditures on behalf of all candidates in a given

year and \$15,000 relating directly to Federal candidates in such year, then 15 percent of the expenses of a voter registration drive conducted in that year would have to be paid from unrestricted funds.

This advisory opinion is issued on an interim basis pending final promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975-52

ASSISTANCE BY A MULTICANDIDATE COMMITTEE TO PAY OFF A CANDIDATE'S PAST CAMPAIGN DEBT

This advisory opinion is rendered in accordance with 2 U.S.C. § 437f, pursuant to a request submitted by the Maine Republican State Committee (hereinafter State Committee) and published on September 3, 1975 (40 FR 40678). Interested parties were given an opportunity to submit written comments relating to the request, but no comments were received.

The request concerns the extent to which the State Committee may assist a successful candidate for Congress to pay off a debt incurred with respect to the 1974 election without impairing the limitations (18 U.S.C. § 608) on the amount of money it may contribute to that Member of Congress, if he or she becomes a candidate for re-election in 1976.

In Advisory Opinion 1975-6 (40 FR 31316, July 25, 1975), the Commission stated the conditions under which contributions might be made to extinguish a debt incurred with respect to an election held during the period of January 1, 1973 through December 31, 1974 without reducing the amount a contributor might contribute to a candidate in connection with an election held subsequent to January 1, 1975. The Commission held "that the contribution and expenditure limitations prescribed by 18 U.S.C. 608(b) for individuals and multicandidate committees are inapplicable with respect to election campaigns which occurred prior to January 1, 1975."

The Commission also stated in Advisory Opinion 1975-6, and in its Policy Statement regarding pre-1975 debts (40 FR 32952, August 5, 1975), that in order to assure compliance with the Act, all solicitations for contributions to be used for extinguishing such past debts should include clear notice of that purpose and that persons making such contributions exceeding \$100 must expressly restrict them in writing for application to past debts. The Commission further required, and continues to require, that contributions to retire campaign debts incurred with respect to election campaigns held prior to January 1, 1975 must be received by the debtor (candidate or political committee) no later than December 31, 1975, in order to avoid the possibility that such contributions will be charged against contribution limits under 18 U.S.C. § 608(b).

Accordingly the State Committee may assist the Member of Congress by mak-

ing a contribution to retire a pre-January 1, 1975, campaign debt in any amount so long as (1) the use of the contribution is limited by writing to such purpose, (2) the contribution does not exceed the amount necessary to retire the debt and (3) the contribution is made by December 31, 1975.

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975-62

PAYMENT BY CONTRIBUTORS OF EXPENSES OF FUND-RAISING DINNER

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request submitted on behalf of Abe Hirschfeld, a candidate for the Senate.

The request was published in the September 18, 1975, *FEDERAL REGISTER* (40 FR 43167). Interested parties were given an opportunity to submit written comments relating to the request. No comments were received.

The requesting party seeks an advisory opinion indicating whether a contributor would exceed the \$1,000 per candidate per election contribution limit if he or she pays \$1,250 for a ticket to a fund-raising dinner with the understanding that \$1,000 of this amount is to be considered a contribution and \$250 is to defray the costs of the dinner. In essence, the question posed is whether the payment of fund-raising costs by a contributor constitutes a contribution.

The Commission's opinion is that such a transaction would be a contribution and that the \$1,250 payment would exceed the contribution limits of the donor under 18 U.S.C. 608(b). See AO 1975-15, 40 FR 44040. 18 U.S.C. 591(e)(1) defines the term "contribution", for the purposes of the expenditure limitations, as "a gift, subscription, loan, advance, or deposit of money or anything of value * * * made for the purpose of influencing the nomination for election or election of any person to Federal office." Clearly, the payment of fund-raising costs would be for this purpose. Moreover, 18 U.S.C. 591(f)(4) (H) allows candidates to expend up to 20 percent in excess of their expenditure limitations for the purpose of raising funds. To permit contributors to pay these expenses without limitation would, in effect, nullify both the contribution and expenditure limits in 18 U.S.C. 608.

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975-64

SOLICITATIONS FOR FUNDRAISING EVENT TO RETIRE 1972 CAMPAIGN DEBT AND 1973-74 DEFICIT IN OFFICE EXPENSE ACCOUNT

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request for an advisory opinion submitted by Congressman Charles Wilson, from Texas, and published in the September

18, 1975 *FEDERAL REGISTER* (40 FR 43167). Interested parties were given an opportunity to submit written comments relating to the request. No comments were received.

The question raised in Congressman Wilson's request is whether or not he may retire a 1972 campaign deficit and a 1973-74 deficit for office expenses with a single fund-raiser, and if so, should the solicitation for the fund-raiser clearly indicate that the funds contributed will be used to defray both the campaign and office expense deficits.

The Commission has previously issued Advisory Opinions 1975-5 and 1975-6 (40 FR 31316, July 25, 1975), an Interim Guideline on the Reporting of Debts and Obligations (40 FR 32950, August 5, 1975) and a Policy Statement on Pre-1975 Campaign Debts (40 FR 32952, August 5, 1975). These publications point out generally that the limits in 18 U.S.C. 608 do not apply to contributions and expenditures related only to retiring past campaign debts. However, solicitations for such restricted contributions must disclose the purpose for which the contribution is to be used and must inform the donor of the need to earmark the contribution in writing, as by notation on the check, restricting its use to retiring past (pre-1975) campaign debts. The restricted contributions are required to be made before December 31, 1975, to avoid their possible attribution to, and charge against, the contribution limits applicable to elections held after January 1, 1975. Contributions made solely to retire the 1972 campaign debt and expenditures made solely for that purpose are required to be reported separately from contributions and expenditures relating to an election occurring after January 1, 1975. To the extent that Congressman Wilson's fundraising activity relates to retiring a 1972 campaign deficit, it must conform to the foregoing requirements.

Under 2 U.S.C. 439a a holder of Federal office may accept contributions for the purpose of defraying "any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office * * *". The receipt and expenditure of such funds is to be reported in accordance with rules which the Commission will promulgate in the future. Accurate records should be maintained for this purpose. In view of 2 U.S.C. 439a the Commission concludes that Congressman Wilson may concurrently raise funds to retire a 1972 campaign debt and "a 1973-74 deficit for office expenses which were not reimbursed." The Commission understands the quoted language to mean that the office expenses in question were previously paid from the Congressman's personal funds and that the amounts paid were not subsequently reimbursed to the Congressman from appropriated funds, campaign funds, or any other source.

However, all solicitations for the dual fundraising effort should identify both purposes and indicate that contributions are to be restricted to only those purposes to avoid the possible application

of 18 U.S.C. 608. Any funds received in excess of the amounts needed to retire the two deficits would have to be returned to the donors to avoid application of the limits in 18 U.S.C. 608.

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975-67

USE OF NAME OF CAMPAIGN COMMITTEE CHAIRMAN AND TREASURER ON BILLBOARD SIGNS

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request for an advisory opinion submitted by Thomas A. Walsh which was published as AOR 1975-67 in the September 22, 1975 *FEDERAL REGISTER* (40 FR 43,644). Interested parties were given an opportunity to submit written comments relating to the requests. No comments were received.

Mr. Walsh is a candidate seeking nomination for election to the United States House of Representatives. He inquired whether under the Federal Election Campaign Act of 1971, as amended, it is necessary to place the names of the campaign committee chairman and treasurer on billboard signs which would otherwise state: "VOTE DEMOCRATIC THOMAS A. WALSH U.S. CONGRESS". The request states that no solicitation of funds is intended or implied in such advertising.

It is the opinion of the Commission that neither 2 U.S.C. 435(b) nor any other provision within the Commission's purview would require placing the names of the committee chairman and treasurer on such billboard signs. However, the Commission notes that 18 U.S.C. 612 provides in pertinent part as follows:

Whoever willfully publishes or distributes or causes to be published or distributed * * * or * * * knowingly transports or causes to be transported in interstate commerce any card, pamphlet, circular, poster, dodger, advertisement, writing, or other statement relating to or concerning any person who has publicly declared his intentions to seek the office of * * * Representative in * * * Congress, in a primary * * * election * * * which does not contain the names of persons, associations, committees, or corporations responsible for the publication or distribution of the same, and the names of the officers of each such association, committee, or corporation, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

The Federal Election Act of 1971, as amended, does not give the Commission the power to formulate general policy or to render advisory opinions with respect to 18 U.S.C. § 612. See 2 U.S.C. 437d(a)(9), and 437f(a). Rather, that statute is administered by the Department of Justice. See *United States v. Inco*, 365 F. Supp. 1308 (D.C. Fla. 1973). The Commission therefore reaches no conclusion as to whether the billboard signs of a candidate are required by 18 U.S.C. 612 to state the names of the chairman and treasurer of the committee purchasing such advertising.

The Commission further notes that State laws might pertain to such activity. Inquiry as to the application of such laws should be addressed to the appropriate State official.

Dated: November 6, 1975.

THOMAS B. CURTIS,
Chairman for the

Federal Election Commission.

[FR Doc. 75-30528 Filed 11-11-75; 8:45 am]

[Notice 1975-75, AOR 1975-98, etc.]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Request 1975-98 and Advisory Opinion Requests 1975-100 through 1975-106 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before November 24, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-98: Payment For Flights To District and Program Advertisements by Wylie For Congress Committee (Request Edited by the Commission).

Dear [Mr. CURTIS]: In discussions with the Treasurer of the Wylie for Congress Committee, Mr. Everett H. Krueger, Jr., the question has come up as to whether airplane trips between Columbus and Washington may be paid for from the Wylie for Congress Committee account.

The second question which has arisen is whether an ad in a football program, an ad in the *Jewish Chronicle* celebrating the Jewish New Year, or one in a high school play program can legally be paid for from the Wylie for Congress Committee account.

An advisory opinion indicating what can legally be done in these two respects would be appreciated.

CHALMERS P. WYLIE.

Source: Honorable Chalmers P. Wylie, U.S. House of Representatives, 2447 Rayburn House Office Bldg., Washington, D.C. 20515. (October 8, 1975.)

AOR 1975-100: Volunteer Internships in Member's Home Office (Request Edited by the Commission).

GENTLEMEN: The University of Utah has initiated a learning project known as the Hinekley Institute of Politics, which allows political science students to obtain credit

while serving as volunteer interns in political offices.

Pursuant to [2 U.S.C. § 437f] * * * an advisory opinion is requested as to whether such activity on the part of such students would constitute a contribution in kind if I allow these students to function in various office positions within my home office in Utah performing general office and clerical work.

Source: Honorable Frank E. Moss, United States Senate, 3121 Dirksen Senate Office Bldg., Washington, D.C. 20510. (October 21, 1975.)

AOR 1975-101: Revenues and Disbursements of a Private Foundation Managed by a Candidate (Request Edited by the Commission).

[GENTLEMEN]: We request you provide us with an opinion whether or not the contributions in the two instances, hereafter described, will be charged to campaign limitations in the event that Senator Pell determines in the future to seek a Federal elective public office.

I. Claiborne Pell and Nuala Pell are settlers of a Trust under Agreement dated July 30, 1964, and said Claiborne Pell, said Nuala Pell and John L. Lewis, Trustees of said Trust. * * * [A copy of the Trust Agreement and of the 1974 Annual Report is available for inspection at the Commission]

Practically all of the property placed in trust has been contributed by Claiborne Pell, and represents, for the most part, honorariums paid to Senator Pell in connection with speaking engagements. Trust funds have generally been expended for the purpose of making small contributions to a number of charitable and public organizations located in the State of Rhode Island and also have been used for the purpose of purchasing the "Herbert and Claiborne Pell Medal", so called, which is annually awarded to outstanding students of American History in most of the high schools and colleges located in the State of Rhode Island.

II. Recently, Senator Pell's contribution, in the amount of two hundred and fifty dollars (\$250.00), to the School Department, City of Newport, for the purpose of purchasing books to be used at the Herbert C. Pell Elementary School, Bellevue Avenue, Newport, Rhode Island, and to be identified as books contributed by Senator and Mrs. Claiborne Pell.

* * * It has been Senator Pell's custom, from time to time, to make contributions to the School's library in his own name or in memory of his father. The most recent gift made by Senator Pell, was announced in the local newspaper, The Newport Daily News, although the announcement was not initiated by, or on behalf of Senator Pell, but was made by school authorities.

FRANCIS J. BOYLE.

Source: Francis J. Boyle, of Moore, Virgadamo, Boyle and Lynch, Ltd., 112 Bellevue Avenue, Newport, Rhode Island 02840. (October 22, 1975.)

AOR 1975-102: Declaration of Bankruptcy by Former Candidate—Effect Upon Committee Debts and Reporting Obligations (Request Edited by the Commission).

Dear Mr. CURTIS: [I request an advisory opinion] on the following matters.

The Monahan for Congress Committee has debts of \$20,000. In addition, Mr. Monahan has personal liabilities of \$15,000. Due to the extreme financial pressure, Mr. Monahan has decided to file for bankruptcy. Most of the debts owed by the Monahan for Congress Committee are guaranteed by Mr. Monahan, as the companies required the candidate to

sign a personal note of obligation for these debts.

Thus the two obvious questions are:

1. Once bankruptcy has been declared, what is the responsibility of the Committee for the bills, as they were personally guaranteed by Mr. Monahan?

2. How long a period of time does the Committee continue to exist, after it becomes obvious that it is impossible for the Committee to raise money to pay off the debt?

Mr. Monahan has no intention of running in the future for an elective office.

WARREN G. UHLER.

Source: Warren G. Uhler, Treasurer, Monahan for Congress Committee, 40 Knollwood Lane, Wayland, Massachusetts 01778. (October 16, 1975.)

AOR 1975-103: Republican Party of Texas Local Committees; Debts; Separate Federal Account; Overhead Costs; Allocation of Contributions and Filing (Request Edited by the Commission).

COMMISSIONERS: In reading various opinions issued by the Commission, as they relate to party committees, the Republican Party of Texas * * * requests clarification of AO 1975-2 and AO 1975-6, and additionally requests rulings by the Commission on other specific questions.

It appears to us that local committees in Texas would not constitute subordinate branches of the state party organization since (1) they maintain independent statutory authority to conduct elections, (2) that their members and their chairmen are elected directly by a vote of the public under Texas Election Code rather than under party by-laws, (3) that the governing body of the Republican Party of Texas, the State Republican Executive Committee, is elected by state convention rather than through local committees, (4) the campaign reporting and disclosure laws of the State of Texas require local committees to file reports separately as independent entities, and (5) local committees are "governed" by the state party organization only insofar as they voluntarily submit to the rules and regulations of the state party—and even then there are no practical or legal means to discipline local committees for infraction of party rules. What is the Commission's interpretation of the applicability of the term "subordinate" as it relates to the Texas party?

Although party committees qualify for reporting to the Federal Election Commission, their nature, composition and responsibilities differ greatly from the majority of political committees reporting federally in that party committees support party organizational activities, local candidates, state candidates and in some instances federal candidates. Most of the other political committees reporting federally are organized to support federal campaigns only. Additionally, * * * party committees reported all contributions, all expenditures, and all debts regardless of their applicability to federal campaigns; such is the case of the Republican Party of Texas.

In 1973 and early 1974, the Republican Party of Texas borrowed more than \$115,000 to continue its normal party activities and its state headquarters operations; none of the money was used to assist any federal campaign. In the Commission's opinion, (a) must such debts, which are unrelated to federal campaigns, be reported, and (b) must party committees be restricted to the December 31, 1975, deadline called for in AO 1975-6?

Additional Questions for Rulings

1. The Republican Party of Texas currently files three separate reports with the Federal Election Commission: (a) the Texas Republican Congressional Committee, (b) the Texas Republican Campaign Committee (which is for support of state candidates only), and (c) the State Republican Executive Committee. If the Republican Party of Texas uses the Texas Republican Congressional Committee as its separate account for federal elections, may we discontinue the reporting of the other committees?

2. * * * [A]t this point there seems to be no clear indication of how a party committee is to allocate staff costs and other overhead costs in conjunction with its separate federal campaign account. Obviously, staff time is tied up in handling bank deposits, writing checks and completing FEC required reports: are these to be counted as expenditures, or are they considered normal party routine and therefore excluded from reporting? The same question applies to such items as office rent, equipment usage, telephones, etc.

3. In fundraising—whether by direct mail or through an event (reception, dinner, etc.)—can the party take the net proceeds and distribute them to various accounts, or must we take specific contributions from individuals and deposit their moneys into specific accounts? Example: If a direct mail letter, designed as a general solicitation calling for contributions to the party to help fulfill its obligations to all its candidates, produces \$10,000 can the party simply allocate say 20 percent to the federal campaign account, 50 percent to state campaign account and 30 percent to operating account (and concurrently attributing the same percentage costs to each account)? Or must the party take a specific number of returns from the direct mail and deposit them as individual contributions in each account and then figure how much each contribution cost to raise and list that as the expenditure for each account?

4. When it comes time to spend the excess amounts allowed state and national party committees over the specified limitations (\$10,000 per U.S. Representative campaign and formula amount for U.S. Senate campaign), does it then necessitate the state party filing with the Clerk of the House and the Secretary of the Senate as well as with the FEC, or does filing with the Commission satisfy all reporting requirements?

R. DOUG LEWIS.

Source: R. Doug Lewis, Executive Director, Republican Party of Texas, 1011 Congress Avenue, Suite 520, Austin, Texas 78701. (October 20, 1975.)

AOR 1975-104: Partnership Agreement Allocating Contributions Equally Among Partners (Request Edited by the Commission).

[This request for an advisory opinion pursuant to 2 U.S.C. § 437f was submitted by

Senator Claiborne Pell; the text of the request is from a letter of the firm of Wilkinson, Cragun & Barker, which accompanied the Senator's request.]

[Gentlemen]: * * * the firm is a partnership organized to engage, through its partners and associates duly admitted to the bar of relevant courts, in the practice of law. The firm maintains an office in the District of Columbia, and presently has 11 general partners; these are the only partners entitled under the partnership agreement to a distributive share of profits, and who are required to share in losses.

The firm for many years has made political contributions. If the disclosure of internal partnership arrangements (which are now confidential) is required in every instance when the firm makes a political contribution, political contributions will no longer be made. * * *

The firm plans to make further "contributions" within the meaning of 18 U.S.C. § 591. Section 608 of Title 18, United States Code, limits the contributions which a person may make to any candidate with respect to any election for Federal office. The Commission in Campaign Advisory Opinion 1975-17 has held:

The Commission further concludes that when a partnership makes a contribution to a candidate to Federal office it counts against each individual partner's limitation under 18 U.S.C. § 608(b)(1) in direct proportion to each partner's share of partnership profits.

* * * When a contribution is made in the partnership name without accompanying information as to each partner's proportionate share thereof, the candidate must obtain a written statement providing the requisite information within 30 days after receiving the contribution.

The firm intends to amend its partnership agreement to provide:

Where the firm makes a contribution to a candidate for federal office, the contribution will be allocated equally among partners, and not in accordance with their partnership interests.

The effect of such a provision will be to cause the contribution to be charged equally, per capita, among the partners, and to thereby reduce each partner's profit or increase each partner's loss equally.

* * * [For the purposes of 18 U.S.C. § 608, would the contribution be chargeable equally to each partner? Would sufficient information be provided were the firm to provide the candidate or political committee receiving a contribution from the firm the names of the partners who are charged equally with the contribution, and a statement that the contribution is charged to each equally?]

CLAIBORNE PELL.

Source: Honorable Claiborne Pell, United States Senate, 325 Russell Senate Office Bldg., Washington, D.C. 20515. (October 14, 1975.)

AOR 1975-105: Pre-primary Nominating Convention (Request Edited and Paraphrased by the Commission).

Dear Chairman CURTIS: The New Mexico Legislature amended the State Election Code during the first quarter, 1975, to provide for a pre-primary nominating convention.

Section [of the Election Code] * * * provide the sole method, other than write-in provisions, for candidates to be placed on the primary election ballot. Essentially, all candidates seeking appearance on the primary ballot, other than write-in candidates, must seek their party's convention designation.

[Since the New Mexico pre-primary convention designation is mandatory for all New Mexico candidates for election to the United States Senate and House of Representatives it is therefore a separate election as defined in 18 U.S.C. § 591 (1b) and 18 U.S.C. § 608?]

[Do the limitations on expenditures and contributions for the aforementioned New Mexico candidates therefore apply as provided in 18 U.S.C. § 608 to this separate election?]

JACK STAHL.

Source: Jack Stahl, Chairman, Republican Party of New Mexico, 4201 Carlisle Blvd., NE., Albuquerque, New Mexico 87107. (October 21, 1975.)

AOR 1975-106: Whether Repayment of 1974 Debts Are Attributable to Limits in 1980 Election (Request Edited by the Commission).

[GENTLEMEN]: [This is a request for an advisory opinion] with regard to a \$10,000 debt due and owing by Citizens for Senator Alan Cranston (the Senator's duly authorized campaign committee for his 1974 re-election effort) which was incurred in December 1974. We would like to pay off that debt by raising money within the next few months from individual contributors * * * in California and in other states. * * *

First of all, will this be considered a debt of the 1974 campaign? If so, does that mean it will not count against the Senator's spending limitations for his expected re-election effort in 1979 and 1980? Further, if it is attributable to the 1974 campaign, do any of the restrictions or contribution limitations involved in the 1974 Federal Election Campaign Act apply?

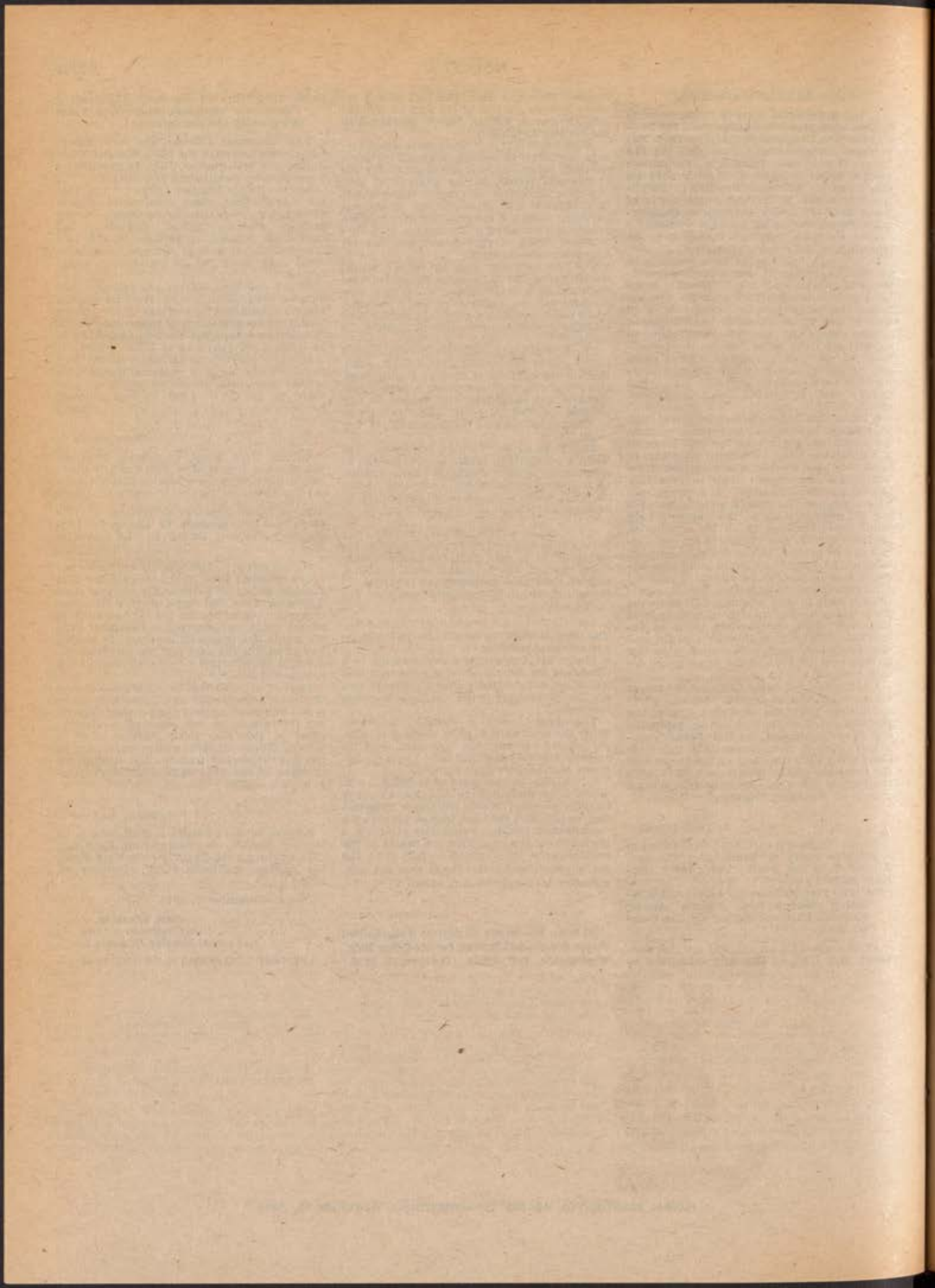
MICHAEL KANTOR.

Source: Manatt, Phelps & Rothenberg, by Michael Kantor for Senator Alan Cranston, 1888 Century Park East, Twenty-First Floor, Los Angeles, California 90067. (October 27, 1975.)

Dated: November 7, 1975.

NEIL STANBLEN,
Vice Chairman for the
Federal Election Commission.

[FR Doc. 75-30529 Filed 11-11-75; 8:45 am]



federal register

WEDNESDAY, NOVEMBER 12, 1975



PART IV:

PRIVACY ACT OF 1974



VARIOUS AGENCIES

Title 41—Public Contracts and Property Management

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

[ADM 7900.4]

PART 105-64—REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974

On August 27, 1975, a document was published in the *FEDERAL REGISTER* (40 FR 39440) proposing to add a new Part 105-64 to Chapter 105 of Title 41 of the Code of Federal Regulations relating to the implementation of the provisions of the Privacy Act of 1974 (Pub. L. 93-579; 88 Stat. 1896).

The proposed regulations contained procedures for determining whether or not an individual is the subject of a record in a system of records maintained by the agency; set forth the time, place(s), and requirements for identification of individuals making requests for notification, access, correction, or amendment of records; and permitted appeals of initial adverse determinations by the agency with respect to the amendment or correction of records. The proposed rules also established fees for providing copies of records in certain circumstances and set forth rules for exempting some systems of records from certain provisions of the act.

Interested persons were given until September 26, 1975, to submit written data, views, suggestions, and arguments concerning the proposed rules. No public comments were received; hence, the amendments are adopted without change, as set forth below.

Effective date. These regulations became effective September 27, 1975.

Dated: October 29, 1975.

DWIGHT A. INK,
Acting Administrator
of General Services.

41 CFR Chapter 105 is amended by adding a new Part 105-64, reading as follows:

Sec.	
105-64.000	Scope of part.
105-64.001	Purpose.
105-64.002	Definitions.

Subpart 105-64.1—General Policy

105-64.101	Maintenance of records.
105-64.101-1	Collection and use.
105-64.101-2	Standards of accuracy.
105-64.101-3	Rules of conduct.
105-64.101-4	Safeguarding systems of records.
105-64.101-5	Inconsistent issuances of GSA superseded.
105-64.102	Records of other agencies.
105-64.103	Subpoena and other legal demands.

Subpart 105-64.2—Disclosure of Records

105-64.201	Conditions of disclosure.
105-64.202	Accounting of disclosures.

Subpart 105-64.3—Individual Access to Records

105-64.301	Access procedures.
105-64.301-1	Form of requests.
105-64.301-2	Special requirements for medical records.
105-64.301-3	Granting access.
105-64.301-4	Denials of access.
105-64.302	Fees.

Sec.	
105-64.302-1	Records available at a fee.
105-64.302-2	Additional copies.
105-64.302-3	Waiver of fee.
105-64.302-4	Prepayment of fees over \$25.
105-64.302-5	Form of payment.
105-64.302-6	Reproduction fee schedule.
Subpart 105-64.4—Requests To Amend Records	
105-64.401	Submission of requests to amend records.
105-64.402	Review of requests to amend records.
105-64.403	Approval of requests to amend.
105-64.404	Denial of requests to amend.
105-64.405	Agreement to alternative amendments.
105-64.406	Appeal of denial of request to amend a record.
105-64.407	Statements of disagreement.
105-64.408	Judicial review.
Subpart 105-64.5—Report on New Systems and Alteration of Existing Systems	
105-64.501	Reporting requirement.
105-64.502	FEDERAL REGISTER notice of establishment of new system or alteration of existing system.
105-64.503	Effective date of new systems of records or alteration of an existing system of records.

Subpart 105-64.6—Exemptions

105-64.601	General exemptions.
105-64.602	Specific exemptions.
105-64.602-1	General investigative files.
105-64.602-2	Testing files.

AUTHORITY: Sec. 205(c) Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 390; (40 U.S.C. 486(c))); Privacy Act of 1974 (88 Stat. 1899; (5 U.S.C. 552a)).

§ 105-64.000 Scope of part.

This part sets forth policies and procedures concerning the collection, use, and dissemination of records maintained by GSA which are subject to the provisions of 5 U.S.C. 552a. These policies and procedures govern only those records as defined in § 105-64.002. Policies and procedures governing the disclosure and availability of records in general are in Parts 105-60 and 61 of this chapter. This part also covers exemptions from disclosure of personal information; procedures for the guidance of subject individuals in obtaining information and inspecting and disagreeing with the content of records; accounting for disclosures of information; special requirements for medical records; and fees.

§ 105-64.001 Purpose.

This part implements the provisions of 5 U.S.C. 552a (Pub. L. 93-579), popularly known as the "Privacy Act of 1974" (hereinafter referred to as the Act). This part prescribes procedures for notifying an individual of a GSA system of records containing a record pertaining to him, procedures for gaining access and contesting the contents of records, and other procedures for carrying out the provisions of the Act.

§ 105-64.002 Definitions.

For the purposes of this Part 105-64: (a) The term "agency" means agency as defined in 5 U.S.C. 552(e);

(b) The term "individual" means a citizen of the United States or an alien

lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, and disseminate;

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

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

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

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

(h) The term "system manager" means the employee of GSA who is responsible for the maintenance of a system of records and for the collection, use, and dissemination of information therein.

Subpart 105-64.1—General Policy

§ 105-64.101 Maintenance of records.

§ 105-64.101-1 Collection and use.

Any information used in whole or in part in making a determination about an individual's rights, benefits, or privileges under GSA programs will be collected directly from the subject individual to the extent practicable. System managers shall ensure that at the time information is collected, the individual is informed of the authority for collecting that information, whether providing the information is mandatory or voluntary, the purposes for which the information will be used, the routine uses of the information, and the effects on the individual, if any, of not providing the information. The system manager also shall ensure that information collected is used only for the intended purpose and that any additional use is first proposed in a rule published in the *FEDERAL REGISTER* or that permission for such additional use is obtained in writing from the subject individual.

§ 105-64.101-2 Standards of accuracy.

The system manager shall ensure that all records which are used by the agency to make determinations about any individual are maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual.

§ 105-64.101-3 Rules of conduct.

Any officer or employee of GSA involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, shall review the provisions of 5 U.S.C. 552a and the regulations in this part, and shall conduct himself in accordance with the rules of conduct concerning the protection of personal information in 41 CFR 105-735, Standards of Conduct.

§ 105-64.101-4 Safeguarding systems of records.

The system manager shall ensure that appropriate administrative, technical, and physical safeguards are established to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained. Personnel information contained in both manual and automated systems of records shall be protected by implementing the following safeguards:

(a) All personnel records in paper files, including but not limited to the original and copies of records in the Official Personnel Folder, shall be stored in a lockable metal filing cabinet when not in use by an authorized person. A system manager may employ an alternative storage system: *Provided*, That it furnishes an equivalent or greater degree of physical security than storage in a locked file cabinet.

(b) A system manager shall establish administrative, technical, physical, and security safeguards adequate to prevent unauthorized disclosure or destruction of identifiable personnel data in an automated system of records, and in reports and outputs from such systems which contain identifiable personnel data. Input and output documents, punched cards, and magnetic tapes or disks containing identifiable personnel data shall be stored in a lockable metal file cabinet when not in use by an authorized person. A system manager may employ an alternative storage system provided that it furnishes an equivalent or greater degree of physical security than storage in a locked file cabinet.

(c) A system manager shall permit access to and use of automated or manual personnel records only to persons whose official duties require such access, or to a subject individual or his representative as provided by this part.

§ 105-64.101-5 Inconsistent issuances of GSA superseded.

Any policies and procedures in any GSA issuance which are inconsistent with the policies and procedures in this Part 105-64 are superseded to the extent of that inconsistency.

§ 105-64.102 Records of other agencies.

(a) *Other agencies' records managed and administered by GSA.* Rules governing the maintenance of systems of records of agencies other than GSA which are located in the National Archives of

the United States and Federal Records Centers are in Part 105-61 (Public use of records, donated historical materials, and facilities in the National Archives and Records Service).

(b) *Current records of other agencies.* If GSA receives a request for access to records which are the primary responsibility of another agency, but which are maintained by or in the temporary possession of GSA on behalf of that agency, GSA will refer the request to the agency concerned for appropriate action. GSA will advise the requester that the request has been forwarded to the responsible agency. Records in the custody of GSA which are the primary responsibility of the U.S. Civil Service Commission are governed by the rules of the Commission promulgated pursuant to the Privacy Act.

§ 105-64.103 Subpoena and other legal demands.

Access to systems of records by subpoena or other legal process shall be in accordance with the provisions of Subpart 105-60.6 of this chapter.

Subpart 105-64.2—Disclosure of Records

§ 105-64.201 Conditions of disclosure.

No official or employee of GSA shall disclose any record to any person or to another agency without the express written consent of the subject individual unless the disclosure is:

(a) To officers or employees of GSA who have a need for the information in the official performance of their duties;

(b) Pursuant to the provisions of the Freedom of Information Act;

(c) For a routine use as published in the annual notice in the *FEDERAL REGISTER*;

(d) To the Bureau of the Census for uses pursuant to Title 13, United States Code;

(e) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record. (The record shall be transferred in a form that is not individually identifiable. The written statement should include as a minimum:

(1) A statement of the purpose for requesting the records; and

(2) Certification that the records will be used only for statistical purposes.

These written statements should be maintained as records. In addition to deleting personal identifying information from records released for statistical purposes, the system manager shall ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records.)

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

(g) To another agency or instrumentality of any governmental jurisdiction

within or under the control of the United States for a civil or criminal law enforcement activity, if the activity is authorized by law, and if the head of the agency or instrumentality or his designated representative has made a written request to the General Services Administration specifying the particular portion desired and the law enforcement activity for which the record is sought;

(h) To a person showing compelling circumstances affecting the health and safety of an individual, not necessarily the individual to whom the record pertains (Upon such disclosure, a notification must be sent to the last known address of the subject individual.);

(i) To either House of Congress or to a subcommittee or committee (joint or of either House, to the extent that the subject matter falls within their jurisdiction);

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

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

§ 105-64.202 Accounting of disclosures.

(a) Except for disclosures made pursuant to § 105-64.201 (a) and (b), an accurate accounting of each disclosure shall be made and retained for 5 years after the disclosure or for the life of the record, whichever is longer. The accounting shall include the date, nature, and purpose of each disclosure, and the name and address of the person or agency to whom the disclosure is made.

(b) The system manager also shall maintain in conjunction with the accounting of disclosures:

(1) A full statement of the justification for the disclosure;

(2) All documentation surrounding disclosure of a record for statistical or law enforcement purposes; and

(3) Evidence of written consent to a disclosure given by the subject individual.

(c) Except for the accounting of disclosures made to agencies or instrumentalities in law enforcement activities in accordance with § 105-64.201 (g) or of disclosures made from exempt systems (see Subpart 105-64.6), the accounting of disclosures shall be made available to the individual upon request. Procedures for requesting access to the accounting are in Subpart 105-64.3 of this part.

Subpart 105-64.3—Individual Access to Records

§ 105-64.301 Access procedures.

§ 105-64.301-1 Form of requests.

(a) An individual who seeks access to his record or to any information pertaining to him which is contained in a system of records should notify the system manager or applicable individual at the address indicated in the *FEDERAL REGISTER* notice describing the pertinent system of records.

(b) The request, delivered either by mail or in person, shall be in writing. The request should bear the legend "Privacy Act Request" both on the request

letter and on the envelope. The request letter should contain the complete name and identifying number of the system as published in the FEDERAL REGISTER; the full name and address of the subject individual; a brief description of the nature, time, place, and circumstances of the individual's association with GSA; and any other information which the individual believes would help the system manager to determine whether the personal information about the individual is included in the system of records. The system manager or applicable individual shall answer or acknowledge the request within 10 workdays of its receipt by GSA.

§ 105-64.301-2 Special requirements for medical records.

(a) A system manager who receives a request from an individual for access to medical information concerning the requester shall refer the pertinent system of records to a Federal medical officer for review and determination in accordance with this section. If no Federal medical officer is available to make the determination required by this section, the system manager shall refer the request and the medical certificates or other medical reports concerned to the U.S. Civil Service Commission for determination.

(b) If, in the opinion of a Federal medical officer, medical information requested by the subject individual indicates the existence of a malignancy, a mental condition, or another condition about which a prudent physician would hesitate to inform a person suffering from such a condition of its exact nature and probable outcome, the system manager shall not release the medical information to the subject individual or to any person other than a physician designated by the subject individual (or by his guardian or conservator) in writing.

(c) If, in the opinion of a Federal medical officer, the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person suffering from such a condition of its exact nature and probable outcome, the system manager shall release it to the subject individual or to any person, firm, or organization which the individual authorizes in writing to receive it.

§ 105-64.301-3 Granting access.

(a) Upon receipt of a request for access to non-exempt records, the system manager shall make these records available to the subject individual or shall acknowledge the request within 10 workdays of its receipt by GSA. The acknowledgment shall indicate when the system manager will make the records available.

(b) If the system manager anticipates more than a 10 day delay in making a record available, he also shall include in the acknowledgment specific reasons for the delay.

(c) If a subject individual's request for access does not contain sufficient information to permit the system manager to locate the records, the system manager

shall request additional information from the individual and shall have 10 workdays following receipt of the additional information in which to make the records available or to acknowledge receipt of the request and indicate when the records will be available.

(d) Records will be available for authorized access during normal business hours at the offices where the records are located. A requester should be prepared to identify himself with a driver's license, student or employee identification card, or other identification acceptable to the system manager. When the disclosure of records to the wrong individual would result in substantial harm, embarrassment, inconvenience, or unfairness to the subject individual, the system manager may require a notarized statement of identity. The system manager shall ensure that times, places, and requirements for identification are not excessive and do not restrict individual access unduly.

(e) Upon request, a system manager shall permit an individual to examine the original of a non-exempt record, shall provide the individual with a copy of the record, or both. Fees shall be charged only for copies requested by the individual and not for copies provided to the individual for the convenience of the agency.

(f) An individual may request to pick up a record in person or to receive it by mail, directed to the name and address provided by the individual in his request. A system manager shall not make a record available to a third party for delivery to the subject individual, except for medical records as outlined in § 105-64.301-2.

(g) An individual who wishes to have a person of his choosing accompany him in reviewing a record must sign a statement authorizing the disclosure of his record in the presence of the other person. The system manager shall maintain this statement with the accounting of disclosures required in paragraph (h) of this subsection.

(h) The system manager shall maintain an accounting of disclosures to the subject individual documenting GSA's compliance with the request in the manner prescribed in § 105-64.302.

(i) The procedure for access to an accounting of disclosures is identical to the procedure for access to a record as set forth in this section.

§ 105-64.301-4 Denials of access.

(a) A system manager may deny an individual access to his record only on the grounds that GSA has published rules in the FEDERAL REGISTER exempting the pertinent system of records from the access requirement. These systems of records are described in Subpart 105-64.6 of this part.

(b) Upon receipt of a request for access to a record which the system manager believes is contained within an exempt system of records, he shall forward the request to the appropriate official listed below through normal supervisory channels:

(1) Central Office:
The Administrator.
The Deputy Administrator.
The Assistant Administrator.
The Associate Administrator for Federal Management Policy.
Director of Civil Rights.
Chairman, GSA Board of Contract Appeals.
Director of Audits.
Special Assistant to the Administrator for Stockpile Disposal.
Special Assistant to the Administrator for Coordination of John F. Kennedy Library.
Special Assistant to the Administrator for Presidential Materials.
Director, Federal Preparedness Agency.
Assistant Administrator for Administration.
General Counsel.
Commissioner, Public Buildings Service.
Commissioner, Federal Supply Service.
Commissioner, Automated Data and Telecommunications Service.
Archivist of the United States.
(2) Regional offices: Regional Administrator.

The system manager shall append to the request an explanation of his determination that the requested record is contained within an exempt system of records and a recommendation that the request be denied or granted.

(c) In the event that the system manager serves in one of the positions listed in paragraph (b) of this section, he shall retain the responsibility for denying or granting the request.

(d) The appropriate official listed in paragraph (b) of this section shall, in consultation with legal counsel and such other officials as he deems appropriate, determine if the requested record is in fact contained within an exempt system of records and:

(1) If the record is not contained within an exempt system of records, he shall notify the system manager to grant the request in accordance with § 105-64.301-3; or

(2) If the record is contained within an exempt system, he shall:

(i) Notify the requester that the request is denied, including a statement justifying the denial and advising the requester of his right to judicial review of that decision as provided in § 105-64.408; or

(ii) Notify the system manager to make the record available to the requester in accordance with § 105-64.301-3, notwithstanding the record's inclusion within an exempt system.

(e) The appropriate official listed in paragraph (b) of this section shall provide the Director of Information with a copy of any denial of a requested access.

(f) A denial by an appropriate official listed in paragraph (b) of this section is the final agency determination on the question of access.

§ 105-64.302 Fees.

§ 105-64.302-1 Records available at a fee.

The system manager shall provide one copy of a record to a requester at a fee prescribed in § 105-64.302-6.

§ 105-64.302-2 Additional copies.

A reasonable number of additional copies shall be provided for the applica-

ble fee to a requester who indicates that he has no access to commercial reproduction services.

§ 105-64.302-3 Waiver of fee.

The system manager shall make one copy of a record available without charge to a requester who is an employee of GSA and may waive the fee requirement for one copy of a record for any other requester if the cost of collecting the fee is an unduly large part of, or greater than, the fee, or when furnishing the record without charge confirms to generally established business custom or is in the public interest.

§ 105-64.302-4 Prepayment of fees over \$25.

If the system manager determines that the anticipated total fee is likely to exceed \$25, he shall notify the individual that he must prepay the anticipated fee prior to GSA's making the records available. GSA will remit the excess paid by the individual or bill the individual for an additional amount if there is a variation between the final fee charged and the amount prepaid.

§ 105-64.302-5 Form of payment.

Payment shall be by check or money order payable to the General Services Administration and shall be addressed to the system manager.

§ 105-64.302-6 Reproduction fee schedule.

(a) The fee for reproducing a copy of a GSA record (by routine electrostatic copying) up to and including material 8½ x 14 inches shall be \$0.10 per page.

(b) The fee for reproducing a copy of a GSA record over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources.

Subpart 105-64.4—Requests To Amend Records

§ 105-64.401 Submission of requests to amend records.

An individual who desires to amend any record containing personal information about him should direct a written request to the system manager specified in the pertinent FEDERAL REGISTER notice concerning GSA's systems of records. A current GSA employee who desires to amend personnel records should submit a written request to the General Services Administration, Director of Personnel (BP), Washington, DC 20405. Each request should include evidence of and justification for the need to amend the pertinent record. Each request should bear the legend "Privacy Act—Request To Amend Record" prominently marked on both the face of the request letter and the envelope.

§ 105-64.402 Review of requests to amend records.

(a) The system manager shall acknowledge his receipt of a request to

amend a record within 10 workdays. If possible, the acknowledgment shall include the system manager's determination either to amend the record or to deny the request to amend as provided in § 105-64.404.

(b) When reviewing a record in response to a request to amend, the system manager shall assess the accuracy, relevance, timeliness, and completeness of the existing record in light of the proposed amendment. He shall determine whether the request for the amendment is justified. With respect to a request to delete information, the system manager also shall review the request and the existing record to determine whether the information is relevant and necessary to accomplish an agency purpose required to be accomplished by statute or Executive Order.

§ 105-64.403 Approval of requests to amend.

If the system manager determines that amendment of a record is proper in accordance with the request to amend, he promptly shall make the necessary corrections to the record and shall send a copy of the corrected record to the individual. Where an accounting of disclosure has been maintained, he shall advise all previous recipients of the record of the fact that a correction has been made and the substance of the correction. Where practicable, the system manager shall send a copy of the corrected record to previous recipients. The system manager shall advise the Director of Information that a request to amend has been approved.

§ 105-64.404 Denial of requests to amend.

(a) If the system manager determines that an amendment of a record is improper or that the record should be amended in a manner other than that requested by an individual, he shall refer the request to amend and his determinations and recommendations to the appropriate official listed in § 105-64.301-4(b) through normal supervisory channels.

(b) If the official listed in § 105-64.301-4(b), after reviewing the request to amend a record, determines to amend the record in accordance with the request, he promptly shall return the request to the system manager with instructions to make the requested amendments in accordance with § 105-64.403.

(c) If the appropriate official listed in § 105-64.301-4(b), after reviewing the request to amend a record, determines not to amend the record in accordance with the request, he promptly shall advise the requester in writing of the determination. The refusal letter (1) shall state the reasons for the denial of the request to amend; (2) shall include proposed alternative amendments, if appropriate; (3) shall state the requester's right to appeal the denial of the request to amend; and (4) shall state the procedures for appealing.

(d) The appropriate official listed in § 105-64.301-4(b) shall furnish the Di-

rector of Information a copy of each initial denial of a request to amend a record.

§ 105-64.405 Agreement to alternative amendments.

If the denial of a request to amend a record includes proposed alternative amendments, and if the requester agrees to accept them, he must notify the official who signed the denial. That official immediately shall instruct the system manager to make the necessary amendments in accordance with § 105-64.403.

§ 105-64.406 Appeal of denial of request to amend a record.

(a) A requester who disagrees with a denial of a request to amend a record may file an administrative appeal of that denial. The requester should address the appeal to the General Services Administration, Director of Information (ALVP), Washington, DC 20405. If the requester is an employee of GSA and the denial to amend involves a record maintained in the employee's Official Personnel Folder, as described in Chapter 293 of the Federal Personnel Manual, the appeal should be addressed to the Director, Bureau of Manpower Information Systems, United States Civil Service Commission, Washington, DC 20415.

(b) Each appeal to the GSA Director of Information shall be in writing and must be received by him no later than 30 calendar days from the requester's receipt of a denial of a request to amend a record. The appeal should bear the legend "Privacy Act—Appeal," both on the face of the letter and the envelope.

(c) Upon receipt of an appeal, the Director of Information shall consult with the system manager, the official who made the denial, legal counsel, and such other officials as may be appropriate. If the Director of Information, in consultation with these officials, determines that the record should be amended as requested, he immediately shall instruct the system manager to amend the record in accordance with § 105-64.403 and shall notify the requester of that action.

(d) If the Director of Information, in consultation with the officials specified in paragraph (c) of this section, determines that the appeal should be rejected, he shall submit the file on the request and appeal, including his findings and recommendations, to the Deputy Administrator for a final administrative determination.

(e) If the Deputy Administrator determines that the record should be amended as requested, he immediately shall instruct the system manager in writing to amend the record in accordance with § 105-64.403. The Deputy Administrator shall send a copy of his instructions to the Director of Information, who shall notify the requester of that action.

(f) If the Deputy Administrator determines to reject the appeal, he immediately shall notify the requester in writing of that determination. This action shall constitute the final administrative determination on the request to amend the record and shall include:

(1) The reasons for the rejection of the appeal;

(2) Proposed alternative amendments, if appropriate, which the requester subsequently may accept in accordance with § 105-64.405;

(3) Notice of the requester's right to file a Statement of Disagreement for distribution in accordance with § 105-64.407; and

(4) Notice of the requester's right to seek judicial review of the final administrative determination, as provided in § 105-64.408.

(g) The final agency determination must be made no later than 30 workdays from the date on which the appeal is received by the Director of Information. In extraordinary circumstances, the Administrator may extend this time limit by notifying the requester in writing before the expiration of the 30 workdays. The Administrator's notification will include a justification for the extension.

§ 105-64.407 Statements of disagreement.

Upon receipt of a final administrative determination denying a request to amend a record, the requester may file a Statement of Disagreement with the appropriate system manager. The Statement of Disagreement should include an explanation of why the requester believes the record to be inaccurate, irrelevant, untimely, or incomplete. The system manager shall maintain the Statement of Disagreement in conjunction with the pertinent record, and shall include a copy of the Statement of Disagreement in any disclosure of the pertinent record. The system manager shall provide a copy of the Statement of Disagreement to any person or agency to whom the record has been disclosed only if the disclosure was subject to the accounting requirements of § 105-64.202.

§ 105-64.408 Judicial review.

Within 2 years of receipt of a final administrative determination as provided in § 105-64.301-4 or § 105-64.406, a requester may seek judicial review of that determination. A civil action must be filed in the Federal District Court in which the requester resides or has his principal place of business or in which the agency records are situated, or in the District of Columbia.

Subpart 105-64.5—Report on New Systems and Alteration of Existing Systems

§ 105-64.501 Reporting requirement.

(a) No later than 90 calendar days prior to the establishment of a new system of records, the prospective system manager shall notify the Assistant Administrator for Administration of the proposed new system. The prospective system manager shall include with the notification a completed GSA Form 3294, System of Records Covered by the Privacy Act of 1974, and a justification for each system of records he proposes to establish. If the Assistant Administrator for Administration determines that the establishment of the proposed sys-

tem is in the best interest of the Government, he shall submit, no later than 60 calendar days prior to the establishment of that system of records, a report of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of that proposal on the privacy and other personal or property rights of individuals.

(b) No later than 90 calendar days prior to the alteration of a system of records, the system manager responsible for the maintenance of that system of records shall notify the Assistant Administrator for Administration of the proposed alteration. The system manager shall include with the notification a completed GSA Form 3294, System of Records Covered by the Privacy Act of 1974, and a justification for each system of records he proposes to alter. If the Assistant Administrator for Administration determines that the proposed alteration is in the best interest of the Government, he shall submit, no later than 60 calendar days prior to the establishment of that alteration, a report of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of that proposal on the privacy and other personal or property rights of individuals.

(c) The reports required by this regulation are exempt from reports control.

§ 105-64.502 Federal Register notice of establishment of new system or alteration of existing system.

The Assistant Administrator for Administration shall publish in the Federal Register a notice of the proposed establishment or alteration of a system of records when:

(a) He receives notice that the Senate, the House of Representatives, and the Office of Management and Budget do not object to the establishment of a new system of records or to the alteration of an existing system of records; or

(b) No fewer than 30 calendar days elapse from the date of submission of the proposal to the Senate, the House of Representatives, and the Office of Management and Budget without receipt by the Assistant Administrator for Administration of an objection to the proposal.

The notice shall include all of the information required to be provided in GSA Form 3294, System of Records Covered by the Privacy Act of 1974, and such other information as the Assistant Administrator for Administration deems necessary.

§ 105-64.503 Effective date of new systems of records or alteration of an existing system of records.

Systems of records proposed to be established or altered in accordance with the provisions of this subpart shall be effective no sooner than 30 calendar days from the publication of the notice required by § 105-64.502.

Subpart 105-64.6—Exemptions

§ 105-64.601 General exemptions.

The following system of records shall be exempt from all provisions of the Privacy Act of 1974 with the exception of subsections (b); (c) (1) and (2); (e) (4) (A) through (F); (e) (6), (7), (9), (10), and (11); and (i) of the Act;

Incident Reporting
Systems
GSA/PBS 3

This system is exempt to the extent that information in the system pertains to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals; to the activities of prosecutors, courts, and correctional, probation, pardon, or parole authorities; and to (a) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, that is associated with an identifiable individual; or (c) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws, from arrest or indictment through release from supervision. This system is exempted to maintain the efficacy and integrity of the Federal Protective Service's law enforcement function.

§ 105-64.602 Specific exemptions.

§ 105-64.602-1 General investigative files.

The following system of records shall be exempt from subsections (c) (3); (d); (e) (1); (e) (4) (G), (H), and (I); and (f) of the Privacy Act of 1974:

Investigation and Personnel
Security Case Files
GSA/OAD 25

This system is exempt (a) to the extent that the system consists of investigatory material compiled for law enforcement purposes, other than material within the scope of § 105-64.601: *Provided, however*, That if any individual is denied any right, privilege, or benefit to which he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence and (b) to the extent the system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal ci-

villan employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. This system has been exempted to maintain the efficacy and integrity of lawful investigations

conducted pursuant to the GSA Office of Investigation law enforcement responsibilities and its responsibilities in the areas of Federal employment, Government contracts, and access to security classified information.

§ 105-64.602-2 Testing files.

The following system of records shall be exempt from subsections (c) (3); (d); (e) (1); (e) (4) (G), (H), and (I); and (f) of the Privacy Act of 1974:

Test Material
GSA/OAD 21

This system is exempt to the extent that the system consists of testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process. This system has been exempted to maintain the efficacy and integrity of materials used in examining or testing persons to determine their qualifications for a Federal appointment or promotion.

[FR Doc.75-30533 Filed 11-11-75; 8:45 am]

FEDERAL MARITIME COMMISSION PRIVACY ACT OF 1974 Systems of Records

Pursuant to the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(e)(4) and (11)), the Federal Maritime Commission on October 6, 1975, published in the FEDERAL REGISTER (40 FR 46289) additional proposed notices of systems of records maintained by the Commission.

Interested parties were afforded the opportunity to submit comments on the routine use portion of each notice. No comments were received.

Therefore, it is ordered, That pursuant to the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(e)(4) and (11)), the notices of systems of records are adopted without change.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-3053 Filed 11-11-75; 8:45 am]

FEDERAL POWER COMMISSION PRIVACY ACT OF 1974

New or Intended Routine Uses of Information in Existing Systems of Records

The Privacy Act of 1974, Pub. L. No. 93-579 (88 Stat. 1896), requires that each agency publish at least annually a notice of the existence and character of each "system of records" as defined in 5 U.S.C. 552a(a)(5), which the agency maintains, 5 U.S.C. 552a(e)(4). The Federal Power Commission has published such Notice in the FEDERAL REGISTER at 40 FR 39353 (Aug. 27, 1975), 40 FR 41984 (Sept. 9, 1975), and 40 FR 45118 (Sept. 30, 1975).

Pursuant to 5 U.S.C. 552a(e)(11), section 309 of the Federal Power Act, as amended (49 Stat. 858-859; 16 U.S.C. 825h), and section 16 of the Natural Gas Act, as amended (52 Stat. 830; 15 U.S.C. 717o), notice is hereby given that the Federal Power Commission proposes the adoption of new or intended uses of information in existing record systems which have been published in the FEDERAL REGISTER cited hereinabove. Corrections of typographical errors in the original publication of these record systems are included in the present Notice in order to avoid confusion in the discussion of the proposed new routines uses of information. These corrections have been included even though they do not have to be published 30 days prior to their effectiveness pursuant to section 552a(e)(11) of the Privacy Act.

5 U.S.C. 552a(b)(9) provides for disclosures of records by an agency without the written consent of the individual in response to a request from " * * * either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee * * *". The Privacy Act is silent on how agencies shall treat requests from individual Con-

gressmen for information relating to individuals falling under the scope of the Act. Reference to the general principles followed by the Congress in the statute indicates that the consent of the individual involved can be deemed to have been given in any instance in which the individual makes a written request to a member of Congress who, in turn, forwards the request to a Government agency. Accordingly, we hereby give notice of the addition of a new routine use in certain of the FPC systems of records hereinafter specified to accommodate a request for personal information by an individual Congressman.

A. In FPC-1, "Appeals, Grievances and Complaints Records—FPC" (40 FR 39354 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," delete paragraph 1. and insert the following new paragraph 1.:

1. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in this system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39354 (Aug. 27, 1975).

B. In FPC-7, "Claims by Employees for Losses of Personal Property—FPC" (40 FR 39354 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," the following changes are proposed:

1. Redesignate the present paragraph as paragraph "a" and add a phrase at the end of the sentence to read as follows:

a. The system is used by the staff of the Commission whose official duties require access in determining the validity of the personal property claim and for financial settlement of the claim.

2. Insert new paragraph "b" to read as follows:

b. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in this system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39357 (Aug. 27, 1975).

C. In FPC-9, "Computer Usage Production Statistics for the Office of Regulatory Information Systems—FPC" (40 FR 39358 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," redesignate the present paragraph as paragraph "a" and add a new paragraph "b" to read as follows:

b. Disclosure may be made to a Congressional office from the record of an individual in response to a written in-

quiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in this system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39358 (Aug. 27, 1975).

D. In FPC-15, "Employee Conduct Records—FPC" (40 FR 39360 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," the following changes are proposed:

1. Delete paragraph "b" and redesignate paragraphs "c" through "g" as paragraphs "b" through "f".

2. In newly designated paragraph "c", line 3, delete the phrase "such as current licenses."

3. In newly designated paragraph "d", line 3, substitute the word "issuance" for the word "issuing".

4. Add a new paragraph "g" to read as follows:

g. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in this system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39361 (Aug. 27, 1975).

E. In FPC-21, "Pay and Pay-Related Records (Payroll, Travel, Attendance, Leave)—FPC" (40 FR 39363 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purpose of such uses," the following changes are proposed:

1. The addition of a phrase to the first sentence to read as follows:

These records are used by the staff of the FPC and/or by a contractor whose official duties require access in order * * *

2. Insert a new paragraph "j" to read as follows:

j. To report to unemployment compensation agencies or boards gross wages and separation information for unemployment compensation.

3. Insert a new paragraph "k" to read as follows:

k. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in the system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39363 (Aug. 27, 1975).

F. In FPC-22 "Personal Investigations Records (Security and Suitability)—FPC" (40 FR 39364 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes

of such uses," the following changes are proposed:

1. Delete paragraph "b" and redesignate paragraphs "c" through "i" as paragraphs "b" through "h".

2. In newly designated paragraph "e", line 3, delete the phrase "such as current licenses."

3. In newly designated paragraph "f", line 3, substitute the word "issuance" for the word "issuing".

4. Add a new paragraph "i" to read as follows:

1. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in the system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39364 (Aug. 27, 1975).

G. In FPC-23, "Personnel Records (General)—FPC" (40 FR 39366 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," the following changes are proposed:

1. Delete paragraph "b" and redesignate paragraphs "c" through "k" as paragraphs "b" through "j".

2. Add a phrase to newly designated "b" to read as follows:

"b" To provide necessary and relevant information to a prospective employer of a present or former Federal employee or to an organization at the request of the individual; or to obtain necessary and relevant information from a former employer concerning the hiring and retention of an employee or the issuance of a security clearance.

3. In newly designated paragraph "c", line 3, delete the phrase "such as current licenses."

4. In newly designated paragraph "d", line 3, substitute the word "issuance" for the word "issuing".

5. In newly designated paragraph "j", delete the words "a computer and substitute therefore, the words "an FPC" so that the paragraph will read as follows:

"j." By an FPC contractor to prepare microform data records.

6. Add new paragraphs "k" through "g" to read as follows:

k. To disclose to the Office of Workers Compensation Program; Veterans Administration Pension Benefits Program; Social Security Old Age, Survivor and

Disability Insurance and Medicare Programs; military retired pay programs; Federal civilian employee retirement programs other than the Civil Service Retirement System; or other national, state, county, municipal, or other publicly recognized charitable or social security administration agencies information needed to adjudicate a claim for benefits under ERIOH or the recipient's benefit program(s) or information needed to conduct an analytical study of benefits being paid under such programs.

1. To disclose to the Federal Employee's Group Life Insurance Office information necessary to support an individual's claim for life insurance benefits under the Federal Employees' Group Life Insurance Program.

m. To disclose to a health insurance carrier or plan participating in the Federal Employees' Health Benefits Program information necessary to support an individual's claim for health insurance benefits under the program.

n. To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

o. To provide information to an educational institution for training purposes.

p. To provide information to officials of a foreign government for clearance prior to a duty assignment of an employee in a specific country.

q. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in the system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39366 (Aug. 27, 1975).

H. In FPC-24 "Recruiting, Examining, and Placement Records—FPC" (40 FR 39366 (Aug. 27, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purpose of such uses," the following changes are proposed:

1. Delete paragraph "c" and redesignate paragraphs "d" through "k" as paragraphs "c" through "j".

2. In newly designated paragraph "d", line 5, substitute the word "of" for the word "or".

3. In newly designated "e", line 3, delete the phrase "such as current licenses."

4. In newly designated paragraph "f", line 3, substitute the word "issuance" for

the word "issuing".

5. Add a new paragraph "k" to read as follows:

k. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in the system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39367 (Aug. 27, 1975).

I. In FPC-25, "Time Distribution Reports—FPC" (40 FR 39368 (Aug. 27, 1975); 40 FR 41984, September 9, 1975)), in the section entitled "Routine uses of records maintained in the system, including categories of users and the purpose of such uses," the following change is proposed:

1. Add a new paragraph "e" to read as follows:

e. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

The categories of records maintained in the system and the authority authorizing the maintenance of the information contained in the system are set forth at 40 FR 39369 (Aug. 27, 1975).

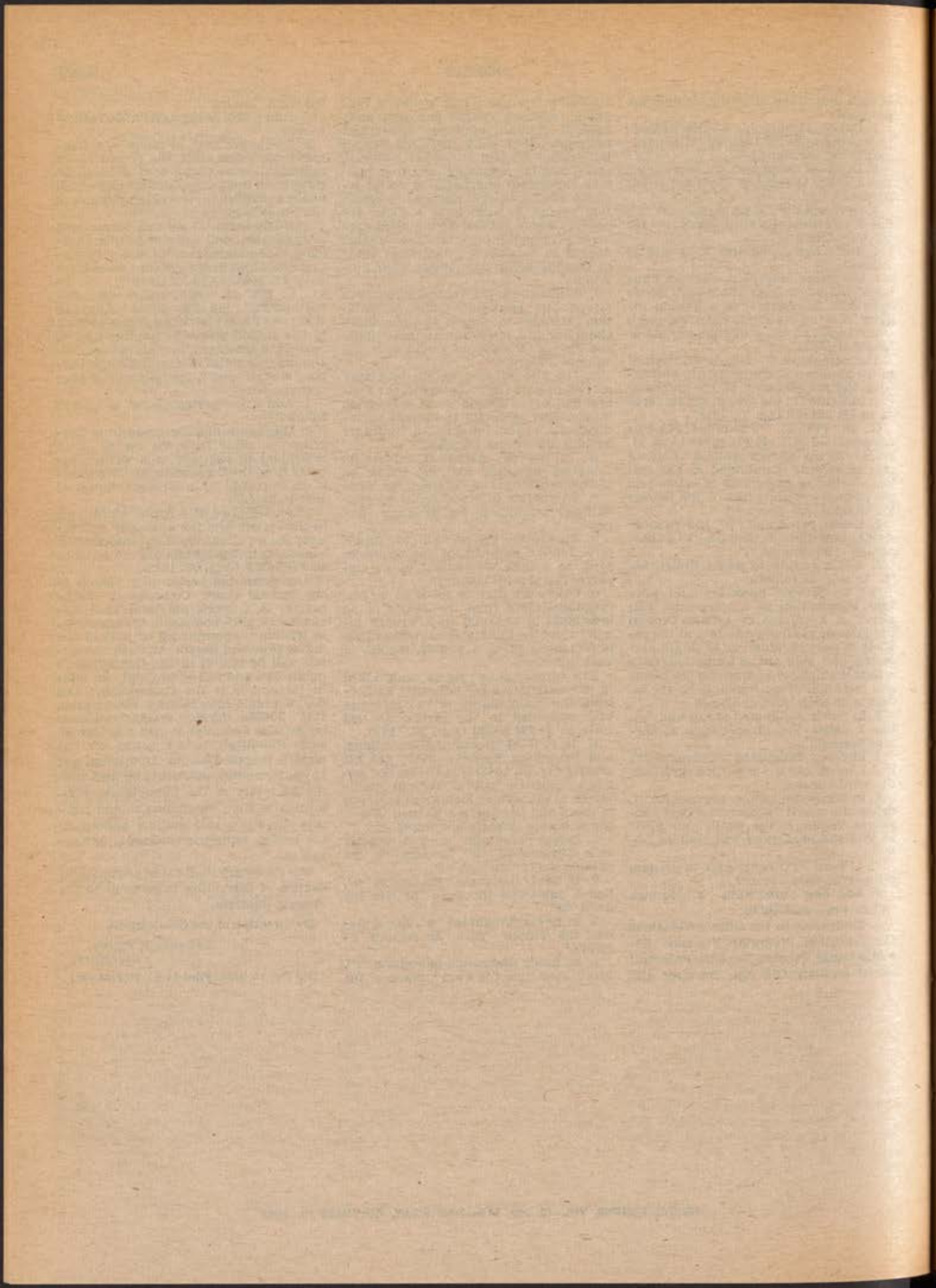
Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 12, 1975, comments or suggestions in writing concerning all or part of the notice proposed herein. All such submissions will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such submissions before acting on the matters proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name and mailing address of the person filing the comments or suggestions.

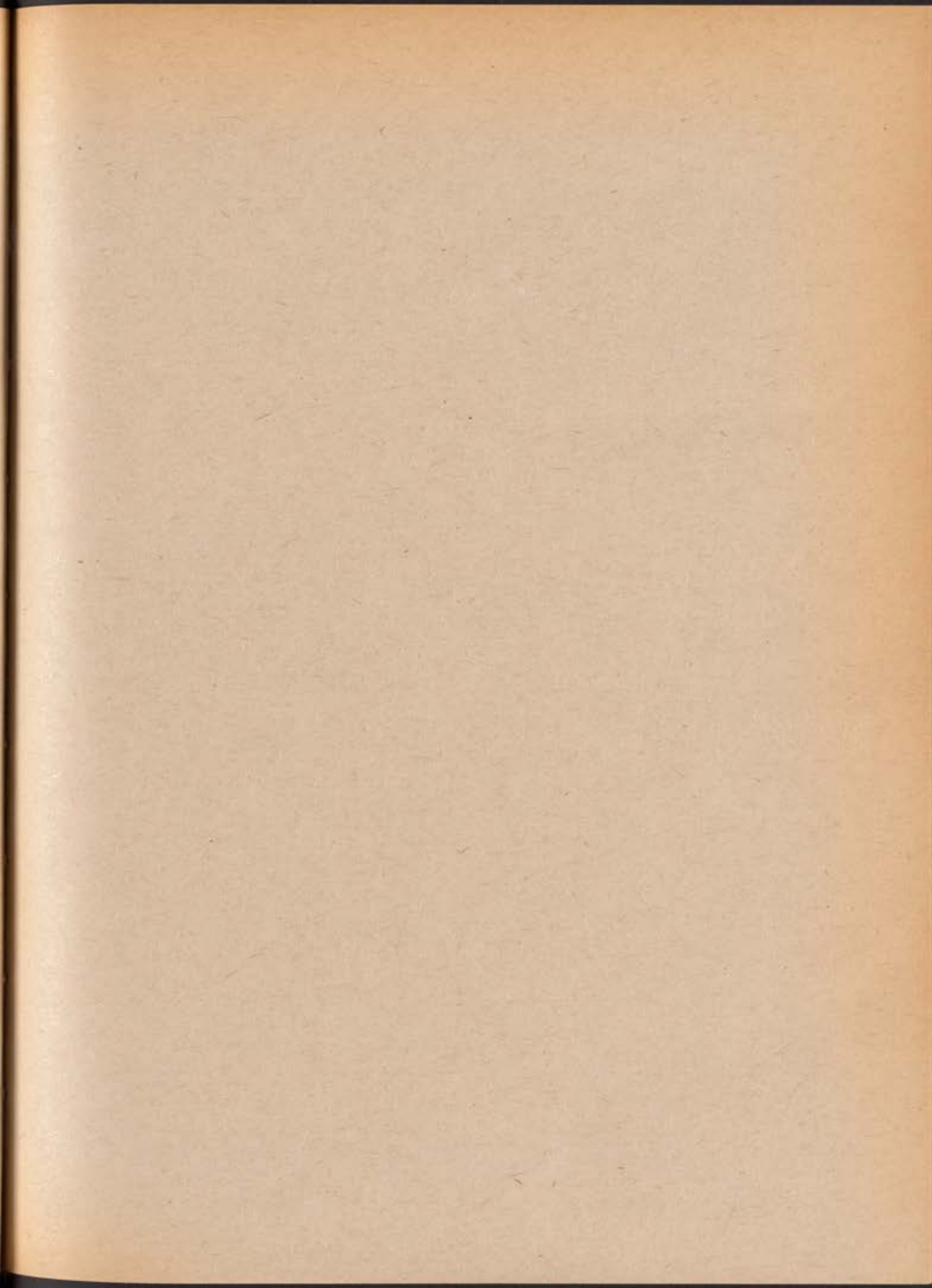
The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

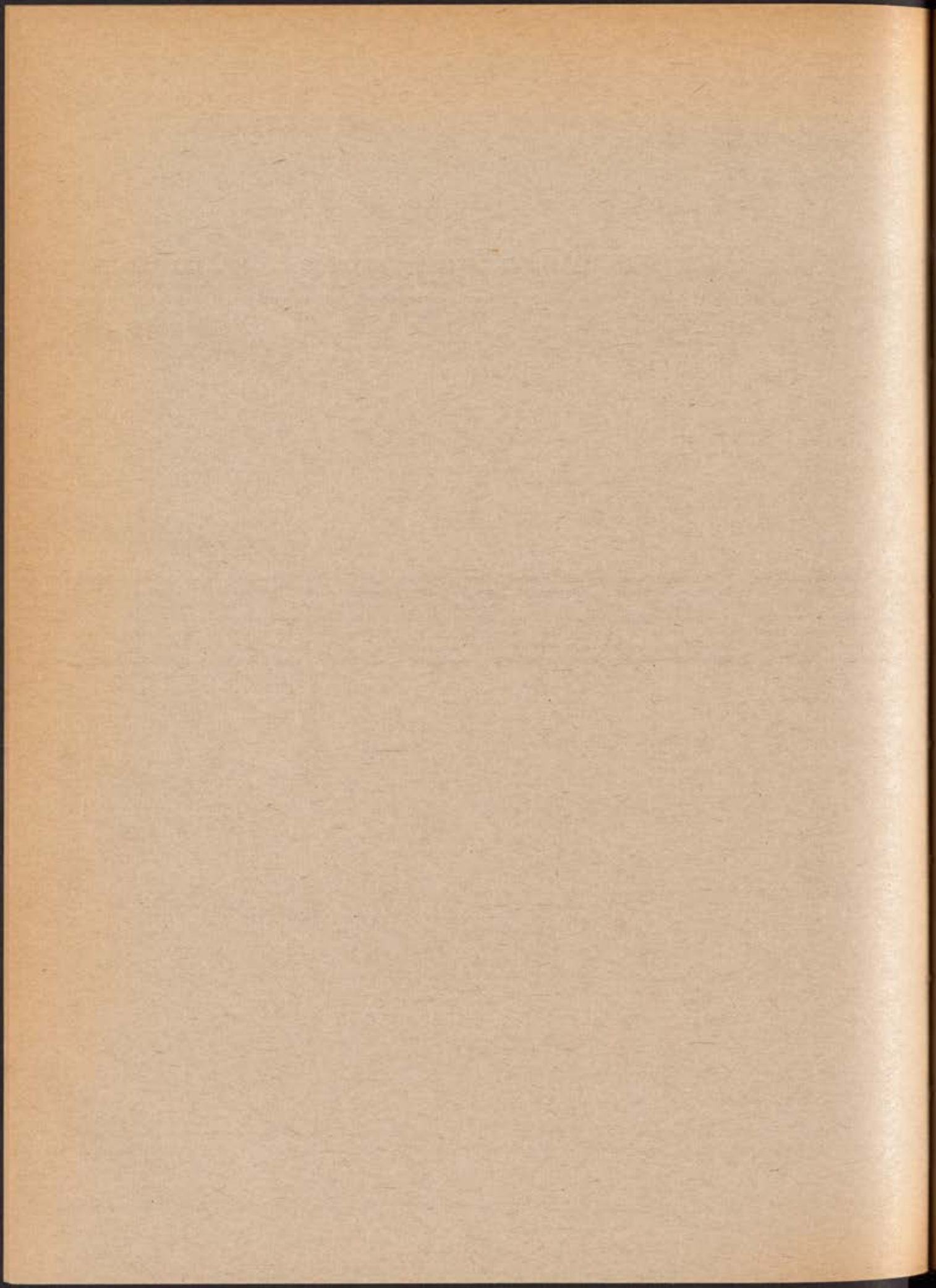
By direction of the Commission.

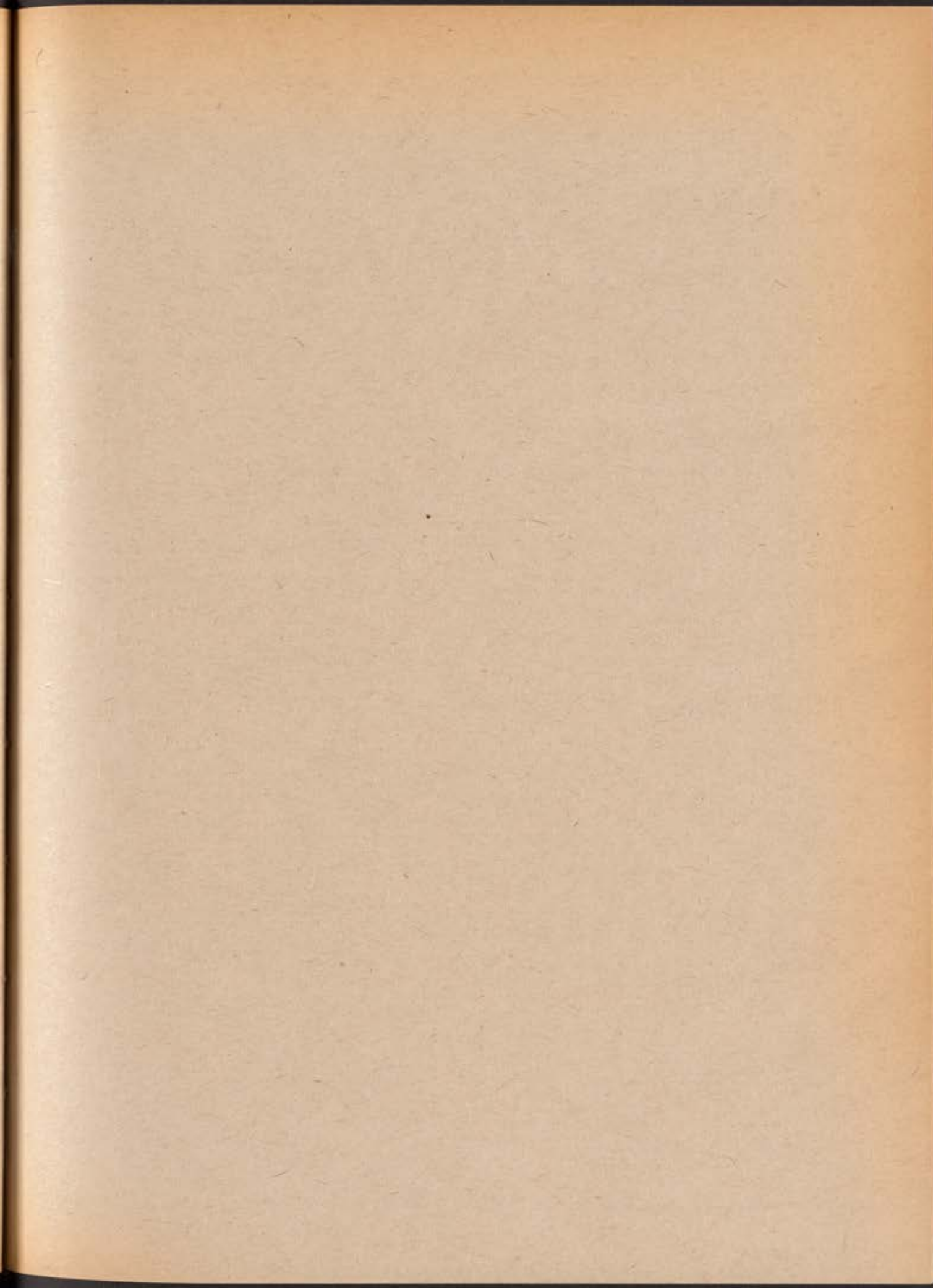
KENNETH F. PLUMS,
Secretary.

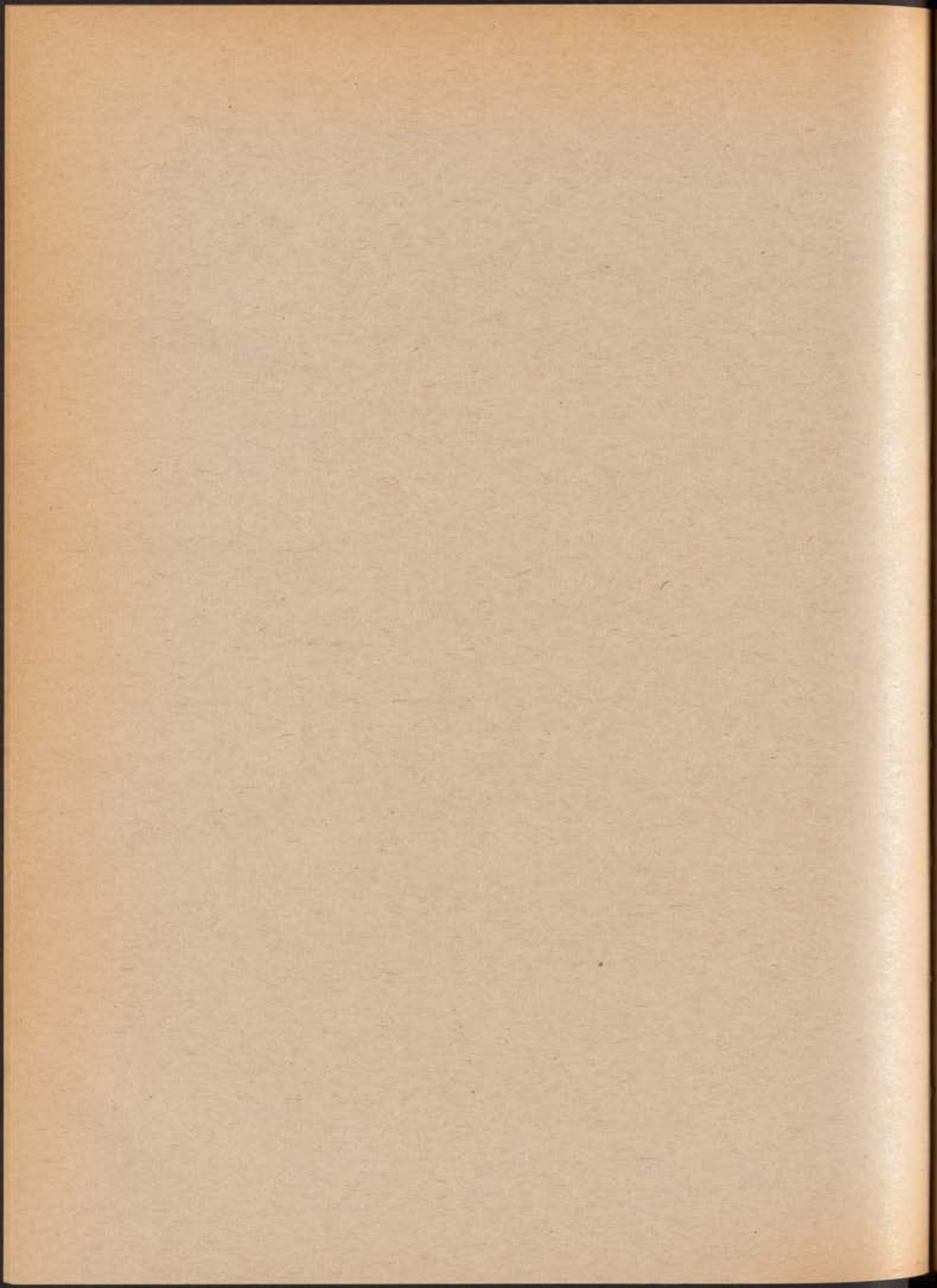
[FR Doc.75-30532 Filed 11-11-75; 8:45 am]











Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 41—Public Contracts and Management (Chapter 18)

NOTE: No amendments to this volume were promulgated in the Federal Register during the period July 1, 1974 to June 30, 1975.

The CFR volume issued July 1, 1974, should be retained. (Price: \$7.60)

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402